

CITY COUNCIL
CITY OF NEW YORK

—————X

TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON EDUCATION

—————X

June 24, 2013
Start: 11:21am
Recess: 02:15pm

HELD AT: 250 Broadway
Committee Room, 16th Floor

B E F O R E:

ROBERT JACKSON
Chairperson

COUNCIL MEMBERS:

Charles Barron
Fernando Cabrera
Margaret S. Chin
Daniel Dromm
Lewis A. Fidler
Daniel R. Garodnick
David G. Greenfield
G. Oliver Koppell
Karen Koslowitz
Jessica S. Lapin
Stephen T. Levin
Deborah L. Rose
James Vacca

A P P E A R A N C E S

COUNCIL MEMBERS:

Albert Vann
Mark S. Weprin
Leroy G. Comrie, Jr.
Vincent M. Ignizio

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

Kathleen Grimm
Deputy Chancellor Division of Operations
Department of Education

Lorraine Grillo
President and CEO
School Construction Authority

John Shea
CEO Division of School Facilities
Department of Education

Jesus Ayala
Public School Cleaner
32BJ SEIU

Shirley Aldebol
Vice President
32BJ SEIU

Lacey Keller
Lead Researcher
32BJ SEIU

Robert Troeller
Business Manager and President
IOE Local 891

Santos Crespo
President
Local 372 of DC37

Randi Herman
First Vice President
Council of Supervisors and Administrators

Leonie Hameson
Executive Director
Class Size Matters

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

Michael Schade
Markets Campaign Coordinator
Center for Health, Environment and Justice

Celia Green
Parent
None

Christina Giorgio
Staff Attorney
New York Lawyers for the Public Interest

Erik Joerss
Deputy for Government Affairs
New York City Charter School Center

Michael Regnier
Director of Policy and Research
New York City Charter School Center

Guy Ortman
PTA Co Vice President
Talent Unlimited High School

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2 CHAIRPERSON JACKSON: Good morning,
3 everyone. It's a great, hot morning in New York
4 City. Today is June 24th, I believe. Am I
5 correct? Thank you. I'm just seeing if all of
6 you all are awake. And there's an overflow room
7 next door, so hopefully they'll have a video up
8 and running stream in any minute. But clearly
9 they can hear me next door. So welcome to today's
10 Education Committee hearing on the Department of
11 Education school facilities. A few months ago, on
12 the day, we had the preliminary capital budget
13 hearing. I saw pictures taken of a public school
14 bathroom that showed the bathroom in such horrible
15 disrepair that I'm sure none of us would want to
16 use it or none of us would want our children to
17 use it. And I was shocked and dismayed that the
18 school building staff, DOE and/or SCA, or whoever
19 is ultimately responsible would allow the
20 situation to get that bad. And in fact, what some
21 people said were that it was such in disrepair
22 that some of the children that were using it in
23 the kindergarten and first grade, it was so hard
24 to flush that they would leave their residue in
25 the bowl because they couldn't flush it, totally

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2 unacceptable by any standard. To me, it showed
3 not only a severe lack of upkeep and maintenance,
4 but an utter disregard for our students and a lack
5 of accountability all the way up the line. And
6 shortly thereafter, 32BJ, the union which
7 represents custodians who are partially
8 responsible for the maintenance for our schools
9 released a report. And this is it, a copy of it.
10 It says, "Falling further apart, decaying schools
11 in New York City's poorest neighborhoods." And it
12 found that not only are most of our schools in bad
13 conditions, but that the worst of those schools,
14 meaning those in the worst conditions, are those
15 serving students from the poorest neighborhoods
16 and family. Now, I asked the question, and you
17 would ask, why is that? And furthermore, the
18 Daily News reported earlier this month that 90% of
19 the 1,200 school buildings have at least one
20 building code violation and that one school, IS195
21 in Harlem, in my district, had a whopping 124 open
22 violations. Well, I'm guessing that somebody
23 isn't doing their job. And someone correct me if
24 I'm wrong. I stand to be corrected, so during the
25 course of this hearing, someone to correct me.

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2 According to the City Council finance staff, the
3 current five year capital plan is \$11.2 billion.
4 But when we, meaning the staff of the Education
5 Committee, checked the Department of Education's
6 website Friday and today, the website had
7 information that was so old it was probably from
8 2005 to 2009 capital plan. And in fact, I think
9 it said \$13.1 billion. So I stand to be corrected
10 again. If I'm wrong, somebody tell me. Tell me
11 what the right figure is. But if anybody goes on
12 a website, what they expect is to get the most
13 accurate information, up to date. So apparently
14 we cannot rely on the DOE's website for accurate
15 and up to date information. And if I'm wrong,
16 correct me. How much has been said—and these are
17 some questions that I would like to know, how much
18 is allocated to build new buildings and increase
19 seating capacity?

20 [pause]

21 FEMALE VOICE: That's you.

22 CHAIRPERSON JACKSON: No joke. Who
23 was that? That's not me, is it? That's an echo?

24 FEMALE VOICE: It is.

25 CHAIRPERSON JACKSON: Okay. Then

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2 let me lower my voice then. Thank you. I
3 appreciate that. But these are several questions
4 that I have, seriously. How much is allocated to
5 build new buildings and increase seating capacity?
6 How much has been set aside to restructure
7 schools? And how much has been allocated for
8 building upgrades? Perhaps the Department of
9 Education and SCA will be prepared to answer these
10 questions at today's hearings. And as of 10:00
11 a.m. this morning, they told the Education
12 Committee staff that they could not provide the
13 accurate figures. If that is true, deputy
14 chancellor, you're going to - -. If that is true-
15 somebody correct me. If that is true and my staff
16 communicated, it's totally unacceptable. And you
17 would agree. That's good. I'm glad we're on the
18 same wavelength. The SCA conducts the building
19 condition assessment survey to BCAS every five
20 years to identify necessary capital improvement
21 projects. A team of architects and engineers
22 visually inspect every school building,
23 administrative building, leased facility, annex,
24 mini-school, temporary building and field house to
25 assess the facility's physical condition. Every

1 identified deficient condition, other than those
2 identified as under construction or non-accessible
3 is rated one to five. The capital plan addresses
4 building conditions rated one to five. Priority
5 one equals good condition. Now these building
6 conditions are the lowest priority and the
7 identified deficiency have no significant impact
8 on functionality, though addressing the issue
9 would likely result in operational or maintenance
10 savings. Priority five conditions are poor and
11 the highest priority. These building conditions
12 require immediate repair or improvements to
13 architectural, mechanical or electrical facility
14 support systems. The division of facilities, the
15 acronym is DSF, is primarily responsible for the
16 maintenance, repair and the safe, efficient
17 operation of all facilities. This includes
18 cleaning, garbage disposal, heating, air
19 conditioning, plumbing, carpentry, painting, minor
20 repairs, environment, health and safety and all
21 other aspects of building maintenance. The total
22 DOE expense budget allocated for school facilities
23 in fiscal year 2013 is \$659 million. If 90% of
24 our school buildings are in violation of the
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1 building code, how is this money being spent? I'm
2 looking forward to hearing from the Department of
3 Education and SCA today about how they plan to
4 address the building code violations as so many of
5 our schools and also from school staff, parents,
6 advocates, union officials and whoever else wants
7 to testify about what can we do? And I say not
8 you, but we do both short term and long term to
9 improve the state of our school facilities. And
10 due to budget related events, the time allocated
11 for our hearing is restricted today. However, if
12 you wish to testify, please be sure to fill out a
13 slip at the sergeant at arms as soon as you walk
14 in. And I want to notify all of you today,
15 everyone, if you're coming in front of this
16 hearing, you're going to take an oath to tell the
17 truth and if you're not willing to take an oath,
18 then you're not going to testify. So I say that
19 to all of you. And understanding that, that's
20 what I communicated at the last hearing when the
21 chancellor was here and I said not only the DOE,
22 but anyone that comes and testify in front of this
23 committee will be taking an oath to tell the
24 truth. So with that, let me identify and
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2 introduce my colleagues that are present today.
3 All the way over to my left, not necessarily
4 politically and ideologically, but Dan Garodnick
5 of Manhattan, Debbie Rose of Staten Island, I was
6 going to say the Bronx, but Staten Island. Jimmy
7 Vacca is from the Bronx, though. Is that correct,
8 Jimmy?

9 COUNCIL MEMBER VACCA: Definitely.

10 CHAIRPERSON JACKSON: And to my
11 right is Danny Dromm of Queens, Mark Weprin of
12 Queens, Fernando Cabrera of the Bronx and Lou
13 Fidler of Brooklyn.

14 COUNCIL MEMBER IGNIZIO: And way to
15 your right—

16 CHAIRPERSON JACKSON: And way to my
17 right is Vincent Ignizio of Staten Island. And I
18 thank all of the staff that have been involved in
19 putting this hearing together for all of us today.
20 Yes, okay. So we're pausing for one second. We
21 forgot the oath. After all of the—

22 FEMALE VOICE: I'm not talking to -
23 -.

24 CHAIRPERSON JACKSON: Listen, you
25 have to have fun, have a sense of humor in doing

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2 this job because it's so important that we try to
3 do the best we can to improve all of the
4 conditions for school buildings and our children.
5 That's so important. So we're waiting. - -
6 should be back in one minute with the oath. Okay?
7 So let's take a breath. Anybody need any water?
8 You okay, Debbie? Debbie, want a cup of water?

9 [crosstalk]

10 [pause]

11 [crosstalk]

12 CHAIRPERSON JACKSON: Okay. So
13 we're back on the record. So we have three
14 witnesses in front of us today, Kathleen Grimm,
15 the Deputy Chancellor Division of Operations for
16 the Department of Education; Lorraine Grillo,
17 President and CEO of the School Construction
18 Authority; and John Shea, CEO Division of School
19 Facilities, Department of Education. I ask all
20 three of you to raise your right hand and do you
21 swear and/or affirm to tell the truth, the whole
22 truth and nothing but the truth in your testimony
23 before this Committee, and to respond honestly to
24 all councilmember questions?

25 KATHLEEN GRIMM: I do.

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LORRAINE GRILLO: I do.

JOHN SHEA: I do.

CHAIRPERSON JACKSON: Thank you very much. Okay. Deputy Chancellor Grimm, I assume that you're going to go first and so it's on you. Thank you.

KATHLEEN GRIMM: Thank you. Good morning Chair Jackson and all members of the Education Committee who are here today. As you know, my name is Kathleen Grimm, deputy chancellor for division of operations. I am joined today by John Shea, Chief Executive Officer of School Facilities and Lorraine Grillo, President and Chief Executive Officer of the School Construction Authority. We thank you for the opportunity to be here today to talk about this very important topic. The Department of Education operates the largest school facilities system in the country, probably the world, with 1,284 buildings that house our students and staff. Our 1.1 million students spend on average over 30 hours a week in our schools, so it is critical that we provide a safe, clean and comfortable environment that supports their learning and to do so in the most

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2 efficient way possible. I am proud to say that
3 thanks to reforms of this administration and the
4 generous support of the City Council, our schools
5 are in better shape today than ever. Before the
6 mayor took office and control of the school
7 system, many of our buildings were in a deplorable
8 state. Beginning with the fiscal crisis of 1975
9 and continuing on into the 21st century, our
10 school buildings were in a state of crisis.
11 Before mayoral control, several studies and
12 reports were issued, charging the old Board of
13 Education with a full range of failures regarding
14 its maintenance, repair and construction efforts.
15 Over the last decade we have implemented many of
16 the recommendations from those reports,
17 streamlined our processes and work units,
18 dramatically increased our capital spending,
19 stabilized construction cost, developed systems to
20 monitor the condition of our buildings and added
21 key components to our facilities upkeep. Our
22 capital investments have been targeted toward a
23 number of interior and exterior building upgrades.
24 Both in 2005, 2009 and the fiscal year 2010/2014
25 capital plans direct significant funding to safety

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2 enhancements, science labs, libraries, physical
3 fitness, gymnasium upgrades. In our first plan we
4 converted 25 parking lots into playgrounds and
5 performed 65 playground redevelopment projects.
6 These are all in addition to the interior and
7 exterior building upgrades that we've done. Today
8 the Division of School Facilities provides
9 expertise in every aspect of building management
10 and maintenance. This is accomplished through a
11 staff that includes 800 custodian engineers, 600
12 trade, staffs, plumbers, electricians and alike
13 and 100 building managers. The custodian
14 engineers manage their building budgets and are
15 responsible for hiring handy persons, hire persons
16 and cleaners. So another 6,000 to 7,000 cleaners
17 who are not on DSF payroll work directly for our
18 custodians and school buildings. And a mobile,
19 skilled trade force tackles complex work beyond
20 the scope of the onsite staff. In addition, DSF
21 employs staff dedicated to sustainability,
22 environmental health and safety, emergency
23 management, facilities management services,
24 program management, finance administration and
25 field operations. This year's budget directs over

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2 \$600 million to three priority areas, building
3 maintenance, repair and operations. Of that
4 amount, approximately \$419 million is earmarked
5 for custodial operations, which includes the
6 onsite cleaning and management of each building's
7 mechanical and fire safety systems. \$145 million
8 is allocated for work performed by our in-house
9 skilled trades workers and outside contractors and
10 \$4 million for administration. DSF also manages
11 \$32 million in small capital repair projects. Our
12 goal of modernizing the city schools is reflected
13 in our vigorous systems for tracking the level of
14 maintenance and cleanliness in each of our
15 buildings. Through a program called School Stat,
16 modeled after the famous NYPD Comstat, which we
17 created in August, 2005, we can quickly identify
18 the conditions and buildings that need our
19 attention. Using a five point scale, School Stat
20 rates each building twice a year on cleanliness,
21 maintenance and fixture repair. Knowing exactly
22 where to target our resources has vastly improved
23 the condition of our schools. Since implementing
24 School Stat, the average building rating has
25 increased—remember, on a scale of one to five—from

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2 3.423 to 3.992. And I will tell you, within that
3 average, the score for repairs has increased 25%.
4 In other words, the buildings are that much—in
5 that much better condition. In fact, in 2013
6 School Stat was recognized with a national
7 facilities management excellence award, from
8 building operating management at the National
9 Facilities Management and Technology Conference
10 and Exposition. To track repair requests and
11 monitor their progress we have implemented a
12 computer maintenance management system which we
13 fondly refer to as Passport. This system allows
14 our contracts management professionals to
15 carefully monitor all work for quality and for
16 cost. As you may know, the Department of
17 Education is the only city agency that is subject
18 to annual inspections. Our facilities are subject
19 to these annual inspections by the New York City
20 Department of Buildings and the New York City Fire
21 Department. Other inspections are done by other
22 city and state agencies and multiple divisions
23 within all of these agencies. We now have a
24 rigorous system for tracking and management—
25 managing violations. As soon as a violation is

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2 issued, we enter its information into a central
3 database which automatically generates an email
4 alerting key personnel in the associated area of
5 the school. The appropriate staff then take
6 action to address the condition. The division of
7 school facilities of course acts as the liaison to
8 the issuing agency. We address these violations
9 through a prioritization process. Violations
10 typically fall into three categories,
11 administrative—for example, there is some missing
12 paperwork that needs to be filed; repairs that are
13 needed and capital projects. Violation—this is
14 very important and I will say it many times if I
15 have to this morning. Violations that jeopardize
16 the safety and health of our students and staff
17 are addressed immediately. All other violations
18 are triaged and referred to the custodian, the
19 skills trade staff or the School Construction
20 Authority, as appropriate. Thanks to our
21 sophisticated accountability systems, we have made
22 tremendous progress in reducing all of these
23 violations. In 1999, the year the Department of
24 Buildings began annual inspections of school
25 buildings, we received 1,247 immediately hazardous

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2 violations. In 2012 the violations in this
3 category dropped to 43, 43 too many, but a far cry
4 from the over 1,200. In 2012 we received 2,919
5 total violations from DOB's construction unit,
6 well below the high point in 2001 when the system
7 received 5,501 violations. While these are more
8 than we like, they represent a 47% reduction in
9 total violations. School facilities also leads
10 the Department of Education sustainability
11 initiative which provides schools with tools and
12 resources to improve energy efficiency, recycling
13 and green curricula. Principals have appointed
14 more than 1,500 staff members to serve as
15 sustainability coordinators. These are not
16 custodial staff. These are pedagogical staff,
17 people who are involved with the children and
18 teaching them many of these lessons. These
19 individuals organize and create sustainability
20 activities at the school level. For every school,
21 for example, is required to implement a recycling
22 plan. In April 2007 the mayor released plan NYC
23 2030, the long term plan to make New York City a
24 greater, greener city. Within the plan the City
25 committed to leading by example by reducing energy

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2 use and greenhouse gas emissions from city
3 operations 30% by 2017. The Department, in
4 partnership with DCAS [phonetic] is implementing
5 energy efficiency programs in our existing school
6 buildings. These programs include improved
7 operations and maintenance, renewable energy
8 products along with building audits and retrofits.
9 To further enrich programs within the
10 sustainability initiative, DSF has implemented
11 composting programs in 58 buildings that are home
12 to 92 schools, diverting approximately 30% of
13 their solid waste from landfills. In partnership
14 with Solar One, a not for profit environmental
15 education organization, DSF launched green design
16 lab in 2011. Through this initiative, Solar One
17 educators, custodians, principals and teachers
18 participate in labs and projects such as
19 installing green roofs and gardens in their
20 schools. The green design labs allow students to
21 receive instruction aligned with the common core
22 standards relating to energy, air, water,
23 materials and food. 30 schools participated in
24 the green design lab this year. PS187 located in
25 District 6-

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[off-mic]

KATHLEEN GRIMM: Yes, was featured in a Wall Street Journal article highlighting the green design labs which reduced its energy use by 13%. We're also very proud of PS57 in District 31, which was recently named a green ribbon school. This is a recognition from the U.S. Department of Education and is reserved for schools that show exemplary efforts to reduce environmental impact and utility costs, promote better health and ensure effective environmental education, including in civic and green career pathways. DSF was also recognized by the Clinton Global Initiative Commitment to Action for partnering with the Children's Environmental Literacy Foundation to promote sustainability education. Finally, the division of school facilities plays a critical role in the city's emergency planning and response efforts. We work closely with other city agencies, such as OEM, the Department of Homeless Services. We provide 501 of the 515 evacuation and shelter sites throughout the five boroughs. 64 sites were used to shelter New York City residents after Hurricane Sandy.

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2 Hundreds of custodial employees and skilled trade
3 workers operated, cleaned and maintained shelter
4 facilities around the clock for the duration of
5 the storm. And staff spent thousands of hours
6 working on cleanup of their buildings and other
7 buildings in need, following Sandy. Their nonstop
8 efforts and work enabled us to quickly reopen
9 school buildings in the aftermath of the storm.
10 As the largest school system in the country, we
11 are proud of the work that our staff performs and
12 the improvement projects they oversee to create
13 enriching instructional spaces. Our efforts have
14 resulted in a historic transformation of our
15 school buildings. We understand that a great deal
16 of work remains still. However, in spite of some
17 economic constraints, we use the resources we have
18 to ensure that our highest priority repairs take
19 place, that our students and staff are safe, and
20 that we are bringing the best services and
21 programs to promote sustainable and
22 environmentally conscious school grounds. We will
23 now happily take your questions.

24 CHAIRPERSON JACKSON: Well thank
25 you, Deputy Chancellor. I'm going to turn to my

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colleagues first and then I'll come back and ask the questions myself. Is that okay?

KATHLEEN GRIMM: That's fine.

CHAIRPERSON JACKSON: Good. So let's start with our first colleague. First let me introduce additional colleagues that arrived. Oliver Koppell of the Bronx is here. Al Vann of Brooklyn is here. And I think that's about it, right? Okay, good. So our first colleague is Danny Dromm of Queens, followed by Fernando Cabrera of the Bronx.

COUNCIL MEMBER DROMM: Okay. Thank you, Mr. Chair. Let me start off just by asking a couple of questions about the custodial budget. The budget for custodians, does that arrive to them separate, or is that part of the package that the principal gets for the overall operation of the school?

KATHLEEN GRIMM: It goes to them separately.

COUNCIL MEMBER DROMM: Separately?

KATHLEEN GRIMM: Through the division of school facilities, unrelated to the principal's budget.

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2 COUNCIL MEMBER DROMM: Okay, so
3 then the custodian is primarily responsible for
4 how that budget is used and-

5 KATHLEEN GRIMM: Total responsible,
6 yes.

7 COUNCIL MEMBER DROMM: Okay. So
8 what I want to get at is buildings where you have
9 co-located schools.

10 KATHLEEN GRIMM: Yes?

11 COUNCIL MEMBER DROMM: Is there—and
12 you have a co-located charter school in one of
13 them. Is there one budget for the whole building
14 or is there budgets for different parts of the
15 school?

16 KATHLEEN GRIMM: The custodian
17 receives a budget for the building.

18 COUNCIL MEMBER DROMM: The whole
19 building?

20 KATHLEEN GRIMM: Yes.

21 COUNCIL MEMBER DROMM: So does the
22 charter school pay any money for the maintenance
23 of that building?

24 KATHLEEN GRIMM: No. The charter
25 school is a public school and receives all of the

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custodial services that all of the students and staff in that building receive.

COUNCIL MEMBER DROMM: Well what I'm trying to bring out is that then is another benefit that the charter schools get with taxpayer dollars. Would you agree?

KATHLEEN GRIMM: I would agree that, that is a benefit our public school children get with taxpayer dollars.

COUNCIL MEMBER DROMM: But do all charter schools get that?

KATHLEEN GRIMM: Pardon?

COUNCIL MEMBER DROMM: Do all charter schools get that?

KATHLEEN GRIMM: Any charter school in one of our buildings.

COUNCIL MEMBER DROMM: So a charter school that's not in a public school building itself, do they have a custodial budget separate, like the public school, the traditional public school?

KATHLEEN GRIMM: Not if they are not in a DOE building.

COUNCIL MEMBER DROMM: But then

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they are receiving a benefit that not all charter schools get, at the taxpayer's dollar?

KATHLEEN GRIMM: They are in DOE space and they are receiving custodial services.

COUNCIL MEMBER DROMM: Okay. Well I think that pretty much answers my question is that they are getting that free of charge. I have another question which has to do with the placement of garbage on the streets.

KATHLEEN GRIMM: Yes.

COUNCIL MEMBER DROMM: Who is in charge of that?

KATHLEEN GRIMM: Mr. Shea.

COUNCIL MEMBER DROMM: Okay. And I have seen a number of instances where garbage placement is put out very early, particularly in my district, and I also read articles where it's been put out in other districts. How do we go about correcting that situation?

KATHLEEN GRIMM: If you have any specific school, you should let us know right away. We work very closely with the Department of Sanitation. You know, we're a big system. We're a big city and not everything always meshes

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2 perfectly. So we actually appreciate it if you
3 would let us know because we will take whatever
4 steps we need to correct it.

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COUNCIL MEMBER DROMM: Well it is a
6 city wide issue, I think, because I've heard of it
7 in other schools in Queens as well, in eastern
8 Queens. I've seen it in other parts of my
9 district and I'm just trying to get out whether
10 there is an actual time when garbage is put out,
11 you know. Is there like a, you know, two hours
12 before the pickup, an hour before the pickup? Is
13 there any plan for how to deal with that because
14 what I'm finding is that it's often left out for
15 many hours.

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KATHLEEN GRIMM: Well there are
17 protocols and Mr. Shea can go over them for you.
18 But I disagree that it's a city wide problem.
19 Mostly, it works pretty effectively. So again, I
20 ask you, if you have specific schools, please let
21 us know.

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COUNCIL MEMBER DROMM: So there is
23 no timeframe in which the garbage-

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KATHLEEN GRIMM: There is. Hold
25 on. John, why don't you come up?

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2 JOHN SHEA: Surely. Again, John
3 Shea, CEO of the Division of School Facilities,
4 Department of Education. We get picked up from
5 sanitation on a number of different ways. There
6 is the school route, which is a dedicated route
7 just for schools and then we're also picked up on
8 residential routes as well. Sanitation picks us
9 up on the 4:00 to midnight shift, so the
10 logistical issues associated for us to pull the
11 trash and put it at the curb at the right time and
12 then time it to make sure that we put it out there
13 before sanitation comes and picks it up, that's
14 usually where if there's an issue like that it
15 comes into play. We work very closely with the
16 individual borough offices of the Department of
17 Sanitation. If we have these things, they call
18 us. We call them. If we don't get picked up we
19 work very collaboratively to figure out where
20 there are issues and try to tackle them one at a
21 time which is really all you can do with these
22 situations.

23 COUNCIL MEMBER DROMM: Where I see
24 the problem occurring more frequently is during
25 the summer for schools that are located on

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residential streets and they're only getting residential pickup, not commercial pick up, I guess. And oftentimes they have summer camps in those schools.

JOHN SHEA: Correct.

COUNCIL MEMBER DROMM: And they're not getting the pickup but the garbage piles up. What is the plan for schools that find themselves in that type of situation, particularly moving into the summer now?

JOHN SHEA: Right. We have already sent the list of schools where we have summer programs, both summer school and programs to Sanitation so that they know what to expect. And I'm sure that over those over 400 sites there is going to be some that we miss, so usually the first week of summer programs we're in constant communication to pick those up. And again, as the deputy chancellor said, please, it helps us if the community calls my office and gives us that information so we can address it as quickly as possible.

COUNCIL MEMBER DROMM: You'll give us your telephone number after this?

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JOHN SHEA: Absolutely. It's on the website, and it is accurate.

COUNCIL MEMBER DROMM: All right, thank you.

CHAIRPERSON JACKSON: What is the number then, if it's on the website? What is it, John, if you don't mind?

JOHN SHEA: My number is 347-

CHAIRPERSON JACKSON: Okay.

JOHN SHEA: I'll speak into the microphone.

CHAIRPERSON JACKSON: Okay, very good, thanks.

JOHN SHEA: (347)735-1312. That's my cell phone number.

CHAIRPERSON JACKSON: 1312. Okay. So if there is any problems relating to that, someone should just call the office and say, "Hey, there's a problem, blah, blah." Is that correct?

JOHN SHEA: That's correct.

CHAIRPERSON JACKSON: Not blah, blah, blah, but - -. Okay.

COUNCIL MEMBER DROMM: May I follow up?

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2 CHAIRPERSON JACKSON: Sure, one
3 follow up. Go ahead.

4 COUNCIL MEMBER DROMM: All right,
5 thank you. Just one last follow up. And I'm
6 sorry to be jumping all over the place, but I know
7 my time is limited. How much is spent on fire
8 watchers in your budget? I know sometimes when
9 you do construction and it was part of the deputy
10 chancellor's report, in terms of construction
11 violations, DLB violations. I was surprised to
12 walk into a school and actually seeing people
13 sitting in the hallways who are actual
14 firewatchers because the fire alarm system is out.
15 And then also, how are those firewatchers vetted,
16 in terms of fingerprinting, etcetera?

17 CHAIRPERSON JACKSON: Okay.

18 KATHLEEN GRIMM: Yes. I don't
19 think we have that number with us, so we'll have
20 to get it for you. And with regard to the hiring
21 of these people, I assume they're all
22 fingerprinted, John, as anybody who works in our
23 school is.

24 CHAIRPERSON JACKSON: So if you
25 could get back to us, for example, where fire

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systems are not working in school, how many schools, where are their locations? And I would assume that this is a contract that you have for companies that do that?

KATHLEEN GRIMM: No, we don't - -.

CHAIRPERSON JACKSON: I would make that assumption. Is that correct John?

JOHN SHEA: We do use companies and yes.

CHAIRPERSON JACKSON: Okay. Yes, because I know, for example, in a residential building where the wall collapsed in my district last week because fire escapes were torn down, they have to have firewatchers, you know, 24/7 just to get to the fire. So if you can give us the schools where there are firewatchers and the location, and basically how much is spent on contracts that would-for firewatchers, that would be good. Okay? Thank you. And those who just arrived, John Shea is the CEO of Division of School Facilities. Okay. So now we're going to turn to Fernando Cabrera of the Bronx, followed by Lou Fidler of Brooklyn. We've been joined by our colleague, Steve Levin of Brooklyn. He's sitting

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up front.

COUNCIL MEMBER CABRERA: Thank you so much Chair Jackson. Welcome Deputy Chancellor. I'm curious to know how many schools in, let's say in the last seven years, have operated without a certificate of occupancy?

KATHLEEN GRIMM: I don't have that number. We do have some schools without a certificate of occupancy because that's reflected in some of the violations. Some of our buildings, as you know, are over a hundred years old. Many have had a lot of work done to them and they don't all have the proper C of O at the moment.

COUNCIL MEMBER CABRERA: But have you ever placed a school in a building where they did not have a C of O?

KATHLEEN GRIMM: No.

COUNCIL MEMBER CABRERA: Well I know one, at least one.

KATHLEEN GRIMM: No, we may have a school in a building where there is not a current C of O, but we've never

COUNCIL MEMBER CABRERA: Well PS315, the last seven year—they just got theirs

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2 and that's because we made a whole lot of hoopla
3 about it. But for seven years they did not have a
4 certificate of occupancy. That baffles me.
5 That's scary, to be honest with you.

6 KATHLEEN GRIMM: Do you know the
7 details? I don't know the details on that
8 building and I certainly will find out.

9 COUNCIL MEMBER CABRERA: Yes,
10 certainly there was—I know this for a fact. Seven
11 years with the certificate of occupancy. If it
12 was anybody else in the city, anybody else, a
13 nonprofit, private organization that was operating
14 without a C of O, they would have not allowed to
15 be there. Let me ask in a different way. Are
16 children safe in a building where there is no
17 certificate of occupancy?

18 KATHLEEN GRIMM: There is—I can't
19 really—

20 COUNCIL MEMBER CABRERA: Especially
21 for that long amount of time.

22 KATHLEEN GRIMM: Certainly none of
23 our children are in buildings that are not safe.
24 A building may not have a current C of O, but that
25 does not mean the building isn't safe. It means

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2 that we have to make the appropriate applications
3 to the Buildings Department, right?

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COUNCIL MEMBER CABRERA: You think
5 it takes seven years—I mean, how long does it take
6 normally for the Department of Education to get a
7 C of O from the Buildings Department?

8

KATHLEEN GRIMM: On new buildings?
9 Buildings are not always—

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COUNCIL MEMBER CABRERA: It's not a
11 new building. I'm so sorry. But it's not a new
12 building.

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KATHLEEN GRIMM: In an old
14 building—I don't know the details on PS15.

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COUNCIL MEMBER CABRERA: Well but
16 any—let's say, it's not a new building. I
17 understand the new building situation. But let's
18 say it's not a new building. Normally how long
19 does it take for you to get it?

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KATHLEEN GRIMM: It depends what
21 the problem is and why.

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COUNCIL MEMBER CABRERA: Well
23 what's the spectrum? What's the quickest? What's
24 the longest it's ever taken you?

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KATHLEEN GRIMM: Do you have any

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idea? I don't have—

CHAIRPERSON JACKSON: Is there an average time so if there is some problems, let's say, where you don't have a, you know—

KATHLEEN GRIMM: I don't know if there is an average time.

CHAIRPERSON JACKSON: Okay.

KATHLEEN GRIMM: I suppose we could go back and look at that. But it may be that the fact that a building doesn't have a C of O might not be the most pressing problem that we have to address, frankly. And we might—

COUNCIL MEMBER CABRERA: Well this one in particular I could tell you has no windows, which I'm shocked at.

KATHLEEN GRIMM: It has no what?

COUNCIL MEMBER CABRERA: Windows. I always thought that schools are—they must have windows. Is that true or not? A school is required to have windows. I recall, in dealing with Kingsbridge Armory, one of the reasons why we couldn't have a school inside of the Kingsbridge Armory, I was told is because a school building must have windows. So either—I'm getting mixed

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messages, but it would seem logical to me, I would think, that a school would have windows.

KATHLEEN GRIMM: I don't know the answer to that. And I was very much involved with the armory situation. That was never a reason I gave. But we will check that for you.

COUNCIL MEMBER CABRERA: Okay. Next question, let me ask, is this. Daily News Reported 90% of city buildings have at least one code violation. Is that a true statement, a true assessment?

KATHLEEN GRIMM: I don't know if it's 90% of our buildings. But you have to understand many of these—every violation that we receive that is a hazard, that is a threat to the safety of the children or the staff, that violation is corrected immediately. Now we have many other violations that are not corrected immediately. First of all, they get triaged. Many of them might be for such things as paperwork has not been filed. It may be a door that has been kept open illegally, which sometimes our schools do. It may be a window that isn't closing properly. So things are prioritized and not all

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violations are addressed right away.

COUNCIL MEMBER CABRERA: I'm out of time, but let me just ask this last question. How long did you know that—have you always known that it's been around the 90 percentile that you have, or was this a new revelation for—

KATHLEEN GRIMM: I don't know that it's 90%. Do you?

JOHN SHEA: I don't know if that's the exact number.

COUNCIL MEMBER CABRERA: Okay. It came in the Daily News the other day. I would imagine that if something in the Daily News would come out, it's such a popular paper that by now somebody would be asking questions, right?

KATHLEEN GRIMM: Yes.

COUNCIL MEMBER CABRERA: I mean, and I'm hopeful that somebody is keeping records as to the percentage of our schools.

KATHLEEN GRIMM: I don't have the exact percentage. What we do is, as I said, we address all hazardous violations. Other violations are reviewed every six months, but not all violations are addressed in the time we might

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all like to see them addressed. So if it's 90%,
it may be. But nothing threatens life or limb in
any of those violations.

COUNCIL MEMBER CABRERA: Okay.

Thank you so much. Mr. Chair?

CHAIRPERSON JACKSON: Can we follow
up on—what was that school? Three what? What's
the name?

[off-mic]

CHAIRPERSON JACKSON: 315 in the
Bronx. Is that correct?

KATHLEEN GRIMM: Oh, 315.

CHAIRPERSON JACKSON: 315 in the
Bronx. Can we follow up on that—

KATHLEEN GRIMM: That's the C of O.

CHAIRPERSON JACKSON: —and get back
to the staff regarding that.

KATHLEEN GRIMM: Yes.

CHAIRPERSON JACKSON: So when we
talk about—I believe there was one school that was
built in Harlem with no windows because that was
the design of it.

KATHLEEN GRIMM: Yes.

CHAIRPERSON JACKSON: That was—I

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forgot the name of it.

KATHLEEN GRIMM: Yes.

CHAIRPERSON JACKSON: But I always—
you would drive past it, but it was built that
way.

KATHLEEN GRIMM: Yes it was.

CHAIRPERSON JACKSON: Because it
had central AC and what have you.

KATHLEEN GRIMM: Correct.

CHAIRPERSON JACKSON: I believe
that's only—to the best of my knowledge, that was
the only school that was built with no windows and
it was intentionally built that way. Isn't that
correct?

KATHLEEN GRIMM: That is correct.

CHAIRPERSON JACKSON: Do you know
the name of that school or the number?

KATHLEEN GRIMM: What is it?

CHAIRPERSON JACKSON: That was just
the design of the school. That was the
architectural design.

KATHLEEN GRIMM: A train goes by
it.

CHAIRPERSON JACKSON: Say that

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again?

KATHLEEN GRIMM: I can see it, but I can't remember the name.

CHAIRPERSON JACKSON: Okay. I can see it, too. Okay. 501?

KATHLEEN GRIMM: Thank you.

CHAIRPERSON JACKSON: Okay, School 501 in Harlem. But that was the architectural design of the school.

KATHLEEN GRIMM: Yes.

CHAIRPERSON JACKSON: Okay. All right. Now we've been joined by our colleague, Jessica Lappin of Manhattan and now we're going to turn to our colleague, Lou Fidler of Brooklyn, followed by our colleague Steve Levin of Brooklyn.

COUNCIL MEMBER FIDLER: Thank you Mr. Chairman. Good morning, Deputy Chancellor.

KATHLEEN GRIMM: Good morning.

COUNCIL MEMBER FIDLER: I want to start by making a comment on one of the issues that Council Member Dromm raised because I'm anal compulsive and I can't help myself. Numbers of years ago when we first started questioning this administration's agenda for charter schools, I

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2 pointed out what apparently is still the case,
3 which is that not only is there a perceived
4 difference in the service, the maintenance that
5 charter schools get, as opposed to public schools,
6 but even within charter schools there is a
7 difference. And if a charter school is not in a
8 public school building, which I don't understand
9 because you're telling me the charter schools are
10 public schools, so the building therein must be a
11 public school building. If they're not in a
12 public school building, then you're entirely
13 reliant upon the economic wherewithal of the
14 charter school to be able to maintain itself. All
15 right. So 20 years from now—and I said this a few
16 years ago—20 years from now we will have multiple
17 striations within the public school system for,
18 you know, schools being able to maintain
19 themselves. And we will find a whole slew of
20 these charter schools that are in non-public
21 school buildings that are in desperate need of
22 maintenance, but no money to do it. So I just
23 want to make that point again, because I can't
24 help myself. On the subject that I really wanted
25 to ask you about, you know, every year I provide

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2 every true public school in my district with a
3 capital item, of some nature.

4 KATHLEEN GRIMM: Thank you.

5 COUNCIL MEMBER FIDLER: I did it
6 again yesterday. You're welcome. I'm glad to do
7 it, but not as glad as I used to be and SCA does a
8 terrific job in administering those for me. When
9 I first started doing this, those capital items
10 tended to be smart boards, computers, technology,
11 real significant upgrades to the school facility
12 and to the program in the school. A couple of
13 years ago one of my principals said to me, because
14 we always ask, "What do you need? What's your
15 priority." "Councilman, I need the first floor
16 food and bathroom fixed. I can't get it done."
17 And you know, I resisted because, you know, who
18 really wants to, you know, cut the ribbon on, you
19 know, the first floor students' bathroom? And
20 also because I didn't think it was terribly
21 appropriate that that would be, you know, the kind
22 of spending that was necessary. And when I'm
23 going to the graduation that year, the principal,
24 when introducing me to speak to the graduates
25 said—he didn't mention the smart boards. He

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2 didn't mention the computers. He said, "I want
3 you to thank the councilman for fixing the first
4 floor bathroom." It was the biggest round of
5 applause I had gotten at a graduation in my entire
6 12 years. Well, it may be funny, all right. But
7 in the last two years I've received more requests
8 from principals for bathroom refurbishments. Now
9 I don't know what my schools are ranked on this
10 fantasy baseball report card of school facilities
11 that you've got, but is it possible that a
12 building can be in generally good shape, but have
13 a part of the facility that's in horrendous shape?
14 And why does it fall to the councilman to fix the
15 bathroom, when that should be a matter of routine
16 maintenance?

17 KATHLEEN GRIMM: Well the bathrooms
18 do receive routine maintenance. What usually
19 happens is many of our bathrooms are very old, so
20 some of them develop problems that need major
21 capital investments. Some of them develop
22 problems of wear and tear and maybe don't rise to
23 the occasion of triggering a capital investment.
24 I'm not here to argue with you on bathrooms.
25 Every school I go in, I visit the bathrooms and

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2 Mr. Shea gets a report from me, whether it's good
3 or bad. Because many of them really could use
4 work but I—we are very grateful that you allocated
5 capital dollars for this effort.

6 COUNCIL MEMBER FIDLER: I have to
7 tell you I would much rather be allocating money
8 for computers and technology and, you know,
9 converting rooms to art, you know, studios or
10 whatever, dance studios, those things that, you
11 know, really contributed to the core programs of
12 the schools. I don't understand why a bathroom
13 could fall out of such repair that in this
14 particular school, all right, they actually had to
15 alternate hours during the day for the boys and
16 the girls to use the one facility because the
17 other facility was so out of repair, all right.
18 How does that—somebody like that reach the point
19 where the principal has no place to turn to but
20 the local elected official to say, "Please fund
21 this." How can that not be something that you
22 guys are doing as a matter of course, I mean, kids
23 have to go to the bathroom. All right. I mean, I
24 think that—the one request I turned down, and I'm
25 sorry if there are teachers in the room, when they

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2 asked me for money to repair the faculty bathroom.

3 All right. I mean, because my—I figure my job is
4 for the kids. I mean, how does that happen?

5 KATHLEEN GRIMM: I don't know. It
6 shouldn't happen and if you will give me the name
7 of that school, I will follow up on it.

8 COUNCIL MEMBER FIDLER: I'll tell
9 you what. I'll give you the names of the schools
10 that yesterday I designated money for, for
11 bathrooms in this year's budget. And maybe you
12 guys can pick it up and I can spend that money by
13 buying them smart boards or whatever else they
14 need.

15 KATHLEEN GRIMM: I will. We will
16 follow up. Maybe we can pick it up. But when you
17 tell me that there is a building with only one
18 functioning bathroom—

19 COUNCIL MEMBER FIDLER: Not
20 anymore.

21 KATHLEEN GRIMM: Not anymore, but I
22 want to find out why that happened.

23 COUNCIL MEMBER FIDLER: Okay.
24 Thank you.

25 CHAIRPERSON JACKSON: Thank you.

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Does she have—are you going to give her the school?

[off-mic]

CHAIRPERSON JACKSON: Okay. Can you also—okay, very good. But so I had asked my staff to bring down the pictures from the last meeting, since it so happened that Lou was talking about bathrooms. As you know, John, I showed this was the bathroom of a toilet at PS132 in Washington Heights. I showed that at the last hearing. I don't know if it was this big, but I showed, I think, an eight and a half by 11, which I said then was totally unacceptable by anyone's standards. And I said at that time and I said in the opening statement that some of the little kids it's so difficult to flush that they just leave their residue in the toilet bowl. Totally unacceptable. And this was the sink in that particular school. And I raised this and I showed this picture because I know, in my heart and my mind, that any parents or any administrator, or anyone looking at this knows that this is totally unacceptable. Now I must say, for all transparency, that PS132, the school is

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2 approximately 120/125 years old and I've said this
3 before, that when I was on the school board in
4 District 6, and that must have been about at least
5 15, 20 years ago, that school was on the list of
6 the ten schools that should be torn down and
7 rebuilt or a new building replace it. That was
8 about 20 years ago. So Lou Fidler raises a very
9 important point and obviously, as he indicated, he
10 got the loudest applause that he's ever received
11 as a city council member, about the bathroom. No
12 comments. You know what the deal is. You know
13 what you have to do, John. You're the CEO.
14 You're responsible. I don't know if that
15 currently exists now. But I say to you that if I
16 showed that two months ago and those toilets are
17 not repaired, in my opinion, I think somebody is
18 not doing their job well enough. I'm telling you.
19 And if I was in charge, heads would roll. If I
20 was the chancellor or the mayor, and a city
21 council member held those pictures up, that's
22 unacceptable. Okay. Let me move on. Steve Levin
23 followed by Jessica Lappin of Manhattan after
24 Steve Levin.

25 COUNCIL MEMBER LEVIN: Thank you

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2 very much, Mr. Chairman. Thank you, Deputy
3 Chancellor Grimm, Mr. Shea and Ms. Grillo. Thank
4 you. I wanted to ask, first off, about something
5 very specific in my district. So I wanted to kind
6 of get a sense of how something like this happens
7 and kind of dealing with the co-location issue,
8 and charter schools and PCBs. So I think it's
9 IS293 in my district. It's the International
10 Studies, Global Studies and Success Charter School
11 in the Koppel Hill section of Brooklyn. It's in
12 my district and there were leaking PCB ballasts in
13 that school. And it came to our attention that, a
14 couple of months ago, that a portion of the school
15 building that Success Charter School Academy is in
16 did a replacement of their own lights prior to
17 moving in last year, before the beginning of the
18 school year, where the fixtures for International
19 and Global Studies, two different schools, still
20 had leaking PCBs. I think they're on the list
21 now.

22 KATHLEEN GRIMM: Yes.

23 COUNCIL MEMBER LEVIN: And so
24 that's good and I'm appreciative of that. But I'm
25 just wondering how that came about. Was Success

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2 using their own money to do that? Was there
3 coordination between the three schools? It seemed
4 to me that the other two schools didn't know that
5 Success was doing that. Were they using public
6 funds? How did—were they using their own money?
7 Explain to me exactly what happened there?

8 KATHLEEN GRIMM: Okay. Very often
9 when charter schools move in to our buildings,
10 they request permission to do some work, generally
11 some capital work. And in this case, there was
12 approximately \$350,000 in work done, including
13 some of the lights. Now under the state law, when
14 a charter school requests to be able to spend
15 money in our buildings, we review that and we
16 approve it. And if we approve it, we match the
17 funds for each school organization in the building
18 to the same amount that the charter has spent.
19 The charter uses its own money. So in that
20 building, we spent over a million dollars matching
21 what the charter school had spent. Now when we—
22 and of course we speak to the principals, in terms
23 of what is high on their list. We wouldn't take
24 that money and use it for lighting replacement
25 because we know we're going to do that anyway.

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2 And so we're not going to take away those dollars
3 from the school when they can use it for something
4 else. And in fact, they used it for locker rooms,
5 a dance and fitness center, upgrading classrooms
6 for students with disabilities, new wiring and
7 outlets for air conditioner. That-

8 COUNCIL MEMBER LEVIN: Wait. Was
9 that the public school used - -?

10 KATHLEEN GRIMM: That was for the
11 public schools at the request of the principals.

12 JOHN SHEA: Okay. And what school
13 was that again?

14 COUNCIL MEMBER LEVIN:
15 International Studies, Global Studies. It was two
16 different schools in the same building. And then
17 Success is the third school in the building.

18 JOHN SHEA: Okay.

19 COUNCIL MEMBER LEVIN: So you're
20 saying that Success chose to use capital dollars
21 for PCB removal and the principals at Global
22 Studies and International Studies just opted not
23 to do that?

24 KATHLEEN GRIMM: I'm saying-

25 COUNCIL MEMBER LEVIN: With the

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capital money that was made available?

KATHLEEN GRIMM: I am saying that the charter school very often—wait, it's not that they were replacing—

COUNCIL MEMBER LEVIN: There's toxic PCBs. I mean, there was—

KATHLEEN GRIMM: They were replacing light fixtures to enhance the lighting. It happened, I think, that they were PCB fixtures.

COUNCIL MEMBER LEVIN: They were PCB fixtures, yes.

KATHLEEN GRIMM: We have already allocated money to replace the balance of those fixtures in that school. Why would we say to the principals, "Here is money through the matching fund. What is it you would like?" Therefore, we're already going to replace the lighting fixtures for you.

COUNCIL MEMBER LEVIN: Right. But what you just said was that you're going to be. So it—

KATHLEEN GRIMM: In the summer.

COUNCIL MEMBER LEVIN: Right, I understand that. There was a question, and again,

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2 I'm appreciative of that. What I'm saying is—I
3 guess I would ask you when was the decision made
4 by DOE to replace the rest of the school's
5 lighting fixtures because there's 700 schools, and
6 677 schools in New York City now that—buildings
7 that require the lighting fixtures to be replaced.
8 Was this decision—when was the decision made? Was
9 it made concurrent with or prior to Success'
10 decision to replace their fixtures? In other
11 words, why wouldn't he do it at the same time?
12 Why would you let—because the impression—because
13 the public impression right now is that Success
14 changed their—got rid of toxic chemicals, PCBs,
15 leaking lighting fixtures and that the other two
16 schools, the public schools didn't. Now I know
17 that there is funding coming in, and again,
18 appreciative of the fact that it's high up on the
19 list now. What I'm saying is that there is a
20 public perception issue that one school, the
21 charter school, did it first and did it a year
22 earlier than the two public schools. and that's—
23 it creates certainly a perception that there is—

24 KATHLEEN GRIMM: Help me change
25 that perception, please.

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2 COUNCIL MEMBER LEVIN: I sponsored
3 the legislation that deals with PCBs.

4 KATHLEEN GRIMM: You know, the
5 charter school in this case, I think it was just
6 hallways that they did. They didn't change the
7 lighting fixtures in the classroom.

8 COUNCIL MEMBER LEVIN: It was just—
9 the lighting fixtures in the classroom that are
10 leaking PCBs were not changed in the classrooms?

11 KATHLEEN GRIMM: It will be done
12 this summer.

13 COUNCIL MEMBER LEVIN: For the
14 Success Schools?

15 KATHLEEN GRIMM: Yes.

16 COUNCIL MEMBER LEVIN: Success
17 School. Okay.

18 CHAIRPERSON JACKSON: Your time is
19 up, sir.

20 COUNCIL MEMBER LEVIN: Okay. All
21 right, thank you.

22 CHAIRPERSON JACKSON: You can come
23 back for a second round. So to go back to Council
24 Member Levin, you indicated that since the charter
25 school was spending X amount of dollars in each

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school, then each school, the other two schools had X amount of dollars as per the matching—that's state law. Is that correct?

KATHLEEN GRIMM: Yes, that is correct.

CHAIRPERSON JACKSON: And so they decided whatever the priorities were, considering the fact that they knew, like was the decision already made that, for example, this summer the PCB bulbs were going to be removed. And in essence, if I know that, if I'm the principal I said, "Okay, they're going to be removed during the summer. This is what I need for X amount of dollars for my matching and this is my priority because I know it's going to be during the summer?"

KATHLEEN GRIMM: I don't know the answer to that question.

CHAIRPERSON JACKSON: Okay.

KATHLEEN GRIMM: But please keep in mind that this amount of money would not have been—we would not have been able to remove all of the lighting fixtures.

CHAIRPERSON JACKSON: With that little money, I know that, yes.

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KATHLEEN GRIMM: Okay.

CHAIRPERSON JACKSON: I think that I'm fully aware of that. I think everyone else is also. I would hope so, and if not, they need to just ask. Okay. So but to go back, those schools in that location you're saying that this summer the bulbs are going to be removed?

KATHLEEN GRIMM: The entire building will be done, yes.

CHAIRPERSON JACKSON: Thank you. Jessica Lappin? We've been joined by our colleague Margaret Chin and Karen Codlig [phonetic] was here earlier and she may be back.

COUNCIL MEMBER LAPPIN: Good afternoon. How are you?

KATHLEEN GRIMM: Very well.

COUNCIL MEMBER LAPPIN: So here is my question. I am told that there was a report that the construction authorities sent to the New York State Authorities budget office, although I have not personally reviewed it, that showed a \$2.8 billion fund balance. So I wanted to ask about that, and if that is true, isn't that money we could be using on other projects?

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CHAIRPERSON JACKSON: Can you turn on the mike, please?

KATHLEEN GRIMM: I'm sorry. I apologize.

CHAIRPERSON JACKSON: That's okay.

KATHLEEN GRIMM: That \$208 billion is—

COUNCIL MEMBER LAPPIN: \$2.8, sorry.

KATHLEEN GRIMM: 2.8, is actually the exact number of our commitments for this year, so I don't think that that's additional funds. I think that's funds that we are committing now.

COUNCIL MEMBER LAPPIN: So the report—can somebody walk me through the report that you submitted? No?

KATHLEEN GRIMM: I don't have that report in front of me.

COUNCIL MEMBER LAPPIN: Okay. So maybe you can—

JOHN SHEA: We would be happy to do that.

COUNCIL MEMBER LAPPIN: Yes, take a look and just clear up for me so I understand what

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you have committed, versus what would have been a balance or a reported balance. Okay, thanks.

KATHLEEN GRIMM: We leave no money on the table, Councilwoman.

COUNCIL MEMBER LAPPIN: That's what I want to make sure of.

CHAIRPERSON JACKSON: I apologize. Are you okay, Jessica? Anything else?

COUNCIL MEMBER LAPPIN: No.

CHAIRPERSON JACKSON: Okay, I'm sorry. Margaret Chin, our colleague from Manhattan. Margaret?

COUNCIL MEMBER CHIN: Thank you. Good afternoon.

KATHLEEN GRIMM: Good afternoon.

COUNCIL MEMBER CHIN: We just finished the budget yesterday.

KATHLEEN GRIMM: Congratulations.

COUNCIL MEMBER CHIN: And I know that every year in the capital request from a lot of the schools in my district, they ask for bathroom renovation. They ask for new floors, all of these things that I think DOE should be funding, right? But one of the things that—

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2 KATHLEEN GRIMM: We are very
3 grateful for what you do Councilwoman.

4 COUNCIL MEMBER CHIN: Well all of
5 the city council members, we want to make sure
6 that our schools are in great shape. But one of
7 the things that a lot of schools ask for are like
8 air conditioning and that doesn't qualify for
9 capital. And in a lot of the schools, in the
10 month of June—and my husband is a school teacher
11 and he can tell me, like, he has to do everything
12 to keep those rooms cool, you know, with fans and
13 pull down shades. And it's really hot in there,
14 so how does DOE, in terms of really taking care of
15 those conditions and put air conditioning into
16 these classroom. And then I also want to know is
17 that for the summer, a lot of schools are going to
18 be open for summer classes. Does all the schools
19 that run summer program have air conditioning?

20 KATHLEEN GRIMM: All schools that
21 are open for the summer have air conditioned
22 classrooms available. It doesn't mean the whole
23 school is air conditioned, but we work very
24 closely in the department across divisions to try
25 to make sure that schools that are open all have

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adequate air conditioning for the summer program.

COUNCIL MEMBER CHIN: Good. I'm glad to hear that because it's going to be a very, very hot summer.

KATHLEEN GRIMM: Well this June we were very lucky up until today, so-

COUNCIL MEMBER CHIN: And tomorrow.

KATHLEEN GRIMM: Yes.

COUNCIL MEMBER CHIN: But luckily it's the last week of school, so a lot of teachers are probably taking their kids on an outdoor trip. But what is the DOE's plan, in terms of providing air condition units to classrooms?

KATHLEEN GRIMM: Frankly, we have no plans because we have—a great number of our classrooms are air conditioned. I don't have the number, but we can get it for you, certainly not all of them. As you know, the expense of putting in air conditioning is—doesn't have anything to do with the window air conditioning units. It has to do with whether or not the wiring in a building is effective. And that can be a very, very expensive proposition, particularly in many of our older buildings. So we actually don't have a central

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2 plan to increase air conditioning. Very often
3 schools, PTAs, will decide they want to air
4 condition and even do the wiring. And we do have
5 a program where we can receive requests from
6 schools for that. But given all of the needs of
7 the system, we do not have a plan to increase air
8 conditioning.

9 COUNCIL MEMBER CHIN: Do you have
10 the surveys in terms of like what schools do not
11 have air conditioners?

12 KATHLEEN GRIMM: We do, don't we?

13 JOHN SHEA: Yes we do.

14 KATHLEEN GRIMM: We can put that
15 together for you. We have that information.

16 COUNCIL MEMBER CHIN: And also
17 maybe looking at ways of getting it started and
18 maybe—because like, for example, classrooms on the
19 high floor, that's close to the roof, those are
20 much more—the temperatures there are much higher
21 than the classrooms on the first and second floor.
22 So I think that if maybe we could work together in
23 the City Council to see how we can also look at
24 that as a capital item that the Council can fund?

25 KATHLEEN GRIMM: We're happy to do

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2 that. I wish every single classroom in this
3 system had air conditioning. But when we look at
4 it, in terms of June being the problem and maybe a
5 week or two in September, in the scheme of things
6 there are so many needs, many of them we've been
7 discussing here today, that air conditioning
8 doesn't get a high priority. But we're happy to
9 talk to you about it, in terms of your own schools
10 and efforts you might want to make.

11 COUNCIL MEMBER CHIN: Okay. All
12 right, thank you.

13 CHAIRPERSON JACKSON: Thank you,
14 Councilmember. So I want to go back, if you don't
15 mind, to some of the questions that I raised in my
16 opening.

17 KATHLEEN GRIMM: Good.

18 CHAIRPERSON JACKSON: Okay. So I
19 think—

20 KATHLEEN GRIMM: So you want me to
21 correct you, right?

22 CHAIRPERSON JACKSON: Yes, listen I
23 stand to be corrected, so I want to be corrected
24 because that means things are better than what I'm
25 describing. If that's the case, let the light

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2 shine through. I'm sorry. You've got to have a
3 sense of humor. But no, one of the questions that
4 I ask is based in a report and that are put out by
5 32BJ, they said basically—they released a report
6 which found that not only are most of the schools
7 in bad conditions, but that the worst of those
8 schools, meaning those in the worst conditions,
9 are those serving students in the poorest
10 neighborhoods and families. And I ask now, is
11 that true or is that not true? And if so, why is
12 that? I guess that's my question of you, meaning
13 DOE, and SCA, and John as the CEO of School
14 Facilities.

15 KATHLEEN GRIMM: I have no idea
16 where they—how they draw that conclusion. To my
17 knowledge there is—the violations are not
18 primarily in poor neighborhoods. I would be happy
19 to talk to people at 32BJ, if they want to share
20 their data with me and we can try and figure out
21 if that's correct or not. As far as I know, it is
22 not.

23 CHAIRPERSON JACKSON: Okay. So
24 based on everything you know, that is not true
25 that the poorest conditions, worst conditions are

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in the poorest neighborhoods?

KATHLEEN GRIMM: No.

CHAIRPERSON JACKSON: Okay. So with that, obviously 32BJ is here, so they're going to come forward with information. And also they're going to—I asked that they sit down with DOE and show them, in essence. Some people say, "I'm from Missouri. Show me?" So show them the information and data that you have and when you show them, show it to—let us know what comes out of that because we want to know also. Okay. And it says that 90% of the 1,200 schools have like one violation. Like you indicated that one violation could be a window that doesn't open. It could be a door. And mainly in schools, most all of the doors are fire doors. They're supposed to close behind them. And so if the thing is broken and one, that is a violation—

KATHLEEN GRIMM: Yes.

CHAIRPERSON JACKSON: —that may occur. But what about the Daily News report that IS195, which as you know, I think two years ago or three years ago, we named after Terrance Talbert, our colleague that passed away, 124 open

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violations. John, deputy chancellor and CEO, can somebody comment on that?

KATHLEEN GRIMM: Yes. That is an ECF building.

CHAIRPERSON JACKSON: That's a what?

KATHLEEN GRIMM: ECF building.

CHAIRPERSON JACKSON: Okay. When you say ECF, what does that mean?

KATHLEEN GRIMM: That is a building that was constructed under-through the efforts of the Education Construction Fund, that enables us to build new schools with no taxpayer dollars, which makes us all happy because we lease the air [phonetic] rights to a developer who is able to build a residential or a commercial building adjacent to the school and pays us lease money and that, in effect, pays for the school.

CHAIRPERSON JACKSON: And that's 3333 Broadway, which is the residential - -.

KATHLEEN GRIMM: Yes, now the difficulty is the school in that private building, the non-school building have-it all has the same block and lot number. So when deficiencies are

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2 issued to that block and lot, whether it's for the
3 school or for the non-school portion, it all gets
4 listed under the same address, basically.

5 CHAIRPERSON JACKSON: Okay. So in
6 essence, you're saying that even though the Daily
7 News reported there were 124 open violations,
8 either all or some, or none could come from the
9 school. Is that correct?

10 KATHLEEN GRIMM: 35 belonged to the
11 school.

12 CHAIRPERSON JACKSON: 35?

13 KATHLEEN GRIMM: Yes.

14 CHAIRPERSON JACKSON: Okay. So in
15 essence, that's—you're shedding light on the
16 situation. Is that correct?

17 KATHLEEN GRIMM: Yes.

18 CHAIRPERSON JACKSON: Okay.

19 KATHLEEN GRIMM: We were not happy
20 with 35, either. But it's not the 120 for—

21 CHAIRPERSON JACKSON: So the other
22 124 had nothing—the rest of the approximately,
23 whatever, 85 or 90, had nothing to do with the
24 school?

25 KATHLEEN GRIMM: Nothing.

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2 CHAIRPERSON JACKSON: But with the,
3 what, it had to do with the residential part?

4 KATHLEEN GRIMM: Yes.

5 CHAIRPERSON JACKSON: Okay.
6 Because it's listed under the same lot and block
7 number. Is that correct?

8 KATHLEEN GRIMM: That is correct.

9 CHAIRPERSON JACKSON: Okay. All
10 right, we've been joined by our colleagues, David
11 Greenfield and I saw Leroy Comrie here—David
12 Greenfield of Brooklyn, Leroy Comrie of Queens.
13 Okay. So okay. So my question was am I—well I
14 guess that something—somebody isn't doing their
15 job. Correct me if I'm wrong. So you corrected
16 me to say that it's not 124. It's 34 violations
17 in the school. Is that correct?

18 KATHLEEN GRIMM: 35.

19 CHAIRPERSON JACKSON: Okay, good.
20 All right. So can you tell me how much has been
21 set aside, as far as to reconstruct—restructure
22 schools? Do you have a certain amount of money—

23 JOHN SHEA: Well Chair, first we
24 need to know what the capital budget is.

25 CHAIRPERSON JACKSON: Okay.

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2 JOHN SHEA: That's because there's
3 some discrepancy there.

4 CHAIRPERSON JACKSON: Okay, good,
5 you're right. Let me go back and seek some-what
6 is the current capital budget? The reason why I
7 ask that is because in my opening statement I
8 indicated that the website said one thing. Our
9 finance department said another thing, and then my
10 understanding is just even during this hearing
11 process, we got additional information from the
12 staff of DOE that it's not 13.1. It's not 11.2
13 but it's 11.8.

14 KATHLEEN GRIMM: Yes.

15 CHAIRPERSON JACKSON: Okay. So
16 that will the real number please raise your hand?

17 KATHLEEN GRIMM: It's 11.8.

18 CHAIRPERSON JACKSON: Okay.

19 KATHLEEN GRIMM: And it's 11.8,
20 thanks to the generosity of the City Council. The
21 number you cited-

22 CHAIRPERSON JACKSON: Okay. So it
23 was 11.2 and then it came up because of that, or
24 what?

25 KATHLEEN GRIMM: Yes. It came up

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2 to 11.8. The \$13 billion number you cited earlier
3 was the prior capital plan.

4 CHAIRPERSON JACKSON: You mean
5 2005-2009?

6 KATHLEEN GRIMM: Yes. And it was
7 on our web. I apologize. It was an error. It is
8 being taken down as we speak.

9 CHAIRPERSON JACKSON: Yes, you need
10 to keep that up to date, definitely because, you
11 know what I mean? Seriously, because when people
12 go there to look for current information-

13 KATHLEEN GRIMM: Of course,
14 absolutely.

15 CHAIRPERSON JACKSON: Okay. So
16 \$11.8 billion. Okay. All right. Now how much of
17 that has been or is allocated for restructuring?

18 KATHLEEN GRIMM: When you say
19 restructuring, do you mean capital improvement
20 projects, like interior and interior work that we
21 do?

22 CHAIRPERSON JACKSON: Okay, so my
23 counsel is telling me that's a terminology SCA
24 use, and used on the website. So if that's the
25 case, then you tell us what it means.

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KATHLEEN GRIMM: Okay. You tell him.

CHAIRPERSON JACKSON: I'm sorry. I'm just seeking clarification, clarity. That's all.

KATHLEEN GRIMM: The capacity on the—

LORRAINE GRILLO: Okay, so—

CHAIRPERSON JACKSON: Lorraine Grillo, right?

LORRAINE GRILLO: Yes.

CHAIRPERSON JACKSON: CEO and President of School Construction Authority, just FYI because there's people next door. I want everyone to know who is talking.

LORRAINE GRILLO: Absolutely.

KATHLEEN GRIMM: Duly sworn, I would point out.

LORRAINE GRILLO: That's right.

CHAIRPERSON JACKSON: Duly sworn, yes, I know.

LORRAINE GRILLO: So the breakdown of the capital plan is \$4.46 billion for capacity, okay. That's of the 11.8. There is \$4.01 billion

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2 for CIP, capital improvement projects. And we
3 have \$125 million in the restructuring category.
4 And then the additional is money for emergencies,
5 and environmental issues, and so on and so forth.

6 CHAIRPERSON JACKSON: How much is
7 the rest—what is that rest?

8 LORRAINE GRILLO: You going to make
9 me add and subtract.

10 CHAIRPERSON JACKSON: Okay. I
11 mean, whatever is from those numbers.

12 LORRAINE GRILLO: The remainder.

13 CHAIRPERSON JACKSON: Okay. So can
14 you explain to this committee, what do you mean by
15 \$4.6 billion for capital capacity? What do you
16 mean by that? What do you mean by CIP? What do
17 you mean by restructuring? Can you explain those,
18 if you don't mind?

19 LORRAINE GRILLO: Sure. Capacity
20 is for new buildings, okay, whether it's ground up
21 new or additions, leases and the like, something
22 that adds seats to the system. CIP is our capital
23 improvement program. As you know, we do - -
24 survey every year. They rate the systems and
25 where in fact we have systems rated five, that's

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when we come in and do capital projects. So that's the CIP.

CHAIRPERSON JACKSON: And so some examples of that are like what?

LORRAINE GRILLO: Roofs, windows, new boilers, HVAC systems, all of the above.

CHAIRPERSON JACKSON: Okay. And what about, you said \$125 million for restructuring. What do you mean by restructuring, please?

LORRAINE GRILLO: And again, restructuring can be anything from small projects within a school where in fact a classroom is turned into a science lab.

CHAIRPERSON JACKSON: Or computer lab?

LORRAINE GRILLO: Or a computer lab.

CHAIRPERSON JACKSON: Okay.

LORRAINE GRILLO: Or for example, if in fact there is a co-located building and you're going to turn an office into a nurse's room or something of that nature.

CHAIRPERSON JACKSON: That's

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restructuring?

LORRAINE GRILLO: That's

restructuring.

CHAIRPERSON JACKSON: Okay. So I

guess my—I have a question. Of all of the deficient conditions that are rated one, two, three, four, five, five being the highest priority, how many citations or violations are in each category? Do you have the number? For example, is there like 5,005, 4,004, 13,003? How many thousand and two, how many and one? Do you have those numbers?

LORRAINE GRILLO: We don't have that cross reference between violations and five in the building condition assessment survey because we look at a number of different things when we do. A roof that's leaking may not be a violation or a violation might not be a five. For example, if there is a violation on a door—

CHAIRPERSON JACKSON: You just threw me a curve.

LORRAINE GRILLO: I'm sorry. If—

JOHN SHEA: You're mixing the two categories. You don't mean to.

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2 CHAIRPERSON JACKSON: No, I'm just—
3 I just want to know how—you do an assessment and
4 you go through, your people go through all of the
5 buildings and all to determine what the conditions
6 are.

7 JOHN SHEA: Correct.

8 CHAIRPERSON JACKSON: And then you
9 rate those one, two, three, four, five?

10 JOHN SHEA: Correct.

11 CHAIRPERSON JACKSON: What—do we
12 have a list of how many numbers are in each
13 category, in essence, how many violations or—not
14 violations.

15 LORRAINE GRILLO: Okay.

16 CHAIRPERSON JACKSON: Deficiencies.

17 LORRAINE GRILLO: I don't have the
18 exact number of buildings, but I can tell you that
19 for example in 2005.

20 CHAIRPERSON JACKSON: Go ahead.

21 LORRAINE GRILLO: We had 18% of our
22 buildings were rated fair to good, okay? In 2012
23 as compared to that time, 50% of our buildings are
24 now rated fair to good.

25 CHAIRPERSON JACKSON: Fair to good?

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2 LORRAINE GRILLO: And there has
3 been an improvement of 32%.

4 CHAIRPERSON JACKSON: Okay. Now
5 when you say fair to good, are there different
6 levels than that or is it just one rating of fair
7 to good?

8 LORRAINE GRILLO: No, there are
9 different levels. There is good. There is fair
10 to good, and then there is fair.

11 CHAIRPERSON JACKSON: Okay. So
12 there's good, fair to good and fair?

13 LORRAINE GRILLO: Right. So when
14 I'm looking in the top two categories.

15 CHAIRPERSON JACKSON: Okay, go
16 ahead.

17 LORRAINE GRILLO: Good and fair to
18 good condition.

19 CHAIRPERSON JACKSON: Go ahead.

20 LORRAINE GRILLO: Those are the top
21 two. The third category is fair. So of the top
22 two categories, we've increased that portion of
23 our buildings by 32%. We've got 50% of those
24 buildings in that--those top two categories now.

25 CHAIRPERSON JACKSON: Okay. So--and

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the other 50% is?

LORRAINE GRILLO: Distributed through the other categories.

CHAIRPERSON JACKSON: Well what are categories—

KATHLEEN GRIMM: Excuse me. Most of it is in fair.

LORRAINE GRILLO: Correct.

KATHLEEN GRIMM: So there is only .3%.

CHAIRPERSON JACKSON: Go ahead.

KATHLEEN GRIMM: In fair to good.

LORRAINE GRILLO: No.

CHAIRPERSON JACKSON: Fair to good?

LORRAINE GRILLO: Fair to poor.

KATHLEEN GRIMM: Oh, fair to poor.

CHAIRPERSON JACKSON: And so you stand corrected, right?

KATHLEEN GRIMM: And there is zero— I stand corrected very often. And there is zero in poor.

CHAIRPERSON JACKSON: Go ahead. There is zero in poor?

KATHLEEN GRIMM: Yes.

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CHAIRPERSON JACKSON: Give me the numbers again, if you don't mind, zero and poor?

KATHLEEN GRIMM: .3.

CHAIRPERSON JACKSON: .3.

KATHLEEN GRIMM: Fair to poor.

CHAIRPERSON JACKSON: Fair to poor.

KATHLEEN GRIMM: 48.9 fair.

CHAIRPERSON JACKSON: Go ahead.

KATHLEEN GRIMM: 49.2 fair to good.

CHAIRPERSON JACKSON: Fair to good.

KATHLEEN GRIMM: 1.1 in good.

CHAIRPERSON JACKSON: Okay. So those are your categories of all of your—

KATHLEEN GRIMM: One, two, three, four, five.

CHAIRPERSON JACKSON: Those are all of your categories, as far as in your building assessment. Is that correct?

KATHLEEN GRIMM: Correct.

CHAIRPERSON JACKSON: But I'm sure that you tracked a number of deficiencies. So for example, how many deficiencies are in five, four, three, two, one?

KATHLEEN GRIMM: Are you talking

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about how many violations - -?

CHAIRPERSON JACKSON: Yes, for example, how many door jams are not fixed, how many windows?

KATHLEEN GRIMM: We don't track that. Let me explain why. BCAS, which is not done every five years, it's done every year.

CHAIRPERSON JACKSON: Go ahead.

KATHLEEN GRIMM: Is done through by professionals through the SCA and that is to go out and assess the current state of all of our buildings, to help us plan for each annual amendment.

CHAIRPERSON JACKSON: Right.

KATHLEEN GRIMM: In the meantime, all violations are issued to the DOE and unhappily land on Mr. Shea's desk. From there, they are triaged. Obviously anything that's hazardous is corrected immediately. Some of them go to custodians. Some of them go to trades. Some of them go to the SCA. So not all of the violations would relate to our capital concerns, so we have never done a cross match between those two.

CHAIRPERSON JACKSON: Okay. I

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2 would think, though, as a lay person, since you
3 are--when I say you, whoever is assessing a
4 building and you're saying that this is, a one, a
5 two, a three, a four, a five, that you would
6 actually have in the system, I guess by borough,
7 by school, by the whole system, how many ones
8 there are, how many fives, so forth and so on.
9 And then so let's say--and you do a triage and they
10 say, "Hey, we're replacing this roof and we're
11 doing water pointing and replacing some windows.
12 And as a result, let's assume the school had 20
13 citations or violations because of that and now
14 all of that is going to be fixed. So you can just
15 remove those from the overall list so that you
16 have a comprehensive assessment as to the numbers
17 in each category. I mean, to me, I think that
18 that's important to know.

19 KATHLEEN GRIMM: There's something.
20 We have a--go ahead.

21 LORRAINE GRILLO: Yes, when we've
22 identified the fives, okay, those--

23 CHAIRPERSON JACKSON: The highest
24 priority?

25 LORRAINE GRILLO: The highest

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priority.

CHAIRPERSON JACKSON: Yes.

LORRAINE GRILLO: Then we do—we go through a process and we send out our architects and they do scoping. As part of the scope where they judge—they determine what the scope of work id-

CHAIRPERSON JACKSON: And what it's going to cost and all of that, okay.

LORRAINE GRILLO: —they will discover and note all of the violations within that building. But that's once the project begins.

CHAIRPERSON JACKSON: So I guess the—are you answering my question? When I ask you how many violations or deficiencies are in categories five, four, three, two, one, you're telling me that you don't have that information?

LORRAINE GRILLO: Well—

CHAIRPERSON JACKSON: You don't maintain that in a computer database anywhere?

KATHLEEN GRIMM: No, I think it would be helpful if we met with your staff and walked them through what the BCAS survey looks at,

1
2 which are all of the major systems, and then what
3 the violations are. I mean, we can have a
4 violation, as I said, because a door isn't
5 properly opening.

6 CHAIRPERSON JACKSON: I understand
7 that.

8 KATHLEEN GRIMM: We can have a
9 violation because the principals put up too much
10 paper along the corridor.

11 CHAIRPERSON JACKSON: Or you're
12 missing paperwork, as you indicated?

13 KATHLEEN GRIMM: Exactly.

14 CHAIRPERSON JACKSON: And I
15 understand that. But I guess, if I'm the mayor,
16 if I'm the chancellor, I want to know how many
17 deficiencies exist in each category, and with
18 today's technology with computer, I don't see why
19 that's so difficult, anyway.

20 KATHLEEN GRIMM: We'll take a look
21 at it. We'll evaluate it.

22 CHAIRPERSON JACKSON: And the
23 reason why I'm just fleshing this out is because,
24 if we had, let's say, 500 fives and fours as of
25 September 2012, if I'm the boss, I want to know

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how many of those exist as of June 2013. If you tell me that the same number exists, then something is wrong. I'm just—

KATHLEEN GRIMM: The same number—

CHAIRPERSON JACKSON: Number of five and four violations.

KATHLEEN GRIMM: But I can tell you.

CHAIRPERSON JACKSON: No, I'm just giving a general example, Deputy Chancellor. But if you can tell me specifically how many existed in September, 2012 and how many exist as of June or whatever the latest, yes, I would like to hear that, if you don't mind. Because in essence I'm trying to make the point, if progress isn't made, which it should be made, then something is wrong. So that's all.

KATHLEEN GRIMM: Okay.

CHAIRPERSON JACKSON: But give me the numbers. I would love to hear it.

KATHLEEN GRIMM: I don't have the numbers. I can give them. I have the percentages.

CHAIRPERSON JACKSON: Okay, that's—

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percentage is good. Give me that right now.

KATHLEEN GRIMM: So in the poor category.

CHAIRPERSON JACKSON: In the poor category?

KATHLEEN GRIMM: In the five, it's zero in both years.

CHAIRPERSON JACKSON: I'm sorry. Say that again, please?

KATHLEEN GRIMM: Zero in both years.

CHAIRPERSON JACKSON: In the poor? Hold on a second. I'm sorry, go back. I didn't hear what you said initially.

KATHLEEN GRIMM: In category five.

CHAIRPERSON JACKSON: Go ahead.

KATHLEEN GRIMM: Poor. Last year was zero and this year is zero.

CHAIRPERSON JACKSON: Okay. So basically you have taken care of all of those?

KATHLEEN GRIMM: Yes.

CHAIRPERSON JACKSON: Okay. Do you have anything in fours because that's the next series. Is that correct?

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2 KATHLEEN GRIMM: In four, last year
3 was 1.1%.

4 CHAIRPERSON JACKSON: Okay.

5 KATHLEEN GRIMM: And this year is
6 .3%.

7 CHAIRPERSON JACKSON: Okay. So
8 Deputy Chancellor and John—what is your last name
9 again, John?

10 JOHN SHEA: Shea.

11 CHAIRPERSON JACKSON: Shea.
12 Somebody tell me what—tell us, rather, not only
13 me, everyone that is listening and watching. What
14 are some of the things that are like category
15 four, if you don't mind?

16 KATHLEEN GRIMM: No. A category
17 four is from the BCAS. They are not violations.

18 CHAIRPERSON JACKSON: Okay.

19 KATHLEEN GRIMM: They are systems
20 problems, so—

21 CHAIRPERSON JACKSON: Systems like
22 what, for example?

23 LORRAINE GRILLO: Again—

24 CHAIRPERSON JACKSON: Just press
25 the mike.

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LORRAINE GRILLO: I'm sorry, sir.

CHAIRPERSON JACKSON: That's okay.

LORRAINE GRILLO: Roofs, windows.

CHAIRPERSON JACKSON: Roofs,
windows.

LORRAINE GRILLO: Boilers.

CHAIRPERSON JACKSON: Okay.

LORRAINE GRILLO: Heating and
ventilation.

CHAIRPERSON JACKSON: And that's
where you send in your team to determine the scope
of work?

LORRAINE GRILLO: Correct.

CHAIRPERSON JACKSON: How long it
is going to take, what it's going to cost, all of
that?

KATHLEEN GRIMM: No, that's not
where you send in the team. The BCAS study
itself.

LORRAINE GRILLO: Oh no, but when
we have the five.

CHAIRPERSON JACKSON: And speak
into the mike, Lorraine.

LORRAINE GRILLO: When we have the

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fives and we create a project—

CHAIRPERSON JACKSON: Yes?

LORRAINE GRILLO: —to be done,
that's when we send in our teams to do the scope
of work. They incorporate whatever violations are
capital related and then they determine the
schedule and design schedule, and then we go into
construction.

CHAIRPERSON JACKSON: Okay. And
right now you're saying we don't have any fives?
That's what I'm hearing. Is that correct?

KATHLEEN GRIMM: Correct.

CHAIRPERSON JACKSON: Yes? Okay.
All right.

LORRAINE GRILLO: Right now.

KATHLEEN GRIMM: Right now, yes.

CHAIRPERSON JACKSON: One second.

[pause]

CHAIRPERSON JACKSON: So I'm going
to turn to my colleague David Greenfield of
Brooklyn and I'm going to reassess if I have any
more questions. Okay?

KATHLEEN GRIMM: okay.

CHAIRPERSON JACKSON: Council

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Member Greenfield of Brooklyn.

COUNCIL MEMBER GREENFIELD: Thank you all. I always feel melancholy at these waning hearings, knowing that next year we're not likely to have some of you here at least, so I do thank you for your service at every opportunity. You can say you're welcome. It was a complement, genuine complement there. Everybody is very apprehensive and council members make statements over here. I'm just wondering about the processes. As council members, we put a significant amount of money into our local public schools, right?

KATHLEEN GRIMM: Yes.

COUNCIL MEMBER GREENFIELD: I'm pretty sure we all do. I fund every single public school in my district. It's well over a million dollars. I've been doing it for the years now. And it just seems like, in terms of the Chair, in his opening remarks, it seems like sometimes there's a disconnect between I guess the rating system in particular cases, whether it's a bathroom or a lack of a certain amenity, and then the feedback that we get from our principals,

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2 teachers and PTAs, in terms of what they would
3 like to see. How do you explain that? I mean, is
4 it just there are different criteria? Because
5 we'll walk into a school and the bathroom to us
6 will look like a bomb went off. And the DOE comes
7 and checks it out and says, "It seems okay to us,"
8 right. So how does that discrepancy work? Is
9 there a different rating system or is it just that
10 what we believe is important is not important to
11 the DOE? I'm just trying—I'm really just trying
12 to understand it.

13 KATHLEEN GRIMM: I think there
14 sometimes is a disconnect and there is a
15 difference in perception of what's most important
16 to fix. And it's totally understandable on a
17 human level. Our resources are limited. So if we
18 have a building where there is a water
19 infiltration problem and maybe nobody in the
20 building cares, but we care. And we know that's a
21 tough priority. And so we would fix that before
22 we would address a bathroom, for example, that
23 really has more impact on the day to day life of
24 the children and the staff. But we've got to
25 protect the building.

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2 COUNCIL MEMBER GREENFIELD: So I
3 guess to be fair, what's happening is, and this is
4 understandable. I'm just trying to understand it,
5 is it you're looking at it as a landlord and we're
6 looking at it as the tenants, right? And so as
7 the landlord, you want to make sure that the
8 infrastructure of your building, your investment,
9 for lack of a better term because it is an
10 investment, will do well for years to come. And
11 myself as representing the tenants of the
12 building, the students, the teachers, the
13 principals, etcetera, they're more worried about
14 the basics of the day to day. And that's sort of
15 the challenge. I guess the question is, is there
16 really not enough money to do both? I mean, these
17 are enormous sums of money. It's funny, I was
18 sitting here before when we were having this
19 debate over whether it's \$11 billion or \$13
20 billion. And it's like whatever, 11.8. Jeez,
21 that's a lot of money. I was here last night
22 until 4:00 in the morning, trying to find a few
23 thousand dollars more for some groups that were
24 important to me. So I'm just trying to
25 understand, if you were to fix, say, the requests

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2 that we get, whether they are the bathroom
3 requests or the, you know, water fountain request,
4 the tenant request or the air conditioning
5 request, have you figured out what that would
6 cost? What is the discrepancy, shall we say,
7 between okay, you know, we're spending, I believe
8 you said \$11.8 billion, over the next—over the
9 five year—we're in the middle of spending 11.8
10 billion over the five year plan. What's the
11 discrepancy where well if we came in and we
12 rehabbed the bathrooms, and we added the water
13 fountains, and we threw in some air conditioners,
14 that would cost us an extra whatever. Do we have
15 like a—

16 KATHLEEN GRIMM: It's a big
17 whatever. We don't have a number, but we don't
18 even have enough money to build all the seats we
19 need. So when you add up all of the things that
20 we would love to do and that I suppose on one
21 level should be done, it would—the number would be
22 astronomical.

23 COUNCIL MEMBER GREENFIELD: So is
24 that—okay. I would, as an exercise—I just think
25 it's helpful just to have an understanding of—and

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I know you guys are busy, but I also understand it's a big team over there, just to have an understanding of roughly where it would take us.

KATHLEEN GRIMM: Congressman—not Congressman.

COUNCIL MEMBER GREENFIELD: Not today, obviously, Deputy Chancellor - -. But I'm just saying, in the future if you could have some of your minions crunch the numbers, it would be helpful for us just to have a sense of what the challenges are, especially those who hope to be here in the future so looking forward, we can get a grasp on what these kinds of costs are going to be. And it's not critical. I want to be clear. I'm just trying to understand it.

KATHLEEN GRIMM: No, I understand. I just—I need to tell you that, that undertaking would be massive.

COUNCIL MEMBER GREENFIELD: Really?

KATHLEEN GRIMM: I do believe, many years ago, a city controller undertook just that kind of study. And as I recall—and this is probably 15 years ago at least, the number was very, very large and today probably would be

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double. I'll try to find that old report.

COUNCIL MEMBER GREENFIELD: I'm taking you and the old one. So I guess I just want to conclude. So the final point is, and this is just the reality, just so we understand. The reality is that the DOE does not have the resources generally to focus on the tenant based issues and that's why it's left to us, as the Council, to sort of fill that in?

KATHLEEN GRIMM: Well that's your characterization of it. We feel very much in tune with what our so-called tenants, our teachers, and our principals and our students want and need. We just simply don't have all of the money.

COUNCIL MEMBER GREENFIELD: Once again, it's not critical. This is a partnership. We're working together over here. I didn't mean to imply that you don't care about your poor tenants. All I am saying is that, right, you have limited resources, so you're focusing on the infrastructure. And as a result, we as council members are focusing on the physical improvements or the quality of life improvements, shall we say, that take place in a structure. And I would just

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2 add that it's a worthy reminder, if I may, because
3 as you know, these days, it's very in vogue for
4 people to criticize member item funding as some
5 sort of terrible thing. They call it pork barrel
6 funding, which offends me of course, as an
7 orthodox Jew. But that's a joke. But seriously,
8 I think it's important to note that this funding
9 is in fact vital to the quality of life of the
10 teachers, and the students, and of course the
11 staff of our schools.

12 KATHLEEN GRIMM: And we thank you
13 very, very much, really.

14 COUNCIL MEMBER GREENFIELD: And now
15 I return the favor and say you're welcome. Thank
16 you.

17 KATHLEEN GRIMM: There is so much
18 that we do through funding from the City Council
19 that we would not be able to do, and we are very
20 grateful for it.

21 COUNCIL MEMBER GREENFIELD: Thank
22 you, folks.

23 CHAIRPERSON JACKSON: Thank you.
24 We've been joined earlier, and I just didn't see
25 him, by our colleague from Brooklyn, Charles

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2 Barron. But let me just ask one or two more
3 questions, and then we'll move to the next panel.
4 With respect to if any type of repairs that are
5 made in a school building that is co-located,
6 let's say a charter school makes it. Do they have
7 to ensure that a gift certificate to do the
8 construction or get approval from DOE. What's
9 the—they can't just bring in a contractor to do
10 work without getting permission. Is that correct?

11 KATHLEEN GRIMM: Anything over
12 \$5,000 they have to get permission to do. And we
13 have a whole process where they submit a request.

14 CHAIRPERSON JACKSON: Okay.

15 KATHLEEN GRIMM: We review it, and
16 if they want to bring in their own contractor,
17 they also have to get approval for that, too.

18 CHAIRPERSON JACKSON: Okay. So
19 contractors that work for DOE, I assume they're
20 vetted, as to fingerprinting and everything
21 because they're in a school with our children?

22 KATHLEEN GRIMM: Insurance.

23 CHAIRPERSON JACKSON: Is that the
24 same thing for any contractors with charter
25 schools?

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2 KATHLEEN GRIMM: What are the rules
3 on that?

4 JOHN SHEA: Yes, specific to
5 fingerprinting we follow the same rules
6 regardless. But the contractors are not in
7 themselves, they don't need to be fingerprinted to
8 the same standard as a DOE employee to go in to
9 work at the schools. But as far as the other
10 things, the insurance, their qualifications, if
11 there is a Vendex [phonetic] issue with them,
12 which is the city system that tracks if they have
13 any complaints against them, whether it's a DOE
14 contractor that I use or whether it's a third
15 party contractor. And that could be from a
16 charter school, from the schools themselves that
17 sometimes do charter work, they all follow the
18 same processes.

19 CHAIRPERSON JACKSON: Okay. And
20 who oversees the construction people? Is that the
21 charter administration or is that school
22 facilities or what?

23 JOHN SHEA: If there is a charter
24 operator that's doing work, they have oversight of
25 their contractors. But my office also oversees

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2 them to ensure the integrity of the building and
3 to make sure that they're acting with good
4 craftsmanship.

5 CHAIRPERSON JACKSON: And when you
6 say you'll oversee, you mean make sure everything
7 is okay. Do you send somebody there, not
8 necessarily all of the time? Let's just assume a
9 project takes three weeks. Is someone from your
10 office going there to check or what?

11 JOHN SHEA: We do. We have the
12 custodian in the building every day who can alert
13 us to certain things.

14 CHAIRPERSON JACKSON: Okay, very
15 good.

16 JOHN SHEA: We don't want to put
17 too much responsibility on him. We do have people
18 in my office that go out to the people that have a
19 field and check on the contractors as well.

20 CHAIRPERSON JACKSON: Okay. And
21 then Lorraine Grillo, when an assessment is done
22 concerning, let's say a five, or when they go
23 through a building to do a survey as to who is who
24 and what is what—not who is who, but what is what,
25 as far as the facility is concerned. My

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understanding, that's not done in a vacuum.

That's done with the principal of the school?

LORRAINE GRILLO: Correct.

CHAIRPERSON JACKSON: The
custodian?

LORRAINE GRILLO: Correct.

CHAIRPERSON JACKSON: A parents
association. Now who's involved in that team that
goes around to do that?

LORRAINE GRILLO: The team includes
the custodian, as well as the principal of the
school.

CHAIRPERSON JACKSON: Okay.

LORRAINE GRILLO: Our folks are
architects and engineers, so there are various
things that they're looking at that they're—that
the custodian can certainly point out because he's
operating the building.

CHAIRPERSON JACKSON: Right.

LORRAINE GRILLO: And that the
principal can talk about consistent problems and
can decide whether or not the principal would like
to accompany the team through the building. It's
a long and tedious process.

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CHAIRPERSON JACKSON: Okay. So for example, if I'm the principal, and let's say this is a very busy time and I want to assign an AP or somebody like that, the answer is yes?

LORRAINE GRILLO: Correct.

CHAIRPERSON JACKSON: Okay. What about, for example, the union leader's UFT chapter chair, who represents all of the teachers and other UFT represented employees in the building?

LORRAINE GRILLO: They are not typically involved in the BCAS walkthrough. However—

CHAIRPERSON JACKSON: Yes?

LORRAINE GRILLO: When a project is undertaken, from that moment forward, the UFT chapter leader is involved, from the very beginning, with protocols that we've worked together with the UFT on.

CHAIRPERSON JACKSON: Okay. You mean when you're going to do a project, you mean?

LORRAINE GRILLO: Correct.

CHAIRPERSON JACKSON: Okay. And what about the other unions involved? Do you notify them at all or they just find out about it

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as a result of, you know, just hearing about it
or—

LORRAINE GRILLO: The BCAS?

CHAIRPERSON JACKSON: No, about any
type of project, because—

LORRAINE GRILLO: Any project?

Well the custodian is always informed.

CHAIRPERSON JACKSON: Right.

LORRAINE GRILLO: And is involved
in the meetings about that, and the principal and
the parents association.

CHAIRPERSON JACKSON: Yes. And so
if in fact any construction work is being done,
all of the normal protocols, if there is asbestos,
and what about air quality? Is that supposed to
be—my understanding, correct me if I'm wrong,
especially if you're working in the school where
the children are already supposed to have air
quality reports. How often is that, John, if you
don't mind? Is that done every day, once a month,
once a week, what? It depends on, I guess, what
the job is. Is that correct?

JOHN SHEA: Right. I don't want to
speak for Lorraine on what they do with SCA. I

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2 know for the work that we do out of our shop, when
3 we sit down at that protocol meeting, which is how
4 we refer to it.

5 CHAIRPERSON JACKSON: Yes?

6 JOHN SHEA: We go over with the
7 principal and the UFT chapter chair what the
8 expectations are. If there is an asbestos issue,
9 there are laws that dictate how often we have to
10 test and the rest of that. We generally do air
11 quality testing at the end of a project to make
12 sure that it's safe for re-occupancy.

13 LORRAINE GRILLO: Yes, and we do
14 exactly the same at the SCA.

15 CHAIRPERSON JACKSON: Okay. Well
16 listen, thank you very much. And to be continued.
17 If you can just follow up with staff on the stuff
18 that we talked about, okay?

19 KATHLEEN GRIMM: Absolutely. Thank
20 you very much.

21 CHAIRPERSON JACKSON: Thank you
22 very much. Ladies and gents, we're going to hear
23 from 32BJ. You have Jesus Ayala, and a Shirley
24 Aldebol, two representatives from 32BJ. And the
25 next panel we're going to hear from is Robert

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2 Troeller, from the International Operating
3 Engineers Local 891, Santos Crespos Junior, Local
4 372 President, and Randi Herman, First Vice
5 President of CSA. And then we're going to hear
6 from Leonie Haimson. After that, the next panel,
7 Leonie Haimson, Mike Shade, Center for Health
8 Environment, and Make the Road New York, and New
9 York Communities for Change, and New York Lawyers
10 for Public Interests. Okay. We've got Jesus
11 Ayala. Who is Jesus? That's you. And Shirley,
12 where's Shirley? There's Shirley. And who are
13 you? I'm sorry.

14 [off-mic]

15 CHAIRPERSON JACKSON: Speak into
16 the mike. I can't hear.

17 SHIRLEY ALDEBOL: Oh, it's on.
18 Lacey Keller. She is a lead researcher on our
19 team.

20 CHAIRPERSON JACKSON: She's not
21 testifying, is she?

22 SHIRLEY ALDEBOL: She's not
23 testifying.

24 CHAIRPERSON JACKSON: Okay. Good.

25 SHIRLEY ALDEBOL: But she will help

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answer questions about the white paper.

CHAIRPERSON JACKSON: She will? So she's testifying. She has to fill out a slip. So Sergeant of Arms, can you give her a slip? Well would you all three raise your right hand? So do you swear or affirm to tell the truth, the whole truth, and nothing but the truth in your testimony before this Education Committee hearing, and to respond honestly to all council member questions?

SHIRLEY ALDEBOL: Yes.

JESUS AYALA: Yes, sir.

CHAIRPERSON JACKSON: Okay. Thank you. Okay. So whoever wants to go first, you may go first.

SHIRLEY ALDEBOL: Okay. We've got a lot of stuff. Good morning. Thank you, Councilmember Jackson—

CHAIRPERSON JACKSON: Good afternoon.

SHIRLEY ALDEBOL: Good afternoon. It's good afternoon. That's right.

CHAIRPERSON JACKSON: Go.

SHIRLEY ALDEBOL: You lose track of time in this place. It's like no clocks. Thank

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2 you Councilmember Jackson and members of the
3 Education Committee for convening this needed
4 hearing on New York City school facilities. There
5 are many important issues worthy of this
6 committee's attention, and I thank you for
7 dedicating your time and attention to this one.

8 My name, as I said—as you said earlier, is Shirley
9 Aldebol, and I'm Vice President at 32BJ SEIU. Our
10 5,000 cleaners and handypersons keep New York City
11 school buildings clean and safe each day, even
12 acting as first responders in times of emergency,
13 as you will hear from our member Jesus Ayala.

14 32BJ not only fights for good jobs, but we also
15 work to strengthen our communities, and certainly
16 work to strengthen our schools. Last month we
17 released a report, highlighting the inequality in
18 the city's public school buildings. Our analysis
19 found that students from the poorest families and
20 neighborhoods attend some of the most neglected
21 school buildings. I'm going to say this another
22 way. If your family is poor and you attend a
23 public school in New York City, your school is
24 more likely to be in worse condition than the
25 school attended by a student with more affluent

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2 parents. And if you live in one of the most
3 impoverished neighborhoods in the city, such as
4 the South Bronx or East Central Brooklyn, schools
5 located in your neighborhood most likely are in
6 worse physical condition than those in the richer
7 neighborhoods. I know for many in this room,
8 these facts are not a surprise. Why should the
9 City Council, the Mayor, or anyone care about the
10 condition of our city schools? Schools for many
11 of our children are a home away from home,
12 providing children with a foundation for their
13 education, a pathway to the American dream. With
14 the vast majority of the city's public school
15 students qualifying for free or reduced price
16 meals, the stability that schools provide is a
17 keystone in that path. But when the building is
18 inadequate, even unsafe, we do not make an
19 environment where students can reach their full
20 potential. How can we expect children to excel
21 when everywhere they look, we're sending them the
22 message that they are not worth our investment?
23 Today, you are hearing examples of the fallout
24 from a systemic problem, examples of schools where
25 children are exposed to BCBs, PCBs, vinyl plastic

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2 products, which can also cause serious health
3 problems, parents who are not notified of toxic
4 conditions in their schools, schools so
5 overcrowded that the children eat lunch in the
6 morning and have classes in trailers, how charter
7 schools are given preferential treatment and live
8 rent free when they are co-located with non-
9 charter public schools, how there are insufficient
10 funds to maintain adequate custodial and
11 maintenance staffing, and to purchase necessary
12 supplies and equipment. Ms. Grimm, in her
13 testimony, stated that their CEs employ 6,000 to
14 7,000 cleaners. The number is closer to 4,500 to
15 5,000 cleaners. Over the last ten years, we've
16 lost more than 2,000 cleaners to budget cuts. And
17 because of the leadership of the City Council, the
18 City Council restored money. There would have
19 been more, much more. But because of your
20 leadership and the leadership of the City Council,
21 money was restored to the facilities budget, and
22 we were able to stave off hundreds and hundreds of
23 layoffs over the last couple of years. But still,
24 we've lost more than 2,000 cleaners in many of our
25 public schools. These are examples of a systemic

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2 problem caused by years of cuts, as I said,
3 significant under funding. New York City spends
4 the lowest of any school district on operations
5 and maintenance than six of the nation's seven
6 other largest school districts. A budget, as you
7 know, is a reflection of the priorities. And New
8 York City must prioritize expenses to create
9 conditions optimal for children's safety and
10 health, and ultimately, their academic success.
11 But when cuts are made to facilities budgets, they
12 impact the work that school facilities workers can
13 do. The vast majority of our members are employed
14 by custodial engineers. Each custodial engineer
15 is allocated money by the Department of Education
16 to maintain their school. But when their budget
17 is reduced, they are forced to make difficult
18 decisions on how to best earmark their resources.
19 With fewer staff and supplies, the facilities
20 staffs in schools are working harder than ever to
21 keep their buildings functioning well. New York
22 City must increase its investment in school
23 facilities, and not at the expense of other budget
24 line items for the schools. We're here because we
25 think our children deserve better. We can make

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2 our schools greener and healthier, and by doing so
3 we can make them more efficient and create cost
4 savings. We can expand the role the schools play,
5 making them resources for students and centers for
6 communities. And we must find the money needed to
7 make the improvements necessary to do so. We send
8 a message to our students by the learning
9 environment we create for them. And by not
10 providing our children with great schools, we are
11 telling them they are not worth the investment.
12 We challenge the city to show our 1 million
13 students that their futures are worth every penny
14 and more. And so you know, we are here to help.

15 CHAIRPERSON JACKSON: Thank you.

16 The next, please.

17 JESUS AYALA: Hi, Mr. Jackson.

18 CHAIRPERSON JACKSON: Hey.

19 JESUS AYALA: Hi. My name is Jesus
20 Ayala, and I have been in the New York City public
21 school cleaner for 13 years. Our school, IS118 on
22 the Upper West Side, was one of the public schools
23 that served as a shelter for displaced New Yorkers
24 during Hurricane Sandy, serving as many as 168
25 people. Sandy proved to me and my coworkers that

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2 we are first responders. For seven days straight,
3 I worked day and night before, during, and after
4 Sandy, to keep the school shelter clean,
5 protected, and with enough supplies for the
6 families, pets, senior citizens, children with
7 special needs, and homeless people who were housed
8 together at our school. As our city slowly came
9 back to normal, my coworkers and I prepared the
10 school to reopen to students. It was hard and
11 challenging work, but we did it for the kids. Ask
12 anyone who cleans schools why they do this work.
13 It's not about the money. We do this because we
14 know how important it is for our kids to learn in
15 a clean and healthy environment. It gives us
16 school cleaners a sense of purpose and pride. I
17 just wish all students got that message each day
18 when they go to school. The Daily News recently
19 reported that as of last month, there were almost
20 9,700 open building and environmental violations
21 in city schools. There are also numerous other
22 problems with our public school facilities. You
23 can read on the Department of Education's own
24 website about the unacceptable building conditions
25 throughout our city. The DOE's building

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2 conditions survey cite schools that flood when it
3 rains, have bad lighting, and poorly ventilated,
4 have heating problems, suffer from unpleasant
5 odors due to improper exhaust, and have antiquated
6 PA systems that could pose security concerns.
7 These aren't conditions our children should be
8 learning in. And I only hope that the right
9 resources are allocated to fix them. Cleaners at
10 public schools that provide space for charter
11 schools look across the hall at the charter
12 school. And what do you think they see, new
13 cabinets, flooring, bright lights, and new
14 supplies. That's inadequately and it's unfair, so
15 is the fact that schools in wealthier
16 neighborhoods are in better shape. In the
17 meantime, we'll continue being first responders as
18 we were during Hurricane Sandy. We'll report
19 unsafe conditions and fix them with that little
20 resources that are given. But know that our
21 children deserve better. We'll keep working hard
22 to keep the schools clean and safe for our kids,
23 in hopes that the City will show them that same
24 commitment soon. It took a lawsuit and a public
25 campaign for the City to finally get on a faster

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2 track to rid our schools of toxic PCBs. Why
3 hasn't the City acted more responsibly? Our
4 children's health, safety, and futures are at
5 stake. That's why 32BJ members who clean our
6 schools are here today. Thank you.

7 CHAIRPERSON JACKSON: Well thank
8 you. Thank you for giving testimony on behalf of
9 yourself and members of 32BJ. So I have a
10 question. You heard, when I asked the question
11 about DOE, and they said no. They disagreed with
12 32BJ that your conclusions were that the worst
13 schools are in the poorest communities. Has DOE
14 reached out to you to ask you, how did you draw
15 that conclusion? Or did you reach out to them?
16 And if not, basically what I've asked both of you
17 to do is to get together, for you to show them the
18 information and documentation you have to prove
19 your point. So that's my question.

20 SHIRLEY ALDEBOL: Well I will say
21 that we shared our findings and we shared our
22 white paper with the DOE. We sent them an advance
23 copy before we released it publicly, both to John
24 Shea and to Kathleen Grimm. So for them to say
25 they didn't hear from us is not true.

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CHAIRPERSON JACKSON: So how much in advance of releasing the report did you send it to them?

SHIRLEY ALDEBOL: A couple of—

CHAIRPERSON JACKSON: One day, five weeks?

SHIRLEY ALDEBOL: No, a couple of weeks in advance.

CHAIRPERSON JACKSON: A couple of weeks in advance?

SHIRLEY ALDEBOL: Yes, a couple of weeks in advance. We sent them an almost final draft of the report, and the report was released several weeks ago—a couple of weeks ago.

CHAIRPERSON JACKSON: Okay. And so in your final draft, I would assume, I make the assumption that your conclusion that the worst schools are in the poorest communities, that was in that final draft?

SHIRLEY ALDEBOL: That was in that draft, yes.

CHAIRPERSON JACKSON: But did you get an email or anything, a letter saying, "Hey. We disagree with this conclusion that you

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reached?"

SHIRLEY ALDEBOL: We didn't. We did not receive anything from—

CHAIRPERSON JACKSON: From them?

SHIRLEY ALDEBOL: Either from either John Shea or Ms. Grimm's office.

CHAIRPERSON JACKSON: Any acknowledgment of your report, or nothing?

SHIRLEY ALDEBOL: Not that I know of.

CHAIRPERSON JACKSON: How did you send it to them?

SHIRLEY ALDEBOL: We sent it to them, I believe --.

CHAIRPERSON JACKSON: Hard copy, electronic copy, or what?

SHIRLEY ALDEBOL: It was electronic email, by email.

CHAIRPERSON JACKSON: Okay. So you've come to the conclusion that the worst schools are in the poorest communities. Is that correct?

SHIRLEY ALDEBOL: Yes.

CHAIRPERSON JACKSON: Okay. And

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did you draw a conclusion why is that? For example, is it because the poorest communities are communities of color, and that is—or any other conclusions you drew as a result of that?

SHIRLEY ALDEBOL: Well many of the communities, yes, that we found the worst school conditions are in communities of color, where a majority are either black or Latino students, and communities like the South Bronx and East Central Brooklyn, yes.

CHAIRPERSON JACKSON: And so what about the other schools that are in the best conditions? Did you look at those schools and where they're located?

SHIRLEY ALDEBOL: Well, we did a comparison, and Lacey can speak more specifically to it. But we did a comparison of the schools.

CHAIRPERSON JACKSON: Okay. Great. Lacey, just identify yourself and your position, and you may, if you can, respond to that question.

LACEY KELLER: Sure. Thank you so much. My name is Lacey Keller. I'm a lead researcher for 32BJ SEIU, and the author of the report. And so the way that we came to this

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2 conclusion, is we took the demographic information
3 for every school, as well as the census data for
4 the census tracked around the school, and cross
5 referenced that with the DOE's BCAS and school
6 stat scores.

7 CHAIRPERSON JACKSON: You mean
8 every school, like the 1,200 school building?

9 LACEY KELLER: Correct.

10 CHAIRPERSON JACKSON: Okay.

11 LACEY KELLER: So I actually had
12 FOIL'ed, the information from the DOE.

13 CHAIRPERSON JACKSON: You mean
14 Freedom of Information, you FOIL'ed them?

15 LACEY KELLER: Correct.

16 CHAIRPERSON JACKSON: Okay.

17 LACEY KELLER: Oh, I'm sorry.
18 FOIL'ed, yes, in New York. And that request is
19 still actually open. They gave me the previous
20 year's BCAS statements, but in hard copy PDF,
21 which aren't very helpful. So I'm still waiting
22 on that information request. So I was able to get
23 that off their website for every school. But as
24 an aside, I took the demographic information.
25 That's a database available on the DOE's website,

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2 and then imported for every school that's listed
3 there the BCAS and the school stat for those
4 schools. And from that data set is how we derived
5 these conclusions. And so by putting the schools
6 on a—if you rank them with their BCAS and school
7 stat score, you'll see that the demographic
8 information is as such that we came to our
9 conclusions. So schools in the richer
10 neighborhoods, by census tracked, had better BCAS
11 scores than those in the poorest neighborhoods, as
12 well as the students.

13 CHAIRPERSON JACKSON: Was, for
14 example, the age of the school a factor in that?
15 I'm asking a question. Or is it the numbers of, I
16 guess deficiencies in the schools that were not in
17 the poorest communities but the wealthier
18 communities, did they make the repairs faster?
19 Did you—

20 LACEY KELLER: I did not look at
21 that. I wanted to keep things very clean. I
22 didn't want to do regression analysis or any of
23 that sort of thing. I just did what they call
24 dashboard analytics, where you just look at the
25 averages of each decile, basically, is how I could

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2 do that. And I'm happy to walk anyone through
3 that data that would like to.

4 CHAIRPERSON JACKSON: Yes, because
5 I was just curious as to whether or not age of the
6 facility is a big factor. So for example, the
7 pictures that I showed of the toilet and the sink
8 was at PS 132, and that school is about 120 years
9 old.

10 LACEY KELLER: Sure. I'm sure that
11 would factor in greatly, but because I was only
12 able to get the data off of the DOE's website, I
13 didn't go into the age of building

14 CHAIRPERSON JACKSON: And how long
15 has the Freedom of Information, your FOIL request
16 been in?

17 LACEY KELLER: Since October, I
18 believe.

19 CHAIRPERSON JACKSON: October of
20 2012?

21 LACEY KELLER: Correct.

22 CHAIRPERSON JACKSON: And isn't
23 there timeframes within FOIL as to when they must
24 respond?

25 LACEY KELLER: Yes, I believe

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2 there's a certain timeframe, but they can request
3 an extension, so every month, on the 15th of the
4 month, I get an extension.

5 CHAIRPERSON JACKSON: They can
6 request of whom, of you?

7 LACEY KELLER: They notify me of
8 their extension.

9 CHAIRPERSON JACKSON: So you must
10 grant it or you don't have to grant it?

11 LACEY KELLER: I don't think I
12 really have much of a choice.

13 CHAIRPERSON JACKSON: Well, no, you
14 can appeal.

15 LACEY KELLER: Well then maybe
16 we'll appeal.

17 CHAIRPERSON JACKSON: There's
18 timeframes in law that you can appeal because if
19 they request an extension every month for the
20 whole year, then they're defeating what you're
21 attempting to receive within a timeframe.

22 LACEY KELLER: Yes. And to your
23 point that you were making earlier about the level
24 five violations, that data set should include that
25 information, which was something we were

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2 interested in analyzing. And we're not able to
3 because of just the capacity to do so.

4 CHAIRPERSON JACKSON: Okay. Well
5 let me thank all of you for coming in. We thank
6 you for coming in and giving testimony on this
7 very important issue, and I look forward to
8 working with you.

9 LACEY KELLER: Thank you.

10 CHAIRPERSON JACKSON: Thank you.
11 Okay. Next we're going to hear from, as I
12 indicated, Robert Troeller, the International
13 Operating Engineers Local 891 President, Santos
14 Crespo, Local 372 of DC37 President, and Randi
15 Herman, First Vice President of CSA, the Council
16 of Supervisors and Administrators. So now would
17 you all raise your right hand, please? Do you
18 swear or affirm to tell the truth, the whole
19 truth, and nothing but the truth in your testimony
20 before this Education Committee hearing, and to
21 respond honestly to any council member's
22 questions?

23 ROBERT TROELLER: I do.

24 SANTOS CRESPO: I do.

25 RANDI HERMAN: I do.

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2 CHAIRPERSON JACKSON: Okay. Thank
3 you. So I guess in the order that I called,
4 please, you may begin your testimony.

5 ROBERT TROELLER: Good afternoon.
6 I'm Robert Troeller, the Business Manager and
7 President of IOE Local 891. I proudly represent
8 New York City's public school custodian engineers.
9 It is the job of my members to ensure that the
10 children and adults who use our school buildings
11 have a safe and clean environment in which to
12 learn and work. I thank Chairman Robert Jackson
13 and the other council members of the Committee for
14 allowing me the opportunity to testify today on
15 several important issues that adversely affect the
16 operation of the school system. I know my time is
17 limited, so I'll attempt to be brief in my
18 remarks, and focus on the most serious issues
19 faced in the schools. I will gladly provide the
20 committee with any additional information or
21 supporting documentation that you may need. The
22 members of my union and the custodial workers have
23 not received a raise since 2007. Our last
24 contract, negotiated in 2009, was already expired
25 by almost two years. Local 891's contract needs

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2 to be updated, and my members deserve a fair
3 raise, along with their long overdue retroactive
4 income. They have waited long enough. Neither
5 the mayor's refusal to negotiate, nor the fact
6 that they did not add the patterned increase for
7 approximately one third of the city's workforce to
8 pass budgets, changes the fact that we are
9 entitled to the pattern that was set by the City
10 and the union at a time when that increase was
11 financially warranted. Working without a salary
12 increase for so many years makes it impossible for
13 my members and the custodial workers' families to
14 keep up with the cost of living. Working for an
15 employer who refuses to negotiate in good faith is
16 demoralizing to people who go to work each day and
17 try their best to serve the children of this city.
18 Mayor Bloomberg, despite his supposedly amazing
19 financial skills, has created a budget nightmare
20 for our next mayor. Another legacy of the current
21 administration that will no doubt come back to
22 haunt us is the City's dramatic reduction in
23 funding of custodial budgets. During his tenure,
24 Bloomberg has cut over \$58 million in direct
25 reductions to the custodial budgets. In the back

1 of my testimony you'll find a spreadsheet
2 detailing those cuts. Many of those cuts were
3 made before the financial crisis resulted in a
4 reduction of revenue for the city. Those cuts,
5 plus the deliberate \$25 million reduction in
6 spending on after school activities during the
7 past two years has resulted in the equivalent loss
8 of over 2,000 full time custodial workers, system
9 wide. And many more workers were affected because
10 many full time workers became part time and lost
11 their family health benefits. Meanwhile, former
12 Bronx President, Adolfo Carrion, is trying to
13 raise his name recognition in a bid to become our
14 next mayor by blaming the members of my union for
15 keeping the schools closed, and not allowing
16 outside groups to the schools. As this Committee
17 all knows all too well, the reduced use of school
18 buildings by outside groups and even the schools
19 themselves was a cost saving measure implemented
20 by the DOE. The members of my union receive no
21 additional wages, even if the school is going to
22 be used 24 hours a day. 24 hours a day, we
23 receive no additional wages, while new dangers
24 appear daily, such as the hanta virus scare, lead
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2 dust, lead caulking, swine flu, and most recently,
3 PCBs from certain fluorescent light fixtures, have
4 all resulted in new protocols being issued by DSF.

5 With additional cleaning requirements for my
6 members and their staffs, not one of these
7 mandates came along with additional funding.

8 While on the subject of inadequate funding, I
9 would be remiss if I did not discuss the amount we
10 receive for supplies. The custodial budgets my
11 members receive are based entirely on a manpower
12 allocation. Each building's custodial allocation
13 is calculated according to the needs of that
14 building. The calculation is based primarily on
15 the size of the building, additionally, depending
16 on the use of the building, whether it's a grammar
17 school, a junior high, a high school, or an office
18 building. The boiler type, amount of paved
19 property, and several other factors help determine
20 the amount received. There is absolutely no
21 funding provided to purchase materials or
22 supplies. Instead, each custodian engineer
23 receives an annual supply allocation, in the form
24 of a credit with a vendor. SDI is currently the
25 vendor with that contract. The dollar amount

1 allocated to each school has not increased for
2 over 20 years. This fixed amount has not changed
3 despite inflation, higher costs of environmentally
4 safe cleaning chemicals, known as green chemicals,
5 significantly more expensive energy saving light
6 bulbs, and other increases to the cost of the
7 supplies that the schools need. A typical school
8 building's annual supply allocation will only
9 cover the cost of six to seven months of supplies.
10 This causes custodian engineers to supplement the
11 supply allocation by spending a portion of their
12 labor budget on the necessary supplies. DSF
13 should allow the most efficient use of the City's
14 limited resources by providing custodian engineers
15 with approved vendors who have bids based on
16 specific material costs. They should allow
17 custodian engineers to access other city and state
18 contracts. Instead, DSF requires almost all
19 additional purchases be made through the same sole
20 source vendor, SDI. The price of materials and
21 supplies through SDI are significantly higher than
22 the price of identical items on the open market.
23 This practice deserves serious investigation and
24 oversight. In 2004, the New York City Council
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2 passed Resolution 37A with a nearly unanimous
3 vote. That resolution condemned the wasteful and
4 dangerous practice of outsourcing custodial
5 services to private, profit motivated contractors.
6 The hearings and investigation which led to that
7 resolution proved that private cleaning companies
8 were more costly than civil service custodians,
9 and more prone to dangerous mishaps, due to
10 inexperience and unqualified supervisors. Despite
11 that, to this day, the Department of Education
12 still uses private facilities management companies
13 in over a hundred school buildings. The cost
14 differential has only grown, due to the budget
15 cuts my members have experienced. It is way past
16 time that this waste of taxpayer dollars comes to
17 an end. Another money wasting practice is DSF
18 constantly hiring new plant managers. While
19 numerous cleaners have lost their jobs due to
20 budget cuts, DSF has increased the number of
21 middle level managers. We need more cleaners and
22 handy persons in the classroom, not additional
23 high paid managers. The last issue I wish to
24 bring to your attention is the practice of the DOE
25 willfully disregarding our collective bargaining

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2 agreement. This forces us to arbitrate and
3 litigate unnecessary matters at great expense to
4 both Local 891 and to the City of New York. This
5 has to stop. I know from my discussion with other
6 municipal leaders that this is a widespread
7 practice in the Bloomberg administration. The
8 mayor sought to have the state legislature
9 eliminate the Tri-borough Amendment and failed.
10 Yet many of the agencies proceed as if they were
11 successful. Local 891 has encountered
12 particularly egregious examples of this practice.
13 DSF has begun to recalculate the size of various
14 school buildings. The square footage of each
15 building had been determined by a mutually agreed
16 upon formula which has been in place for decades.
17 Suddenly, schools which have always been a certain
18 number of square feet, even in DSF circulars and
19 literature, are being re-measured by some unknown
20 formula and are shrinking dramatically. Maybe
21 they've laid off the large sodas. I don't know,
22 but they're shrinking. To the naked eye, and the
23 occupants of these buildings, they certainly
24 appear the same size. But overnight, the budget
25 and staffing are further reduced. Some buildings

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2 magically become small enough so that they no
3 longer require their own custodian engineer, and
4 are instead merged to another school. I implore
5 you, please remind the city that if it refuses to
6 negotiate a new contract, they are bound by law to
7 honor the terms in the contract as they exist.
8 Thank you for allowing us to testify before you
9 today. I will certainly be glad to answer any
10 questions you may have.

11 CHAIRPERSON JACKSON: Next, please.

12 SANTOS CRESPO: Yes. Good
13 afternoon, Chairman Jackson and members of the
14 Education Committee. My name is Santos Crespo. I
15 am the president of Local 372 of District Council
16 37, representing over 23,000 members. And as you
17 know, many of my members are the support services.
18 I don't want to go over again what's been handed
19 down, in terms of my testimony. But rather, I
20 prefer to highlight some of the testimony. And
21 unfortunately, the ability of my members to
22 provide the basic needs of our students is being
23 hindered due to the inequality found within the
24 educational system, the inequality in resources,
25 the inequality in funding, and the inequality in

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2 the conditions of our school buildings, the level
3 of which neglect and disrepair found in our public
4 school buildings is shameful and unacceptable. To
5 add insult to injury, the number of school
6 buildings that are at this level of degradation is
7 disproportionately found, as my sister Aldebol
8 indicated earlier, in communities of color. And
9 the message that's being sent is absolutely clear.
10 In fact, I would suggest that the educational
11 system here in the City of New York has become
12 basically an apartheid system, where you have
13 those students that are gaining quality equipment,
14 in terms of some of the high tech. Their
15 classrooms are much different in the same
16 building, as if you went across the hall and would
17 find paint chips falling off the ceiling, and yet
18 their classrooms would be immaculately painted,
19 floors done, brand new desks, etcetera. School
20 buildings, after school buildings, have the same,
21 again, broken toilets as I heard, faulty
22 elevators, leaky ceilings, in addition to
23 hazardous conditions. I find it interesting that
24 they did not get into the DOE on how are they
25 going to remedy this PCB situation at all. They

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2 kind of glazed over it altogether. And yet the
3 level of contamination continues to escalate, to
4 the point where we're doing now breakfast in the
5 classroom. Can you imagine having a child sitting
6 at his or her desk, and something falling into
7 their food? And children being children, they
8 probably most likely are not going to notice that.
9 And then again, it's unconscionable how in co-
10 locations, you have charter schools that are free
11 of charge. I mean, I wish I didn't have to pay a
12 mortgage or rent. And down the road, it's going
13 to take a toll, because it's millions of dollars
14 that get lost as a result of no collection of the
15 rent. And you know, I find it also interesting,
16 and in fact, I wind up with more questions than
17 having to do a statement. And I'll give you some
18 examples. In the summer, the hottest location in
19 the school building, besides the classroom, is the
20 kitchen of those cafeterias. I mean, when it's 90
21 outside, it's at least 105 and climbing in those
22 kitchens. Yet the Department of Ed has never,
23 ever made any effort to relieve those workers
24 through air conditioning, not to mention the fact
25 that you've got to take a look at the effect of

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2 the temperature on the food that they're giving.
3 My predecessor had to wind up going up to Albany,
4 and now that money is all dried up, to try to get
5 some air conditioning into those kitchens. A lot
6 of the maintenance, I don't understand why it gets
7 to the point where it becomes totally dilapidated,
8 meaning that—I served this country in the United
9 States Navy for seven years, and four of which was
10 out at sea. And you had to do your own repairs.
11 And the way you got a handle on it is that when
12 something was about to break, before it got to
13 that point, you did what was known as preventative
14 maintenance servicing, so that you knew ahead of
15 time that you had what was necessary. Apparently,
16 the Board of Ed has no concept of that at all.
17 They will let it deteriorate to the point where
18 what would have been maybe a simple washer for a
19 toilet is now you've got to change the pipes.
20 You've got to change the fixtures. Now maybe
21 you've got cracked pipes running from the sink
22 behind the wall. Why? Why are the taxpayers
23 again being burdened with such craziness? The CSE
24 [phonetic], I found that also very interesting,
25 when the Councilman asked him regarding the CSE.

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2 To me, that's basically that the Building
3 Department has flunked you. And if it's flunked
4 you, it's because they find it to be unsafe. So
5 how is it that students are allowed to enter a
6 building and remain in the building under possible
7 unsafe conditions? I don't understand. I really
8 don't understand that. Anyway, I don't want to
9 keep going over the same thing, but in that
10 process, Chairman, that you asked, whether the
11 other unions are involved, in terms of taking the
12 tour, my union is not. We're not part of that
13 process. You know how many times a school lady
14 will tell me that the room that they're assigned,
15 where they're taking care of the books and
16 distributing books, that they get actually sick,
17 that the air quality is not what it should be? In
18 some cases, we've gone out there and there's no
19 ventilation, none whatsoever, but they're made to
20 stay in there and do their job. Or there is a
21 powdery substance along the windowsill, and they
22 think that it may be asbestos. And by the time
23 anybody responds to it, we send out the OSHA team.
24 The OSHA team does all these reports, and a couple
25 of years will pass before anyone responds to that.

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2 And again, the message is clear. If you show me
3 your budget, I know what your priorities are. In
4 this city's budget, again, and I keep saying it
5 again, the children are not the priority.
6 Everything else is, but never the children. And
7 the school building when I was growing up, and the
8 boiler would break in the building that I was
9 living, it was the school building that for at
10 least for a few hours gave me some heat and some
11 shelter. And in some cases, you've got no
12 windows, or the heat is not what it should be, or
13 you're dealing with other contaminants. The
14 message is clear, and that's one of the reasons
15 why our children are not as successful as we
16 believe they should be, and in fact, it's their
17 right to be. Thank you.

18 CHAIRPERSON JACKSON: Thank you.

19 Next, please.

20 RANDI HERMAN: Good afternoon,
21 Chairman Jackson, and distinguished members of the
22 New York City Council committee on education. My
23 name is Randi Herman, and I'm a New York City
24 assistant principal, currently serving as First
25 Vice President of CSA. I'm speaking on behalf of

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2 the CSA leadership, and its 6,100 active members,
3 including principals, assistant principals,
4 supervisors, education administrators, daycare
5 directors, and assistant directors, who all serve
6 in New York City public school buildings. A
7 clean, safe, healthy, well maintained school, as
8 you've heard, is made possible only by the hard
9 work and dedication of the members of multiple
10 unions. You've heard from them today. The health
11 and safety of students and school staff are of the
12 greatest concern to a school principal, who is the
13 public face of the school. Parents count on
14 principals to do everything they can to protect
15 the well-being of their children, and school staff
16 expects to come to work in a safe and healthy
17 environment when they pass through the door every
18 morning. When we last addressed the Committee on
19 this issue two years ago, the issue being PCBs,
20 the City had announced a ten year plan to replace
21 all such light fixtures in the schools. However,
22 the EPA said this was too long a timeline. And
23 it's clear why. A student spends 1,400 hours in a
24 classroom every year. A kindergartener will spend
25 more than 8,000 hours in elementary school

1 classrooms before the end of fifth grade.

2 Teachers will spend more than 7,000 hours exposed
3 to PCBs, if they stay in the same contaminated
4 room for five years. The EPA has said that if a
5 light fixture is leaking PCBs at above a
6 regulatory level of 50 parts per million, federal
7 law requires the immediate removal and disposal of
8 that fixture. During EPA's spot inspections of
9 randomly selected schools, all inspected fixtures
10 had high levels of PCBs, with some samples more
11 than 10,000 times the federal threshold for
12 removal. Despite the potential for prolonged
13 exposure to these poisons by both students and
14 teachers, it's estimated that nearly 800 of our
15 1,400 city school buildings could still have some
16 PCB containing lights. Schools that are still
17 awaiting decontamination are also more likely to
18 have more African American, Latino, Asian, and low
19 income students. Since last September, officials
20 in the EPA's New York office have tracked at least
21 48 cases of light fixtures emitting smoke or
22 leaking a tar like material into classrooms, and
23 some of the incidents are frightening. Last
24 September, an oily substance leaked from a light
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1 fixture in a Staten Island school and landed on a
2 fifth grader seated for her first day of school.
3 In December, a light fixture at Public School 87
4 in Manhattan began emitting a burning odor, and
5 fourth graders in the classroom were evacuated.
6 And you'll remember this. Just last month, a
7 light in Public School 170 in Brooklyn oozed an
8 oily liquid onto floor tiles, forcing kindergarten
9 children to leave the class. Four days later, an
10 antiquated light fixture emitted smoke into a
11 classroom of middle schoolers in Manhattan,
12 sending nine students and two adults to a hospital
13 with breathing difficulties, and setting off a
14 building wide evacuation. These aren't conditions
15 that our students and educators should be subject
16 to at any time, let alone year after year. As
17 time goes on, exposure to these toxins will likely
18 increase as the equipment that contains them will
19 continue to degrade. Parents shouldn't have to
20 worry about that when they send their children to
21 school, that they'll be exposed to toxic chemicals
22 that have been banned for 36 years. The federal
23 courts, fortunately, agreed with this position.
24 And while the city's original plan to clear out
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2 our schools of PCBs was scheduled to take ten
3 years, a lawsuit was brought against the City, in
4 order to force a faster timetable. And in March,
5 the federal district court declined the City's
6 request to dismiss the lawsuit. Since then, the
7 City has struck a deal with the suit's plaintiffs
8 that should cut in half the time it will take to
9 replace all of the contaminated light fixtures,
10 with the clean up schedule to end in 2016, not
11 2021. Principals and school leaders must be able
12 to look parents in the eye and honestly tell them
13 that their children's school is safe. And they
14 want to be able to do it sooner, not later. The
15 obligation to replace these fixtures by the end of
16 2016 is binding, and the City is now required to
17 provide semiannual progress reports until the job
18 is completed. The task now is to ensure that the
19 City completes this job quickly and thoroughly.
20 There is no plausible explanation or excuse for
21 the City not to take purposeful, swift action to
22 protect students and school staff from these
23 recognized poisons. No amount of money or
24 bureaucratic difficulty is worth sacrificing the
25 health and safety of our students and teachers.

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2 We strongly urge the Council to use all available
3 measures to hold the City to its promise, and
4 remove these toxins from our classrooms on
5 schedule, if not before then. Students, school,
6 and staff, and parents, have waited long enough.
7 Thank you for the opportunity to present testimony
8 on this urgent issue. We support all efforts by
9 the City Council to ensure that our schools are
10 safe and healthy, and hope that this committee and
11 the Council make it a priority to hold this city
12 to its obligations. We'll do our part.

13 CHAIRPERSON JACKSON: Well let me
14 thank all three of you coming in to give testimony
15 about this very important issue, knowing that for
16 one, that no city employees have had a raise in
17 many, many years. And number two, the PCBs in our
18 schools, obviously, I've said loud and clear from
19 day one, ten years was totally unacceptable by any
20 standard. EPA agreed with that, and as you
21 indicated, the New York Lawyers for Public
22 Interests had to file a lawsuit on behalf of New
23 York Communities for Change and other plaintiffs,
24 in order to force the City of New York to agree to
25 a five year term. And you're right. We all must

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2 be vigilant in making sure that that five year
3 timeframe is agreed to, no ands, ifs, or buts, or
4 extensions. I've said here on the record, I think
5 at the last hearing when our deputy chancellor had
6 said that ten years was the timeframe, I said loud
7 and clear that I know that she would not want her
8 kid or grandchildren sitting in a classroom with
9 PCB contamination, being exposed for ten years.
10 No person in their right mind would want that. I
11 know that. So please stay united, all of the
12 unions. Keep the pressure on all of your elected
13 public officials to increase the amount of money
14 so that hopefully New York would not be falling
15 behind six out of the seven municipal school
16 districts in the city, as far as how much is spent
17 on custodial services and repairs. I thought New
18 York City was a leading city of our great country
19 and the world. And obviously, when it comes to
20 the amount of money that we spend on custodial
21 service, it's not. Santos, Randi, and Robert,
22 thank you all for coming in.

23 ROBERT TROELLER: Thank you.

24 CHAIRPERSON JACKSON: Thank you.

25 RANDI HERMAN: Thank you.

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2 CHAIRPERSON JACKSON: And next
3 we're going to hear from Leonie Haimson, Class
4 Size Matters; Michael Shade, for Center for Health
5 Environment Justice; Christina Giorgio, New York
6 Lawyers for Public Interests; and Celia Green, New
7 York Communities for Change; and Rocio Espadas,
8 Make the Road New York. Please come forward. For
9 the record, no. Ma'am, give it to her, please.
10 Thank you. So ladies and gents, please be seated.
11 Would you raise your right—so we have Leonie
12 Haimson, Class Size Matters, Michael—how do you
13 pronounce your last name?

14 Ms: Shade.

15 CHAIRPERSON JACKSON: Shade.
16 Center for Health Environment Justice; Christina
17 Giorgio, New York Lawyers for Public Interests;
18 and Celia Green, New York Communities for Change,
19 and Rocio Espadas.

20 LEONIE HAMESON: Not here.

21 CHAIRPERSON JACKSON: Not here?

22 LEONIE HAMESON: She left this for
23 the record.

24 CHAIRPERSON JACKSON: So ladies and
25 gents, would you raise your right hand? And do

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2 you swear or affirm to tell the truth, the whole
3 truth, and nothing but the truth in your testimony
4 before this Education Committee, and respond
5 honestly to all questions from members of the city
6 council?

7 LEONIE HAMESON: I do.

8 CHAIRPERSON JACKSON: Thank you.

9 So you may begin in the order in which I called
10 you. Leonie Haimson.

11 MS. LEONIE HAIMSON: Yes, thank
12 you, too, Committee Chair Robert Jackson, and the
13 Committee for holding these important hearings
14 today. My name is Leonie Haimson. I'm the
15 Executive Director of Class Size Matters. There
16 are many important issues related to school
17 facilities, but I'd like to focus on the issue of
18 school overcrowding, and how the situation is
19 worsening because of enrollment increases, co-
20 locations, and poor planning on the part of the
21 DOE. So in my testimony, which I won't read
22 aloud, there's data showing how kindergarten
23 enrollment is still increasing fast in our
24 schools, increased by about 2,000 this year, and
25 the problem is-

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2 CHAIRPERSON JACKSON: Leonie, can I
3 interrupt you for a second, if you don't mind?

4 LEONIE HAMESON: Yes.

5 CHAIRPERSON JACKSON: I need to
6 adjust the timeframe to three minutes if at all
7 possible. And the reason why I ask that is
8 because I have another panel. And there's a
9 stated meeting in which we're going to be voting
10 on some very important matter, and I have to give
11 testimony. So I'm going to ask, if you can, all
12 of you, to be as brief as possible, but making all
13 your points, though.

14 LEONIE HAMESON: Right.

15 CHAIRPERSON JACKSON: Thank you.

16 LEONIE HAMESON: So and
17 kindergarten enrollment is increasing fast. The
18 percentage of elementary students in overcrowded
19 buildings is also increasing fast in New York City
20 schools. Class sizes in the early grades in
21 particular are the largest in 15 years. The
22 percentage of kindergarten students in classes of
23 25 or more is now almost half in all schools,
24 compared to only 17% in 2007. And these are, many
25 of them, classes that violate the union contract.

1 We have continuing waiting lists for kindergarten
2 of about 2,300 kids. We have, and it's worse this
3 year, in three out of the five boroughs. Demand
4 for pre-K continues to grow. All these problems
5 are going to be worse as we expand mandatory
6 kindergarten and expand the number of pre-K seats.
7 And clearly we don't have a sufficient capital
8 plan to build the seats. Even DOE admits that.
9 Our calculations show that we would need 58,000
10 seats just to keep up with growing enrollment, not
11 even to address the need to reduce class size, or
12 to alleviate current overcrowding. And yet,
13 thousands of these seats are unfunded. And
14 finally, I'd like to mention one issue which has
15 not been mentioned today, and I don't think in any
16 hearing, which has to do with the redefinition of
17 what a full sized classroom is in New York City
18 schools. So when DOE makes a decision about what
19 schools are underutilized and could take co-
20 locations, they look at something called the
21 instructional footprint. And in recent years, the
22 instructional footprint, which is a document
23 created by DOE, has changed radically. It no
24 longer has any class size standards in it
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2 whatsoever, and it used to. And the definition of
3 a full sized classroom has now shrunk to 500
4 square feet, a reduction of 33%. And that size
5 classroom, according to the building code, only
6 allows 14 children in kindergarten, and only 25
7 students in all other grades, which means that
8 more than 90% of our schools would violate the
9 building code if we had classrooms that small,
10 because class sizes are much, much larger than
11 that. And I have been to many schools in New York
12 City which violate the building code because the
13 rooms are too small to hold the children, and yet
14 they're never cited for this by building
15 inspectors. This is something which the building
16 code demands for safety reasons, to exit because
17 of emergencies or fires, and yet we are moving to
18 a situation where more and more schools and more
19 and more classrooms are going to be violating the
20 building code for safety reasons. And yet this
21 has never been addressed.

22 CHAIRPERSON JACKSON: Well clearly
23 that's something that we're going to follow up on
24 with you in pursuing this.

25 LEONIE HAMESON: Thank you.

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CHAIRPERSON JACKSON: Thank you.

Next, please.

MR. MICHAEL SCHADE: Thank you, Chairperson Jackson and members of the Committee, well, that were here, for the opportunity to testify today. My name is Michael Shade, and I'm a campaigner with the Center for Health, Environment, and Justice. We're a national environmental health organization that's been working for over 30 years to protect the public from hazardous chemicals in our schools, and homes, and communities. And to start, I will say that we're very pleased that the DOE has finally announced a more aggressive timeframe to reduce the presence of PCBs in New York City public schools. We applaud and congratulate the members of the Committee that worked so hard on this issue, as well as organizations such as UFT, New York Communities for Change, New York Lawyers for the Public Interest, and others that worked very hard to achieve this significant children's health victory. We certainly feel this is certainly a moment worth celebrating and savoring. We feel now that PCBs are finally being addressed more

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2 adequately. We feel that it's time for the DOE
3 and SCA to begin addressing another emerging
4 children's health issue in New York City public
5 schools, and that's the use of vinyl plastic and
6 phthalates in building materials and products in
7 schools. Just like PCBs, vinyl plastic and
8 phthalates contain and release harmful chemicals
9 that can cause serious health problems in both
10 children and adults. They're toxic at low levels
11 of exposure, and are arguably just as prevalent in
12 schools, as are PCBs. And given this, that we
13 feel strongly that they should be the next major
14 priority for the DOE and the SCA to address.
15 They're widespread in building materials that are
16 used in schools, as well as products that schools
17 purchase. And therefore, we feel that we have an
18 opportunity to prevent their introduction into our
19 school facilities in the first place, and avoid
20 repeating the mistakes of the past. Evidence is
21 clear. Vinyl is the most toxic plastic for
22 children's health and women of childbearing age.
23 Vinyl is commonly found in building materials in
24 schools, such as flooring, and it often contains
25 toxic chemical additives that can be released into

1 school buildings. This includes phthalates. It
2 includes lead, and cadmium, and other chemicals of
3 concern. To make vinyl plastic products in
4 schools soft and flexible, such as flooring in our
5 school buildings, phthalates are added to it to
6 make them flexible. Phthalates are chemicals that
7 are so toxic they've actually been banned in kids'
8 toys. While they've been banned in children's
9 toys, they remain widespread in other products in
10 schools, such as flooring. And since they've been
11 banned in toys, we feel that certainly they have
12 no place in New York City public schools. Yet
13 however, they continue to be permitted to be used
14 in products in schools, again, such as flooring.
15 A growing number of studies show that phthalates
16 are linked to serious health problems on the rise
17 in children, including asthma, which of course is
18 the number one cause of school absenteeism here in
19 the city. They've also been linked to obesity,
20 diabetes, ADHD, autism, and a range of other
21 health problems. According to testing by the
22 federal government, children face the highest
23 exposure to these chemicals. Additionally, vinyl
24 flooring also requires the use of toxic cleaning
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2 products to maintain it, so when we use vinyl
3 flooring in schools, we're thereby exposing
4 janitorial staff and other staff in schools to
5 hazardous cleaning products as a result of
6 maintaining vinyl flooring. However, safer
7 alternatives, you don't need to use these
8 hazardous cleaning products. So this is
9 completely avoidable and preventable. There are
10 plenty of safer and more cost effective
11 alternatives that are available for schools to use
12 instead. I'll sum up quickly. Major fortune 500
13 companies, including Walmart, Target, Nike, and
14 Apple are phasing out these chemicals. Large
15 healthcare institutions like here in New York
16 City, Maimonides Healthcare Center, Mount Sinai,
17 Columbia, and others are phasing it out. And
18 there's a broad support for this, from the New
19 York State PTA, to UFT, to NYCID, to Learning
20 Disabilities Association, to many other
21 organizations, Make the Road, NYPERG and others,
22 support reducing and eliminating the use of these
23 chemicals and materials in schools. So we feel
24 now that the City is finally adequately addressing
25 PCBs in schools, we think that this should be the

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2 next major priority for the DOE and the SCA. And
3 we're pleased to report, I know that he had to
4 leave, but Councilmember Levin is planning on
5 introducing legislation that would address
6 phthalates in vinyl in New York City public
7 schools. So we hope that other members of the
8 Committee will consider co-sponsoring this
9 legislation, and supporting it in the months to
10 come. And we look forward to working with you and
11 the other members of the Committee to hopefully
12 work to advance this important children's health
13 measure in the months to come. So thank you.

14 CHAIRPERSON JACKSON: Thank you.
15 Next, please.

16 CELIA GREEN: Hi. My name is Celia
17 Green.

18 CHAIRPERSON JACKSON: There you go.
19 Press the button, please.

20 CELIA GREEN: Hi. My name is Celia
21 Green, and I am the mother of four, one former and
22 three current public school students. They're all
23 District 75, and District 75 is comprised of
24 approximately 56 school organizations, and we're
25 in over 400 buildings. So I know co-location can

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2 work, but there has to be respect and equity
3 within the building. One of the things I want to
4 address is the PCBs. Because the day that, about
5 two months ago, a PCB light exploded in my son's
6 school, which is the same school that
7 Councilmember Levin was speaking of. He just
8 neglected to mention my son's school was in the
9 building, and that's where the light exploded.
10 Now consequently, we're going to have the lights
11 fixed, but they started with the other schools
12 first, not the school that had the light explode.
13 And up to now, I haven't gotten an answer on why
14 the DOE is not going to be replacing the lights in
15 our part of the building, including one of the
16 classrooms that still has those PCB lights, that
17 our children are in. So it's definitely a very
18 separate and unequal situation in that particular
19 building. Because I have four kids, I've run into
20 the issues with school utilization and building
21 utilization several times. And one of the issues,
22 it's brought up at another school at 369 at 265,
23 which my son attends, my other son attends, is
24 that I've noticed that the formula they use to
25 measure for general ed students is the same

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2 formula they tend to be using to measure for
3 special ed students. But there is a different
4 formula for that.

5 CHAIRPERSON JACKSON: The formula
6 for space, you mean?

7 CELIA GREEN: Yes, there is a
8 different formula for space. The city has
9 neglected to use it, but there is a different
10 formula for space. So when Portfolio comes in and
11 says, "Okay. Well this room can be utilized for
12 this, or when they present their proposals, they
13 don't take into consideration that we're even in
14 the building. Half of the time we have to tell
15 them that there's a D75 program in the building.
16 So apparently, I guess the DOE neglects to keep
17 data on that, even though they do, you know,
18 contribute to the budgets of the schools and
19 whatnot. Also, because my children have 12 month
20 programming, and Ms. Grimm said that all the
21 schools that have programming during the summer,
22 are supposed to have air conditioning. I've run
23 into it several times where they haven't had air
24 conditioning, and they haven't had air
25 conditioning for the whole six weeks of the summer

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2 programs. I'd definitely like to see change
3 happen, in terms of the way the buildings are
4 utilized. I'd like to see greater equity in the
5 buildings. I'd like to see maybe more fair play.
6 Maybe at least some of the charter schools could
7 at least pay fair market rent. And maybe some of
8 the strains on the school budgets, like the lunch
9 program and stuff like that can be taken care of,
10 at least in those buildings, if they were pumping
11 money into the system, as opposed to taking
12 resources. One of the other schools that my son
13 is in, another son, P67, which has 369, 67, and
14 Community Roots, we have no library, because
15 Community Roots got the floor with the library.
16 They got the third floor. It's the only library
17 in the building. This has happened on more than
18 one occasion. When it is the public school, you
19 have to share the facilities. You have to share
20 the auditoriums. You have to share the
21 lunchrooms. You have to share the libraries. But
22 apparently, that same thing doesn't go when it's
23 the charter schools. And so I've run into this on
24 more than one occasion, like I said, because I do
25 have four kids. And I would definitely like there

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2 to be change in the way that the buildings are
3 utilized, and in the data that's being kept. And
4 I'd really like the DOE to pull their socks up and
5 be more responsible when it comes to our students,
6 because there are at least 23,000 students that I
7 know of that are in district 75 alone.

8 CHAIRPERSON JACKSON: Well we're
9 going to have Jan or somebody get some details
10 from you, as far as the schools and what have you,
11 so that we can follow up with DOE, and we'll
12 clearly let you know the follow up. Next, please.

13 MS. CHRISTINA GIORGIO: Good
14 afternoon. I'm Christina Giorgio, and I'm a staff
15 attorney with New York Lawyers for the Public
16 Interest, and I'm very delighted to not be
17 testifying about PCB lights here today. And I
18 want to thank people who did mention it, because
19 it was certainly a tremendous effort on
20 everybody's part. And Chairman Jackson, I can't
21 thank you enough for everything you and the
22 Council did. But I just want to sort of focus on
23 what we're here to talk about, the dilapidated
24 state of the buildings. You know, in the course
25 of negotiating the settlement with the city, I

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2 have to say I had a very, very productive
3 experience over the course of about ten days,
4 negotiating the terms of that settlement with Dan
5 Green, the City's lawyer. You did an absolutely
6 excellent job, and I learned a tremendous amount
7 during those ten days. And then, actually the 30
8 days of the remediation—or I'm sorry—I should say
9 the mediation process. But prior to that time,
10 there was just absolutely no dialogue whatsoever.
11 It was a stonewall all the time, and if we had
12 just had an opportunity to have more of a dialogue
13 with the DOE, we would not have had to have
14 mounted the overwhelming campaign that we had to
15 basically—we had to end up suing them. We had to
16 end up having them in the newspaper pretty much
17 every day. So that was very unfortunate, and so
18 I'm hopeful that with the settlement, we'll have
19 more of a dialogue with the City. But at the same
20 time, sitting here and listening to Kathleen Grimm
21 today, and Ms. Grillo, and John Shea, it was very
22 much like reliving the PCB campaign all over
23 again. They have these sort of competent answers
24 and I know they care. I know they're concerned.
25 But it's obvious they are not doing a good enough

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2 job identifying environmental toxins, and a whole
3 host of other problems with the schools. But
4 they're clearly not doing a good enough job
5 identifying real hazards in our schools. And the
6 PCBs proves it, and they acknowledge that they
7 failed to identify these problems. And the fact
8 that they agreed to such an aggressive timeline is
9 an admission on their part that they really needed
10 to have done much more since the beginning. So I
11 just sort of, when listening to the testimony
12 today, it's just like reliving it all over again.
13 A couple of points, I think it's very important
14 for City Council to really insist on total
15 transparency. One of the things that we were able
16 to accomplish through our litigation is that we
17 had a wonderful, young, soon to be lawyer
18 compiling data that is generally not available
19 either through our FOILs or through going through
20 all of these different websites that had
21 tremendously disparate information all over the
22 place, and spending thousands of hours compiling
23 it into one place. And because of that data, we
24 were able to present the evidentiary information
25 that the judge needed to help us win. So this is

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2 the type of thing that City Council could really
3 focus on, enforcing, consolidated, transparent
4 information with regard to all of the budget
5 issues, all their contracts, how they're spending
6 the money. That would help parents, City Council,
7 everybody be engaged in the way where we can be
8 truly helpful participants in the process. The
9 other thing that I would urge is, again, total
10 scrutiny on their contracts. Again, one of the
11 things I learned through the mediation process was
12 that there was a really stark difference between
13 the price tag of work done by DCAS versus work
14 done by the SCA. I don't have an explanation for
15 that. Since we ended up resolving the lawsuit, it
16 wasn't something that we had to go into great
17 detail. But I will say, when DCAS was doing the
18 remediation work, it was at a mere fraction of the
19 price, and actually faster. So I would just
20 encourage City Council to use that as a note to
21 analyze when they talk about, "We just don't have
22 enough money." The other thing I'd want to say,
23 is I just absolutely agree, the maintenance budget
24 needs to be increased. And I was very
25 appreciative to hear Robert Troeller's testimony.

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2 With the PCBs remaining in the schools, the DOE
3 has proposed focusing on cleaning to manage the
4 PCB problem in the caulk and the dust and whatnot
5 because that's going to be an ongoing problem.
6 Lights we can solve. Caulk is much more
7 difficult. And what I've seen from their
8 recommended city wide remediation plan is focusing
9 on cleaning. And I want to know, 32BJ workers,
10 are they going to be doing this cleaning? Who is
11 going to be doing this cleaning? And if it's
12 going to be done, these people need to be trained
13 and paid properly. So again, thank you so much
14 for all of your focus on this. And we're
15 certainly eager to be involved in this process of
16 getting the schools, across the board, functioning
17 in a more healthy way for the kids.

18 CHAIRPERSON JACKSON: Let me thank
19 all of you for coming in, and obviously this
20 hearing today, even though we have one more panel,
21 clearly gives us the opportunity to refocus about
22 the five year capital plan, how much money is
23 being spent, and all of the issues and concerns
24 that have come up as a result of this. And we
25 just need to refocus and constantly move forward,

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in order to protect our children and our families.

LEONIE HAMESON: Council Member Jackson, could I put just a couple of quick comments on the record about this?

CHAIRPERSON JACKSON: Sure.

LEONIE HAMESON: First of all, I think it's very important that we get real cost estimates about what the real needs are in the system, not just for seats, but for repair, upkeep. We've never had that from DOE in ten years. We need that kind of cost estimate to be able to do a better job, to create a better capital plan. So I would ask them to do that. Second of all, about the special education square footage issue, according to state guidelines, special education students are supposed to have 75 square feet per student. That is the law for the rest of the state, but they never have enforced it in New York City. So our kids in New York City get a raw deal, compared to the rest of the state on that. And finally, talk about transparency. Over a year ago I FOIL'ed the DOE for the minutes of the building councils in co-located schools. Because when I pushed for the chancellor's regs on

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2 that, I said, "There should be minutes. They
3 should be public, in the public record for every
4 building council where the principals get together
5 in the co-located schools, and discuss what they
6 need and what the disagreements are. I've been
7 waiting over a year for those building council
8 notes, which should be and are in the public
9 record. So I strongly urge you guys to ask for
10 them because I think in those notes, you're going
11 to find out a lot of what goes on in the co-
12 located schools that we don't know about.

13 CHAIRPERSON JACKSON: Okay. To be
14 continued. All right. Our last panel is Erik
15 Joerss, New York City Charter School Center;
16 Michael Regnier, New York City Charter School
17 Center; Guy Ortman from the Talent Unlimited High
18 School.

19 ERIK JOERSS: I just came to cheer.
20 I'm not going to testify.

21 CHAIRPERSON JACKSON: And Florie
22 Costolomendo from 32BJ. This is the last panel.
23 So please come forward, everyone. Thank you.
24 Anybody else wants to testify, come forward. So
25 fellows, please raise your right hand. And do you

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2 swear or affirm to tell the truth, the whole truth
3 in your testimony before this Education Committee,
4 and to respond honestly to any of my questions?

5 ERIK JOERSS: I do.

6 MICHAEL REGNIER: I do.

7 GUY ORTMAN: I do.

8 CHAIRPERSON JACKSON: Thank you.

9 So why don't we begin here, and go that way? Just
10 identify yourself and your title, and you may
11 begin.

12 MR. MICHAEL REGNIER: Of course.

13 Good afternoon, Chairman Jackson, and members of
14 the Committee, should they come back. My name is
15 Michael Regnier. I'm the Director of Policy and
16 Research at the New York City Charter School
17 Center, which is an independent, not for profit
18 organization. And I appreciate the opportunity to
19 testify. I will be as brief as I can. I want to
20 just weigh in on a few points that this debate,
21 and the debate on charter schools in DOE space
22 tends to overlook. The first is one that surfaced
23 a couple of times today. But I just want to
24 underscore that by law, any improvement made to a
25 charter school section of a DOE building, if it

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2 costs at least \$5,000, must be matched for each
3 non-charter school in the same building. This
4 amendment was passed in 2010, with the full
5 support of my organization, and since its passage,
6 DOE has spent millions of dollars each year on
7 those matching improvements, all of which went to
8 district schools. Secondly, just a point about
9 how those funds get spent. Some district schools
10 that share space with charter schools and have
11 benefited from these matching funds, still feel
12 disappointed by the results, and still feel that
13 the charter school may have gotten the better
14 bargain for its money. In some cases, they may be
15 right to feel that way. A charter school's not so
16 secret advantage is its autonomy and flexibility,
17 even inside of shared space. If a charter school
18 principal values freshly painted walls as a way to
19 convey a message about the value of learning, that
20 principal can make sure the walls stay that way.
21 If in the same building, with the same funding, an
22 equally committed district school principal feels
23 the same way, he or she may or may not be in a
24 position to make that same choice. And if that's
25 true, then there's an inequality there. The

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2 question is what should we do about it, which
3 brings me to my next point. When we see
4 differences that bother us across public schools,
5 whether in the distribution of teachers, or
6 teaching duties, or the state of buildings, or in
7 the final academic result, it is right to point it
8 out. But where we see uneven quality, we should
9 fix what isn't working, rather than tear down what
10 is. If charter school leaders are acting quickly
11 and decisively to improve their buildings, that's
12 good news. And we should allow district school
13 principals more of that same flexibility. In
14 other words, when we see a clean, safe, and
15 welcoming area of any school building, nobody
16 should be asking, "How do they get away with it?"
17 They should ask a different question. "How do we
18 make this happen everywhere, for every public
19 school?" Finally, in the few seconds I have left,
20 just a note on rent, and the idea of charter
21 schools paying quote, unquote, "fair market rent"
22 has come up several times. My organization
23 cosponsored a report that came out last month—I'll
24 make sure you get a copy and your staff gets a
25 copy—surveying all the charter schools in the

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2 state that are not in public space, and in New
3 York City. It was \$2,350 on average that non co-
4 located charter schools spend on facility costs.
5 That's per pupil. That's annual. And that money
6 is not backed up by a reliable source of public
7 funding. In the next four years, we expect around
8 40,000 to 45,000 new seats to be needed in charter
9 schools in the city. Charging charter schools
10 rent will not address the biggest inequity in the
11 world of charter schools, which is public schools
12 with no public money for facilities. Thank you.

13 ERIK JOURSS: My name is Erik
14 Jourss. I'm the Deputy for Government Affairs at
15 the Charter School Center. But I'll cede my time
16 in the interest I've stated, and pass this along.

17 CHAIRPERSON JACKSON: Good. Thank
18 you.

19 GUY ORTMAN: Thank you very much.
20 I feel a bit like a square peg in a round hole
21 here, because this has nothing to do with the
22 facility conversations today. But I've had a
23 number of conversations with people within your
24 office, Mr. Jackson, and wanted to take the
25 opportunity to speak to you face to face. The

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2 Office of Student Enrollment and Placement pulled,
3 without telling the public at large, the audition
4 requirement for the performing arts high schools
5 in New York City. They red lined that audition
6 requirement in December of 2011. Yesterday was
7 the first time it actually showed up in a public
8 document on the DOE's side. And in essence, what
9 transpired is this. And I can only speak for one
10 particular school, because those are the only
11 statistics that I actually know. I'm on the PTA
12 with the school. Talent Unlimited High School
13 last year had 1,500 students show up for auditions
14 for a performing arts high school. And you can
15 understand that performing arts high schools are
16 not necessarily better, by any stretch, but
17 different. The evaluation process is not done
18 just by math scores or by science scores. To get
19 into those programs, you have to have some kind of
20 proficiency, whether it's in dance, or vocal, or
21 whatever your studio might be, so 1,500 students
22 showed up for audition. Every step along the way,
23 the DOE had told them in all it's public sites,
24 that auditions were absolutely required. But
25 because Osipo [phonetic] had red lined the

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2 audition requirement under the premise of not
3 filling all their seats, although in fact, the
4 school had filled all of its, I believe it's
5 called registered seats, 43 students, which was
6 about one third of the incoming freshman class,
7 never showed up for an audition. So my question
8 is simply this. If you're a parent and you drag
9 your son and daughter around to 17 auditions in a
10 four week timeframe like I did my daughter, and
11 find out, even though you were told auditions were
12 required, one third of the incoming class is not
13 going to be—never bothered to show up, that's a
14 problem. It's a problem for the students that did
15 show up. It will likely be a problem for the
16 students that did not. The premise, and I would
17 beg you to take a look at this, because one of the
18 documents here was an email that was sent to your
19 office from Osipo, stating specifically the
20 rationale for doing what they did. And if you
21 take a look at the facts and rebuttals, you will
22 see that not one single one of them actually holds
23 water. I don't have the time in three minutes to
24 go through them in detail, but they're each
25 specifically responded to. So my request, humbly,

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2 would be to call in Mark Sternberg and Sandy
3 Ferguson, and speak to them directly about how
4 this whole process went down. And to see what we
5 can do about reestablishing the audition policy.
6 You have phenomenal performing arts high schools
7 in the city of New York. My daughter's school
8 just took the statewide gold medal for vocal for
9 the entire state, Talent Unlimited High School.
10 You don't get that kind of accomplishment by
11 throwing darts and turning an audition policy into
12 a lottery. It's not fair to the kids who show up
13 for the auditions, and it's not fair for the kids
14 who didn't show up for the auditions that are
15 going to have three hours a day of very, very,
16 very rigorous training. They get set up for
17 failure. I want to thank you very, very much for
18 your time.

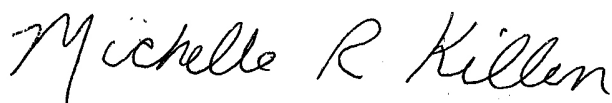
19 CHAIRPERSON JACKSON: Thank you.

20 And Jan, we'll follow up on that with you, and
21 make sure we get that. But for the record, we
22 received testimony from Rocio Espadas for the
23 Committee on Education hearing, from Make the Road
24 New York. With that, it is now 12 minutes after
25 2:00. I thank everyone for giving testimony today

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2 at this hearing. And obviously, this is an issue
3 that we all need to stay in tune with in order to
4 ensure that the school facilities in New York City
5 are the best that we can possibly be, and that we
6 allocate the funding and appropriate measures to
7 ensure the health and safety of all, not only our
8 children, but all staff and people that come into
9 our buildings, is the number one issue. Thank you
10 all for coming. This hearing is adjourned at 2:12
11 pm.

C E R T I F I C A T E

I, Michelle R. Killen, 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

Date July 15, 2013