

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON EDUCATION

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June 17, 2015
Start: 01:35 p.m.
Recess: 04:15 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E:
DANIEL DROMM
Chairperson

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Daniel R. Garodnick
Margaret S. Chin
Stephen T. Levin
Deborah L. Rose
Jumaane D. Williams
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A P P E A R A N C E S (CONTINUED)

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

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Office of School Health Programs
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Ian Christner
Bon Secours New York

David Garcia-Rosen
NYC Let 'Em Play

David Ludwig
Community Programs Director
Asphalt Green

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2 [gavel]

3 CHAIRPERSON DROMM: Good afternoon and
4 welcome to the Education Committee's Oversight
5 hearing on meeting physical education requirements.
6 I'm Council Member Daniel Dromm; I'm Chair of the
7 Committee. I understand that we've been joined by a
8 group of interns from Comptroller Scott Stringer's
9 office; are they here? Give us a wave. Thank you
10 all for joining us and I hope that this hearing is
11 informational to all of you.

12 We'll also hear testimony today on a
13 bill, proposed Int. No. 644-A, sponsored by Council
14 Member Elizabeth Crowley. I'll talk more about this
15 bill shortly and after some opening remarks and then
16 we'll move on to hear from Council Member Crowley
17 herself.

18 School districts across the country have
19 substantially reduced the time devoted to physical
20 education in recent years, primarily due to
21 increasing pressure to improve standardized test
22 scores in English and math as required under the
23 Federal No Child Left Behind Act. In 2013 less than
24 half or 48 percent of high school students nationwide
25 attended physical education classes in an average

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2 week, yet the United States Department of Health and
3 Human Services recommends that young people, aged 6-
4 17 years, get at least 60 minutes of physical
5 activity daily. According to the Department of
6 Health and Mental Hygiene, less than half of New York
7 City children meet those physical activity guidelines
8 and as many as 40 percent of elementary school
9 children in the city are overweight or obese.
10 Despite the alarming obesity rates among city school
11 aged children and the documented benefits of physical
12 education for children's health and academic
13 achievement, public schools are not meeting New York
14 State physical education mandates.

15 State regulations required that
16 elementary school students must participate in
17 physical education for at least 120 minutes per week;
18 with students in grades K-3 required to participate
19 in PE on a daily basis, and students in grades 4-6
20 required to participate no less than three times per
21 week.

22 At the secondary level, state regulations
23 mandate that students in grades 7-12 must participate
24 in PE at least three times per week in one semester
25 and two times per week in the other semester. State

1 regulations also require that students in grades 7-12
2 must be taught by a certified PE teacher, while
3 elementary school students may receive physical
4 education instruction from a classroom teacher under
5 the supervision of a certified PE teacher. State
6 regulations also require districts to provide
7 adequate indoor and outdoor facilities for the
8 physical education programs at all grade levels.

10 On May 5, 2015, New York City Comptroller
11 Scott Stringer released a report, dropping the ball,
12 disparities in physical education in New York City
13 schools, revealing that 32 percent of City schools
14 lack a full-time certified PE teacher and 28 percent
15 lack a dedicated physical education or physical
16 fitness space. Not surprisingly, nearly 80 percent
17 of the 435 schools that have no physical fitness
18 space are co-located. Further, 149 schools, or
19 merely 10 percent, lack both a full-time certified PE
20 teacher and a physical fitness space. The
21 Comptroller's report also found that nearly 10
22 percent of schools citywide do not have access to an
23 outdoor school yard or nearby park. The substantial
24 benefits of physical activity and exercise to overall
25 health are well known, but there is also a growing

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2 body of research that shows a connection between
3 school-based physical activity, including PE and
4 academic performance. Higher levels of physical
5 fitness have been linked with improved cognitive
6 skills, such as concentration and creativity, higher
7 standardized test scores and grade point average, as
8 well as better school attendance, improved self-
9 esteem and fewer disciplinary problems. In light of
10 this latest research evidence, it is essential that
11 we increase the amount of physical education and
12 physical activity that students receive in school to
13 improve both student health and academic performance.

14 Clearly there are enormous challenges for
15 the DOE to overcome in order for City schools to
16 fully comply with state physical education mandates.
17 As the Comptroller's report indicated, the biggest
18 obstacles are a lack of certified PE teachers and
19 inadequate PE facilities, both indoor and outdoor.
20 Limitations on gym capacity and scheduling are also a
21 huge problem. The elementary school where I taught
22 had 44 classes and one gym which is available for
23 instruction just 30 periods a week; that meant that
24 only 30 out of the 44 classes were eligible to get PE
25 even once a week. Even if physical education

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2 instruction included two classes at a time, only a
3 few would be able to participate in physical
4 education more than once a week, making it extremely
5 difficult to comply with the state regulations. But
6 despite the difficulties, it is essential that New
7 York City schools provide students with more physical
8 education and physical activity. Children in the
9 city have less access to outdoor play space and many
10 spend most of their time indoors watching TV, playing
11 video games or other activities. Given the
12 substantial academic and health benefits of physical
13 activity and physical education and the serious
14 health risks resulting from a lifestyle without
15 physical education, we owe it to our children to
16 increase access to quality physical education
17 instruction and physical activity and must move
18 towards meeting the state mandate.

19 Today's hearing will provide an
20 opportunity to review the DOE's current PE programs
21 and policies, as well as the Department's plans for
22 meeting state PE requirements. The Committee also
23 looks forward to hearing the concerns and
24 recommendations of parents, students, educators,
25 advocates, CEC members and other stakeholders on this

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2 issue. As I stated earlier, we will also hear
3 testimony on proposed Int. 644-A today.

4 Proposed Int. 644-A would require the
5 Department of Education to submit to the Council and
6 post on the DOE's website an annual report by
7 November 1st, with data on physical education in New
8 York City schools. The bill would require the DOE to
9 report information for each school, such as the
10 frequency and total minutes per week of physical
11 education instruction provided to students in each
12 grade level, the number of certified physical
13 education teachers indoor and outdoor facilities used
14 for physical education, as well as the number and
15 percentage of schools that meet all New York State
16 physical education instructional requirements.

17 I would like to remind everyone who
18 wishes to testify today that you must fill out a
19 witness slip, which is located on the sergeant of
20 arms' desk near the front of the room. If you wish
21 to testify on proposed Int. 644-A, please indicate on
22 the witness slip whether you're here to testify in
23 favor or in opposition to the bill.

24 I also wanna point out that we will not
25 be voting on the bill today, as this is just the

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2 first hearing. To allow as many people as possible
3 to testify, testimony will be limited to three
4 minutes per person, and please note that all
5 witnesses will be sworn in before testifying.

6 Now I'd like to turn the floor over to my
7 colleague, Elizabeth Crowley for her remarks
8 regarding proposed Int. No. 644-A.

9 COUNCIL MEMBER CROWLEY: Good afternoon.
10 I'd like to thank Chairman Daniel Dromm for his work
11 on this bill and for holding this hearing during the
12 height of the Council's budget season; nonetheless,
13 I'd like to also thank all the many advocacy groups,
14 including New York Lawyers for Public Interest and
15 the American Heart Association, to name a few, as
16 they've been very helpful in this effort in advancing
17 this legislation.

18 The legislation seeks to get an accurate
19 picture of which schools are compliant with the
20 State's physical education requirements and which are
21 not. Through the legislation, the Council seeks to
22 obtain information on whether schools have state-
23 certified physical education instructors and
24 information on the facilities used for gym classes.
25 All of this information is necessary to assess the

1
2 amount and qualify of instruction that is provided at
3 each school.

4 Comprehensive, quality physical education
5 has many benefits; it prevents childhood obesity, it
6 increases focus, retention and improves sleeping
7 patterns; it enhances learning, leading to improved
8 academic outcomes; it instills good habits for
9 healthy living into adulthood. It is for these
10 reasons that 37 council members have supported this
11 bill, along with Public Advocate Letitia James. And
12 recently Comptroller Stringer released a report that
13 sheds light on the deficiencies in physical education
14 throughout our schools.

15 So I'd like to thank Council Member Dromm
16 again and I look forward to hearing testimony from
17 the Department of Education and the advocates who are
18 here to testify on pertinent information about this
19 bill. Thank you.

20 CHAIRPERSON DROMM: 'Kay, thank you
21 Council Member Crowley and I'd like to say that we've
22 been joined today by my colleagues, Steve Levin from
23 Brooklyn, Antonio Reynoso from Brooklyn, Inez Barron
24 from Brooklyn -- Brooklyn is in the house today,
25 which is great. And with that I'm going to ask our

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2 witnesses to raise their right hand so I can swear
3 you in. Do you solemnly swear to tell the truth, the
4 whole truth and nothing but the truth and to answer
5 council member questions honestly? Thank you. And
6 Deputy Chancellor Rose; would you like to begin?

7 DEPUTY CHANCELLOR ROSE: Thank you. Good
8 afternoon, Chair Dromm and members of the Education
9 Committee. My name is Elizabeth Rose, Deputy
10 Chancellor for the Division of Operations. Joining
11 me today are, on my right, Lindsey Harr, Executive
12 Director of the Office of School Wellness Programs
13 with the Division of Operations, and on my left,
14 Katie Hansen, Senior Director of the Office of
15 Academic Policy and Systems with DOE's Division of
16 Teaching and Learning.

17 Thank you for the opportunity to discuss
18 physical education, or PE, instruction in New York
19 City public schools and Int. No. 644 in relation to
20 reporting information on PE.

21 The Mayor and the Chancellor are
22 committed to standards-based, high-quality PE
23 instructions for all public school students as a
24 critical component of their vision to educate the
25 whole child. The childhood obesity epidemic in this

1 country is an urgent call for all communities,
2 especially schools, to play an active role in
3 teaching our students what physically healthy means
4 and how to stay that way. Physical education goes
5 beyond just being physically active; something we all
6 need to do to stay healthy, to providing instruction
7 on the skills, knowledge and behaviors for active
8 living, physical fitness, sportsmanship, self-
9 efficacy and emotional intelligence that support
10 lifelong health and wellness. We believe in a
11 comprehensive approach to supporting wellness with
12 physical education instruction that meets state and
13 national PE standards as a cornerstone of that
14 approach.

16 I would like to thank the City Council
17 for its leadership on this issue and individual
18 council members' critical investments in facility
19 upgrades, like athletic fields, gymnasiums and
20 playgrounds that provide students with additional
21 spaces to be active and practice the standards-based
22 skills taught in PE.

23 New York State Education Law 803 and
24 regulations of the State Commissioner Part 135
25 outline the requirements for PE instruction. Under

1 state regulations, PE is required for all students
2 every year in grades K-12. State regulations also
3 require that PE is provided by a licensed PE teacher,
4 except in elementary school, where classroom teachers
5 can provide PE instruction under the supervision of a
6 licensed PE teacher or supervisor. In addition,
7 students in grades K-5 must have PE for a minimum of
8 120 minutes per week, with K-3 students receiving PE
9 daily and 4th and 5th grades receiving PE at least
10 three days a week. In middle school, students must
11 have PE class every semester for a minimum of three
12 periods per week in one semester and two periods per
13 week in the other semester, or a comparable time if
14 the school is organized in other patterns. In high
15 school, students must receive PE all four years and
16 earn four PE credits to graduate.

18 As New York City Comptroller Stringer
19 points out in a recent report, we have a lot of work
20 ahead to ensure that all city students are receiving
21 high-quality PE instruction that meets all state
22 mandates. He aptly mentions that our PE challenges
23 date back to New York City's near bankruptcy in 1975,
24 funding was reduced and central support for PE was
25 virtually eliminated. While some progress has been

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2 made in the last several years and building a
3 district level office to provide supports and
4 incentives to schools, PE continues to be unevenly
5 prioritized and implemented not only across this
6 city, but across the nation.

7 First Lady Michelle Obama's Let's Move
8 Active Schools campaign acknowledges the national
9 scope of the challenge in both policy and practice
10 and the important role PE teachers play in ensuring
11 that schools prioritize physical education, physical
12 activity and community support.

13 While we know that addressing the
14 challenges we collectively face will take time, we
15 are committed to developing a thoughtful plan that
16 aligns with the Chancellor's framework for great
17 schools and takes full advantage of the extensive
18 resources and supports already in place.

19 Instructional support for PE is provided
20 through the Office of School Wellness Programs, which
21 helps schools develop physical education as a key
22 element of student wellness. Housed within the
23 Office of School Health, a joint partnership between
24 the DOE and the Department of Health and Mental
25 Hygiene, Office of School Wellness Programs provides

1 free professional learning opportunities, develops
2 school-based wellness programs and initiatives and
3 creates instructional guidance for both physical and
4 health education. This school year alone, our PE
5 teachers participated in nearly 100 free PE trainings
6 citywide, hosting 2,000 participants throughout the
7 year. Training topics included best practices on
8 adapted PE for students with disabilities, using non-
9 traditional space for PE class, aligning PE with
10 common core standards and working with national
11 trainers from Let's Move Active Schools on leadership
12 skills. PE teachers continue to receive training on
13 Physical Best, our recommended fitness-based PE
14 curriculum, and thousands of classroom teachers are
15 trained in Move to Improve, our classroom-based
16 fitness activity program for grades K-5.

18 The Office of School Wellness Programs
19 also provides wraparound programming and partnerships
20 to provide students with additional opportunities to
21 be active in addition to PE class in order to help
22 students meet the national recommendation of 60
23 minutes of daily physical activity; the CHAMPS Middle
24 School Sports and Fitness Program, which is funded in
25 part by the City Council, is one such program.

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2 Through CHAMPS, thousands of students in 400 schools
3 across the city have access to a variety of before
4 and after school programs with a focus on getting
5 more girls involved and engaging all students in both
6 traditional and non-traditional sports and
7 activities.

8 Despite the strong support for PE
9 instruction, schools continue to struggle with
10 meeting the state PE requirements, with staffing,
11 class scheduling and space contributing to these
12 challenges, factors that we will consider as we
13 develop a plan to improve the provision of PE for all
14 students.

15 One of our challenges is around teaching
16 licenses. As previously mentioned, PE instruction
17 must be provided by a certified PE teacher, except in
18 elementary school, where classroom teachers can
19 provide PE instruction under the supervision of a
20 licensed PE teacher or supervisor.

21 While the State provides a certificate
22 for grades kindergarten through 12 for PE
23 instruction, New York City's corresponding credential
24 is only for a secondary grades license, grades 7-12.
25 State-certified PE teachers who work in elementary

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2 grades are technically working outside of the City
3 license, which could make them vulnerable to
4 assessing. We want to ensure that this is not a
5 barrier to recruiting or retaining licensed PE
6 teachers in elementary schools. Currently, out of
7 about 2,159 full-time licensed PE teachers in our
8 schools, only about 10 percent teach in K-5
9 elementary schools. To address this concern we have
10 held initial discussions with the United Federation
11 of Teachers regarding the creation of a City K-12 PE
12 license and those talks are continuing. By adding a
13 K-12 license, we believe we can recruit more
14 certified PE teachers to work in elementary schools.

15 In addition to staffing, schools across
16 grade levels struggling with scheduling PE in
17 accordance with time and frequency requirements.
18 Until recently, as a system, we have had inconsistent
19 data to be able to provide targeted support. In the
20 course of the last years we have made significant
21 progress in ensuring students' specific schedules in
22 all subject areas, including PE, are captured in a
23 central system known as STARS.

24 In addition, the Office of Academic
25 Policy and Systems provides grade-specific academic

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2 policy guides to support schools in understanding and
3 applying course scheduling requirements. The STARS
4 data system has become increasingly refined over the
5 last several years and we now have detailed
6 scheduling data that can be used for PE compliance
7 reporting for middle and high schools. The
8 availability of detailed school level scheduling data
9 for the first time this school year is a tremendous
10 step forward and will help us target our efforts to
11 improve PE compliance.

12 A review of the STARS data for the
13 current school year show us that 80 percent of middle
14 school students and 84 percent of high school
15 students are scheduled for PE according to the
16 State's time requirements and that 61 percent of
17 middle schools and 57 percent of high schools are
18 scheduling more than 90 percent of their students
19 according to the State mandates. While this suggests
20 that schools with larger shares of the student
21 population are more likely to schedule students
22 appropriately, a deeper analysis of this data is
23 required, the results of which will allow us to
24 address specific challenges more strategically and
25 effectively.

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2 With respect to elementary grades, we
3 anticipate we will have STARS scheduling data next
4 year that will enable us to target areas of need
5 based on scheduling. STARS is also integrated with
6 our progress to graduation tracker for high schools,
7 as well as our new New York City schools' accounts
8 for families.

9 To help elementary schools incorporate
10 physical activity into the classroom and develop a
11 comprehensive PE program, we have developed Move to
12 Improve, a program that trains K-5 teachers to
13 provide 10-minute fitness activities aligned with the
14 PE standards and core academic concepts in the
15 classroom. Since 2012 we have trained more than
16 7,500 K-5 classroom teachers in Move to Improve, or
17 MTI. For schools that provide regularly scheduled PE
18 classes with a PE teacher and use MTI school-wide,
19 MTI can count for up to 40 minutes toward the 120-
20 minute State PE requirement. We currently have about
21 100 schooled eligible to use MTI to help fulfill PE
22 time requirements and we anticipate that number will
23 continue to grow.

24 While space limitations in concentrated
25 urban areas like New York City can present some

1 challenges to physical education instruction, these
2 challenges can be overcome with creativity and
3 thoughtful planning. Of our approximately 1300
4 buildings there are a variety of indoor and outdoor
5 spaces that can be used for high-quality PE
6 instruction, including gyms, multipurpose rooms,
7 fitness rooms and play yards. We provide a variety
8 of sports for schools to maximize use of available
9 space and provide training to help teachers utilize
10 non-traditional PE spaces effectively.
11

12 The Office of Campus Governance works
13 with co-located schools to help them develop and
14 implement best practices for all shared space. Since
15 2010 the Division of Space Management, working with
16 School Construction Authority, has created 63 fitness
17 space projects to provide schools with additional
18 areas for PE activity. Schools may also use nearby
19 non-DOE facilities for PE class and we are working to
20 expand these partnerships to provide additional
21 options for schools in need.

22 Across the DOE we are committed to
23 developing solutions for any challenges that may
24 stand in the way of schools providing quality
25 physical education to every one of our 1.1 million

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2 students. We will also work with our new support
3 structure to help provide greater accountability for
4 physical education instruction. Superintendents will
5 supervise, support and advocate for schools in their
6 district to ensure student achievement goals and
7 instructional mandates are met within the
8 Chancellor's framework for great schools. Borough
9 field support centers will provide additional support
10 in coordination with central offices to help ensure
11 that efforts are aligned with schools' unique needs.

12 With new detailed data for middle and
13 high schools and stronger supervisory and support
14 structures, central offices are well positioned to
15 work with superintendents to provide more targeted
16 support to schools and to help them provide high-
17 quality PE instruction that will support student
18 health as well as academic achievement. Given the
19 variety of school scheduling models and the types of
20 available space, we need to build the capacity of
21 superintendents and school leaders to prioritize and
22 incorporate PE instruction into core planning.

23 With respect to Int. 644, we support the
24 Council's goal to make information on PE available to
25 the school communities, advocates, elected officials

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2 and other stakeholders. In addition, as we work
3 towards meeting full compliance, this report will be
4 an invaluable internal resource. We would like to
5 work with the Council to ensure that the reporting of
6 requirements align with what we capture in our
7 reporting system; we are also concerned that some of
8 the reporting requirements would place an additional
9 burden on schools.

10 In the end we know that with a sustained
11 focus and a collaborative system-wide approach we can
12 make the changes necessary to ensure that all of our
13 students receive this core instruction that has a
14 direct impact on their achievement and wellbeing.

15 Thank you again for the opportunity to
16 testify; we are happy to take any questions.

17 CHAIRPERSON DROMM: Thank you very much,
18 Deputy Chancellor. And I just wanted to acknowledge
19 that we've been joined by Council Member Debi Rose
20 from Staten Island as well. And I'm gonna ask a few
21 questions myself and then perhaps Council Member
22 Crowley and Council Member Reynoso also have follow-
23 ups.

24 Thank you for your testimony. I noticed
25 in your testimony that you said that you've begun to

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2 collect some of the data in that system; is that
3 something that you can report to us now in terms of
4 numbers, 'cause we do like numbers here in the
5 Council, and for instance, how many schools are
6 meeting in the following, the State physical
7 education requirements in K-3, 4-6 and 7-12?

8 DEPUTY CHANCELLOR ROSE: So we do have
9 data on middle schools and high schools, some of
10 which I've already shared in my testimony; we expect
11 to have data on elementary schools next year.

12 CHAIRPERSON DROMM: And how is that data
13 being collected in the schools?

14 DEPUTY CHANCELLOR ROSE: Katie.

15 KATIE HANSEN: So the data is collected
16 in STARS, which is the scheduling system that we use
17 for all of our academic subjects; schools go in and
18 they indicate various things about their schedules,
19 such as the time that each subject meets for PE; we
20 also care about the frequency of PE per seek, and
21 then we're able to extract that data for the purposes
22 of analysis and outreach.

23 CHAIRPERSON DROMM: And who's reporting
24 that to you; the principal?

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2 KATIE HANSEN: The principal and his or
3 her designees, so programmer, counselors, various
4 staff members.

5 CHAIRPERSON DROMM: Does the principal
6 sign off on that?

7 KATIE HANSEN: Yes.

8 CHAIRPERSON DROMM: How do you inform
9 principals of the State requirements and are you
10 confident that they're all aware of those
11 requirements?

12 KATIE HANSEN: Yeah. So we have grade-
13 level-specific academic policy guides that are
14 distributed to all principals and that outline the
15 regulations that we've spoken about thus far. In the
16 STARS system that I was just describing, we also
17 provide a number of tools that schools can use to
18 self-assess their implementation, so in STARS they
19 might get a notification to say they might wanna
20 review their schedule and make sure that it's meeting
21 the State requirements.

22 CHAIRPERSON DROMM: So in the plans that
23 you've submitted to the State, have they been
24 approved by the State?
25

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2 LINDSEY HARR: We submitted a district PE
3 plan to the State in 2012 and this is a plan required
4 by the State that outlines policy and guidance, we're
5 working with the State to finalize it and once it is
6 finalized it will be available publicly.

7 CHAIRPERSON DROMM: Has the State made
8 recommendations to you?

9 LINDSEY HARR: They had some questions
10 that we're addressing.

11 CHAIRPERSON DROMM: And what are those?

12 LINDSEY HARR: Some of them were
13 technical about; did we include enough -- one of the
14 requirements is curriculum maps; they had some
15 feedback on that... [crosstalk]

16 CHAIRPERSON DROMM: By curriculum maps;
17 can you explain that?

18 LINDSEY HARR: Sure. So there's a list...
19 The State requires that the plan include various
20 elements -- instructional requirements, policy,
21 curriculum maps -- given the size of our district we
22 put in some example of curriculum maps, understanding
23 that many times schools will develop their own, so we
24 wanna make sure that those are detailed enough.

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2 CHAIRPERSON DROMM: In your testimony --
3 I'm gonna go back to that for a moment -- Chancellor
4 Rose, you mentioned that instructional support for PE
5 is provided through the Office of School Wellness
6 Programs; what does that support look like; how does
7 that happen; when does it happen, and what is done?

8 DEPUTY CHANCELLOR ROSE: I'll ask Lindsey
9 to respond.

10 LINDSEY HARR: So my office, the Office
11 of School Wellness Programs provides instructional
12 and programmatic support for physical education,
13 health education and school wellness programs. So
14 among other things, we provide free training year-
15 round to teachers and administrators on our
16 recommended curriculum, we provide other technical
17 assistance and support to schools, either through
18 citywide training or through more targeted assistance
19 as needed.

20 CHAIRPERSON DROMM: So that is an area
21 where I as a teacher always felt that I needed help
22 because my school was built for 741 students; we had
23 1100 students enrolled, we had one gym and in fact,
24 both of the dressing rooms for the gym were being
25 used as classrooms, but we were told to provide gym

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2 by pushing back the desks in the classroom and have
3 the kids do jumping jacks. Is that what you're
4 saying is the wellness program?

5 LINDSEY HARR: No. No. So, I mean as
6 you alluded to, schools have a variety of different
7 situations and challenges; one of the things that we
8 do is work with schools to see how they might be able
9 to better utilize available space. I will also say
10 that the Move to Improve program that Deputy
11 Chancellor Rose mentioned, can be part of a
12 comprehensive PE program and that is developed on two
13 lines of PE standards and core academic concepts to
14 be done in the classroom, but not to supplant PE
15 class.

16 CHAIRPERSON DROMM: So when you say
17 utilize available space, it makes me a little nervous
18 because when you're using the locker rooms for
19 classroom space, there's probably no available space
20 to use; how do you match the mandates in schools
21 where that's happening? I think in my opening
22 statement I said we have 44 classes, if I'm recalling
23 correctly, a maximum of 30 periods, 25 that the gym
24 teacher could teach, 5 that you could schedule if you
25 were lucky to get the gym, if it was available for

1
2 use, but that left 14 classes out. So I'd say for
3 most of my 25 years in the department, my class never
4 got gym because there just was not anywhere that we
5 could do it and on occasion, when the weather
6 permitted, I would try to take them out to the yard
7 or something like that, but that was not always
8 available because of the weather conditions outside.
9 So how are you meeting those situations; what are you
10 doing in a situation like that, which by the way, we
11 had parents out here earlier today at a press
12 conference from District 24, is true in many of
13 District 24 and 30 schools?

14 DEPUTY CHANCELLOR ROSE: Well, as you
15 know from our Capital Plan discussions, District 24
16 is one of the districts where we are the most
17 challenged in identifying sites to build new schools;
18 we are working as hard and fast as we can to build
19 additional capacity there... [interpose]

20 CHAIRPERSON DROMM: Chancellor Rose, and
21 that is something that I wanted to bring up in this
22 hearing as well. We have put -- or your... the School
23 Construction Authority has put \$13.5 billion into the
24 Capital Plan and we had this discussion during the
25 budget hearings as well, that still, by their own

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2 recognition, their own acknowledgment, is 16,000 seat
3 short, so we're not going to really ever get to
4 address the issue of space if we don't speed up that
5 Capital Plan. So I really urge you, again, to look
6 at that Capital Plan, as I did with the Mayor
7 himself.

8 DEPUTY CHANCELLOR ROSE: Separately, to
9 your question about locker room space, we have found
10 in several buildings, many of our buildings, there
11 are spaces that were originally built as locker rooms
12 or for some other purpose that are not in fact in use
13 by the school or may have over time deteriorated to
14 the point that they are not usable as their original
15 purpose and there, in many cases, we have work with
16 principals and buildings to work for how can we make
17 this space more usable and have installed, as I
18 mentioned in the testimony, 63 different facility
19 projects, which could include weight rooms, dance
20 rooms; other fitness-based facilities that increase
21 the physical education capacity, dedicated capacity
22 in a building, and we are working on this.

23 CHAIRPERSON DROMM: So one of the
24 concerns that I always had as a teacher, even when we
25 did programs, like the Move to Improve program, in

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2 the classroom, was the safety of the students. How
3 do you deal with that issue, because students could
4 fall, the rooms are crowded, the desks are on the
5 side of the room; doesn't really give you much room
6 to be able to do physical activity, other than
7 jumping jacks?

8 LINDSEY HARR: I would love to show our
9 Move to Improve program, because we do a lot more
10 than jumping jacks. We've trained over 7500 teachers
11 since 2012 in the program and we've designed the
12 program in... [interpose]

13 CHAIRPERSON DROMM: So can you just... tell
14 me what do they do; that's what I'm trying to get at?

15 LINDSEY HARR: So there's a variety of
16 activities, so some may be more sort of yoga-based,
17 some are active where the children are moving around
18 doing different, like dance type moves; there is a
19 range. One school that I visited, they were using it
20 to reinforce some math lesson, so sort of a
21 true/false, so they might do a yoga tree pose and
22 then they might doing marching in place, things like
23 that. So there's a range that teachers can select
24 from and we do work with them to ensure that safety
25 is addressed.

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2 CHAIRPERSON DROMM: It just doesn't seem
3 to me to be the same as being in a gymnasium with a
4 ball or with an organized game or a sport of some
5 sort going on, so I applaud that effort to bring some
6 movement into the classroom, because I do believe
7 students need that; I'd have them stand up in the
8 morning and move their arms and things like that just
9 to get them going, but I don't think that it really
10 replaces the need for real physical education; what I
11 would call gym classes.

12 LINDSEY HARR: And that's not the intent
13 of the program. The schools that can use Move to
14 Improve to help meet PE requirements can only use it
15 for a portion of the time; they can only use it if
16 they have regularly scheduled PE classes with a PE
17 teacher.

18 CHAIRPERSON DROMM: Alright, let me just
19 on, 'cause there's other questions too that I wanna
20 get to. Deputy Chancellor Rose, in your testimony
21 you also said, on the bottom of Page 2, that factors
22 we will consider as we develop a plan to improve the
23 provision of physical education for all students.
24 Are you currently working on a plan for the
25 improvement of physical education?

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2 DEPUTY CHANCELLOR ROSE: We are, and that
3 includes many of the things that we discussed in our
4 testimony, including discussion with the UFT around
5 PE licenses.

6 CHAIRPERSON DROMM: So is that something
7 that we as the Council can expect to see at some
8 point in the future; is there a deadline for that?

9 DEPUTY CHANCELLOR ROSE: We don't have a
10 specific deadline, but it is something that we are
11 actively working on.

12 [background comments]

13 CHAIRPERSON DROMM: So there was a plan
14 in 2012, if I'm not mistaken; is the plan that you're
15 currently working on different from the plan in 2012?

16 DEPUTY CHANCELLOR ROSE: So I think the
17 2012 plan that you're referring to is the plan that
18 was submitted to the State.

19 [background comment]

20 LINDSEY HARR: So that's the District PE
21 plan. That plan, that's not an action plan; that's
22 not what the State intends it to be; it's a policy
23 and guidance document.

24 [background comments]

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2 CHAIRPERSON DROMM: So where are we with
3 that?

4 LINDSEY HARR: We are working with the
5 State to finalize some aspects of that... [crosstalk]

6 CHAIRPERSON DROMM: Is that what we were
7 talking about when I... [crosstalk]

8 LINDSEY HARR: Yes.

9 CHAIRPERSON DROMM: I mentioned to you
10 before? Okay.

11 LINDSEY HARR: Yeah.

12 CHAIRPERSON DROMM: So that is something
13 that you're working on the details to finalize it,
14 but it's going toward approval from the State?

15 LINDSEY HARR: Correct.

16 CHAIRPERSON DROMM: Okay. And do we have
17 a deadline when this new plan will be done?

18 LINDSEY HARR: The one that Deputy
19 Chancellor Rose was just speaking of...? [crosstalk]

20 CHAIRPERSON DROMM: Yes, mentioned in her
21 testimony.

22 LINDSEY HARR: I don't think we have a
23 firm deadline yet, but we're working on it.

24 CHAIRPERSON DROMM: So is that a formal
25 approach for a plan or is that an informal?

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2 DEPUTY CHANCELLOR ROSE: Well I think it
3 is our internal how will we move towards compliance,
4 and that includes the aspects of addressing the
5 license issues, working with schools on scheduling
6 and then identifying where we have specific space
7 challenges.

8 CHAIRPERSON DROMM: So lets talk a little
9 bit then about the licensing issues.

10 DEPUTY CHANCELLOR ROSE: Sure.

11 CHAIRPERSON DROMM: You said in your
12 testimony, I believe, that the UFT is moving toward,
13 working toward an elementary school physical
14 education teacher license; we're moving in that
15 direction?

16 DEPUTY CHANCELLOR ROSE: We are moving in
17 the direction of the K-12 license, yes.

18 CHAIRPERSON DROMM: So you said in your
19 testimony also, State-certified PE teachers who work
20 in elementary schools are technically working outside
21 of the City license, which could make them more
22 vulnerable to assessing; we want to ensure that this
23 is not a barrier to recruiting or retaining PE
24 teachers in elementary schools, but I would think
25 that is, because tell you the truth, even sometimes

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2 when you would go for bilingual extensions or other
3 things like that, you do lose certain amounts of
4 seniority in your school, etc., so forth and so on.
5 Are you ensuring that if people were to get those
6 licenses that it would not affect their position
7 overall if there was accessing to occur?

8 DEPUTY CHANCELLOR ROSE: So that is part
9 of the planning and discussions that we are
10 undertaking with the UFT.

11 CHAIRPERSON DROMM: With the UFT? Okay.
12 Okay, I just wanna go to one other question that I
13 have; then I'll turn it over to my colleagues;
14 something that I really love to talk about, which is
15 evaluation of physical education teachers. From what
16 I'm hearing from some teachers in the field, that
17 they have to share their evaluations, because their
18 evaluations are based on -- well I guess in the past
19 it was what, 20 percent of the State-mandated tests;
20 right; now it's gonna go up to 50 percent. So are
21 gym teachers going to be evaluated on other teachers'
22 scores on state tests? Because in some schools, I
23 think that's what had to happen because gym teachers
24 don't have a test per se that they're evaluated by on
25 the state level.

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2 DEPUTY CHANCELLOR ROSE: So I will have
3 to get back to you on that information; that's not my
4 area... [crosstalk]

5 CHAIRPERSON DROMM: But have you heard
6 stories where they've had to share these scores?

7 DEPUTY CHANCELLOR ROSE: I can't comment;
8 I will have to get back to you.

9 CHAIRPERSON DROMM: But every teacher in
10 the system is evaluated using test scores; am I
11 right?

12 DEPUTY CHANCELLOR ROSE: My gallery is
13 shaking their heads, so we'll come back to provide
14 comment (sic)... [crosstalk]

15 CHAIRPERSON DROMM: Well I think that
16 every teacher in the system has to be evaluated by a
17 certain percentage of test scores and the only way
18 you can get those test scores on people who are not
19 actually classroom teachers above the third grade,
20 because there's no testing below that, is according
21 to, you know, using the standardized test scores if
22 you're a gym teacher and you don't teach reading,
23 although we were told, believe it or not, that gym
24 teachers should teach a little reading, you know,
25 teach them how to do the jumping jacks; give them a

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2 description on paper, you know, put your hands up
3 over your head and you know, put your feet up in the
4 air; whatever, and that this was reading to justify
5 the testing part of it. So that's not something that
6 you're familiar with at this point?

7 DEPUTY CHANCELLOR ROSE: We will get more
8 detailed information back to you.

9 CHAIRPERSON DROMM: Okay, 'cause that is
10 something I'm very interested in; is how these
11 teachers are gong to be evaluated moving forward,
12 especially with the new State requirements of 50
13 percent for every teacher; I just think that -- I
14 have to say, in my opinion, the State didn't know
15 what they were doing when they made this requirement
16 and that would hold true for art teachers; that would
17 hold true for any specialized area that is not
18 directly evaluated by state test; it's a bizarre
19 system that, you know, is just crazy. Anyway, with
20 that, I'm gonna turn it over to Council Member
21 Elizabeth Crowley.

22 [background comments]

23 CHAIRPERSON DROMM: And we've been joined
24 by Council Member Reynoso as well. Thank you, and
25 Council Member Chaim Deutsch, (background comments)

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2 and Council Member Treyger and Council Member
3 Williams as well. Thank you.

4 COUNCIL MEMBER CROWLEY: Thank you,
5 Council Member... [interpose, background comment]

6 CHAIRPERSON DROMM: And Council Member
7 Maisel.

8 COUNCIL MEMBER CROWLEY: Thank you,
9 Council Member Dromm. Does the administration
10 support the bill?

11 DEPUTY CHANCELLOR ROSE: So the
12 administration supports the goal of providing
13 information on PE compliance and we would like to
14 work with the Council on specifics to make sure that
15 this is something that does not place an undue burden
16 on schools.

17 COUNCIL MEMBER CROWLEY: I don't
18 understand that part, the burden on schools.

19 DEPUTY CHANCELLOR ROSE: So some of the
20 way the bill is written makes it more challenging to
21 provide that specific information, so we wanna work
22 with you on what is best... [crosstalk]

23 COUNCIL MEMBER CROWLEY: What part of the
24 bill is challenging?

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2 DEPUTY CHANCELLOR ROSE: Well I think
3 these are individual discussions that we'd like to
4 have with you and Council offline.

5 COUNCIL MEMBER CROWLEY: The bill's
6 pretty basic; just asks how often, so the frequency
7 gym class is held at every grade level; how many
8 minutes each time the gym class meets, whether it's
9 taught by a physical education teacher and whether
10 you have the right facilities to hold the class,
11 whether it's a gym or outdoor area. So it's a basic
12 bill and it will evaluate the schools that really
13 need improvement, which according to the
14 Comptroller's recent report, and many other reports,
15 is far too many schools. I am involved in the issue
16 as a public school parent, going back years, it's
17 taken a while for this bill to finally complete its
18 drafting process and come to a hearing. But even in
19 my area, which is not as socio and economically
20 challenged as so many other parts of the city, our
21 schools are not meeting the minimum standards set by
22 the State and it's not acceptable.

23 Council Member Dromm asked a lot of
24 questions about a plan; this plan is required by the
25 State; is that correct? Is it the curriculum?

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2 DEPUTY CHANCELLOR ROSE: Would you like
3 to explain?

4 LINDSEY HARR: The District Plan is
5 required by the State; it is not the curriculum, it's
6 a comprehensive document outlining the requirements
7 and policies.

8 COUNCIL MEMBER CROWLEY: And you stated
9 in your testimony, or in answering the questions,
10 that you've been working on this plan since 2012;
11 correct?

12 LINDSEY HARR: We submitted the plan to
13 the State in 2012 and we're working on finalizing
14 some aspects of it with them.

15 COUNCIL MEMBER CROWLEY: When was the
16 time before that that you had an updated plan?

17 LINDSEY HARR: I am not sure; it was
18 sometime before that.

19 COUNCIL MEMBER CROWLEY: Nobody here
20 testifying knows that answer?

21 LINDSEY HARR: My understanding from the
22 State was that it was many years ago, perhaps in the
23 90s.

24 COUNCIL MEMBER CROWLEY: My research says
25 it was 1982, which is right when I was starting

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2 kindergarten, it's been a long time ago. Did you
3 read the Comptroller's report?

4 [bell]

5 LINDSEY HARR: Yes, we have.

6 COUNCIL MEMBER CROWLEY: And do you agree
7 with the findings of the Comptroller's report?

8 DEPUTY CHANCELLOR ROSE: So the
9 Comptroller's report is... the data is based on Local
10 Law 60, which provides, based on principal-reported
11 classroom information, information about facilities
12 available to each school. One of the things we have
13 found is that, particularly in co-located buildings,
14 only one principal in the building will report the
15 gym, even though the gym is a shared space and to be
16 used by all schools in the building. So we believe
17 that some of the data in the report is incomplete in
18 that, for example, co-located buildings, many more
19 schools have in fact access to physical education
20 facilities... [crosstalk]

21 COUNCIL MEMBER CROWLEY: Alright, so just
22 because we are short on time [background comment] and
23 I know many of my colleagues have a lot of questions
24 to ask, the Comptroller's report said nearly 80
25 percent of the 435 schools which are co-located

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2 schools, so we already know they have challenges,
3 have to share inadequate gym space and athletic
4 facilities; is that correct, 80 percent?

5 DEPUTY CHANCELLOR ROSE: We would not
6 agree with that, no.

7 COUNCIL MEMBER CROWLEY: So what is the
8 number?

9 DEPUTY CHANCELLOR ROSE: So the
10 Comptroller's report -- we've identified nine
11 buildings that are co-located that are home to
12 schools without PE space; it's a substantially lower
13 number than in the Comptroller's report.

14 COUNCIL MEMBER CROWLEY: So if you could
15 give your findings to the Committee, that would be
16 helpful, or to myself; I'm not on the Committee. But
17 in order to see where the Comptroller's getting his
18 numbers from and where you're getting your numbers,
19 because they're drastically different. The
20 Comptroller's report also said that 32 percent,
21 almost one out of three schools, lack a full-time PE
22 teacher that is certified; is that correct?

23 DEPUTY CHANCELLOR ROSE: So many
24 elementary schools do lack a certified PE teacher for
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the licensing... largely for the licensing reasons that we previously discussed... [interpose]

COUNCIL MEMBER CROWLEY: But somebody who is license to teach physical education can still teach elementary school and be considered a certified elementary school -- or a certified physical education teacher, so... [interpose]

DEPUTY CHANCELLOR ROSE: They can.

COUNCIL MEMBER CROWLEY: so whether you're certified to teach physical education for the elementary school grade levels or whether you're certified for middle or high school you're still certified as a physical education teacher, and so I think that that's just trying to wiggle out of answering and telling us the truth about this difficult reality, that 32 percent of our schools lack a full-time physical education teacher. It's easier to say yes, that's true; it's a problem we inherited from the previous administration and we're gonna work together to resolve this issue; every school in the City of New York will have a certified physical education teacher.

DEPUTY CHANCELLOR ROSE: And as we said we are working with the UFT so that we can address

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2 the licensing issues that contribute substantially to
3 that area (sic).

4 COUNCIL MEMBER CROWLEY: In the meantime
5 you could just get physical education teachers that
6 are license, they don't need to be limited to an
7 elementary school level. I mean look, they're
8 learning basically the same type of stuff when they
9 go for their certification, whether you're...

10 DEPUTY CHANCELLOR ROSE: Right.

11 COUNCIL MEMBER CROWLEY: teaching PE to a
12 5-year-old or a 15-year-old. But I think this bill
13 is a no-brainer; I wanna thank Council Member Dromm
14 for having this hearing today. The numbers are
15 staggering, especially in areas of low-income where
16 you also have higher numbers of childhood obesity
17 rates; we should be doing all we can to make sure we
18 give those schools extra, but we're not even meeting
19 the bare minimum. So you have my commitment to work
20 with the Department of Education and you, Chair Dromm
21 and the rest of the Council to get these teachers
22 hired, to find the needed space and to make sure that
23 our kids are not short-cut when it comes to physical
24 education. Thank you.

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2 CHAIRPERSON DROMM: Thank you. Council
3 Member Reynoso.

4 COUNCIL MEMBER REYNOSO: Thank you,
5 Chair. And welcome and good afternoon. I just
6 wanted to ask a couple of questions. Is there a
7 standard as to what physical fitness is; how much you
8 have to or how active you have to be for it to be
9 considered physical fitness? Would transferring or
10 walking from one class to another be considered
11 physical fitness? 'Cause I really want to understand
12 the MTI program; it's a huge concern for me that in
13 the greatest city in the world that we would have
14 such a low standard for physical education; I just
15 really wanna go through that process.

16 LINDSEY HARR: So walking from one class
17 to another is physical activity, but not physical
18 education. Physical education is an instructional
19 area, like any other, like math, English, social
20 studies and so on; there are state and national
21 learning standards for it and it must taught by a
22 certified teacher. Both physical activity and
23 physical education are very important when we're
24 talking about our students' health and wellbeing, and
25 so we certainly want to support schools in having

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2 physical activity programs to help them meet the 60
3 minutes of daily physical activity that's recommended
4 for kids. But when we're talking about physical
5 education, there are very specific State requirements
6 about that, both in terms of time and frequency,
7 leaning standards and where it's taught.

8 COUNCIL MEMBER REYNOSO: Okay; I'm just
9 letting you know that the MTI is -- that is a very
10 low standard for physical education; I didn't know it
11 existed and I just wanna make sure that I'm on the
12 record letting you know that. Does the five-year
13 Capital Plan currently address the need for expanded
14 space in areas that don't have physical fitness space
15 or gyms? By law you're supposed to require a certain
16 amount of space, so I'm guessing in your five-year
17 Capital Plan you're looking to meet that requirement.

18 DEPUTY CHANCELLOR ROSE: So that is not
19 currently a component of the Capital Plan, although
20 within restructuring we do have projects that create
21 additional physical fitness spaces in some schools.

22 COUNCIL MEMBER REYNOSO: I wanna speak
23 specifically to a school called PS18 in Brooklyn that
24 -- I just wanna know what you guys -- what determines
25 adequate physical fitness space, so in the

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2 Comptroller's report it says percentage of New York
3 City schools without physical fitness space? I'm
4 just hoping that PS18, who uses a 30 x 20 plot, in an
5 accompanied or adjacent to their cafeteria as
6 physical fitness space; I wanna know what is legal
7 physical fitness space in a school?

8 DEPUTY CHANCELLOR ROSE: I don't know
9 that there is a specific legal or code related to
10 physical fitness space; what we do do is work with
11 all of our schools to make the best use of whatever
12 space they have, whether that is a gym, a
13 multipurpose room, a dance room, cafeterias; we will
14 work with schools to provide the physical activity
15 and education that students are expected to receive.

16 COUNCIL MEMBER REYNOSO: So two things; I
17 think we need to start figuring that out more
18 comprehensively; I think that this bill would do
19 that, so I'm excited to see what we get in regards to
20 data, but also wanna be very clear that the MTI
21 program is a low standard; we shouldn't be looking to
22 the least, we should be looking to the most and if
23 you don't put expansion of physical fitness space in
24 a five-year Capital Plan, then are you truly trying
25 to address the issue of a lack of space in a lot of

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2 these schools? And I'm speaking from a member that
3 has -- according to the Comptroller's report, one of
4 the highest levels of obesity and over five schools
5 with no physical fitness space and you know, just as
6 I flip through pages in this report, it's just a huge
7 issue and if it's not in the five-year Capital Plan,
8 I don't think you're taking it serious, 'cause
9 there's no real attempt at expanding space in places
10 where we need them. And that can be a statement and
11 a question. Thank you.

12 CHAIRPERSON DROMM: Thank you. Council
13 Member Treyger.

14 COUNCIL MEMBER TREYGER: Thank you, Chair
15 Dromm and welcome, Deputy Chancellor. I just wanna
16 echo the remarks that the Chair made earlier, that --
17 and this is a result I think of more state mandates
18 and about the way they do evaluate physical education
19 teachers and art teachers and others that they're
20 tying their evaluations to assessments that have
21 nothing to do with their discipline and subject area
22 and I could tell you, as a recent teacher, it is true
23 and it's highly problematic and I think it actually
24 disrupts and confuses the school culture and

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2 community, so I thought the Chair's remarks that that
3 is a system that needs immediate and quick revamping.

4 I just wanna just focus on the issue of
5 co-locations and common spaces. I think one of the
6 things that I see happening in my district and
7 happening elsewhere is that when you have -- I have a
8 school in my district that has like four... I think
9 five schools in it, actually and everyone is looking
10 to of course get funds and resources for their
11 school, but then you have common spaces, like
12 libraries, like the library, like the field, like the
13 cafeteria and who's looking out for that? And
14 because each school is looking out for technology,
15 Reso A; a science lab, which are very reasonable
16 requests, but when I walk into a library and I see
17 computers back in the 1980s or if I see a field in
18 decrepit condition, you know, the DOE needs to factor
19 in common spaces, the conditions of those common
20 spaces prior to even doing co-loca... we have issues
21 with co-locations; I think you've heard that a number
22 of time, [background comments] but one of the impacts
23 I think has been on physical education. We need to
24 make sure that we are assessing -- and I think that
25 there's supposed to be in the law that there is some

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2 sort of -- if you can maybe clarify that -- what type
3 of assessment is done prior to a co-location of
4 common spaces like fields and gyms; can you speak to
5 that?

6 DEPUTY CHANCELLOR ROSE: Sure.

7 COUNCIL MEMBER TREYGER: Thank you.

8 DEPUTY CHANCELLOR ROSE: So in planning a
9 co-location we look at the total capacity of the
10 building, and that is both classroom space and other
11 ancillary spaces, like the cafeteria and the gym; in
12 fact, we generally publish with any co-location
13 proposal and with all charter proposals, sample
14 shared spaces schedules; capacities of the shared
15 spaces so that we can demonstrate that yes, there is
16 space for all of the students in the building to eat
17 in the cafeteria. I think it's important to note
18 that again, these buildings were built for larger
19 populations than they were serving and so the total
20 number of students in the buildings are not exceeding
21 what the building was intended to serve in terms of
22 number of students. There are best practices
23 [background comment] in co-locations that make better
24 use of some of these shared spaces; the best co-
25 locations in fact [background comment] don't

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2 necessarily have separate cafeteria periods for each
3 individual school in the building, but the schools
4 work together and share the cafeteria and that allows
5 for better lunch times... [interpose]

6 COUNCIL MEMBER TREYGER: But... But during
7 the assessments, is the DOE... if the DOE inspects and
8 sees the conditions are poor of a field or of a gym,
9 [background comment] is the DOE obligated to commit
10 resources prior to the co-location to repair and fix
11 those shared spaces before the co-location proceeds?

12 DEPUTY CHANCELLOR ROSE: So in many of
13 the new physical facilities that I mentioned earlier
14 are in fact in buildings with co-locations where we
15 have worked with the schools to identify the
16 challenges and spaces that were either not being
17 utilized at all or were not in good condition where
18 we were able to provide upgrades, and we do that
19 frequently with libraries and physical fitness spaces
20 in... [crosstalk]

21 COUNCIL MEMBER TREYGER: Those are for
22 new facilities or existing facilities as well?

23 DEPUTY CHANCELLOR ROSE: Existing
24 facilities.

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2 COUNCIL MEMBER TREYGER: And lastly, I
3 would just -- to go back to my initial point, is that
4 the impact that I think that this evaluation system
5 has had on physical education is that -- and we hear
6 the obesity rates, we hear about these figures -- I
7 know there was a term used during my days in teaching
8 which is still used -- writing across the curriculum
9 -- I respect it; I'm a big supporter in writing and
10 reading, but with all due respect, during physical
11 education class there should be some physical
12 activity as well; kids should not be expected to
13 write diary entries for 45 minutes. So I think that
14 we need to make sure that we're empowering
15 superintendents and empowering local decision-makers
16 and principals to allow for physical activity during
17 phys ed time, and not turn it into [bell] a time to
18 make a book report, 'cause there are other classes
19 for that. Thank you, Chair.

20 [background comment]

21 CHAIRPERSON DROMM: Thank you. And we've
22 been joined by Council Member Chin and I'm gonna let
23 her ask a question in a moment, but just to take off
24 on a point that Council Member Treyger brought up;
25 I'm hoping that the Blue Book task force

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2 recommendations will come out soon and I am fairly
3 certain that that's going to show that even in
4 schools where we say that they were not crowded in
5 the past are in fact actually overcrowded and rooms,
6 like in my school, and I'm sure it's in many other
7 schools as well, that were originally used for a
8 science room or for, like I said, the locker room or
9 the dressing room for the theater or whatever are now
10 being used for classrooms, and although in that sense
11 those are not overcrowded, because you may have a
12 lower population in those rooms or whatever, still it
13 adds to the overall number of students in the
14 building, which was never intended to accommodate and
15 the gymnasium was never intended to accommodate
16 having classrooms in those specialty rooms, so it
17 creates a problem for usage of the gym. I mean,
18 really, if you looked at 199 -- I hate to go back to
19 it, but it's the most egregious example I can think
20 of -- you know, 25 percent of the students clearly
21 were not getting any gym at all and a 100 percent of
22 the students were not getting the State-mandated
23 services. That was just the reality at PS199Q in
24 Sunnyside and I am certain, from other teachers and

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2 from my experience the system, that that is happening
3 in many, many other schools across the system.

4 Anyway, that being said, Council Member
5 Chin.

6 COUNCIL MEMBER CHIN: Thank you, Chair.
7 Thank you Deputy Chancellor; sorry I missed your
8 testimony; I was looking at it and it's interesting
9 that in elementary school, 'cause my husband is a
10 teacher, that the teachers themselves can provide PE
11 instruction, but here you said that it has to be
12 under the supervision of a license PE teacher or
13 supervisor, so is there a license PE teacher or
14 supervisor in every single elementary school now?

15 DEPUTY CHANCELLOR ROSE: So there is not
16 and one of the issues is that we actually don't have
17 a City license for elementary PE and that is
18 something that we are working with the UFT to
19 address.

20 COUNCIL MEMBER CHIN: So what you're
21 saying is that right now it really, in the elementary
22 schools, really depends on the teacher; the teacher
23 is physically active, you know, takes the class out
24 to play soccer or swimming; then the kids are getting
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2 PE and if the teacher is not; then they're not
3 getting PE?

4 DEPUTY CHANCELLOR ROSE: No. Many
5 elementary schools have a common branch licensed
6 teacher teaching PE, so it is not a PE licensed
7 teacher and therefore not strictly within compliance.

8 COUNCIL MEMBER CHIN: Okay. Because some
9 schools, they just have like a dance teacher; would
10 that be considered a physical ed teacher if they do
11 dance with the class?

12 DEPUTY CHANCELLOR ROSE: So we certainly
13 support our elementary schools that are using common
14 branch licensed teachers teaching PE today and we're
15 looking forward to working towards having a PE
16 license available for elementary schools.

17 COUNCIL MEMBER CHIN: So there is right
18 now no set curriculum for PE education? Like what
19 does this have to involve; one period doing what or
20 any guidelines or anything or is just... [crosstalk]

21 LINDSEY HARR: We...

22 COUNCIL MEMBER CHIN: whatever you do?

23 LINDSEY HARR: We do have a recommended
24 curriculum and we provide free training on that

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2 curriculum for teachers across the city; it's called
3 Physical Best.

4 COUNCIL MEMBER CHIN: It's called what?

5 LINDSEY HARR: Physical Best.

6 COUNCIL MEMBER CHIN: Physical Best?

7 Okay. We'll look into that. One of the issues that
8 I have in my district is, among other council
9 members, overcrowding co-location, so in one of my
10 middle school complexes, where there's at least four
11 or five middle schools in there, parents are telling
12 us that the students have to stay late to fulfill
13 their PE requirements in order to graduate, so how is
14 DOE -- what's DOE doing to alleviate that; I mean
15 like, students are being penalized if they have to
16 stay later during the day in the school just so that
17 they could do the physical education class.

18 DEPUTY CHANCELLOR ROSE: So if you'd like
19 to outside of this share that particular school, we'd
20 be happy to look into the case. One of the greatest
21 challenges with achieving PE compliance is going to
22 be shifting instructional time from other subjects to
23 PE and that has got to be a component of achieve and
24 compliance.

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2 COUNCIL MEMBER CHIN: Okay, we will
3 follow up with you regarding this school complex to
4 see how we can resolve that question, 'cause the
5 students should not be penalized.

6 The other issue is that it's not just the
7 physical education class; I mean a lot of the schools
8 have equipment, playground and that really helps add
9 to the physical activity, but oftentimes schools in
10 my district are telling me that they are asking for
11 repairs and it's taking a long time to get, you know,
12 playground matting, to get jungle gym equipment
13 replaced in one school and another school got a
14 sinkhole and another school wanted to get their
15 tennis courts replaced, and those are, I guess
16 important items for them to do physical activity, or
17 even do their gym class and they could do tennis, but
18 if the courts are not repaired, so what is DOE doing
19 to really ensure that we can do these repairs of
20 physical education equipment as quickly as possible?

21 DEPUTY CHANCELLOR ROSE: So depending on
22 the size of the repair, it may be something that we
23 can do through our Division of School Facilities and
24 maintenance staff or it may be something that has to
25 become a capital plan project. We work with each

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2 individual situation to address it as rapidly as we
3 can; some of it involves issues above and beyond even
4 DOE's control, as in the case of the sinkhole that
5 you referred that I understand.

6 COUNCIL MEMBER CHIN: And my last
7 question is like -- I mean within the community there
8 are a lot of -- you know we have some local sports
9 leagues, we have some nonprofits that wanna do, you
10 know, healthy sports programs, but it's very
11 difficult to [bell] rent space from DOE; is there a
12 process where DOE can give priority to local
13 organizations to be able to access DOE facilities?

14 DEPUTY CHANCELLOR ROSE: Well so there is
15 the process of renting DOE facilities through our
16 Extended Use Permit process and that provides access
17 to our facilities to all city residents and
18 organizations, but because different buildings have
19 different facilities, it does not prioritize the
20 specific local neighborhood over another organization
21 that may be from an adjoining neighborhood, because
22 the facilities may not be comparable or available.

23 COUNCIL MEMBER CHIN: Well I mean,
24 priority for local community groups, local, you know
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2 sports leagues versus private sports leagues or other
3 groups.

4 DEPUTY CHANCELLOR ROSE: So I'm not sure
5 what you mean by a private sports league; we do not
6 provide our facilities to for-profit organizations,
7 they are only available for local community groups;
8 not for-profit organizations, for their use. We
9 don't make our buildings available to a for-profit
10 entity.

11 COUNCIL MEMBER CHIN: Well we'll follow
12 up with you on certain incidents.

13 DEPUTY CHANCELLOR ROSE: Sure.

14 COUNCIL MEMBER CHIN: But thank you,
15 Chair.

16 CHAIRPERSON DROMM: Thank you. We've
17 also been joined by Council Member Mark Levine; thank
18 you for being with us.

19 So Physical Best is the name of the
20 curriculum guide?

21 LINDSEY HARR: Correct.

22 CHAIRPERSON DROMM: And does that include
23 lessons -- I don't know if ever heard of the old
24 Charlotte Frank books; do you know who Charlotte
25 Frank was?

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LINDSEY HARR: I've heard the name.

CHAIRPERSON DROMM: Yes, Deputy

Chancellor and had great curriculum guides and if you were a teacher and you were lucky and you got left those books in your closet [background comment] when you took over the room, you had everything laid out for you there. But does Physical Best include things like, basic things as like duck, duck goose and relay races and -- well I guess dodgeball is outlawed; at least it was in my school, [background comments] things like that; is that included in the curriculum guide?

[background comments]

LINDSEY HARR: We do not recommend dodgeball as part of PE class... [interpose]

CHAIRPERSON DROMM: Yeah, I'm sorry; I couldn't hear you.

LINDSEY HARR: We do not recommend dodgeball as part of PE class. The Physical Best curriculum is really focused on health-related fitness and helping students understand what's necessary to take care of their health, so it involves a range of activities and teachers use it to build on and further develop their own classes.

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2 CHAIRPERSON DROMM: So but does it give
3 teachers concrete ideas about some activities that
4 they can use to build on those skills?

5 LINDSEY HARR: Yes.

6 CHAIRPERSON DROMM: So there's specific
7 games and things like that that they can incorporate?

8 LINDSEY HARR: And activities and skills,
9 yes.

10 CHAIRPERSON DROMM: Okay, great. And
11 just a few more questions that I have for your.
12 Adaptive physical education programs; how do you deal
13 with that; one, in District 75 schools, and two; in
14 mainstream classrooms as well?

15 LINDSEY HARR: If a student is mandated
16 for adaptive physical education in her or his IEP,
17 then they must receive that physical education from a
18 license PE teacher. So in most district schools
19 where there's a license PE teacher, that student
20 receives PE and in the most inclusive environment
21 possible. At the elementary level, as noted, we do
22 have a lack of certified PE teachers, so we have a
23 group of itinerant APE teachers who serve students
24 with IEPs at the elementary level. In District 75
25 there are certified PE teachers who provide PE.

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2 CHAIRPERSON DROMM: So do you provide
3 training to regular classroom teachers on adaptive
4 practices to use when they are in charge with
5 providing the physical education classes?

6 LINDSEY HARR: Yes.

7 CHAIRPERSON DROMM: This is another
8 question that always gets me. DOE's wellness policy
9 also encourages principals to provide elementary
10 school students with at least 20 minutes a day of
11 supervised recess, preferable outdoors. I get a lot
12 of complaints from parents telling me that
13 principals, who I love dearly, but don't have the
14 aides to be able to work with the children for
15 recess; that they're sitting students in auditoriums
16 watching movies during recess time. Is there a
17 policy on this and if there isn't; should there be;
18 how are you dealing with this issue of showing of
19 movies at lunchtime?

20 LINDSEY HARR: As you noted, the wellness
21 policy does strongly encourage and recommend that
22 recess be provided, but you're correct, it's not
23 required.

24 CHAIRPERSON DROMM: So is there a plan to
25 -- I know the Chancellor has done some good things

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2 around creative use of lunchtime with the games and
3 things like that in the cafeteria itself; one of my
4 schools in my district; IS230, as a matter of fact,
5 was one that was highlighted actually, but we need
6 some more physical activities; is there a plan moving
7 forward to ensure that recess is conducted and that
8 we don't use movies?

9 DEPUTY CHANCELLOR ROSE: Well where you
10 know that principals are placing kids in auditorium
11 and playing movies on a regular basis for recess, we
12 would like to know about it; we'll absolutely follow
13 up... [crosstalk]

14 CHAIRPERSON DROMM: Well the list will be
15 hundreds, so... and I'll get as many as I can to you,
16 but it's gonna be a very long list and primarily it's
17 because they don't have the staff that they need to
18 be able to bring the kids outside during recess.

19 Two more. Does the DOE count
20 participation in Move to Improve classrooms towards
21 the State PE instructional time requirements?

22 LINDSEY HARR: Yes, a portion of it can
23 if the school has regularly scheduled PE classes with
24 a PE teacher and if 85 percent or more of the
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2 classroom teachers are trained and in Move to
3 Improve.

4 [background comments]

5 DEPUTY CHANCELLOR ROSE: And only up to
6 40 minutes, so it's only up to one-third of the total
7 requirement.

8 CHAIRPERSON DROMM: So it's our
9 understanding also [background comments] that PE
10 class sizes can be as high as 50 students that's
11 allowable by the contract.

12 DEPUTY CHANCELLOR ROSE: So under the UFT
13 contract, high school and middle school [background
14 comment] gym classes, the maximum teacher/student is
15 50 students to a teacher during a class period.

16 CHAIRPERSON DROMM: So in your
17 calculations, is that included in terms of the number
18 of students receiving services; how does that figure;
19 how was that scheduled?

20 DEPUTY CHANCELLOR ROSE: No, we are
21 basing the number of students receiving services
22 based on the actual student schedules.

23 CHAIRPERSON DROMM: Do you have many
24 classes with 50 students?
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2 DEPUTY CHANCELLOR ROSE: I don't know
3 that we have the number of students scheduled to one
4 teacher as part of that data.

5 CHAIRPERSON DROMM: I'm sorry; can you
6 say that again?

7 DEPUTY CHANCELLOR ROSE: We'll have to
8 look at the data and see if it includes the number of
9 students that are scheduled to a single teacher.

10 CHAIRPERSON DROMM: So the data that you
11 have; can you share that with us? [background
12 comments]

13 DEPUTY CHANCELLOR ROSE: So the data that
14 we have is on the individual school's student
15 schedule and we shared that 80 percent of middle
16 school students and 84 percent of high school
17 students are currently being scheduled in compliance
18 with State mandates.

19 CHAIRPERSON DROMM: But in terms of
20 answering my last question; you're gonna get back to
21 me on the 50; you don't have a number on that today
22 or is that part of what you would have though...?
23 [crosstalk]

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2 DEPUTY CHANCELLOR ROSE: I do not have
3 the number today and we will see if we have that
4 number.

5 CHAIRPERSON DROMM: Okay. Okay, I think
6 I'm gonna end it here unle... oh, Council Member Mark
7 Levine has a question.

8 COUNCIL MEMBER LEVINE: Thank you, Chair
9 Dromm. Hello Deputy Chancellor Rose; very nice to
10 see you.

11 DEPUTY CHANCELLOR ROSE: Thank you; you
12 too.

13 COUNCIL MEMBER LEVINE: Of course we know
14 that what we hold our leaders accountable for;
15 principals in this case, affect the kind of programs
16 that are implemented in schools and one reason why I
17 think we've seen gym deemphasized is that it hasn't
18 been able to compete with the kind of accountability
19 that we've attached to scores for ELA and math, which
20 principals are forced to put great attention to; I
21 would argue even disproportionate attention to. I
22 wonder whether you have thought about put
23 accountability measures related to physical education
24 fee and even perhaps health in general on the PPRs so
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2 that principals are really incentivized to think
3 about this?

4 [background comments]

5 LINDSEY HARR: So a few points there. So
6 on the principal's compliance checklist, which is
7 managed by our Office of Compliance Services, PE is
8 one of the items on that checklist, and in fact this
9 year it is one of the Chancellor's ten priority items
10 and we are really looking forward to working together
11 with the Office of Compliance and the superintendents
12 to follow up with and support schools that need that
13 support.

14 COUNCIL MEMBER LEVINE: But that's sort
15 of a check box; either you are compliant or you're
16 not; is that right and..

17 LINDSEY HARR: Yes and the principals
18 receive additional information about sort of where
19 they are in terms of compliance so that they can
20 receive additional support in moving into compliance.

21 COUNCIL MEMBER LEVINE: Got it. And have
22 you thought about some sort of bigger vision of
23 measures of what a physically healthy student body
24 might look like, percent of students who participate
25 in a sports team or an extracurricular intramural

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2 team; perhaps even some measures of physical health
3 in the student body? It's very dangerous to start
4 measuring obesity rates and holding a principal
5 accountable, but maybe there is some way to measure
6 the health of the study body and encourage principals
7 to move that in the right direction.

8 LINDSEY HARR: I think -- you know we're
9 really encouraged by this administration's commitment
10 to really educating the whole child and to the level
11 of understanding that health and wellness impact
12 academic achievement and student success in their
13 lives; that's increasingly part of the conversation.

14 COUNCIL MEMBER LEVINE: If not at the
15 school level; what about the level of central to
16 [sic] DOE; do you have goals for obesity rates among
17 your students, for example?

18 LINDSEY HARR: Not per se; certainly we
19 want to see obesity rates decrease across the city
20 and healthy weights increase, and a lot of our work
21 is focused on supporting schools so that they can
22 have really comprehensive PE programs for their
23 students so students can learn what they can do and
24 need to do to remain healthy, both now and in the
25 future as they grow up.

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2 COUNCIL MEMBER LEVINE: Thank you very
3 much.

4 CHAIRPERSON DROMM: 'Kay; we do have a
5 question from Council Member Rose also. Council
6 Member Rose.

7 COUNCIL MEMBER ROSE: Good afternoon. I
8 might have missed your answer, but I'm very concerned
9 about, you know, the co-located schools and the fact
10 that there's not adequate facility space to have PE
11 for the schools that are in the shared space. So how
12 do you hold... is there some accountability in terms of
13 holding principals accountable for not meeting this
14 mandate?

15 DEPUTY CHANCELLOR ROSE: So we think with
16 our new structure that we will be able to
17 significantly improve the work with principals to
18 achieve compliance on PE. Our superintendents are
19 now responsible for both the supervision and support
20 of schools; we now have for the first time data that
21 will help us pinpoint where and which schools need
22 additional support and need help and we also have
23 these new borough field support centers which can
24 help provide that targeted support to individual
25 schools. So we believe we're improving through our

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2 new structure our ability to hold principals
3 accountable on this.

4 COUNCIL MEMBER ROSE: And so what does it
5 look like when you say you'll hold them accountable;
6 what is the penalty for not meeting this mandate or
7 is there a penalty?

8 DEPUTY CHANCELLOR ROSE: Well I think the
9 most critical point is that high school students need
10 certain credits to graduate and so we want to ensure
11 that students are able to graduate on time based on
12 all of their academics and so we want to make sure
13 that we're not leaving any children behind because of
14 PE. But this is very much a how do we work and
15 support rather than penalize approach.

16 COUNCIL MEMBER ROSE: I think I saw in
17 the Comptroller's report there's like close to a
18 hundred high schools that really don't have the
19 physical space and if this is a graduation
20 requirement, how do you get around this?

21 DEPUTY CHANCELLOR ROSE: So as we did say
22 earlier, what we frequently find in co-located
23 buildings is that only one principal will report the
24 gym space that is available in the building, even
25 though all of the schools had access to the PE

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2 facilities. So the number of buildings with no PE
3 spaces is substantially lower than listed in the
4 report.

5 COUNCIL MEMBER ROSE: That still doesn't
6 address the fact that all of the schools in that
7 building [background comment] don't have access to
8 the gym.

9 DEPUTY CHANCELLOR ROSE: They do have
10 access to the gym... [crosstalk]

11 COUNCIL MEMBER ROSE: They do have access
12 to the gym?

13 DEPUTY CHANCELLOR ROSE: They do have
14 access to the gym.

15 COUNCIL MEMBER ROSE: And in the
16 elementary schools, how do you address that issue of
17 co-located schools and shared gym space?

18 DEPUTY CHANCELLOR ROSE: So the same way
19 we do for middle schools and high schools; building
20 councils must develop a schedule for the use of any
21 shared spaces and our Office of Campus Governance
22 will work with schools that are having difficulty in
23 developing those shared schedules, but the gym is
24 absolutely a shared resource and all schools in the
25 building have access to it.

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2 COUNCIL MEMBER ROSE: And have we learned
3 anything in terms of the co-locations where there's
4 one gym and the fact that this puts a strain on the
5 schools in terms of trying to meet this mandate and
6 if in fact this is a mandated activity, how is it
7 that we continue to make co-locations in schools that
8 -- you know, we're like setting them up to fail.

9 DEPUTY CHANCELLOR ROSE: So in many c-
10 locations we have multiple PE spaces or where we feel
11 that there are unused spaces that could be better
12 utilized; we have been able to create additional PE
13 spaces, such as fitness rooms, weight rooms; dance
14 rooms that can help support all of the schools in the
15 building to meeting those requirements. We also work
16 with schools, whether they are co-located or not co-
17 located, to maximize the use of the space that they
18 have and where that is a gym space plus a
19 multipurpose space or in some cases we have buildings
20 that [bell] do not have gymnasiums, how they can use
21 what they have, the resources that they have to best
22 meet their PE requirements... [crosstalk]

23 COUNCIL MEMBER ROSE: So every...

24 DEPUTY CHANCELLOR ROSE: We have schools
25 that do not have gyms but that are in compliance.

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2 COUNCIL MEMBER ROSE: So every school,
3 all of our schools are meeting this mandate?

4 DEPUTY CHANCELLOR ROSE: No; we have not
5 said that. We in fact have been clear that currently
6 about 80 percent of all students in middle school and
7 84 percent of all students in high school are
8 scheduled, fully in compliance with the mandates and
9 that we have work to do to ensure that all schools
10 are meeting the mandates.

11 COUNCIL MEMBER ROSE: And so I'm sure,
12 Chair that we're going to follow up with that, to
13 ensure that all of the schools are meeting this
14 mandate. Thank you. Thank you.

15 CHAIRPERSON DROMM: Absolutely and that's
16 the goal of this hearing. I think we are done with
17 the questions; I wanna say we've been joined by
18 Council Member Dan Garodnick, though; thank you for
19 joining us. And let's leave on a positive note; you
20 know I did get a new school in my district IS230
21 extension... I think it's called IS297, but they built
22 beautiful running rooms, you know they have the
23 running machines in there, they have [background
24 comment] the weight rooms; it's better than any gym
25 you could pay for in the city of New York, so let's

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2 keep going on that record and keep moving down that
3 way to provide physical education for our students.
4 So thank you for coming in and we look forward to
5 continuing to work with you on this issue.

6 DEPUTY CHANCELLOR ROSE: Thank you very
7 much.

8 CHAIRPERSON DROMM: 'Kay. And now I'd
9 like to call David Saltonstall from New York City
10 Comptroller Scott Stringer's office.

11 [bell]

12 [pause]

13 CHAIRPERSON DROMM: Mr. Saltonstall,
14 would you please raise your right hand? Do you
15 solemnly swear to tell the truth, the whole truth and
16 nothing but the truth and to answer council member
17 questions honestly?

18 DAVID SALTONSTALL: I do.

19 CHAIRPERSON DROMM: Thank you. And would
20 you like to proceed?

21 DAVID SALTONSTALL: Thank you. Thank
22 you, Chairperson Dromm for holding this hearing today
23 and to Council Member Crowley for your leadership on
24 Int. 644.

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2 My name is David Saltonstall and I'm the
3 Assistant Comptroller for Policy testifying here on
4 behalf of New York City Comptroller Scott Stringer.

5 The Comptroller strongly supports Int.
6 644, which would provide us with the data necessary
7 to ensure that every child in every public school is
8 receiving the physical education to which they are
9 entitled.

10 As we have heard here this morning
11 already many times, the New York State Department of
12 Education has issued extensive regulations governing
13 physical education in the City and elsewhere across
14 the state. But a recent study by our office, and
15 there are copies available throughout the room, did
16 find widespread deficiencies the current landscape in
17 the city.

18 I do appreciate the testimony today of
19 Deputy Chancellor Rose, who has suggested there were
20 some discrepancies presented in the report and that
21 the data they testified here to today. I would just
22 underscore for the Committee that every piece of data
23 that we included in our report was received directly
24 from the Department of Education, as a result of a
25 request we made to them, especially on the certified

1 teachers numbers, the data came from the Department
2 of Education. On fitness spaces, the data was
3 compiled through Local Law 60, which does require
4 principals to identify fitness spaces within their
5 buildings, so that's where we got our numbers. I can
6 appreciate that there might be differences, but what
7 we found is that 506 New York City schools, or about
8 32 percent, lack a full-time certified physical
9 education teacher, including 59 percent of elementary
10 schools; 435 schools, or about 28 percent, lack a
11 dedicated physical fitness space; I think we saw that
12 the problem is particularly acute for high schools;
13 middle schools and we would assert for co-located
14 schools as well. Again, I know Deputy Chancellor
15 Rose seemed to be presenting some new information
16 today on that, but we would stand by our numbers.

18 In addition, nearly 10 percent of schools
19 throughout the city do not have access to an outdoor
20 physical fitness facility, such as a school yard or a
21 nearby park; I don't think we heard any discussion
22 about that today.

23 So all told, we found that over 400,000
24 students out of 1.1 million lack some piece of the
25 infrastructure needed to meet State mandates around

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2 physical education, and this is at a time when some
3 26 percent of children in our city are classified as
4 obese or severely obese. When we mapped this data,
5 we found that the problem was, you know, particularly
6 acute in the Bronx, in Northern Manhattan and Central
7 Brooklyn, but I would suggest that in many ways what
8 was challenging for us is what we were not able to
9 include in the report and I think that speaks
10 directly to the bill before you today.

11 We could not, for instance, determine
12 whether schools are meeting the benchmark for
13 instructional time, which as has been discussed here
14 is anywhere between 120-180 minutes per week,
15 depending on the grade level. The DOE said it did
16 not require elementary grades to report the minutes
17 or the frequency of PE instruction, so we left that
18 out because we were not confident in the data that we
19 were able to gather.

20 For middle school and high school, the
21 data we received lacked critical information on class
22 sizes; it was testified today here that there's
23 supposed to be a 1:50 ratio; we could not with any
24 confidence say whether that was being met or not
25 based on the information that the DOE provided to us.

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2 We also requested information about part-
3 time PE teachers, which I think at the elementary
4 school level in particular is a way that many kids do
5 receive instruction, but the Department of Education
6 said they do not centrally track how many part-time
7 PE teachers there are in the system, and that could
8 be a critical number that did not get much attention
9 today and which I would encourage the Committee to
10 look further into.

11 So we made our recommendations, which I
12 think -- you know you can see in the report -- I will
13 not go through them with you here in the interest of
14 time -- I think we would agree though that passage of
15 this law, Int. 644, would be a big step in the right
16 direction; we are heartened by the fact that the
17 Department of Education seems to acknowledge that
18 there is work to do and of course we look forward to
19 working with both the Committee and the Department to
20 try and shed more light on this situation, which the
21 Comptroller obviously considers a serious priority
22 for the City.

23 I would be happy to take any questions if
24 you'd like, but the report I think is widely
25 available. So thank you.

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2 CHAIRPERSON DROMM: Thank you. And
3 somewhat a little bit in defense of Department of
4 Education, which I never thought I would hear myself
5 say, a big part of the problem, and I don't know if
6 it was recognized in your report or not, is the issue
7 of space, [background comment] it's not the
8 willingness to do it; it's that they don't have a
9 place to do it. Was that addressed in your report?

10 DAVID SALTONSTALL: I think we
11 acknowledge that in a city as dense as New York that
12 it is a serious challenge to do that. I think more
13 can be done about shared spaces, about finding other
14 facilities within neighborhoods that may have
15 available space for certain hours of the day; in
16 general I think, you know, there could be a little
17 more creativity about finding new spaces, but yes, we
18 do acknowledge that, you know, coming into compliance
19 with the fitness space mandate is a huge and
20 expensive task and we are under no illusion about
21 that.

22 CHAIRPERSON DROMM: Has the Comptroller
23 taken a stand in terms of the adequacy of the capital
24 budget as it stands, proposed by the Mayor's Office
25 now?

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2 DAVID SALTONSTALL: We have not
3 officially said anything about the capital budget as
4 regards this specific issue, but obviously it's one
5 that we watch very closely; I think he would
6 certainly agree that the system is overcrowded in
7 general and that more investment is warranted.

8 CHAIRPERSON DROMM: Do you believe that
9 the Department is making enough efforts to begin to
10 track the issue from their testimony delivered here
11 today?

12 DAVID SALTONSTALL: I think I was
13 encouraged by their testimony today. I mean I'm glad
14 that you are asking for more and specific numbers; we
15 would love to see those numbers as well, but I think
16 they clearly recognize that there is work to be done
17 here and to the extent that this hearing or the
18 report of our office has provided a spur, I think
19 that's great news; there's certainly many advocates
20 here as well who have been working on this issue for
21 a long, long time and I'd like to think that the
22 Department has now heard the message and that they're
23 working hard to develop solutions.

24 CHAIRPERSON DROMM: 'Kay. Alright, thank
25 you very much; I appreciate you coming in and

1
2 providing us with testimony and thank the Comptroller
3 for his advocacy on this issue.

4 DAVID SALTONSTALL: Thank you very much
5 for holding the hearing, Council Member... [crosstalk]

6 CHAIRPERSON DROMM: Thank you.
7 [background comments] The next panel will be Sascha
8 Murillo from the New York Lawyers for Public Interest
9 and Phys Ed for All Coalition; Mark Ladov, New York
10 Lawyers for Public Interest; Yuki Courland from the
11 American Heart Associate; Amy Schwartz from the
12 Women's Club of New York, and I think it's Sharlateen
13 [sic] Russell [sic] [background comment] from the
14 Institute for Family Health.

15 'Kay. And I'd like to ask you all to
16 raise your right hand. Do you solemnly swear to tell
17 the truth, the whole truth and nothing but the truth
18 and to answer council member questions honestly?

19 'Kay. Who would like to start?

20 [background comments]

21 CHAIRPERSON DROMM: Just put that mic on;
22 I don't think it's on.

23 SASCHA MURILLO: Got it. Hello. Thank
24 you, Council Member Dromm for convening this hearing
25 on Phys ed in schools and the bill, Int. 644. The PE

1
2 for All Coalition fully supports the approach of the
3 PE disclosure legislation introduced by Council
4 Member Crowley and we would also like to propose
5 amendments to ensure that the new local law will be
6 as comprehensive and effective as possible.

7 By way of background, the Phys Ed for All
8 Coalition is comprised of citywide health and
9 education advocates, community-based organizations,
10 parents, school administrators, educators and health
11 professionals who are deeply committed to improving
12 school wellness by ensuring equitable and improved
13 access to quality PE in New York City public schools.

14 The PE for All campaign aims to improve
15 New York City children's access to quality PE through
16 a multi-pronged approach of legislative advocacy,
17 research, community education and outreach. A wealth
18 of research makes clear that participation in quality
19 PE curricula enhances students' academic achievement,
20 instills good habits for healthy living and teaches
21 critical skills such as teamwork, among other things;
22 PE increases focus, retention and improves sleeping
23 patterns; PE can also help combat obesity, diabetes,
24 heart disease and other illnesses related to lack of
25 physical exercise, health problems that afflict

1
2 students citywide but especially in low-income
3 communities and communities of color. Despite the
4 need for PE, many schools in New York City are
5 struggling to meet the State requirements; those
6 requirements include the use of certified PE
7 teachers, grade-specific requirements for the amount
8 of weekly PE instruction, including daily PE classes
9 for all students in grades K-3.

10 Unfortunately, efforts to improve PE are
11 hampered by a lack of transparency and the absence of
12 clear data about the physical education in our
13 schools. As Comptroller Scott Stringer complained in
14 his recent report on PE, the DOE's tracking data is
15 currently incomplete and of poor quality, making it
16 impossible to determine whether the DOE is meeting
17 state requirements related to PE instructional time
18 or class size mandates agreed to under the City's
19 contract with the UFT.

20 For these reasons, the undersigned
21 members of the PE for All Coalition support Int. 644
22 but with proposed amendments. I am now going to pass
23 it along to my colleague, Mark Ladov, who's going to
24 go into more detail about these proposed amendments.
25 Thanks.

1
2 MARK LADOV: Great. Thank you. And
3 thank you again to Chairman Dromm for holding this
4 hearing and again to Council Member Crowley for
5 introducing this legislation.

6 My name is Mark Ladov; I'm a staff
7 attorney at New York Lawyers for the Public Interest;
8 we're a member of the Phys Ed for All Coalition. I
9 will also say I'm happy to be here as a public school
10 parent, my son is at an excellent school in Brooklyn,
11 but it is a co-located school and because of space
12 constraints and the limited staffing that we have
13 throughout the city, he and his classmates only get
14 phys ed once per week instead of once per day, as the
15 State mandates require.

16 And there's a lot of great data about the
17 importance of physical education for academic
18 performance; I'll add one anecdotal data point, which
19 is; his teacher, who has told me that she can really
20 tell by the end of the school day when it's been a
21 day where they've gotten phys ed or physical
22 activity, because if not, she can't get the kids to
23 focus at the end of the day and we all know what that
24 means.

1
2 So I think, as Sascha mentioned, our
3 coalition is eager to work with Council Member
4 Crowley and to work with the Committee to strengthen
5 the bill even further. I think, as you heard in the
6 Comptroller's Office testimony, that when they asked
7 a question similar to the questions in the bill, that
8 unfortunately they were not able to get data from the
9 DOE that really allowed them to pin down how many
10 students in New York City are getting the phys ed
11 that's required, whether classes sizes are meeting
12 the requirements; what kind of space we're looking
13 at, and so we look forward to working with the
14 Council to try to ask the kinds of questions that
15 will get the data that we think we really need. And
16 with respect to the DOE's position, certainly we're
17 not looking for any unnecessary reporting, but we do
18 think that this is not an undue burden but really a
19 necessary burden. And we also hope that those
20 detailed data requests that would come from the
21 Council can encourage the DOE to track and enforce
22 compliance with state phys ed regulations more
23 effectively. As the old adage goes, what gets
24 measure matters, and we're worried that unless the
25 DOE starts really measuring whether our children are

1
2 getting the phys ed they need, then we're not gonna
3 see the kind of compliance that everybody deserves.

4 So the kinds of questions that we're
5 asking about are what's in the bill already; it's
6 about the frequency of phys ed provided, it's about
7 the number of certified phys ed teachers, the size of
8 phys ed classes, the indoor and outdoor spaces being
9 used, curricula, PE guides; all of these things are
10 critical and we think -- you know, we're excited that
11 the Council's gonna be asking the kinds of questions
12 to get that data.

13 So thank you again for holding this
14 hearing; thank you for moving this legislation
15 forward and we're excited to work with you on it.

16 CHAIRPERSON DROMM: Thank you. Next.

17 YUKI COURTLAND: Thank you. Thank you,
18 Chairman Dromm and the members of the New York City
19 Council Committee on Education. My name is Yuki
20 Courtland and I serve as a member of the American
21 Heart Association's Advocacy Committee here in New
22 York City.

23 I am honored to sit in front of you today
24 to address a priority issue of concern for the AHA.
25 I would like to take a moment to applaud Chairman

1
2 Dromm and Chairman Johnson of the Council Committee
3 on Health, Council Members Kallos, Rosenthal and
4 Levin and of course, our bill's sponsor, Council
5 Member Elizabeth Crowley for your support and efforts
6 to improve physical education in New York City
7 schools. Thanks to you, our city is poised to take a
8 much-needed step forward in the fight against
9 cardiovascular diseases and stroke.

10 The American Heart Association is gravely
11 concerned about the current state of childhood
12 obesity here in New York City. Obese children as
13 young as age 3 show indicators for developing heart
14 disease later in life. As cardiovascular diseases
15 and stroke remain New York City's number one health
16 risk, it is clear that we must intervene now.
17 Compounded with persisting health evidence of
18 existing disparity among our youngest students and
19 their rates of obesity, New York City is facing an
20 urgent call to action. It is recommended that
21 children engage in at least 60 minutes of moderate to
22 vigorous physical activity each day. It is
23 reasonable that students should get at least 30
24 minutes of that time in school. Regular physical
25 activity is associated with a healthier, longer life

1
2 and lower risk of obesity, cardiovascular diseases,
3 higher blood pressure and diabetes. By denying any
4 group of New York City students access to regular,
5 quality PE, we are potentially allowing health
6 disparities to deepen in our young people. A quality
7 PE program offered to every student can serve to
8 equalize opportunities for physical activity now and
9 inspire a lifetime of healthier behaviors for
10 children in all communities.

11 Existing State law outlines that PE is a
12 requirement for every grade level; these regulations
13 are not optional guidelines; the law states that ever
14 student shall participate in a mandated PE program in
15 every school. Despite these requirements, numerous
16 reports have identified, and as we have seen today,
17 identified significant gaps in the implementation of
18 our PE programs in most city schools.

19 The American Heart Association in 2012
20 undertook its own efforts to analyze PE in our city
21 schools; we brought copies of the report today for
22 your use, and our survey assessment showed that the
23 majority of responding schools did not comply with
24 the State law, short-changing students on time spent
25

1
2 in PE and exceeding quality guidelines for class
3 size.

4 The purpose of Int. 644 is to
5 dramatically improve the transparency of individual
6 schools' PE programs and AHA concurs with the
7 consensus of Phys Ed for All Coalition and recommends
8 that the legislation be amended to include a
9 comprehensive list of factors impacting the quantity
10 and quality of physical education in New York City
11 schools. In the interest of time I won't repeat
12 these recommendations, but I just wanna emphasize
13 that the report for the DOE should be posted in an
14 accessible manner, allowing parents, researchers or
15 advocates to easily review data for each individual
16 school.

17 The passage and implementation [bell] of
18 Int. 644 is an excellent step towards improving
19 access to physical activity for every New York City
20 child and AHA appreciates your championship in this
21 issue and we look forward to collaborating with you
22 in the future. Thank you.

23 CHAIRPERSON DROMM: Thank you. Next,
24 please.

1
2 DEBBIE MEYER: Thank you. I join
3 everyone in thanking you and I'll get right to it.
4 My name is Debbie Meyer and I'm actually giving
5 testimony for Debbie Schwartz, who was here through
6 the whole event, but had to leave.

7 Amy is a board member of the Women's City
8 Club; I'm a member-at-large; it was founded in 1915
9 and is celebrating its centennial as a nonpartisan,
10 nonprofit, multi-issue education advocacy
11 organization dedicated to improving the lives of all
12 New Yorkers. The WCC shapes public policy to promote
13 responsive government through education, issue
14 analysis, advocacy and civic participation.

15 Amy also chaired and I was a member of
16 the Women's City Club Physical Education in New York
17 City Public Schools task force from 2010-2014, where
18 all this work emanated from. Our goal was to
19 encourage the New York City Department of Education
20 to comply with the New York State mandate to provide
21 comprehensive physical education to each and every
22 student in each and every school.

23 The Women's City Club fully supports the
24 approach of Resolution 644 PE disclosure legislation
25 as a first step in ensuring that our children receive

1
2 their required PE. We also propose amendments to
3 ensure that the new local law will be as
4 comprehensive as possible by asking detailed
5 questions of several data elements. The proposed
6 elements are clearly described the PE for All
7 Coalition testimony. If passed with these proposed
8 amendments, the measure will provide the essential
9 information and data needed to determine the degree
10 to which PE resources, including staff and space are
11 equally distributed throughout our city schools.

12 It has been common knowledge for many
13 years that the PE classes have been minimal or
14 missing in many of the city's public schools.
15 Evidence shows that school-based PE leads to improved
16 academic performance, increased state standardized
17 test scores and the students' health and overall
18 wellbeing. PE also improves a child's cognitive
19 abilities and behavior.

20 In 2011, shortly after our committee was
21 formed, we asked the New York City Comptroller and he
22 confirmed that the DOE is failing to provide the
23 State-mandated PE to our children. We wanted to
24 better understand the breadth of the problem and
25 advocate for improved having access to basic data and

1
2 the amount of PE instruction and resources throughout
3 the city, however, at every step we were hampered by
4 the DOE; they did not make any of this information
5 request. As a result, at the WCC's request, the New
6 York City Independent Budget Office agreed to collect
7 data from the DOE's Annual Facilities Survey on space
8 usage for physical education and on teachers assigned
9 to PE classes in each school. The IBO data offers
10 additional insight into how broadly the DOE is
11 failing to meet the State's minimum PE mandate in our
12 public schools. Our analysis of the DOE data found
13 great inequities in the distribution of PE staff and
14 space throughout the schools, and you heard the
15 recent analysis by the Comptroller, so I won't
16 summarize that. All these reports that the WCC has
17 done are available on our website for anyone to read.

18 And in conclusion, important reporting
19 bill, with our proposed amendments, will help ensure
20 that the DOE provides the data on PE [bell] that the
21 Comptroller needs to monitor and measure the PE
22 compliance. Having basic data and information is an
23 invaluable step to understand the breadth of the
24 problem and more importantly, develop meaningful
25 plans for ensuring that all students receive the

1
2 physical education to which they are entitled. Thank
3 you.

4 CHAIRPERSON DROMM: Thank you all for
5 coming in. [background comment] I'm sorry...
6 [background comment] we should've gotten you a chair
7 so you could've sat at the table. Thank you...
8 [crosstalk]

9 CHARMAINE RUDDOCK: Thank you for the
10 opportunity to testify here today. My name is
11 Charmaine Ruddock and I am the Director of Bronx
12 Health REACH, a program of the Institute for Family
13 Health. We coordinate New York State Department of
14 Health Healthy School New York program for the Bronx,
15 working with 22 public schools. Our long-time
16 partnership with these schools has given us firsthand
17 experience with the health challenges our students
18 are currently facing. Nearly all of the schools we
19 work with struggle to meet city and state mandates
20 for physical education due to limited funding and
21 resources. Not surprisingly, it is schools located
22 in the most resource-limited neighborhoods that are
23 particularly ill equipped to meet students' needs for
24 PE; the consequences of this gap are significant --
25 24 percent of public elementary and middle school

1 students in the South Bronx are obese; an additional
2 19 percent are overweight. The long-term implication
3 of this can be seen in the 2015 Robert Wood Johnson
4 Foundation's County Health Rankings report in which
5 the Bronx was once again ranked last place in New
6 York State; that is 62 out of 62. The inability of
7 New York City Department of Education to provide
8 adequate physical education to school children in the
9 Bronx contributes to these health disparities. PE
10 teachers from our schools have identified three
11 significant barriers to delivering a quality PE
12 program that meets the State mandate -- there is not
13 enough time in the schedule for all students to get
14 enough PE each week, the gym space is often shared by
15 multiple schools and there are not enough PE teachers
16 to meet the needs of all the students. Too often the
17 burden of working around these barriers is placed on
18 the shoulder of individual teachers; the DOE has done
19 little to address the structural nature of these
20 problems, although several band-aid solutions have
21 been proposed, promoting to improve as an approach to
22 increasing [sic] physical activity in the classroom
23 and selecting model schools to share best practices
24 through the Physical Education Focus Schools program
25

1
2 may be creating short-term fixes, but they do little
3 to address the root of the challenges that prevent
4 schools from meeting city and state mandates for PE.
5 Our schools need and deserve adequate space and
6 resources to provide a quality physical education
7 program for all students. Collecting and reporting
8 data about which schools are complying with the State
9 mandates would bring us one step closer to addressing
10 the problem at hand. It is also important to point
11 out that the New York City Department of Education
12 has not submitted an updated District Physical
13 Education Plan to the New York State Education
14 Department as required. As mentioned earlier, the
15 last known time that the Department did submit a
16 District Physical Education Plan was 1982; not only
17 is the plan that the DOE shared with Comptroller
18 Scott Stringer's office in 2014 dated from October
19 2012, it is missing information as in draft form
20 [sic].

21 One recent development that I would like
22 to highlight is the Active Design Toolkit for Schools
23 as an important resource to be considered in helping
24 schools increase their capacity for physical
25 education; the toolkit contains ideas for projects,

1
2 programs and funding sources that can transform the
3 school environment to make healthier choices more
4 available. With the help of some of these resources,
5 [sic] one of our school partners was able to convert
6 an unused classroom into a fitness room with gym
7 equipment that is used to complement their physical
8 education program. Thank you.

9 CHAIRPERSON DROMM: Thank you all for
10 coming in and for giving testimony. I just want to
11 say that it was interesting to hear the DOE state
12 that co-location, from what I heard, was not as big
13 of a contributing problem to physical education, as
14 what my own experiences have shown to me, and I
15 believe, sir, that you had mentioned that; can you
16 elaborate on that a little bit further?

17 MARK LADOV: I mean, I think I would just
18 agree with your point that certainly it did feel like
19 there was some underestimating of the challenges of
20 co-located schools. I believe the testimony said
21 that all of the schools in a building have access to
22 a gym, but certainly, as anybody knows, when you have
23 the number of students you have and you split them up
24 among multiple schools; then getting access to a gym
25 that can only maybe accommodate 30 classes a week is

1
2 not going to work; I mean, I could pour a glass of
3 water here; everybody in the room would have access
4 to that glass of water; it wouldn't quench
5 everybody's thirst and I think that that's the
6 problem.

7 CHAIRPERSON DROMM: The fight for scarce
8 resources. And has anybody seen the curriculum,
9 Physical Best?

10 MARK LADOV: I don't think we have.

11 CHAIRPERSON DROMM: I'd like to get a
12 hold of that too, and that's -- by the way, that's
13 very hard for teachers to get a hold of [background
14 comment] also. So any curriculum guide in the DOE at
15 this point is very hard, unless it's online; I don't
16 know, that's not been the case though for me anyway.
17 I'd like to maybe even find out what your reaction is
18 to that curriculum guide at some point in the future.

19 MARK LADOV: We'd be happy to..

20 [crosstalk]

21 CHAIRPERSON DROMM: Yeah.

22 MARK LADOV: ask the folks in our
23 coalition who are phys ed teachers and are best
24 qualified to provide some feedback.
25

1
2 CHAIRPERSON DROMM: Definitely. Okay,
3 well thank you; I'm gonna ask for the next panel to
4 come, but I definitely appreciate... [crosstalk]

5 MARK LADOV: Thank you very much.

6 CHAIRPERSON DROMM: you coming in.
7 [background comments] Alright, Debbie Meyer will be
8 reading for Brian Semonian, who had to leave, but
9 from Phys Ed Plus; Alexis Henry, Citizens' Committee
10 for Children; Joseph Rogers, Jr., Campaign for
11 Educational Equity at Teachers College, and Michael
12 Davoli from the American Cancer Society. [background
13 comments]

14 'Kay, I'm gonna ask you all to raise your
15 right hand; I can swear you in. Thank you. Do you
16 solemnly swear to tell the truth, the whole truth and
17 nothing but the truth and to answer council member
18 questions honestly? [collective affirmations] Okay.
19 And shall we begin over here? Yep.

20 [background comments]

21 JOSEPH ROGERS, JR.: Okay, I'm gonna go
22 ahead and start then. Good afternoon, Chair Dromm
23 and other assembled members of the Council, if
24 they're here. My name is Joseph Rogers, Jr. and I
25 serve as a Senior Researcher and Public Engagement

1
2 Specialist with the Campaign for Educational Equity
3 at Teachers College Columbia University. I'm here
4 today on behalf of my campaign colleagues, including
5 our Executive Director, Michael A. Rebell, to testify
6 in support of Int. 644. We also support the proposed
7 amendments to the bill that have been suggested by
8 the Phys Ed for All Coalition; we feel that these
9 amendments would strengthen the bill by ensuring that
10 the DOE provides comprehensive data about phys ed,
11 including information about recess and other physical
12 activity during the school day and that the DOE also
13 should promote compliance with state regulations and
14 monitors what is happening in the schools.

15 In my testimony today I would like to
16 bring to your attention the serious problems that
17 Campaign for Educational Equity identified in site
18 visits we made to review resource deficiencies in a
19 sample of high-need schools here in New York City.
20 We found extensive violations of specific
21 requirements regarding student access to phys ed that
22 are set forth in State statutes and regulations. I
23 will also briefly discuss recommendations that the
24 DOE undertake further investigation of these
25 problems, rectify them where they exist and take

1
2 effective action to ensure full compliance with legal
3 requirements for the future, and pardon me; in the
4 interest of time, I'm gonna cut out a couple of the
5 portions here; you have the full written testimony,
6 and I hope you can follow along.

7 New York's highest court, the Court of
8 Appeals, has held that all students are entitled
9 under Article 11, Section 1 of the New York State
10 Constitution, for the opportunity for a sound basic
11 education. This means that all schools must provide
12 their students with suitable up-to-date curricula,
13 sufficient qualified personnel, appropriate
14 facilities, reasonable class sizes, up-to-date books
15 and technology, supports for ELLs and students with
16 disabilities, and extra services for so-called at-
17 risk students. The regulations of the Commissioner
18 of Education, which implement the constitutional
19 requirements, specifically mandate sufficient
20 instructional time and course offerings in physical
21 education and that all schools provide reasonable
22 access to specialized spaces, including those
23 required for phys ed.

24 Our 2011-2012 detailed study of 33 high-
25 need schools throughout New York State, including 12

1 here in New York City, found serious deficiencies in
2 schools' ability to provide students with physical
3 education that meets state standards. In the fall of
4 2013-14, building on that study, we conducted open-
5 ended, confidential interviews with 19 New York City
6 teachers, administrators and student support
7 personnel; those interviewees represented 18
8 different elementary, middle and high schools,
9 included both large and small schools in four of the
10 five boroughs; 13 of the schools were not part of the
11 prior study, and I know this is a small sample; we
12 believe it is representative of a subset of the
13 City's public schools that serve large numbers of so-
14 called high-need students. I wanna jump very quickly
15 to a few of our findings.

17 In three schools we found that a total of
18 seven teachers were teaching phys ed out of license,
19 including in two New York City schools where there
20 were no certified PE teachers whatsoever and no
21 supervision for common branch teachers who would
22 might otherwise qualify to fulfill this requirement.
23 One of those two schools assigned social studies
24 teachers, none certified in phys ed, to teach phys ed

1
2 once a week and as a result, that school fulfilled
3 requirements for neither phys ed, nor social studies.

4 Elementary schools were in particularly
5 dire straits; all but one elementary school were
6 unable to provide the required amount of
7 instructional time in PE. Four of the middle grade
8 schools could not meet minimum State requirements and
9 also high schools fair better than lower grades, one
10 high school fell short of the minimum.

11 Because of a shortage of phys ed
12 teachers, class sizes in some schools, and this
13 brings us back to one of the important questions that
14 was asked by a council member here this afternoon;
15 class sizes in some schools, in phys ed classes, were
16 above 50 students and in some cases up to 70
17 students, preventing students from receiving proper
18 instruction and supervision. For lack of adequate
19 and appropriate space, some schools provided adaptive
20 phys ed and physical and occupational therapy to
21 students with disabilities in hallways and other
22 public spaces that were inappropriate for that
23 purpose.

24 I wanna jump ahead a little bit here
25 [bell] to the issue of co-location. Our accumulative

1
2 school level research in high-need in New York City
3 schools suggests that many small co-located New York
4 City public schools suffer from inadequate
5 facilities, oversized classes and instructional
6 grouping, etc. has been pointed out here today by
7 several folks who testified as well as council
8 members.

9 Some of the specific findings related to
10 co-locations that we found; we found that two co-
11 located schools that serve middle school students had
12 gyms scaled for early childhood or elementary school
13 students; some schools had no gymnasiums at all,
14 which was pointed out earlier. Principals of co-
15 located schools reported spending 20-80 percent of
16 their time in any given week managing building-
17 related issues, such as the sharing of space,
18 including that related to physical education. For
19 example, co-located high schools, which fought over
20 which school could access the gymnasium to offer
21 physical education first period and last period
22 because many students arrive at school late and leave
23 early; schools that had core classes during these
24 periods were at a disadvantage. The huge drain of
25 managing these kinds of co-location-related

1
2 responsibilities dramatically reduce the amount of
3 time principals could devote to supporting students
4 and providing instructional leadership to teachers.

5 I wanna jump down a little further to our
6 recommendations, which we issued to the DOE last
7 summer, June 2014, in a report. We strongly
8 recommend that the DOE assess the prevalence and the
9 extent of the violations of students' legal rights in
10 co-located schools; we recommend that the DOE broadly
11 disseminate information about phys ed resources,
12 services and supports, to which all students are
13 entitled and that parents, students and educators
14 have ready access to that information; we require or
15 strongly recommend that the DOE amend the Educational
16 Impact Statement to include a review of the impact of
17 any proposed co-locations on students' sound basic
18 education rights, including those related to phys ed,
19 and I noticed that Council Member Treyger made a
20 similar recommendation; we ask the DOE to quantify
21 the number of personnel, including administrators and
22 safety personnel that must be added in order to
23 administer building-related issues resulting from co-
24 location, including those related to phys ed, and
25 impose a moratorium on all new co-locations until the

1
2 rights violations, including those related to phys
3 ed, in all existing schools are remedied. Even one
4 more day of violating students' rights to phys ed and
5 other basic educational opportunities is one day too
6 many. Thank you.

7 CHAIRPERSON DROMM: Well thank you, and I
8 would normally just give the panel an opportunity to
9 continue on, but I just wanna comment; I really do
10 believe and I'm glad that you pointed out the issue
11 of co-location in your report, because you really
12 can't solve a problem until you acknowledge a
13 problem, and I was disappointed really to see that
14 the DOE was defending and continued to defend that
15 policy of co-location and although I know, and you
16 said it in your testimony as well, it's not the only
17 issue in terms of the inability to deliver phys ed
18 services; for example, my school, which I continually
19 refer back to because I just find it to be so
20 egregious. But thank you for pointing that out; I
21 really do appreciate it and will take your
22 recommendations into consideration. Thank you...

23 [crosstalk]

24 JOSEPH ROGERS, JR.: Thank you, Chair.

CHAIRPERSON DROMM: Whomever. Yeah.

[background comments] Debbie, yep.

DEBBIE MEYER: I also serve on the Board of Phys Ed Plus and Brian had to leave earlier, so I said I would also deliver his testimony.

So we thank the City Council for your efforts on this important issue. Phys Ed Plus is a nonprofit organization that aims to bring phys ed back to kids in community, founded in 2010 by a certified PE teacher and school administrator. PEP believes that a quality PE curriculum should be part of every child's educational routine.

In the past, United States PE programs focused on sports skills and athletic performance -- how many pushup could you do and how fast could you climb a rope in front of your peers; this type of curriculum is very limited; additionally, students who did not meet these artificial athletic standards associated their failure with an overall inability to be physically active. The positive shift to a more inclusive and comprehensive physical education approach does more than eliminate old ideas, such as bombardment games and dodgeball or elimination games, tag and even duck, duck, goose; it transforms the

1 foundations of physical education to fitness, body
2 awareness, anxiety management, nutrition and
3 introduces a student to a variety of activities for a
4 sustained healthy leaving.
5

6 New PE programs now focus on allowing
7 each lesson to stimulate all three domains of
8 learning -- cognitive and mental knowledge, effective
9 emotional growth, social interaction and psychomotor
10 physical skills. Teachers trained in the new
11 curricula deeply instill in students the tools to
12 have healthy habits for life through the unique
13 cognitive social environment that only a PE class
14 provides. The result is an additional and special
15 opportunities for young people to gain confidence.

16 Regular PE also helps kids focus in
17 class, teaches cooperative learning skills and allows
18 for a healthy emotional balance through effective
19 anxiety management. These skills are especially
20 important in elementary school when study habits are
21 first formed.

22 In the United States today, colleges and
23 universities with programs in education have updated
24 their curricula for physical education teachers;
25 these improvements show PE teachers how to be more

1
2 creative in promoting life-long fitness. State-
3 approved comprehensive PE curriculums presently
4 include frequent assessments and proper lesson
5 planning to support the continued development of
6 students' physical wellbeing. Making efficient use
7 of limited space, time and equipment are the ready
8 tools of new PE teachers.

9 We at Phys Ed Plus fully support Int.
10 644, Required Reporting of Physical Education in New
11 York Schools; this is an important first step in
12 ensuring a New York City community that is healthy,
13 happy and productive.

14 I am also a parent of a New York City
15 school student who goes to school in a co-located
16 school; it's two public schools; no charter schools,
17 and they had a hodgepodge of activities for many
18 years and it was clear that they were not at all
19 scaffolded, so kids who had never played little
20 league did really poorly in tennis, 'cause they had
21 never swung a stick at a ball; the kids who had maybe
22 other things out of school did a lot better, but it
23 wasn't scaffolded, they did not have -- you know,
24 kids that didn't have it didn't have success. And
25 even now that we have our first year of full-time PE

1
2 and meet the required thing, the kids that have never
3 done physical activities are far behind the kids that
4 have and I think it's incredibly sad for those kids.
5 Thank you.

6 CHAIRPERSON DROMM: Thank you very much.
7 And another point that I forgot to mention was the
8 use of the gym first period and last period. So we
9 had students who were in 1st and 2nd grade who had to
10 take the bus in the afternoon to go home, so they
11 could never take the last period to be for gym
12 because you know the bus came; you've gotta be ready
13 at like 2:20 to get out of there and period ended at
14 three, so it was a good point that was made as well.
15 Thank you, Debbie for your testimony also. Next,
16 please.

17 ALEXIS HENRY: Good afternoon. My name
18 is Alexis Henry and I am the Policy Associate for
19 Early Education and Education at Citizens Committee
20 for Children. CCC is a 71-year-old, privately
21 supported, independent, multi-issue child advocacy
22 organization. And I'd like to thank Chair Dromm for
23 holding today's hearing regarding meeting PE
24 requirements and the data reporting bill, Int. 644.

1
2 CCC would also like to thank Council
3 Member Crowley for her efforts to introduce and move
4 this legislation, as well as the 37 council members
5 who have signed on as co-sponsors.

6 Physical education is critical to
7 combating childhood obesity and lays the groundwork
8 for a lifetime of health and wellbeing, decreasing
9 the risk of chronic illnesses and has also been shown
10 to boost academic achievement and socio-emotional
11 skills. While obesity rates have declined slightly
12 in recent years, still approximately 1 in every 5 New
13 York City public school student is classified as
14 obese. We believe that it is critical that New York
15 City's public schools meet the minimum PE
16 requirements related to time, frequency, personnel
17 and space set by the State. Unfortunately, numerous
18 studies, including the recent review by Comptroller
19 Stringer, have documented that we are woefully out of
20 compliance. As you heard, the report found that over
21 32 percent of schools, including 59 percent of
22 elementary schools, lack a certified PE teacher and
23 28 percent of schools lack a dedicated physical
24 fitness space. While we appreciate the many efforts
25

1
2 to document the problem, one of the key issues is
3 that there is insufficient data available.

4 CCC supports Int. 644 and believes that
5 this type of data will help DOE document the full
6 extent of the problem and assist in the development
7 of solutions.

8 Although a number of factors contribute
9 to the lack of PE, these barriers should not prevent
10 the City from prioritizing it in every school; we
11 recommend the following.

12 First, pass Int. 644 with modifications.
13 To make this bill even stronger, we respectfully
14 request that it be amended to: 1. be organized in
15 the manner submitted by the Phys Ed for All
16 Coalition; 2. add questions about non PE physical
17 activity in schools, and 3. add questions about how
18 the DOE monitors and ensures compliance with State
19 regulations.

20 Secondly, hire more teachers; we already
21 know from the Comptroller's audit that there are 506
22 New York City public schools that lack a full-time
23 certified PE teacher and we know where these schools
24 are. There is no reason to wait for the data; New
25 York City should begin hiring PE teachers to start

1
2 this September. In the last few days of budget
3 negotiations we urge the Mayor and the City Council
4 to include more PE teachers in the adopted budget for
5 Fiscal Year 16.

6 Third, technical assistance. We believe
7 that more technical assistance in schools could go a
8 long way towards helping principals and teachers
9 increase children's access to both PE and physical
10 activity. We hope that the DOE budget can also
11 include increased staffing and support for PE at the
12 Office of School Wellness.

13 CCC thanks the Council and the
14 Comptroller for your interest in ensuring schools
15 comply with state PE mandates; we urge you to pass
16 [bell] Int. 644 and work with the administration to
17 ensure that all schools have the resources they need
18 to be in compliance and incorporate regular physical
19 activity into daily schedules. Thank you.

20 CHAIRPERSON DROMM: Thank you. Next,
21 please.

22 MICHAEL DAVOLI: Good morning. My name
23 is Michael Davoli; I am the Director of Government
24 Relations for the American Cancer Society Cancer
25

1
2 Action Network; we are the advocacy affiliate of the
3 American Cancer Society.

4 I actually just wanna pause for a moment
5 and while we support strongly all of the work being
6 done here today and the coalition today, I wanna
7 focus on the stakes that really we are talking about;
8 we like to... we hear all of the talk about high stakes
9 testing, about the academics and the DOE talking
10 about, you know, ensuring that their kids get... all
11 the kids... the 1.1 million kid in New York City get
12 that quality education. Well I'd like to actually
13 start a new thought; it's called high stakes
14 childhood, because our children, the stakes are
15 enormously high for them right now with their health.
16 Obesity, physical inactivity, being overweight is the
17 second leading cause of preventable death in this
18 country, second only to tobacco and smoking. One-
19 third of all cancer deaths in New York City are
20 obesity related; the stakes are enormously high for
21 our children and I think it was someone from the DOE
22 that said it earlier today that many of these
23 problems date back to the 1970s, during the fiscal
24 crisis. That is terrifying to think that for more
25 than a generation we've seen this problem continue to

1
2 grow and grow and grow and that we are still only now
3 really starting to address it. The stakes are
4 enormously high and we must do our part to address
5 these problems. We ask our parents every single day
6 to ensure that their kids eat healthy; I'm a parent
7 of a 3-year-old; my 3-year-old eats nonstop, it's
8 like all she wants to do, and so my job is to make
9 sure she eats healthy, but when I send her to school
10 I need help, I need our schools to ensure that she
11 stays physically active. So the stakes are
12 incredibly high and that is why the American Cancer
13 Society supports the efforts here today and supports
14 the efforts of Council Member Crowley and this
15 Committee to ensure that the 1.1 million kids in New
16 York City are getting that high quality and regular
17 physical education, because it is the only way that
18 we could truly help these kids break that pattern of
19 1 in 5 kids in New York City schools, a New York City
20 being obese.

21 And so I just wanna thank the Council for
22 their efforts on this; we will continue to partner
23 with you on the future because the stakes are way too
24 high for us to let another generation miss out on
25

1
2 this opportunity to have real physical education in
3 their schools. Thank you.

4 CHAIRPERSON DROMM: Thank you. And I
5 agree with you and you know when you consider... [bell]
6 talking about the high stakes, not only are many of
7 our students not getting physical education; they're
8 not getting any type of after-school sports either
9 and we face this issue even with the Small Schools
10 Athletic League, who I know we're gonna hear from the
11 founder of that later on. But also, that situation
12 is somewhat of an outcome again of the co-location
13 issue and I think that's something that we have to
14 really very closely look at and monitor as well. So
15 thank you all for coming in and I'm gonna call the
16 next panel up. Thank you.

17 Amy Richards from Make the Road; Ian
18 Christner from Bon Secours New York; Joanne Eichel
19 from New York Academy of Medicine; Michael Rodgers
20 from New York Roadrunners. [background comments]

21 Anyway, let me ask you all to raise your
22 right hand so I can swear you in. Do you solemnly
23 swear to tell the truth, the whole truth and nothing
24 but the truth and to answer council member questions

1
2 honestly? Okay, thank you. Or affirm, yes. Thank
3 you. Would you like to start?

4 AMY RICHARDS: Thanks. Good afternoon.
5 My name is Amy Richards and I am the Partnership for
6 a Healthier Queens Coordinator based out of Make the
7 Road New York, a community-based organization that
8 builds the power of Latino and working class
9 communities.

10 For over four years our members have led
11 the Too Crowded to Learn campaign to reduce
12 overcrowding in Queens Districts 24 and 30, focusing
13 on PS19, one of the most overcrowded schools in the
14 city, where students had been learning out of
15 trailers for over 16 years. We thank Council Member
16 Dromm and the Education Committee for your attention
17 and action on this issue.

18 One of our community members, Rafaela
19 Rialto (sic), who today spoke at the press
20 conference, had to return to pick up her kids; she
21 had fought tirelessly to eradicate the trailers at
22 PS19 and shared: "My son, Fernando, is a 2nd grader
23 at one of the most overcrowded schools in the city;
24 students only have gym for half-an-hour each week and
25 sometimes they watch movies instead. My child's

1
2 health is as important as any other and the health of
3 all of our children depends on adequate physical
4 education in school."

5 In my role as the coordinator of the
6 Partnership for a Healthier Queens, I speak with
7 school administrators, health teachers, parent
8 coordinators and PE teachers to envision ways to
9 incorporate active design into their schools where
10 obesity and related health problems are growing. The
11 issues raised are space, personnel; resources. I
12 have had the unique opportunity to work with a few
13 school wellness champions, mostly PE teachers who
14 have been innovating every square inch of school
15 space to be used for physical activity but without
16 enough full-time PE teacher advocates in the city,
17 thousands of students are left without gym or
18 physical activity in general. Rafaela and her son
19 Fernando met me outside PS19 yesterday after school;
20 while Rafaela and I talked, Fernando ran in circles
21 around the trailers, releasing some of the physical
22 energy that was pent up from a day cramped indoors.
23 We were holding him up and he was eager to get to
24 Flushing Meadows Corona Park. Int. 644, including
25 the suggested changes, will be a critical first step

1
2 to addressing PE issues in New York City by giving
3 parents, communities and elected officials the
4 information they need on whether city schools are
5 meeting PE requirements. A reporting bill can also
6 cast light on the extent to which overcrowding or
7 lack of space serve as a barrier to providing schools
8 with quality PE instruction rather than watching
9 movies, as Fernando often ends up doing at PS19.
10 Thank you.

11 CHAIRPERSON DROMM: Thank you. Next,
12 please.

13 MICHAEL RODGERS: Thank you, Chairman
14 Dromm. Good afternoon. My name is Michael Rodgers
15 from New York Roadrunners. New York Roadrunners is a
16 nonprofit organization dedicated to empowering people
17 of all ages and abilities to improve their health and
18 wellbeing through the power of running and fitness.
19 While New York Roadrunners is best known for our
20 world class events, including the TCS New York City
21 Marathon, our events attract more than 300,000
22 runners globally each year. NYR's youth programs
23 serve more than 200,000 children a year, 100,000 of
24 which come from the five boroughs of New York City.
25

1
2 For over 15 years, NYR has been committed
3 to getting New York kids running so they can
4 experience the physical, mental and developmental
5 benefits of this most accessible and positive
6 activity for life. With great appreciation for the
7 Council's obesity prevention initiative, which has
8 been the cornerstone of our funding for the past
9 eight years, we have grown our various free youth
10 running programs and initiatives to the point that we
11 are now serving 25 percent of New York City's
12 elementary and middle schools with our programs,
13 reaching 100,000 students. These students
14 collectively ran almost three million miles and
15 received 300,000 free incentives during the 2014-2015
16 academic year. I'm pleased to show, while we've
17 talked a lot about the problem that we all recognize,
18 New York Roadrunners is here as a resource for both
19 the City Council and the Department of Education in
20 addressing the problems that we've cited.

21 We know these programs are making a
22 meaningful difference because our comprehensive
23 analysis indicates so. I'm gonna jump down.

24 One teacher was quoted as saying, "Some
25 children who were having a hard time academically,

1
2 but Mighty Milers," which is our largest program,
3 "gave them a reason to come to school." Another
4 noted closer friendships among students who
5 participated in Mighty Milers and referred to the
6 program as a teambuilding program.

7 Our modest goal at this point is to
8 increase over the next three years our presence from
9 25 percent of the city's elementary and middle
10 schools to 50 percent. Alternately, we strive for
11 100 percent of New York City public schools to be
12 involved with our programs and with the continued
13 support of the City Council and the Department of
14 Education we can do that.

15 We are here as an organization today
16 eager to provide free running programs for every New
17 York City public school and are therefore in favor of
18 the reporting policies that we've talked about here
19 today, but definitely wanna make sure that the...
20 excuse me -- we are proponents of easy to use system-
21 level data that doesn't burden time-strapped schools
22 but can help target the resources strategically for
23 the benefit of each school student. Thank you for
24 the opportunity and for your leadership on this
25 issues. [bell]

1
2 CHAIRPERSON DROMM: Thank you,
3 Mr. Rodgers for your very generous offer to work with
4 our public school students. You're currently working
5 with the DOE?

6 MICHAEL RODGERS: Yes, sir. We currently
7 serve, as I said, 25 percent of the schools; we are
8 in every City Council district with our free
9 programming; we are part of the Council's anti-
10 obesity initiative, so we receive funding through
11 that which is done through DYCD, but we work through
12 the schools, through DOE; they help identify schools
13 that can use our programs. One of the benefits of
14 our programs is that it is free, it is flexible and
15 it can be implemented by any teacher or parent who's
16 willing to do it; all we ask is that the school raise
17 their hand and we will go there -- I was at a school
18 that happened to be a co-located school last week and
19 the school program that we -- we have various
20 programs -- can be run during the school day; after
21 school as well.

22 CHAIRPERSON DROMM: And what do those
23 programs look like?

24 MICHAEL RODGERS: Mighty Milers is our
25 largest program; we have about 80,000 kids in Mighty

1
2 Milers here in New York City; it's an incentive-based
3 program where the kids run between a half-a-mile or a
4 mile three to five times a week during the school
5 week; the goal is, they add up those miles; we have a
6 reporting system that the teachers can use online to
7 track the students' activity; when the students reach
8 different milestones -- 5 miles, they add up 5 miles
9 -- they receive a membership card; when they get 8
10 miles, they'll get a patch; 10 miles maybe a water
11 bottle; when they get to a marathon of miles, 26.2
12 miles, they receive a medal just like any runner who
13 would cross the same finish line at Tavern on the
14 Green of our marathon. We have students who are
15 running, as I noted, here in New York City almost
16 three million miles; many students will run on
17 average, throughout the course of a school year, 36
18 miles per year.

19 CHAIRPERSON DROMM: Do you give them any
20 type of equipment?

21 MICHAEL RODGERS: When the school signs
22 up to participate in Mighty Milers, they receive a
23 welcome kit; the welcome kit includes a wheel to
24 measure what a half-mile or a mile is; noting the
25 challenges that we've had here about space, our

1
2 program is flexible that can be used in a gymnasium,
3 in a school yard, it can be used in an auditorium, it
4 can be used in a cafeteria, because we provide them
5 with that material. All the incentives, as soon as
6 the teacher uploads the mileage in the computer, it's
7 sent out from our warehouse automatically, so they
8 don't have to pay for that or go out and buy the
9 incentives; we provide that for them. They also get
10 posters to put in the classroom so the class can
11 monitor their progress. If may, I'd like to also
12 tell you about the month of March, which is reading
13 month; we offer a Mighty Milers program called Miles
14 for Books; during the month of March, the miles that
15 the schools earn add up, earn them money to buy
16 books. We were just two weeks ago in a Queens school
17 who was our grand prize winner and they received \$500
18 and the kids helped earn that money to buy books for
19 their school library.

20 CHAIRPERSON DROMM: That's really great
21 and it's certainly better than writing in a diary
22 about jumping jacks, so thank you; thank you for
23 that.

24 MICHAEL RODGERS: Thank you.

25 CHAIRPERSON DROMM: 'Kay. Next, please.

1
2 JOANNE EICHEL: Good afternoon. I'm
3 Joanne Eichel; I'm the Director of the Office of
4 School Health Programs at the New York Academy of
5 Medicine. Thank you for the opportunity to address
6 the need for comprehensive monitoring, measuring and
7 reporting on the status of PE in New York City
8 schools.

9 The New York Academy of Medicine
10 considers this local law to be a crucial step toward
11 building a quality PE program in the school system, a
12 program that can support the goal of eliminating
13 educational, health and economic disparities in the
14 city.

15 By way of background the Academy has a
16 special interest in school health, beginning in 1979
17 without or collaboration with DOE to institutionalize
18 the growing Healthy in New York City program in
19 elementary schools. While I hate to admit it, I
20 actually do remember Charlotte Frank and working with
21 her.

22 Since then, we have partnered with
23 hundreds of New York City public schools citywide to
24 establish K-12 health education programs and are
25 extending this work to promote educational nutrition

1
2 and physical activity for pre-K children and their
3 parents and caregivers.

4 The Academy strongly commends your work
5 on Int. 644 to require a coherent and comprehensive
6 tracking and monitoring system for PE K-12. We
7 believe that this mandate will provide a necessary
8 tool to advance the development and implementation of
9 quality PE programs for all students system-wide.

10 Earlier the question came up of what
11 should a PE program entail and we believe that in
12 addition to meeting standards for teacher
13 qualifications, facilities, frequency levels and
14 instructional time, quality PE needs to include
15 instruction on physical activity, health-related
16 fitness, physical competence and cognitive
17 understanding about physical activity, thereby
18 enabling students to adopt healthy and physically
19 active lifestyles. A quality PE program enables
20 students to develop motor skills, understand movement
21 concepts, participate in regular physical activity,
22 maintain healthy fitness levels; develop responsible
23 personal and social behavior and value physical
24 activity. Along with public health professionals and
25 educators nationally and globally, the Academy

1
2 recognizes the research-based case for the impact
3 that quality PE can have on health and fitness for
4 life. The evidence is irrefutable on the role of
5 regular physical activity to prevent chronic
6 diseases, including cardiovascular disease, diabetes,
7 hypertension, obesity, depression, osteoporosis, and
8 premature death. It is also clear that people of all
9 ages should be engaging in regular physical activity,
10 since the risk of chronic disease starts in childhood
11 and increases with age.

12 Recognizing and repairing the gaps in
13 physical education across grade levels is critical
14 for children to succeed in school. As evidence
15 continues to suggest [bell] that a laser beam focus
16 on academics is misguided. As summarized in a meta-
17 analysis of research on health and learning, school
18 administrators, and this has been our experience,
19 trying to raise standardized test scores may
20 mistakenly believe that physical education curricula
21 time should be sacrificed and reallocated to reading,
22 math and science. There is currently no evidence
23 indicating that this strategy is in fact effective in
24 increasing standardized test scores and all the
25 evidence is actually in the reverse. Of all the

1
2 associations examined in over 50 studies, more than
3 50 percent were positive, the association between
4 physical activity and academic outcomes.

5 Since I'm out of time, I just wanna say
6 that this monitoring system will allow policymakers
7 and stakeholders to determine the intensity and
8 extent of efforts needed to fully establish quality
9 PE as a mainstay of school curricula. Accurate,
10 thorough and timely reporting will help us define the
11 reality of the challenges, the barriers to this goal
12 and the resources we need and how and where to focus
13 them.

14 I'm gonna go off script for a second and
15 just say that when I was listening to DOE, I felt
16 like I wanted them to say the situation is pretty
17 abysmal and we need your help.

18 The New York Academy of Medicine...

19 [interpose]

20 CHAIRPERSON DROMM: And you couldn't have
21 said it better; that's what we were hoping for and
22 it's unfortunate that we didn't hear that today.

23 JOANNE EICHEL: Yeah. And I know that
24 they're working hard and I know that they struggle
25 and... [interpose]

1
2 CHAIRPERSON DROMM: Yes.

3 JOANNE EICHEL: they're good people,
4 'cause I've worked with many of them over the years,
5 but that's the reality; the situation is really bad
6 and we need to work together to change it.

7 So the New York Academy of Medicine looks
8 forward to working with you and also health advocates
9 to improve the situation. Thank you.

10 CHAIRPERSON DROMM: Thank you very much.
11 Next, please.

12 IAN CHRISTNER: Good afternoon honorable
13 Chairperson Dromm and esteemed Council Members, thank
14 you for the opportunity to testify in support of Int.
15 644 and the suggested amendments that would require
16 the Department of Education to report the number of
17 hours of physical education per student in city
18 schools.

19 I'm offering testimony on behalf of Bon
20 Secours New York Health System and our Healthy
21 Communities Initiative, funded through Bon Secours
22 Health System, Inc., a \$3.3 billion not-for-profit
23 Catholic health system that owns, manages or joint-
24 ventures 19 acute care hospitals, 1 psychiatric
25 hospital, 5 nursing care facilities, 4 assisted

1
2 living facilities and 14 homecare and hospice
3 services.

4 As a community liaison for the Bon
5 Secours New York Healthy Communities Initiative, our
6 population level health program in New York City, I
7 have the privilege of working with a wide coalition
8 of community partners offering community-focused
9 health programming primarily in the West Bronx. Many
10 of our programs serve school-age children; according
11 to the New York City Department of Health and Mental
12 Hygiene, obesity is at epidemic levels and begins
13 early in life. Those of us who work in economically
14 disadvantaged communities see firsthand the gross
15 inequality in health outcomes between those who have
16 and those who have not. We see how poor health
17 creates a crushing burden on those individuals and
18 families who are living in or close to poverty.
19 Physical activity is an essential part of a healthy
20 lifestyle; as a health system, Bon Secours is aware
21 that to be successful in combating obesity a multi-
22 pronged approach must be taken. In other words, it's
23 not enough to tell people not to drink soda or to
24 provide free healthy breakfast and lunches; rather,

1
2 physical activity must be a component of the strategy
3 as well.

4 Child advocates are encouraged by efforts
5 to increase access to healthier foods in schools, as
6 well as various educational initiatives aimed at
7 products, such as sugary drinks, that contribute to
8 public health problems. However, as stated above,
9 without the right amount of physical activity,
10 education, food access is not enough to have a
11 lasting impact on individuals' health. Fortunately,
12 New York State mandates a set amount of physical
13 education as well as who should teach those courses.
14 Much has been written about the benefits children of
15 all ages can have from the developments in physical
16 education curriculum which now promote lifelong
17 health; not just recreation. Much has also been
18 written about the correlation between regular
19 physical exercise, regular physical activity and
20 better academic performance. The single greatest
21 social determinant tied to good health is education.
22 As such, we owe it to our school-aged young people to
23 promote education and this includes physical
24 education, not only to increase their chances of
25 future economic success, but also for the sake of

1
2 their health and spiritual wellbeing. The oversight
3 and transparency created by the proposed bill would
4 go a long way towards ensuring that the mandated and
5 appropriate amount of physical education would be
6 provided to public school students regardless of
7 which school they attend. [bell] A mantra of public
8 health is to make healthy choices easy choices, we
9 strongly support this concept and respectfully urge
10 this Committee to support the bill and see it passed
11 into law. Respectfully, Ian Christner.

12 CHAIRPERSON DROMM: Well thank you all
13 very much for coming in and I couldn't agree more
14 with your testimony and I really appreciate it.
15 Thank you very much.

16 Our next panel is David Garcia-Rosen from
17 New York City Let 'Em Play; David Ludwig from Asphalt
18 Green and Ameriga [sp?] Rossi from Brooklyn.

19 [background comment] Is there anybody else who
20 wanted to testify; if so, you need to just fill out a
21 form? If not, this will be our last panel.

22 [background comments]

23 So can I ask you guys to raise your right
24 hand and I'll swear you in? Do you solemnly swear to
25 tell the truth, the whole truth and nothing but the

1
2 truth and to answer council member questions
3 honestly? Okay, thank you. David, do you wanna
4 start?

5 DAVID GARCIA-ROSEN: So the New York City
6 Department of Education has completely ignored
7 education law and the Civil Rights Act of 1964 for
8 two decades. Generations of students have passed
9 through our schools without reaping the well-
10 documented benefits of school sports and physical
11 education. I don't understand why a year-and-a-half
12 into the de Blasio administration we still have not
13 seen a vision or a plan for providing every student
14 in New York City public high schools with physical
15 education and interscholastic sports.

16 I would imagine one of the reason is a
17 lot of the people that are still in the Department of
18 Education have been there for the past couple decades
19 and are vested in defending the situation rather than
20 acknowledging how terrible it is and working
21 collaboratively with the Council and with community
22 groups on fixing these problems; they seem still
23 caught up in denial and fuzzy math and excuses and
24 that's been a real disappointment to many of us over
25 the past year-and-a-half.

1
2 In high schools, one way students can
3 earn physical education credit is by participating in
4 after-school sports teams. The division of the DOE
5 responsible for interscholastic sports is the Public
6 Schools Athletic League and they've completely
7 ignored education law and the Civil Rights Act of
8 1964. This year the PSAL was found guilty of
9 violating Title 9 by not providing girls with
10 equitable access to high school sports; they are
11 under investigation for violating the civil rights of
12 black and Latino students for not providing them with
13 equitable access to the PSAL and they also
14 misappropriated \$825,000 this year specifically
15 allocated for the Small Schools Athletic League, thus
16 sidelining once again our students at the most
17 segregated high schools.

18 I'm hopeful and would like to suggest
19 that possibly the Council add the PSAL to this bill
20 and require them to report annually how many teams
21 are at each school, how much money is being spent at
22 each school for interscholastic sports and after-
23 school sports, which again are accredited physical
24 education activities, who's requesting teams, who's
25 getting them, who's not getting them, why are they

1 not getting them, why does one school open up in 2011
2 and get 20 teams and another school opens up a decade
3 ago and can't get one? And of course, a full
4 demographic breakdown, our research, research out of
5 UCLA, the National Women's Law Center; Columbia, all
6 indicates that our most segregated high schools have
7 the least access to these vital, vital opportunities
8 that so many people have testified about today.

10 Two suggestions for the DOE: 1. After-
11 school hours -- we all agree that there issues with
12 space and facilities, but the DOE has unprecedented
13 access to park facilities and park permits, so let's
14 centrally permit all DOE-owned and controlled courts
15 and fields in the after-school hours for physical
16 education, for interscholastic sports; let's not
17 leave it on the principals to decide who gets what.
18 Right now it's the principals and the custodians who
19 decide who gets what; let's make it a centrally
20 permitted thing so we can all see what's going on
21 [bell] and the last thing on space that I just wanna
22 point out. People keep talking about co-located
23 spaces and the Chancellor talks about it. I just
24 wanna remind the Chancellor, when we talk about co-
25 located spaces, we're also talking about high schools

1
2 that are in elementary school buildings and junior
3 high school buildings in office buildings and if we
4 don't acknowledge that that's a bad idea, then we're
5 gonna have a real tough time solving these problems.
6 We have to acknowledge and putting high school kids
7 in an office building is a fundamental problem with
8 providing a high school education.

9 CHAIRPERSON DROMM: Thank you, Mr. Rosen
10 and I think you're aware that I'm working with
11 Council Member Reynoso and King on legislation to
12 address some of the issues that you've brought up
13 here, particularly as it relates to PSAL and the
14 SSAL, and so we hope that when that legislation is
15 completed we'll be able to get a more full answer
16 from the Department of Education in terms of how
17 funds are being used and what it's being allocated
18 for, and in particular, with the funding that we gave
19 them for the SSAL last year. So thank you.

20 DAVID GARCIA-ROSEN: That's really good
21 news and thank you, Council Member Dromm for all the
22 time and energy and some grief that you've taken
23 around this issue over the past couple years, I
24 appreciate it and thank you.

25 CHAIRPERSON DROMM: Thank you.

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2
3 DAVID LUDWIG: Hello. Thank you,
4 Chairman Dromm for holding this hearing. My name's
5 Dave Ludwig; I'm the Community Programs Director at
6 Asphalt Green, we're a nonprofit sports and fitness
7 organization running programs that serve over 100
8 public schools. Our recess enhancement program
9 serves 28,000 children at 61 schools, our community
10 sports league serves 750 middle school children from
11 Harlem and the Lower East Side and our Waterproofing
12 Learn to Swim program serves over 2500 elementary
13 students from 43 schools at six locations during the
14 school day, including two DOE buildings with pools.
15 Aquatics programming is one of our specialties and we
16 would welcome the opportunity to be more involved
17 with utilizing pools within schools, many of which
18 are not operational but could be.

19 In our work with all of these schools we
20 see the need for more physical education and we
21 support any effort or plan that will help meet or
22 exceed state requirements; many school leaders and
23 administrators ask us for help in providing more phys
24 ed for their students and we are ready, willing and
25 able to provide high quality, affordable physical

1 education activities that are tailored to meet the
2 needs of individual schools, whether it be difficult
3 spaces or some other constraints that they face and
4 these activities that we can provide can meet New
5 York State learning standards. We would like
6 elementary schools to have the flexibility to work
7 with us to provide these much-needed services and
8 have them count towards meeting the state
9 requirements. Given the shortage of license PE
10 teachers and the reality of school budgets, working
11 with Asphalt Green and other CBOs is the best way to
12 make a difference right now; we can't wait until some
13 time in the future when schools might have the
14 resources to hire enough PE teachers to meet the
15 standards, so in other words, principals are saying I
16 don't have \$70-80,000 to hire a full-time PE
17 instructor but I can work with you; I can give you
18 \$10-15,000 and we can come in and provide high
19 quality sports instruction with the teacher present
20 and our staff person. We have a DOE contract to
21 provide services; we're meeting all the regulations;
22 the question is this gray area about what, you know,
23 whether or not it counts, so if a class is coming to
24 one our locations we're providing these resources to
25

1
2 have kids get free swim instruction through our
3 Waterproofing program, does it counts towards PE or
4 not? And so we would like clarification on whether
5 or not it counts and we would like to work more
6 closely with the DOE to have it be under the
7 supervision of a license phys ed instructor, they
8 could sign off; we have our written lesson plans, so
9 we're looking for more clarity on what can count
10 until we get to the point where we have enough
11 license phys ed teachers on staff to meet the needs.

12 CHAIRPERSON DROMM: So I would think that
13 if Move to Improve would count as credit toward
14 physical education that some of the programs that
15 you're offering [bell] should also be eligible. Do
16 you know what the obstacle is there; is it...
17 [interpose]

18 DAVID LUDWIG: I don't know; I just think
19 we need a closer working relationship with the DOE to
20 say can we get this. I think some principals report
21 it as phys ed and I know some others don't and I
22 don't know -- I feel like there's kind of a
23 reluctance to talk about it because no one wants to
24 ask a question and get an answer.

25

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2 CHAIRPERSON DROMM: So how do the schools
3 come to you; they just... how do you operate those
4 programs; is it done on a weekly basis or it's just
5 done once?

6 DAVID LUDWIG: Well they're all a little
7 different; the swimming program has a lot to do just
8 where we can find water, so if we find water we look
9 at the elementary schools that are within the
10 distance; we look at... you know, we wanna serve
11 schools that are serving a lower-income population
12 that won't have the opportunity to learn how to swim,
13 so we look at that and then we just go out to the
14 schools and say hey, do you wanna bring your kids to
15 learn how to swim?

16 CHAIRPERSON DROMM: So you have a pool
17 there?

18 DAVID LUDWIG: There's six pools that are
19 running this; two are on our own facilities that we
20 operate and then the other four -- one's at a
21 community center in Harlem, two are in DOE buildings
22 that actually have operational pools and another is
23 in a community center/school building in the Bronx.
24 So we're always looking for more water; I'm hoping to
25 get to yes at one or two more locations right now for

1
2 the fall, you know we work hard to raise money to
3 support the program.

4 CHAIRPERSON DROMM: So is one of those
5 locations in Harlem PS125?

6 DAVID LUDWIG: It is. Yes. We've been
7 there for many, many years.

8 CHAIRPERSON DROMM: Oh, 'cause I was
9 trying to get answers to that at the last hearing and
10 the DOE wasn't sure about that. So it only proves
11 the point that they're not exactly sure what you're
12 doing I guess or.

13 DAVID LUDWIG: Yeah well, I mean they're
14 aware of some things; we're one of the providers for
15 the Parks Swim for Life program as well, which the
16 DOE is aware of and yeah, we would just like to work
17 more closely with them to see how the official count
18 [sic], yeah... [crosstalk]

19 CHAIRPERSON DROMM: And how often... I'm
20 sorry.

21 DAVID LUDWIG: No, it should count per
22 se... [sic] [crosstalk]

23 CHAIRPERSON DROMM: How often do you use
24 that pool up there at 125?

25

1
2 DAVID LUDWIG: How long have we been
3 there?

4 CHAIRPERSON DROMM: Yeah, I mean like how
5 often during the day... [crosstalk]

6 DAVID LUDWIG: Well...

7 CHAIRPERSON DROMM: are you there all day
8 or for five days a week or...? [crosstalk]

9 DAVID LUDWIG: It's varied slightly from
10 year to year, based on... there's three schools in that
11 building, so the principal at 125 does his best to
12 get us as much space; this year we're there four days
13 a week during the school day, most of the day, so we
14 serve his students and then students from surrounding
15 schools, so we're there... [interpose]

16 CHAIRPERSON DROMM: Do you serve the
17 charter schools that are in that building?

18 DAVID LUDWIG: No, but that's... we... not
19 because we haven't offered.

20 CHAIRPERSON DROMM: Is it... are your
21 classes filled with the IS125 students?

22 DAVID LUDWIG: Yeah, they're filled with
23 all the students that we're serving, yeah; we're
24 always more or less at capacity there. Yeah.

1
2 CHAIRPERSON DROMM: That's really good; I
3 used to teach at the Grant Houses Day Care Center,
4 which is right behind...

5 DAVID LUDWIG: Okay.

6 CHAIRPERSON DROMM: the school and that's
7 why I had a particular interest in that school as
8 well and I knew the pool was there; it's a beautiful
9 pool.

10 DAVID LUDWIG: Yeah, it's very old and...
11 that building needs... the pool itself is beautiful;
12 the building needs renovations... [crosstalk]

13 CHAIRPERSON DROMM: A lot of work.

14 DAVID LUDWIG: the locker rooms are not
15 so hot, the boiler system is so antiquated that
16 sometimes the custodians have trouble with upkeep and
17 there's a lot of pools that are in school buildings
18 that are going unutilized, so I'm sure... it's
19 expensive to run a pool for sure, so.

20 CHAIRPERSON DROMM: Right. Well we were
21 trying to get at the bottom of that question at the
22 last hearing; I forget; I think it was in the budget
23 hearing, about how many pools they have and where
24 they're located and... [interpose]

1
2 DAVID LUDWIG: Well I have the list,
3 yeah; I mean we know where they are; we don't know
4 how much it will cost to get them up and running and
5 where that sits within any kinda larger plan and we
6 just wanna say we're here to help and we can provide
7 instruction.

8 CHAIRPERSON DROMM: That's also an
9 interest, 'cause that was my favorite sport; I was on
10 the swimming team in high school.

11 DAVID LUDWIG: You know, and obviously,
12 also it's an important life skill that kids should
13 have, yeah... [crosstalk]

14 CHAIRPERSON DROMM: Oh totally. Totally.
15 It's a great sport.

16 DAVID LUDWIG: Yeah.

17 CHAIRPERSON DROMM: Alright, well thank
18 you very much; thank you both... [crosstalk]

19 DAVID LUDWIG: Thank you.

20 CHAIRPERSON DROMM: for coming in and I
21 wanna thank everybody for staying with us at this
22 important hearing; I think it shed a lot'a light on
23 the subject; we have a lot more work to do and we
24 look forward to working with all of you as we move
25 down the road negotiating this legislation with the

1
2 Department of Education. And with that, this meeting
3 is adjourned at [background comment] 4:15 p.m. Thank
4 you. [gavel]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date July 2, 2015