

COMMITTEE ON EDUCATION

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CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON EDUCATION

December 3, 2018

Start: 1:02 p.m.

Recess: 3:50 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: MARK TREYGER
Chairperson

COUNCIL MEMBERS:

ALICKA AMPRY-SAMUEL

INEZ D. BARRON

JOSEPH C. BORELLI

JUSTIN L. BRANNAN

ANDREW COHEN

ROBERT E. CORNEGY, JR.

CHAIM M. DEUTSCH

DANIEL DROMM

BARRY S. GRODENCHIK

BEN KALLOS

ANDY L. KING

BRAD S. LANDER

STEPHEN T. LEVIN

MARK LEVINE

YDANIS A. RODRIGUEZ

DEBORAH L. ROSE

RAFAEL SALAMANCA, JR.

ERIC A. ULRICH

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

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Lindsey Harr

Executive Director of the Office of School
Wellness Programs within the Division of School
Climate and Wellness

Seth Schoenfeld

Executive Director for Educational Equity in the
Division of School Climate and Wellness

Daniel Harris

Director of Professional Development and Special
Projects

LaQuana Chambers

Director of Sports Programming

Lisa Parks

Student Athlete at Bronx Academy of Letters

Devaun Longley

Student at Bronx Academy of Letters

Matthew Alexander Diaz

Senior at Bronx Academy of Letters, Executive
High School Director of IntegrateNYC, Youth Lead
In the FairPlay Coalition

Benji Weiss

Sixth Grade Student at BCS, Middle School
Consulate for IntegrateNYC

David Garcia-Rosen

Director of School Culture and Athletics at the
Bronx Academy of Letters

Melissa Iachan

Senior Staff Attorney at New York Lawyers for the
Public Interest

Mark Dorman

Health and Physical Education Teacher and Former
Athletic Director, Volleyball and Soccer Coach at
Manhattan Comprehensive Night Day High School

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

Greg Mihailovich
New York City Community Advocacy Director for the
American Heart Association, Former PSAL Athlete

Nicoletta Nerangis
Founder and Executive Director of Run4Fun,
President of Achilles Brooklyn

Ben Gologor
Representing Asphalt Green

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[gavel]

CHAIRPERSON TREYGER: Good afternoon, I am Council Member Mark Treyger, Chair of the Education Committee and I'd like to thank everyone for coming to today's oversight hearing on physical education and athletics in New York City public schools. We will also be hearing testimony today on proposed Introduction Number 242-A and proposed Resolution 85-B sponsored by Council Member Reynoso as well as two pre-considered bills, one sponsored by Council Member Rosenthal and the other co-sponsored by myself and Council Member Kallos. I'd like to recognize the members of the Education, Education Committee who are here so far; Council Member Rose, Council Member Cohen, Council Member King, Council Member Reynoso, and Council Member Borelli and Council Member Kallos is here as well, yes. Physical activity is an important part of education that has benefits for children. Physical activity contributes to overall health and reduces the risk of heart disease, stroke, diabetes, some cancers and other serious conditions and diseases. In addition to the health benefits of physical activity, according to the Centers for Disease Control and Prevention

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2 increased physical education or PE time improves
3 cognitive skills such as concentration and creativity
4 and is positively correlated with standardized test
5 scores and grade point averages. In addition, student
6 participation in PE and athletics enhances student's
7 self-esteem, motivation and conduct. With all of the
8 benefits that PE offers to students I am extremely
9 disappointed that many students are not receiving the
10 state mandated amount of PE. According to data
11 provided by DOE pursuant to Local Law 102 of 2015,
12 during the 2017/2018 school year, 76 percent of
13 students received the required amount of PE. While
14 this is a five percent increase from the prior school
15 year, over 200,000 city students are still not
16 receiving the amount of PE required by state
17 regulations, that's about one fifth of our student
18 population in New York City schools. DOE's data shows
19 that elementary students citywide are less likely
20 than their older peers to receive the required amount
21 of physical education instruction. Our wonderful
22 Council data operations team has mapped, if you look
23 to the screen, has mapped the PE instruction data
24 provided by DOE. As you could see on this screen and
25 which is also available on the Council website, you

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2 could see the number of students who are not
3 receiving the required amounts of PE, it varies by
4 community school district. In district one for
5 example, over 50 percent of students are not
6 receiving the required amount of PE, over half of an
7 entire school district is not in compliance. The same
8 is true in district 23 where over half of the
9 students in the district are not receiving the amount
10 of PE required by the state. I am alarmed by this
11 data. We should all be alarmed by this data.
12 Additionally, while the law requires DOE to share
13 data at the school level, the DOE's report redacts
14 nearly all of the school level information so there
15 is no value to that data. This defeats the very
16 purpose of this report, which is to help identify the
17 barriers to compliance and thus prevents the council
18 and any other partners from helping our schools
19 increase PE time for students. My bill with Council
20 Member Kallos, pre-considered Introduction 2018, 3359
21 and Council Member Rosenthal's bill, Pre-considered
22 Introduction 3358 each seek to enhance data provided
23 by DOE on physical education instruction in schools.
24 My bill requires DOE to report on PE curricula in
25 schools as well as professional development received

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2 by certified physical education instructors. Council
3 Member Rosenthal's bill requires the DOE to report on
4 the average PE class size as well as whether students
5 with disabilities are provided with adaptive physical
6 education or waivers from physical education activity
7 including the number of students receiving each of
8 these options per school. These bills work to ensure
9 not just the quantity of PE being received but the
10 quality of the PE instruction that is being offered.
11 Just as we see differences in the amount of PE time...
12 PE time received by students across the community
13 school districts, we know that there is unequal
14 access to after school athletic programs and sports
15 teams across our city schools. Today we are hearing
16 for both Introduction 242-A sponsored by Council
17 Member Reynoso who has really championed this cause,
18 which will require DOE to report publicly on the
19 funding for after school athletics including funding
20 for coaches, referees, athletic directors, equipment,
21 uniforms and transportation. The bill would also
22 require reporting on student demographic information,
23 athletic team requests and athletic facilities used
24 for after school athletics. The Committee is also
25 hearing Council Member Reynoso's Proposed Resolution

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2 85-B calling on DOE to ensure that all students have
3 equitable access to after school athletic activities
4 and associated funding. And I just want to note
5 Council Member Reynoso as a former teacher... high
6 school teacher where we, we were fortunate enough to
7 have an athletics program, a football program, it did
8 make a difference, it did make... it made a tremendous
9 difference, many of those students had an extra
10 mentor in their coach, in all their coaches and extra
11 volunteers who would check in with me making sure
12 they did their history homework, making sure that
13 they were prepared for their global history regents
14 and, and regents beyond so this does make a
15 difference in our schools so I thank you for
16 championing this cause. After the passage of the
17 federal no child left behind act in 2001, schools
18 nationwide placed inflated emphasis on math and
19 English, language arts because these are subjects'
20 schools are held accountable for and that has led to
21 a reduction in time and attention and resources to
22 vital subjects such as PE, history, art, music,
23 civics. Physical activity is a necessary component of
24 health and wellness and PE and athletics should not
25 be luxuries for our city's students. The current

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2 disparities are unacceptable, and the Committee is
3 looking forward to hearing how DOE plans to correct
4 these inequities. I'd like to thank the Education
5 Committee staff Beth Golub; Kalima Johnson; Jan
6 Atwell, Kaitlyn O'Hagan and Elizabeth Hoffman. I'd
7 like to also thank my staff Anna Scaife; Vanessa Ogle
8 and Eric Feinberg and now our bill sponsors will make
9 statements about the legislation we are hearing. I'd
10 like to first turn it over to Council Member Reynoso.

11 COUNCIL MEMBER REYNOSO: Thank you Chair
12 Treyger, I appreciate you taking the time to hear
13 this bill, it would actually be the first time we
14 hear these bills but the not the first time or, or...
15 that we've advocated for them. I want to first thank
16 the students that are sitting in the front row here
17 with the Fair Play shirts that you see in front of
18 you. We've relegated them to... having to advocate and
19 be civic leaders as opposed to simply enjoy fair
20 school sports, we want to thank you for the great
21 work that you're doing in advocating for this work so
22 thank you and I'm going to give you a round of
23 applause on a...

24 [applause]

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1 COMMITTEE ON EDUCATION

2 COUNCIL MEMBER REYNOSO: So, I'm simply
3 an instrument that is looking to make sure I amplify
4 their voices here today so while I thank you for
5 calling me the leader of this legislation it truly is
6 the students so thank you again. My name is Antonio
7 Reynoso and I am the Council Member of the 34th
8 district representing Williamsburg and Bushwick and
9 Brooklyn and Ridgewood and Queens. I want to thank
10 our Education Chair again, Council Member Treyger for
11 calling today's important hearing. In 1954, the
12 Supreme Court ruled that separate but equal was
13 unconstitutional, that was 68 years ago. As
14 monumental as this decision was for the civil rights
15 movement very little has changed in our country
16 school system. Our schools are still deeply
17 segregated, and resources are distributed
18 inequitably. We are still separate and worse we are
19 still unequal. New York City schools are a prime
20 example. Walk into many schools in our city and you
21 will find a vast majority of students belonging to a
22 single race or ethnicity. In addition to this severe
23 segregation, we're finding that resources to our
24 public schools are not equitably distributed which
25 brings me to my two bills that will be heard today,

1 COMMITTEE ON EDUCATION

2 Intro 242 and Resolution, Resolution 885 both of
3 which seek to deliver transparency and equity to the
4 Department of Education's process for funding
5 critically important after school sports programming
6 in public schools. Why is transparency in this
7 process so important, through tireless research by a
8 dedicated, dedicated group of advocates we have
9 learned that there is a significant disparity in
10 funding for after school program sports... sports
11 programs between black and Latino students and those
12 students of other races. We have a... we have a host of
13 troubling statistics to prove this point. Please bear
14 with me as I run through these numbers. Black and
15 Latino students are twice as likely as students of
16 other races to lack access in any high school sports,
17 17,323 black and Latino high school students attend
18 high schools with not even a single PSAL team, more
19 than twice the rate for students of other races. The
20 average black and Latino high school student attends
21 a school with 15.6 PSAL teams while students of other
22 races attend schools with 25 PSAL teams. From 20,
23 2012 to 2017 schools with ten percent or fewer black
24 and Latino students had a 91 percent PSAL team
25 approval rating while only 55 percent of teams

1 COMMITTEE ON EDUCATION

2 requested by schools with 90 percent to 100 percent
3 black and Latino students were approved. In 2014 the
4 most recent year this data was made available, DOE
5 spent 14 percent less on the average black and Latino
6 student than on other... than students of other races.
7 High schools with the lowest percentage of black and
8 Latino, Latino students offered the most teams in the
9 public-school system. These numbers are troubling
10 especially when one considers the proven positive
11 impacts sports can have a student's life. Kids
12 involved in sports have a 15 percent higher chance of
13 going to college or one tenth is likely to be... to
14 become obese, have a decreased rate of juvenile
15 arrest, team burse, drop out rates, drug use,
16 depression, depression and suicide of empirical
17 evidence that sports can have a transformative impact
18 on a student's life why do we not do everything we
19 can to ensure children have access to these
20 opportunities. This question is even more pressing
21 for black and brown students who are already facing
22 the systematic racism that plagues our society. We
23 know these are disparities in access to sports
24 programs in our schools among students of different
25 races, we also know that the Department of Education

1 COMMITTEE ON EDUCATION

2 has a system for allocating funds to these programs
3 that is driving these disparities but there is so
4 much we don't know about this system and how the
5 decisions are being made that end up depriving black
6 and brown students of equal access. For example,
7 there is a total lack of standardized team granting
8 process that with criteria that applicants are aware
9 of. Currently the system appears to be entirely
10 discretionary. There appears to be no consistent
11 rationale for denials and we see that the denial rate
12 for predominantly black and Latino students and their
13 schools remain higher than schools with more students
14 of other races. [coughs] sorry... the current policy of
15 prohibiting students from participating on teams in
16 any other school than the one they're enrolled in.
17 Why must the team application process be entirely
18 driven by the school's principal. Intro 242 will
19 require the Department of Education to deliver
20 critical information including the funds allocated to
21 individual schools for coaches, number of teams, and
22 which schools have access to teams at individual
23 schools and student's access broken down by race. Our
24 goal for today's hearing is to better understand that
25 system, drill down on where the flaws are that drive

1 COMMITTEE ON EDUCATION

2 these disparities and develop fixes to ensure
3 resources are allocated equitably. Intro 242 will
4 ensure that the public can see how this funding is
5 allocated in the future to ensure all students in our
6 public-school system have access to these crucial
7 programs. Again, thank you Chair for allowing me to
8 read this lengthy opening statement, thank you.

9 CHAIRPERSON TREYGER: Thank you Council
10 Member Reynoso and we, we also want to echo his
11 remarks welcoming the extraordinary students, this is
12 the best civics class that you'll ever have, and you
13 are... you are leaders certainly in this effort and we
14 thank you. I'd like to next turn it over to my
15 colleague who is working very hard to make sure that
16 access to PE is felt across the board for all
17 students and she has been a champion on this issue,
18 I'd like to turn it over to Council Member Rosenthal.

19 COUNCIL MEMBER ROSENTHAL: Thank you so
20 much Chair Treyger, I really appreciate your
21 leadership on this matter and I also want to thank
22 Speaker Johnson on the issue of disability where he's
23 being a leader as well. So, thank you for holding
24 today's hearing and again for being a champion for
25 children receiving the benefits of physical

1 COMMITTEE ON EDUCATION

2 education. All students deserve the benefit of
3 physical activity at school. Study after study shows
4 that being physically active helps students and
5 adults retain information better, develop healthier
6 habits and lift their moods and let's not forget how
7 important it is to have a break in the day from
8 classwork to be active. My bill, Pre-considered 3358
9 which is being heard today includes an additional
10 reporting requirement about whether students with
11 disabilities are being provided with adaptive
12 physical education with a deep dive into exactly how
13 many kids at every single individual school that are
14 receiving that physical education. Adaptive Phys ed
15 refers to a specially designed physical education
16 program of developmental activities, games, sports,
17 and rhythms suited to the interest, capabilities and
18 limitations of students with disabilities. Further my
19 bill will require the DOE to include a summary of key
20 findings in its report hopefully with what active
21 steps they are going to take to rectify this
22 situation. I again want to thank Council Member
23 Treyger for his excellent work in holding this
24 hearing and recognize the leadership also of former
25 City Councilwoman Elizabeth Crowley who raised the

1 COMMITTEE ON EDUCATION

2 issue during her tenure as Council Member. I'd also
3 like to thank the Phys ed for all coalition including
4 the American Heart Association for their thoughtful
5 and compassionate advocacy to make sure that all
6 students receive appropriate and adequate physical
7 education. Thank you.

8 CHAIRPERSON TREYGER: Thank you Council
9 Member and next we'll hear from someone I, I worked
10 with as well on, on a bill that we, we've advanced
11 together to get a lot more information than we have
12 right now on the extents of compliance with
13 curriculum and non-compliance, Council Member Ben
14 Kallos.

15 COUNCIL MEMBER KALLOS: Thank you
16 Education Chair Mark Treyger for your leadership on
17 these issues. As somebody who attended a public high
18 school here in this city, Bronx Science does not have
19 a football team, we don't even actually have a field
20 to play outdoor sports on unless you count our campus
21 where we'll play ultimate frisbee, its not actually
22 sanctioned it's just what the kids do and so when I
23 became Council Member and representing the upper East
24 Side I visited every single school in my district and
25 was shocked to see that we didn't actually have very

1 COMMITTEE ON EDUCATION

2 many gyms in my district. I remember when the Mayor
3 asked to do the town hall at a gym in my district and
4 when I finished laughing I said sure, we've got one
5 or two and they're booked so good luck and so in so
6 doing we had a serious conversation with DOE and they
7 informed me that the fact that we have classrooms
8 that have mirrors on the wall that those classrooms
9 are in fact dance classes and that those dance
10 classes account for our physical education on the
11 upper East Side and so I look forward to moving
12 forward on this Pre-considered legislation with
13 Council Member Treyger and really getting a handle on
14 what physical education looks like in different parts
15 of the city. I also want to thank Council Member
16 Reynoso for bringing these kids out and I will ask
17 the Committee Clerk to please add me as a sponsor to
18 Introduction 242-A, Introduction T2018-3358 and
19 Resolution 85-B and we will work on this together and
20 Council Member Reynoso has promised to help me get
21 some gyms for schools in my district. So, thank you
22 and I will have to step out for a meeting on Land Use
23 but thank you very much for everyone's leadership.

24 CHAIRPERSON TREYGER: Thank you Council
25 Member. I'd like to recognize the additional members

1 COMMITTEE ON EDUCATION

2 who are present; as we mentioned Council Member
3 Rosenthal, Council Member Eugene, Council Member
4 Cornegy and I have to note because he, he is still
5 our Education Chair and Finance Chair in a way
6 because he's, he was a mentor to me through his
7 leadership, Council Member Dromm really also helped
8 lead the way to, to highlight the extents of non-
9 compliance so I want to recognize his leadership and
10 thank, thank, thank him as well. I'd like to now
11 welcome the administration that will be testifying
12 and then we'll swear them in. We have Lindsey Harr,
13 Seth Schoenfeld, Daniel Harris and LaQuana Chambers
14 and we'll all... we'll have the Committee Counsel swear
15 the folks in.

16 COMMITTEE CLERK: Please raise your right
17 hand. Do you swear to tell the truth, the whole truth
18 and nothing but the truth in your testimony today and
19 to respond honestly to Council Member questions? You
20 may begin.

21 LINDSEY HARR: Good afternoon Chair
22 Treyger and members of the Education Committee. My
23 name is Lindsey Harr and I am Executive Director of
24 the Office of School Wellness Programs within the
25 Division of School Climate and Wellness. Thank you

1 COMMITTEE ON EDUCATION

2 for the opportunity to update you on the progress we
3 are making in improving both the quantity and quality
4 of instruction in the core academic area of physical
5 education. We appreciate our partnership with the
6 Council and your leadership in supporting DOE
7 programs dedicated to student health and wellbeing.

8 The vision and mission of my office is rooted in this
9 administration's core tenets of equity and excellence
10 for all. We believe that educating the whole child
11 involves creating conditions in schools where quality
12 physical education thrives, and where school
13 communities are engaged in supporting student
14 wellbeing. Research shows that physically active
15 students do better in school and learn skills that
16 can keep them healthy for their entire lives.

17 Physical education focuses on teaching students why
18 fitness and health are important and how students can
19 develop the knowledge, skills, and confidence to
20 enjoy a lifetime of health focused physical activity.

21 In April 2016, the Mayor and Chancellor, with the
22 Council's invaluable support, launched the PE Works
23 initiative, an unprecedented multiyear 100-million-
24 dollar investment to transform physical education for
25 our students, growing an initial pilot that reached

1 COMMITTEE ON EDUCATION

2 400 schools to a citywide initiative reaching all
3 district schools. Our mission through PE Works is to
4 create sustainable model for quality PE instruction
5 for generations of students to come. We do this by
6 developing educators, both teachers and school
7 administrators who understand the importance of
8 physical education and who have the knowledge and the
9 skills to implement a strong PE program that supports
10 students' fitness, health and academic success. PE
11 Works attacks the barriers and obstacles to quality
12 instruction using a model rooted in the framework for
13 great schools and adaptable to the unique needs of
14 individual schools. We have completed individual
15 needs assessments for nearly... for nearly 1,500
16 schools to identify scheduling, facilities, staffing,
17 and professional learning challenges in each school.
18 Working with principals, we create... [clears throat]
19 excuse me... we create action plans and provide
20 resources, support, and ongoing assistance as needed.
21 By design, we have focused intensively on elementary
22 schools, which needed the support, but we are also
23 providing expanded professional learning and
24 instructional resources for middle and high school
25 teachers, as well as targeted support to secondary

1 COMMITTEE ON EDUCATION

2 level administrators, to increase the quality and
3 quantity of PE in those grades. As a result, DOE's PE
4 data released in August of this year show that
5 schools report 75.8 percent of students met PE
6 requirements in 2017 to 2018, compared to 53.5
7 percent in 2015 to 2016. That progress is reflected
8 across all student demographic groups, boroughs, and
9 grade levels, and stems from these key elements of PE
10 Works. In collaboration with DOE's office of Teacher
11 Recruitment and Quality, and in partnership with
12 colleges and universities, we have recruited and
13 hired more than 450 certified physical education
14 teachers who are working in elementary schools. As of
15 June 2018, 85 percent of elementary schools had at
16 least one certified PE teacher. Working with the
17 United Federation of Teachers, we created a new K to
18 12 PE license that makes it easier for schools to
19 retain certified and licensed PE teachers in
20 elementary schools. We created alternative pathways
21 and supplemental certification options, so teachers
22 can gain PE certification. One hundred and thirty-
23 nine teachers have participated in these options to
24 date. We significantly increased professional
25 learning options for teachers to help ensure that

1 COMMITTEE ON EDUCATION

2 students have high quality, standards-based PE
3 instruction. Seventy eight percent of elementary PE
4 teachers attended at least one professional learning
5 session last year, and approximately 220 PE teachers
6 participated in individualized coaching cycles to
7 improve instructional practices. We created 31
8 teacher led professional learning communities across
9 the city where approximately 360 educators come
10 together monthly to share ideas and best practices.
11 The number of these professional learning communities
12 will expand this year. Building on PE Works, last
13 year the Mayor and Chancellor, in collaboration with
14 the City Council, announced a Universal PE initiative
15 to provide all schools with a designated PE space.
16 Our work also includes engaging school communities in
17 supporting a culture of high-quality PE and student
18 wellbeing. School wellness councils help to bring
19 administrators, teachers, families, students, and
20 community organizations together to tackle issues
21 identified by the school community; last year we
22 provided 207 wellness council grants. Physical
23 education enables students to develop the skills they
24 need to participate in physical activities of all
25 types, including but not limited to competitive

1 COMMITTEE ON EDUCATION

2 sports. Our CHAMPS before and after school program,
3 funded in part by the City Council, was created with
4 the goal of engaging students, regardless of athletic
5 ability, in fitness activities that they can enjoy
6 now and for a lifetime. Last year, CHAMPS reached
7 approximately 29,000 students in approximately 400
8 elementary and middle schools. Finally, the Public
9 Schools Athletic League, known as PSAL, is another
10 way in which we provide students with opportunities
11 outside of the school day to further develop their
12 physical fitness, character and socialization skills
13 through competitive athletics that foster teamwork,
14 discipline, and sportsmanship. On that note, it is my
15 pleasure to turn it over to my colleague Seth
16 Schoenfeld, Executive Director for Educational Equity
17 in the Division of School Climate and Wellness, who
18 will discuss athletics in New York City schools.

19 SETH SCHOENFELD: Good afternoon Chair

20 Treyger and members of the Education Committee.
21 Before I start my testimony, I also want to thank all
22 the students that are here today, I really appreciate
23 your voice being in the room. My name is Seth
24 Schoenfeld and I am the Executive Director for
25 Educational Equity in the Division of School Climate

1 COMMITTEE ON EDUCATION

2 and Wellness. I am joined by Daniel Harris, Director
3 of Professional Development and Special Projects and
4 LaQuana Chambers, Director of Sports Programming,
5 from the Public Schools Athletic League. Since this
6 is my first time before the committee, I would like
7 to share a little bit about my background. I am a
8 proud former PSAL student athlete, coach, and
9 principal. Recently, over the last month and a half,
10 I have been supporting PSAL's transition into our
11 division. Thank you for the opportunity to discuss
12 this important issue. The Public Schools, Schools
13 Athletic League is America's largest school sports
14 league, and provides all league level support,
15 including allocating funding to schools for teams,
16 coordinating league events, scheduling competitions,
17 assigning officials to oversee games, and providing
18 funding for coaches, game officials, and athletic
19 directors. PSAL works alongside school staff,
20 including athletic directors, who are responsible for
21 engaging students, hiring coaches, obtaining
22 equipment and uniforms, and locating space suitable
23 for team practices. In addition, PSAL partners with
24 organizations such... organizations such as the New
25 York Yankees, New York Jets, and the Women's Sports

1 COMMITTEE ON EDUCATION

2 Foundation to provide exciting opportunities for our
3 scholar athletes. These events include recognition
4 dinners, championship games at major venues such as
5 Yankee Stadium and Madison Square, Square Garden, and
6 special events for our female athletes on National
7 Girls and Women on Sports Day. In fact, tomorrow the
8 PSAL Football City Championship will take place at
9 Yankee Stadium where the number one seeded Vikings of
10 South Shore Campus will face off against the two
11 seeded Dutchmen of Erasmus Hall Campus. Approximately
12 44,000 New York City students compete in 20,000
13 contests each year, in 24 different sports, ranging
14 from football to double Dutch. PSAL organizes
15 competitions for approximately 3,000 teams each year,
16 providing students access to after school athletic
17 programming. Research has shown that students who
18 play high school sports have better educational
19 outcomes including, including higher grades and
20 standardized test scores. According to the Centers
21 for Disease Control and Prevention, playing sports
22 helps adolescents build and maintain strong muscles
23 and bones, and reduces the risk of developing
24 obesity, diabetes, and cardiovascular disease.
25 Athletic competition helps students learn important

1 COMMITTEE ON EDUCATION

2 issues about teamwork, setting goals and
3 perseverance. This administration has promoted PSAL's
4 work in four important ways. First, since school year
5 2013/14, the PSAL budget has grown from 28 million
6 dollars to 34 million dollars, including one million
7 from Council, allowing PSAL to increase its reach by
8 providing afterschool athletic programs to 7,000
9 additional students, with approximately 400 new teams
10 added to PSAL's roster. Almost all of these new teams
11 increased access for students at schools with fewer
12 existing teams. Second, PSAL has focused on expanding
13 opportunities for female student athletes with the
14 goal of ensuring that they have equitable access to
15 after school sports. These efforts have paid off, we
16 are making real progress towards an equal number of
17 male and female student athletes. Our most recent
18 data show that females comprise 44 percent of our
19 student athletes, and 45 percent of teams are girls'
20 teams. We look forward to continuing this progress.
21 Third, DOA has... DOE has increased access to
22 competitive athletics for students at smaller sized
23 schools. To that end, in collaboration with the City
24 Council, we have made investments aimed at guiding
25 smaller and newer schools through the process of

1 COMMITTEE ON EDUCATION

2 growing a comprehensive athletic program. We look
3 forward to building on the work done so far. Fourth,
4 this school year, PSAL has expanded its portfolio to
5 include management of the Middle School Basketball
6 League. The Middle School Basketball League will
7 generate interest in athletics in our middle
8 schoolers while creating a pipeline for athletes to
9 join sports teams in their high school years.

10 Participation in the Middle School Basketball League
11 is open to all middle schools, any school can apply
12 for the team. Our first priority at every PSAL
13 competition and practice is the safety of our
14 students. All PSAL coaches undergo health and safety
15 training, including certifications in First Aid and
16 CPR. Coaches must also be certified in Concussion
17 Management. Certification includes both an in-person
18 course and an online component, taken every two
19 years. Schools also must provide Automated External
20 Defibrillators at competitions and ensure that a
21 staff member who is trained in their use is on site
22 during competitions. There are... there are specific
23 additional safeguards for certain sports; for
24 example, example swimming coaches must have current
25 lifeguard and CPR for the Professional Rescuer

1 COMMITTEE ON EDUCATION

2 certifications, in addition to regular PSAL first
3 aid. We also have implemented measures such as pitch
4 limitations in baseball and improved head gear for
5 female lacrosse players. Providing all students with
6 equity and access is a top priority of this
7 administration. PSAL has recently come under the
8 leadership of the Division of School Climate and
9 Wellness, where we are focused on supporting the
10 whole child, including social-emotional learning and
11 related supports. Under the leadership of Chancellor
12 Richard Carranza and Deputy Chancellor LaShawn
13 Robinson, we are moving the work of PSAL forward with
14 a deep focus on equity and access to ensure that all
15 students in our city can benefit from participating
16 in after school sports. I would now like to turn to
17 the proposed legislation. Proposed Introduction 242-A
18 requires DOE to report on funding for after school
19 athletics. We support the goal of increasing
20 transparency regarding PSAL and look forward to
21 working with the Council to ensure that the reporting
22 requirements align with the data we currently track
23 in our reporting systems. The pre-considered
24 legislation sponsored by Council Member Treyger
25 requires DOE to report on physical education

1 COMMITTEE ON EDUCATION

2 curricula. We share the Council's goal of ensuring
3 that all student receive high quality physical
4 education. DOE policy permits schools to select their
5 curricula in all subject areas, and while we
6 recommend physical education curricula, we do not
7 track school level use. We are rolling out a Scope
8 and Sequence this year to establish shared
9 expectations for PE instruction citywide. The PE
10 Scope and Sequence will assist teachers and
11 administrators in providing sequential,
12 developmentally appropriate PE that enables students
13 to develop the skills and knowledge to stay active
14 and healthy throughout their lives. We look forward
15 to further discussions with Council on this bill. The
16 pre-considered bill sponsored by Council Member
17 Rosenthal requires DOE to report on adaptive physical
18 education. we support the goal of this legislation.
19 The DOE is committed to ensuring that all students
20 have access to a high-quality education that includes
21 access to physical education and a wide range of
22 sports. We are proud of our efforts and committed to
23 continuing to expand athletic opportunities and
24 support for our students. We look forward to working
25 with the Council on this important issue. With that,

1 COMMITTEE ON EDUCATION

2 we would be happy to answer questions you may have.

3 However, at the directive of the Law Department, I do
4 need to note that because of pending litigation
5 related to PSAL, there are certain questions we will
6 be unable to answer. Please understand that our
7 inability to answer certain questions in no way
8 reflects on how seriously we take our commitment to
9 equity in all aspects of education, including
10 athletics. Thank you.

11 CHAIRPERSON TREYGER: Thank you for your
12 testimony, I just want to note that we've also been
13 joined by Council Members Deutsch, Barron and
14 Rodriguez. I'd like the, the Council's data team if
15 they could point to the screen to highlight districts
16 one, 23 if possible. Forgive, forgive us if it's not
17 big enough there but I, I, I think my voice will,
18 will make up for it. Why is that over half of the
19 students in districts one and 23 are not receiving..
20 and this is just... we just picked out these districts
21 because they had some glaring examples of non-
22 compliance but why are over half of the students in
23 these districts not receiving adequate mandated
24 physical education time?
25

1 COMMITTEE ON EDUCATION

2 LINDSEY HARR: Thank you again for the
3 opportunity to be here and to answer questions. This
4 administration with the Council's support has made an
5 unprecedented investment in revitalizing physical
6 education for all of our students, this is an area
7 that has not been focused on for truly decades, so we
8 have a lot of work to do in terms of addressing the
9 lack of PE that many of our students are receiving.
10 With that being said, through the PE Works initiative
11 we are seeing significant gains in the percentage of
12 students who are receiving the required amount of PE
13 and we are working very hard to ensure that we get to
14 the point where all of our students are receiving not
15 just the required amount of PE, but high-quality
16 standards based physical education.

17 CHAIRPERSON TREYGER: Right, I would just
18 point out that we're, we're completing now, we're at
19 the end of the fifth year of the current
20 administration and I understand that there's probably
21 most likely been a non-compliance for, for decades or
22 for many years however actually these regs that I'm
23 about to read off I think were last updated in the
24 early 80's still no excuse. I just... I, I really think
25 it's important that I emphasize and highlight this,

1 COMMITTEE ON EDUCATION

2 this is a copy of New York State regulations, these
3 are not recommendations, these are not suggestions,
4 these are not just oh hey, I think you should do
5 this, these are mandates. All school districts in New
6 York State shall have the, the following; curriculum
7 shall be designed to promote physical activity, the
8 attainment of physical fitness in a desire to
9 maintain physical fitness throughout life, attain
10 competency in the management of the body and useful
11 physical skills, emphasize safety practices, motivate
12 expression and communication, promote individual and
13 group understanding, provide knowledge and
14 appreciation of physical education activities, make
15 an individual aware of the effect of physical
16 activity upon the body, provide opportunities for the
17 exercise of pupil initiative, leadership and
18 responsibility and reinforce basic learnings of the
19 other areas of the total school curriculum. That
20 there shall be... there shall be experiences of
21 sufficient variety in each of the following; basic
22 and creative movement, rhythm and dance, games,
23 perceptual motor skills, individual and team sports,
24 gymnastics, aquatics where possible, lifetime sports
25 activities, outdoor living skills and other

1 COMMITTEE ON EDUCATION

2 appropriate activities which promote the development
3 of boys and girls and there shall be opportunity
4 provided for participation in appropriate extra class
5 activities, there shall be activities adapted to meet
6 the needs of pupils who are temporarily or
7 permanently unable to participate in the regular
8 program of physical education. adaptive physical
9 education programs as my colleague Council Member
10 Rosenthal noted, shall be also taught by a certified
11 physical education teacher. These were... these are
12 not... these are not suggestions, these, these... this,
13 this is the law, these are regs and I just, you know
14 highlighted two school districts where over half of
15 the students are being denied mandated opportunities
16 and aside from sort of the excuses of, of the past
17 what, what is... what is stopping us from today making
18 sure that we're full in compliance, can you give us
19 some more details, why are we not in full compliance
20 today?

21 LINDSEY HARR: Sure, I really love our
22 state regulations actually and the parts that you
23 just read because I think it really speaks to what we
24 are trying to do in establishing physical education
25 for our students, it really is about helping students

1 COMMITTEE ON EDUCATION

2 develop the knowledge and the skills in a wide range
3 of activities so that they can be healthy, active
4 people for the rest of their lives and that's going
5 to mean something different for each one of our
6 students and so in physical education class we do
7 want to give them that full well rounded experience,
8 you know I think that the challenges that New York
9 City faces with meeting PE requirements which are not
10 unique to New York City, they are state and national
11 level, we certainly are not taking those as an
12 excuse. We are committed to, to changing this and to
13 ensuring that ultimately every student is receiving
14 high quality physical education. I think one of the
15 things that is really important about the PE Works
16 initiative and the investment that this
17 administration has made and the support that the
18 Council has given to this initiative is that we're
19 really focused on helping schools identify what their
20 particular barriers are, those vary from school to
21 school. We want to be very solution oriented with the
22 schools, with our administrators and teachers and
23 help them whether it's around professional learning
24 so that school administrators and teachers understand
25 what a quality physical education program is, whether

1 COMMITTEE ON EDUCATION

2 it is helping them with their scheduling practices so
3 that they can make changes in their school schedule
4 to ensure that they're providing the required time
5 and frequency of PE. If its addressing facility
6 challenges that's really what my team and I are
7 focused on and I think we are encouraged that we've
8 seen significant gains in the last three years with
9 PE Works and we are also recognizing that there's
10 quite a lot more work to be done and we're not where
11 we need to be yet and we're not slowing down on that
12 work.

13 CHAIRPERSON TREYGER: So, I, I appreciate
14 your comments but I, I'm not actually hearing
15 concrete reasons why we're not in compliance and you
16 mentioned facilities, section five of the regs
17 mentions facilities; trustees and boards of education
18 shall provide not try to but shall provide adequate
19 indoor and outdoor facilities for the physical
20 education program at all grade levels so I, I, I'm
21 just... I'm just interested in hearing why we're not in
22 compliance I'm not getting to... I'm not getting that
23 answer and I'm also curious to know, we have to
24 submit these district plans to the state education
25 department, we're submitting... we're knowingly

1 COMMITTEE ON EDUCATION

2 submitting plans to the state education department
3 knowing that we're not in compliance in these areas
4 what has been the response from the state, have we
5 received any correspondence from the state saying hey
6 you have to fix this now, can anyone speak to that?

7 LINDSEY HARR: So, we do have... the state
8 does require that every district provide a district
9 PE plan and that plan is meant to be... to outline the
10 district's policies and programs with regard to
11 physical education. The state also recommends that
12 that plan be updated every seven years, we last
13 submitted our updated plan in 2015 I believe and
14 we're going to be updating it again in 2019. We've
15 had conversations with the state about our policies
16 and programs, they've given some guidance on those
17 and they are aware that we are working to bring our
18 schools into compliance with PE requirements.

19 CHAIRPERSON TREYGER: Right and, and I, I
20 don't want to get... take the state off the hook here
21 either because the state of New York likes to mandate
22 things but they don't like to pay for them so I'm
23 going to call them out as well, New York State owes
24 New York City for billions dollars, even, even higher
25 than that in, in monies for, for many years so they

1 COMMITTEE ON EDUCATION

2 are in my opinion just as responsible because I
3 believe that some of the reasons why you're not in
4 compliance is because... one of the reasons I think is
5 because we lack the physical education space in our
6 school system even with commitments that I've heard
7 that in the past that we've made we still are lacking
8 the space and that's just not acceptable. In a... in a
9 budget of over now 90 billion dollars, the largest
10 school system in the country we have beyond a legal
11 obligation, we have a moral obligation to do right by
12 our students and we're not. Now regarding the report
13 on physical education required by Local Law 102 of
14 2015 in which we are hearing legislation today to
15 amend, DOE provides annual reports relating to PE
16 instruction in schools in this report including the
17 most recent report relating to the 2017/2018 school
18 year, large portions of the data seem to be missing
19 for certain community school districts especially
20 among demographic groups. For example, in community
21 school district 20 all information about the 7th and
22 8th grade grades are redacted including total student
23 values. The report is also almost entirely redacted
24 at the school level. Can you describe how DOE
25 collects data on physical education provided to

1 COMMITTEE ON EDUCATION

2 students to be included in this report, is it based
3 on information that is self-reported by schools or
4 does it come from the DOE system in which students
5 are programmed for courses, how does DOE verify the
6 accuracy of this data?

7 LINDSEY HARR: Sure, so the... I will put a
8 caveat that the office that oversees the data
9 collection, the analysis is not my office, so I will
10 speak to it as best I can and if there are follow up
11 questions, we're happy to get back to you. the data
12 for the PE report for scheduling and compliance comes
13 from the DOE's system that's called STARS and it is
14 the central scheduling and tracking system. Our
15 office of academic policy and systems pulls that data
16 and produces the, the public report.

17 CHAIRPERSON TREYGER: I, I just want to
18 note that a big basis of this hearing was about, in
19 addition to the bills that we're hearing was about
20 the extent of non-compliance on this issue and I
21 would have expected all relevant offices to be here
22 today and I'm disappointed not everyone was, was
23 here. I, I'm still trying to, to get to the root of
24 this, in addition to the lack of physical space what
25

1 COMMITTEE ON EDUCATION

2 other barriers can you identify that stand in the way
3 of full compliance?

4 LINDSEY HARR: I think one example that
5 is worth talking about is historically the lack of
6 certified PE teachers in elementary schools and this
7 is a component that the PE Works initiative has
8 really been designed to tackle. So, through PE Works
9 over the past four years now we've helped schools
10 hire more than 450 certified PE teachers for
11 elementary schools that didn't have them before,
12 that's a huge step forward. As of the end of last
13 year 85 percent of elementary schools had at least
14 one certified PE teacher so not only a dedicated
15 person to provide physical education for students but
16 someone who is certified and has the training and
17 with those teachers coming into the schools then
18 we've also coupled that with working with the schools
19 to change their scheduling practices to move towards
20 ensuring that they're providing the required amount
21 of time for physical education.

22 CHAIRPERSON TREYGER: But it is my
23 understanding that in elementary school's physical
24 education classes are not required to be taught by a
25 certified PE teacher, its my understanding that what

1 COMMITTEE ON EDUCATION

2 is required is to have at least one person in the
3 building who's certified in PE, is that correct?

4 LINDSEY HARR: Yes, and we think the most
5 qualified person to teach physical education is a
6 certified teacher, so we want to make sure that every
7 school has at least one certified PE teacher in the
8 building.

9 CHAIRPERSON TREYGER: And, and how many
10 schools do not have a certified PE teacher?

11 LINDSEY HARR: I don't have the exact
12 number with me, but I can tell you that we did an
13 additional round of hiring this fall and we're at
14 about 95 percent of elementary schools that don't
15 have a certified PE teacher yet and we're actively
16 working with those schools to help them hire one.

17 CHAIRPERSON TREYGER: Did you say 95
18 percent of our elementary schools do not have...

19 [cross-talk]

20 LINDSEY HARR: I'm sorry, maybe I was...
21 no, do have.

22 CHAIRPERSON TREYGER: Do have... [cross-
23 talk]

24

25

1 COMMITTEE ON EDUCATION

2 LINDSEY HARR: Do have so we're, we're
3 very close to getting those certified PE teachers...
4 [cross-talk]

5 CHAIRPERSON TREYGER: So, what I'm trying
6 to understand is that if 95 percent of elementary
7 schools have a certified PE teacher why is the
8 problem so much more glaring in the elementary school
9 level with regards to not providing adequate enough...
10 adequate time?

11 LINDSEY HARR: This is a very recent
12 change in development through the hiring that we've
13 done with PE Works so as of just a few years ago the
14 majority of our elementary schools did not have a
15 certified PE teacher. So, in combination with the
16 hiring that we're helping schools to do we're also
17 working with them to make changes to their scheduling
18 practices and that's to be honest not something that
19 necessarily happens overnight, it could take a little
20 time, we're seeing significant progress which we're
21 happy about but we're not happy about the fact that
22 we're not all the way there yet.

23 CHAIRPERSON TREYGER: How does the New
24 York City Department of Education define physical
25 education because my concern and this is something

1 COMMITTEE ON EDUCATION

2 that I experienced as a teacher myself is that
3 because I believe folks are scrambling to meet
4 compliance, we're getting... the city is getting more
5 creative on how they define physical education? I
6 recall hearing from physical education teachers
7 during my tenure that they were being required to for
8 example, conduct more writings or journals or logs
9 during physical education time or if you were in a
10 classroom and you did some stretching which is good,
11 they would also rush to meet those minutes towards
12 state mandates. You can call me a traditionalist in a
13 sense but I believe students should have access to a
14 gym and not a gym that constantly has to be converted
15 over into a like an auditorium or a cafeteria or some
16 other space, they should have someone working with
17 them that knows what they're doing, that's licensed
18 and, and credentialed in that area. The mandates and
19 regulations required that they should be provided
20 with even after school opportunities whether they
21 want to have sports teams and different types of
22 clubs, there should be resources towards that end.
23 If... what I've learned with the DOE is that if it's
24 not really measured, it's not really funded, if it's
25 not really being looked at... looked at, no one is

1 COMMITTEE ON EDUCATION

2 really watching this and its... they're not going to
3 put resources towards these areas. So, there are some
4 schools that I know go above the mandate but clearly
5 over 200,000 students are not receiving the
6 opportunities that are guaranteed and promised to
7 them and that is a problem. I have a quick question,
8 are schools allowed or permitted to take away PE
9 class time as a punishment?

10 LINDSEY HARR: No.

11 CHAIRPERSON TREYGER: Have you heard of
12 cases where, where, where that is actually happening?

13 LINDSEY HARR: I believe there have been
14 a few cases where there have been questions that my
15 office has received about that and we have followed
16 up with the school to help them understand what DOE's
17 policies are and frankly the importance of why we
18 shouldn't be taking away PE class as a punishment.

19 CHAIRPERSON TREYGER: Uh-huh. I just want
20 to, you know... we, we, we're hearing anecdotally that
21 that is occurring and that is something that is just
22 not acceptable, and we need to make sure that we're...
23 all students are receiving their mandated services..

24 [cross-talk]

1 COMMITTEE ON EDUCATION

2 LINDSEY HARR: I completely agree and if
3 there are specific instances that you or other
4 Council Members are hearing about, I would be happy
5 to follow up on those.

6 CHAIRPERSON TREYGER: I just have... I'm
7 going to ask one, one or two and then I'll turn it to
8 my colleagues in the interest of time and to be
9 courteous. How many schools do not have a PSAL team?

10 LINDSEY HARR: I'm going to turn that
11 over to Seth to answer that.

12 SETH SCHOENFELD: Over the last... since
13 the 2013/14 school year PSAL budget has grown by six
14 million dollars to increase access to over 7,000
15 additional students and approximately 400 new teams.
16 With that said, I can't speak to the exact number of
17 those that do not have it as it is subject to
18 litigation.

19 CHAIRPERSON TREYGER: So, the number of
20 schools that don't have a PSAL team is tied up in
21 litigation?

22 SETH SCHOENFELD: Correct.

23 CHAIRPERSON TREYGER: Yeah, I mean that
24 is... this is basic information that should be provided
25 by, by the DOE, I don't think that that is something

1 COMMITTEE ON EDUCATION

2 that will get you in any more trouble than you might
3 already be in but we, we should... we should have that
4 basic information because another question that I
5 have is how many girl sports teams do we have in New
6 York City schools?

7 SETH SCHOENFELD: So, over the last...
8 since 2015 we have taken girls sports and that... to
9 increase girl teams as a priority and 44 percent of
10 all student athletes are female and 45 percent of our
11 teams are girls' teams at this point in time.

12 CHAIRPERSON TREYGER: But you don't have
13 the data on how many?

14 SETH SCHOENFELD: I don't have the exact
15 number of...

16 CHAIRPERSON TREYGER: This... you know as,
17 as my colleagues obviously are going to hone in on
18 this issue furthermore but I, I just want to... and,
19 and you pointed out Mr. Schoenfeld that you were a
20 former PSAL coach and a player and, and I... and I
21 appreciate that and I... and your father is a respected
22 coach, former coach as well... [cross-talk]

23 SETH SCHOENFELD: Thank you... thank you
24 very much.

1 COMMITTEE ON EDUCATION

2 CHAIRPERSON TREYGER: I have seen
3 firsthand the impact that it could have on a school
4 community, as I mentioned before the coaches in that
5 entire sports that coach... the, the coach community
6 were like extra mentors for those students, some of
7 those students who were at risk who if they didn't
8 have that sports team I'm not sure where they'd end
9 up and I just don't want that opportunity and that
10 experience to be denied to our students and I, I
11 think this is a, a glaring issue and as my colleague
12 mentioned some of the communities that are... that are
13 hardest hit by this issue are communities of color,
14 areas that historically have been underserved in many
15 other parts of their community and they could least
16 afford this opportunity being denied to them. So, I
17 just think the DOE needs to think bigger than just
18 mandates, it's not just the legal thing to do it's
19 the right thing to do and I remind folks that DOE's
20 budget with, with pensions is over 30 billion
21 dollars, it's a third of our entire city budget,
22 there's just no excuse why this is not being provided
23 to every student to every, every school. So, I am
24 very disappointed that we are not getting adequate
25 information today and the last question I'll turn

1 COMMITTEE ON EDUCATION

2 back over, what is the time frame for New York City
3 schools to be in full compliance with physical
4 education?

5 LINDSEY HARR: We are working on that, I
6 think we, we have seen significant gains since the
7 beginning of the PE Works initiative about three
8 years ago. I think it's important to note that even
9 though not all of our students are getting the
10 required amount of time yet we are seeing an increase
11 overall in the number of PE minutes that students are
12 receiving as well so we're moving and we're
13 continuing to work as hard as we can to get all of
14 our students the required amount of PE that they need
15 and deserve.

16 CHAIRPERSON TREYGER: Right but right now
17 I believe the DOE mentioned that they're at 76
18 percent compliance, is that correct?

19 LINDSEY HARR: I think as of June 2018 in
20 the data that was reported in August it was 75.8.

21 CHAIRPERSON TREYGER: 75.8, did the DOE
22 set a goal for this year to increase their compliance
23 to 100 percent, 95 percent?

24 LINDSEY HARR: We did not believe we
25 could reach 100 percent compliance for all students

1 COMMITTEE ON EDUCATION

2 this year so we're continuing to work on that. Three
3 years ago, we were at 53 percent in the city so we
4 are seeing those gains and we expect to continue to
5 see those gains and we'll continue working with all
6 of our schools to get to that point.

7 CHAIRPERSON TREYGER: So... but just to be
8 clear there is no... there is no set goal that we could
9 hold the DOE accountable to right now?

10 LINDSEY HARR: I can't give you a set
11 date right now.

12 CHAIRPERSON TREYGER: I just want to
13 point out that when I was a teacher every year the
14 DOE told us to set goals, we had goals to, to meet to
15 increase regents scores, to increase graduation
16 scores, I find it really interesting that DOE did not
17 impose its own expectations on itself. I'll turn now
18 to my colleague, Council Member King.

19 COUNCIL MEMBER KING: Good afternoon and
20 thank you for joining us today and giving us your
21 conversation, I got to say to the starting five that
22 is here today, Matthew and Mark and Lisa and Warren
23 and Coach Rose and thank you for your activism, its
24 not new to you and, and you're true to this so I
25 appreciate you coming back because last year we

1 COMMITTEE ON EDUCATION

2 started this conversation early on with the small
3 schools athletic league which is pretty much non-
4 existent and due to the advocacy of these young
5 students we were able to fight in the council to get
6 over 825,000 dollars to put funding in for
7 afterschool basketball leagues and sports leagues in
8 New York City high school. So, I say all that while I
9 would like to give a path in this conversation I'm
10 just going to ask us to have a real conversation in
11 being able to answer the questions without any type
12 of other commentary because the only way we can get
13 to the truth of the matter and come up with solutions
14 is by getting answers to some of the questions that
15 the Chair has asked and that you're going to hear the
16 rest... the rest of us ask. My commentary to all of
17 this, I was a high school basketball player and I
18 knew what athletics did for me. I know what it... how
19 it allowed me to be a strong young man I am today, it
20 allowed me to learn comradery, I learned teamwork,
21 discipline in the classroom and it stimulated me and
22 motivated me to show up to school each and every day.
23 More important it gave me an opportunity to pursue my
24 higher education because I earned a basketball
25 scholarship but when I say what are we doing to our

1 COMMITTEE ON EDUCATION

2 students today where we're talking about everybody
3 doesn't have access to every sport that will allow
4 them to earn a higher education. So, when the Board
5 of Education... Department of Education came up with
6 small schools, they changed the dynamics of how
7 they're going to deliver education they didn't
8 deliver the whole process across the board, it
9 shouldn't be some schools that can play lacrosse and
10 some schools that don't have lacrosse, some schools
11 shouldn't have tennis and some schools don't, don't
12 have tennis, some school kids just have the same
13 three sports; basketball, football and baseball and
14 everything else goes away, you're limiting access to
15 these students, our children, I don't want people
16 just looking at them as students because they are our
17 children, they are from our neighborhoods and we got
18 to do better by them so they can be better human
19 beings. You've laid out what the system looks like
20 but obviously there's some flaws and some challenges
21 in the system that's why we're having this
22 conversation today. So, I'm asking you all as you
23 answer our questions to step up and, and don't use
24 the lawsuit as an excuse from not being able to
25 deliver on an answer so we can figure out the help

1 COMMITTEE ON EDUCATION

2 because the goal of this conversation is to help not
3 to say oh no, we can't, you know... you know because
4 while the adults are caught up in the politics of the
5 conversation our children are dying in the reality of
6 the world. So, I'm asking us to step our game up in
7 this conversation. So, I do have a couple of
8 questions I do want to add... and ask of you because I,
9 I just... I just really believe that it's not
10 discriminatory because some communities get it better
11 than other communities, so I don't know... I want to
12 think that the education system, the city and the
13 state of New York is not discriminatory and am I
14 naïve to that, no I'm not naïve to it but I'm just
15 saying. My first question is that knowing that you
16 don't... in some buildings you don't have enough gym
17 space, what has been your plan to accommodate a lack
18 of gym space, so young people still can have access
19 to physical education, that's one question? The
20 second question is what are you doing if you don't
21 have enough physical education teachers what is the
22 goal to make sure that you have enough for your
23 system, you mentioned 15 percent of your schools
24 don't have it so what happens to those schools who
25 don't have 15 percent of qualified PE teachers,

1 COMMITTEE ON EDUCATION

2 that's two. The next question I would like to ask is
3 that in schools that are co-located where there's a
4 charter school on one floor and there's another
5 school on the other floor, what is the goal of how to
6 allow them to utilize the space at the same time? I
7 remember one of my middle schools what they figured
8 out how to do when the... and I thank Chancellor Farina
9 for this was to kind of downsize so you don't have
10 like five schools in one building and everybody has a
11 sixth grade and a seventh grade and an eighth grade
12 in each building and... in each school and you just
13 don't have enough space and time to get things done
14 so have you... how do you maximize in... on co-location
15 of different schools in the building that offer
16 physical ed at the same time, are we able to look
17 into co-mingling schools when it comes to PE and what
18 is a real commitment to recognizing that there are
19 issues with, with your physical education system and
20 what's your next steps to make sure that you resolve
21 them?

22 LINDSEY HARR: Okay, so I think I've got
23 questions one through three but tell... and I've gotten
24 them written down but tell me if I miss one. So, the
25 first question I think you had was about space,

1 COMMITTEE ON EDUCATION

2 physical education space. So, the Mayor and the
3 Chancellor with the Council's support in spring of
4 2017 I believe made a commitment through universal PE
5 to ensure that all schools have a designated PE space
6 so that work is underway, it's in process, I think
7 we, we recognize that there are schools that don't
8 have the facility... don't currently have the
9 facilities that we need and we're working to resolve
10 that...

11 COUNCIL MEMBER KING: I'm sorry, you say
12 that you know that there's some places that don't
13 have dedicated space but you're looking to resolve
14 it, so I got to stop because I, I want to get an
15 answer that's concrete because if we're looking to
16 want to resolve what are we doing at this point right
17 now because this is... this issue isn't new for us it
18 comes with... like we're kicking the can down the road
19 so I don't want us to kick the can down the road,
20 what are we doing right now when we know there
21 haven't been dedicated spaces, we can't build
22 dedicated spaces in two weeks so what are we doing
23 right now with the young people in the school who
24 need PE training, who need activity as we have all
25 said? We know as adults if we don't get a little

1 COMMITTEE ON EDUCATION

2 education... little physical ed in we can go crazy too,
3 how does someone understand the fractions or, or at
4 ten o'clock in the morning or deal with something
5 they have to deal with home... if... when we know ten
6 years... have aggression that's inside of them and the
7 best way to do is to engage in some type of
8 productive physical activity so how do we deal with
9 that now not kicking the can down the road?

10 LINDSEY HARR: I understand, so while
11 the... and the office of facilities are working on
12 those longer term more permanent solutions we're also
13 working with schools to figure out what we can do
14 now. In some cases its using a nearby parks and
15 recreation space, it may be leasing a nearby space
16 and things like that, it varies from school to school
17 but we're certainly not saying that schools or
18 students should be wait... that schools should be
19 waiting to provide students with PE until they have
20 more space, we're working with them on an individual
21 basis to figure out a solution in the meantime.

22 COUNCIL MEMBER KING: Next.

23 LINDSEY HARR: So, I think your next
24 question was about PE teachers and hiring and how
25 we're ensuring that schools have these so, a big part

1 COMMITTEE ON EDUCATION

2 of the PE Works initiative has been helping schools
3 hire certified PE teachers particularly at the
4 elementary school level and a huge part of that work
5 has been developing a pipeline for that because as
6 you absolutely rightly noted, that's a big challenge,
7 its great to say we need certified PE teachers but we
8 have to find them somewhere and, and hire them. So,
9 we have pursued a variety of strategies, we've
10 increased recruitment working with our... with the
11 DOE's office of teacher quality and recruitment,
12 we've created a supplemental certification program so
13 that existing teachers who want to get their PE
14 certification can get that and we also created a
15 pathways to PE program as an alternative
16 certification for people who are not teachers now but
17 who, who want to come in and become certified PE
18 teachers and we've seen a really high level of
19 interest in those programs and to date we've been
20 able to hire about 450 new certified PE teachers.

21 COUNCIL MEMBER KING: Okay, that's two.

22 LINDSEY HARR: Alright and then number
23 three I think you had questions about PE and space
24 usage in co-located situations. So, with those... you
25 know in, in campus situations and where schools are

1 COMMITTEE ON EDUCATION

2 co-located the principals work together to work out a
3 shared space arrangement, if there are challenges
4 with that and sometimes there are particularly, you
5 know around PE space my team will go in and provide
6 technical assistance and help to try to figure out
7 with scheduling and sharing the space, what solution
8 can we reach to ensure that all of the students in
9 all of the schools in that campus are getting their
10 PE classes.

11 COUNCIL MEMBER KING: Thank you for that.

12 And I want to... and I want to ask one final question
13 and... I mentioned to... mentioned, alluded to is because
14 we know that there's a problem with physical
15 education and not being able to deliver it according
16 to state mandates. Now if we know that this exists,
17 and we know that children need physical education to
18 learn how and what is the learning model to implement
19 physical education in the system? Just like children
20 need to know their fractions, they need to learn how
21 to read, history is part of the curriculum, science
22 is part of the curriculum, how do we incorporate
23 physical education knowing that the body needs... see
24 this is why I think that sometimes adults get it
25 wrong, they're so caught up with the book knowledge

1 COMMITTEE ON EDUCATION

2 they forget about the developmental process. Our
3 young people are going through physical development
4 that requires them to spin off energy and if they
5 can't do that it's a distraction in the classroom,
6 it's a distraction in the building so all the other
7 plans that you put into effect go out the window
8 because they're dealing with issues that you're not
9 trying to address because you're trying to make sure
10 that you're dealing with whatever the gender is
11 supposed to be but not handling the developmental
12 part. So, my question is to what is the plan now
13 because we've already identified it as a problem to
14 implement physical education as part of the
15 developmental education curriculum?

16 LINDSEY HARR: Yeah, well, I think... I
17 think you framed it really well and I think that
18 there are a number of pieces that are already in
19 process and some additional things that we are... that
20 we're going to be rolling out this year and in
21 subsequent years. So, first of all I think its
22 ensuring that school administrators understand really
23 what physical education is and why it's so important
24 and understand what the learning standards are for
25 quality physical education, its working with teachers

1 COMMITTEE ON EDUCATION

2 to ensure that they are prepared to provide
3 developmentally appropriate physical education
4 instruction for their students, that they know how to
5 differentiate that instruction for students of
6 varying abilities within their classes. My office
7 provides a range of free professional learning
8 throughout the year, there are the professional
9 learning communities that I mentioned in my testimony
10 and this year we are... we have a recommended
11 curriculum and this year we're also rolling out a
12 scope and sequence that provides much more detailed
13 guidance to school administrators and to teachers
14 about what students should be learning that is
15 developmentally appropriate at various grade levels
16 with a goal of, of ensuring that students are
17 learning the skills and the knowledge they need
18 around physical education on... that builds a strong
19 foundation so that as they move through school they
20 are prepared to participate in physical education
21 class at the next level in extracurricular physical
22 activities and things like that.

23 COUNCIL MEMBER KING: I want to thank you
24 for you... what you just said, I don't want to the
25 Charlie Brown thing wha, wha, wha... but I'm just

1 COMMITTEE ON EDUCATION

2 asking us... in the school system sometimes we got to
3 keep it simple, sometimes kids just want to run,
4 sometimes they just want to jump up and hit the
5 ceiling that's all sometimes we just need to do, we
6 need to stop trying to be so super smart that we get
7 it wrong because some of these young people are just
8 saying can I just go outside and play, can I just be
9 a 14 year old, can I just be a 16 year old. I'm
10 asking us all... sometimes if you don't even have gym
11 space you could just call a session during the time
12 of the school and create some space in the hallway
13 and let them just jog up and down or jog around the
14 floor, burn up some energy, something that's creative
15 if you don't have space till you have the space. I
16 didn't hear any other solutions other than we kick
17 the can down the road. So, I'm going to... I'm going to
18 pass the baton over to my, my colleagues and if they
19 kick it down the road kick it back, okay? I want to
20 thank you for your time today, thank you for your
21 testimony, thank you all for being here today and
22 we're going to get it right because we're, we're all
23 here today together to get it right, thank you.

24 CHAIRPERSON TREYGER: Thank you Council
25 Member, we've also been joined by Council Member

1 COMMITTEE ON EDUCATION

2 Grodenchik, Levin and Ulrich and I just want to just
3 note for my colleagues in the interest of being
4 courteous to people's times because we do have also
5 witnesses that will testify after this first panel, I
6 want to put a four minute clock, I think that should
7 be sufficient and I'd like to turn it over now to my
8 colleague Council Member Cornegy.

9 COUNCIL MEMBER CORNEGY: Thank you Chair
10 Treyger and not to beat a dead horse but clearly I'm
11 a PSAL athlete, four years, Queens champs, all state,
12 all city, blah, blah, blah but the most important
13 aspects are what I'm able to do today based on my
14 ability to participate so I have a few questions that
15 I'd like to ask. I played on winning teams and a lot
16 of revenue was generated at gate sales and, and
17 concession sales and I'm kind of curious about where
18 those monies were allocated so what are the
19 guidelines around schools collecting fees for
20 attendance at sporting events outside of regular
21 school hours, how are those fees used, do they
22 supplement individual school sports teams budgets and
23 does DOE track how much funding schools raise through
24 these fees?

1 COMMITTEE ON EDUCATION

2 SETH SCHOENFELD: Thank you. The PSAL
3 supports schools and teams by supporting... providing
4 funding for our coaches, athletic directors and game
5 day officials as well as a small, small supplemental
6 OTPS for PSAL upkeep for equipment and uniforms and
7 such. In terms of the school by school funding
8 revenue that is not... we don't oversee that centrally
9 and so we do not have those numbers with us.

10 COUNCIL MEMBER CORNEGY: Do you... do you
11 feel as though like myself that there are monies
12 being generated that could allocate and go back into
13 the system to assist smaller schools and, and even
14 more importantly what, what some of the money was
15 spent in my understanding during my years was on
16 teams that were less likely to be able to get access
17 to resources so we kind of shared the wealth a little
18 bit as, as a dominant athletic factor in the building
19 with others, I, I, I would... I would assume, you know
20 it was mentioned today the championship being played,
21 there are some schools that do okay revenue wise and
22 is, is it the PSAL's idea to look the other way or to
23 have some monitoring system that has some equity
24 within that at least?

1 COMMITTEE ON EDUCATION

2 SETH SCHOENFELD: I'll have to get back
3 to you on that as I'm not... like... as I said the PSAL
4 budget is comprised of city tax levy funds, a million
5 dollars from city council and we appreciate that
6 ongoing support and there is some vendor sponsorship
7 but we do not include in our budget what's raised at
8 the school level.

9 COUNCIL MEMBER CORNEGY: So, how does the
10 DOE determine the budget for each PSAL program and
11 why does it vary so, so widely, like so our records
12 show that there... you know there's a, a, a... an
13 incredible deviation between budgets in particular
14 schools, in particular districts?

15 SETH SCHOENFELD: So, the PSAL pays for
16 as I said coaches through precession which is a UFT
17 agreed upon amount per sport, athletic directors and
18 game day officials, all sports depending on the sport
19 get the same funding from school to school. In some
20 cases when a new team is built we... they are put into
21 a developmental program which we hope that they'll
22 transition out of within one years' time but that has
23 a slightly reduced schedule to allow this school to
24 become competitive and build a roster over time so
25 that they can find success when they join... when they

1 COMMITTEE ON EDUCATION

2 transition to a full schedule so that would only... the
3 only difference in per sport funding from school to
4 school would be based upon that transition to a full
5 schedule based upon the UFT agreement and allotted
6 hours for coaching.

7 COUNCIL MEMBER CORNEGY: Thank you, I, I
8 think what we hear... you know what I'd like to assert
9 is that there are some budgetary issues that we may
10 need to discuss off, off line with, with this
11 committee in, in terms of why some schools are more
12 successful than others if there's no really way to
13 mediate or... revenues that are generated from, from
14 teams that, you know do really well or schools that
15 do really well or that are very popular and that play
16 a larger schedule so I'd, I'd like to have some
17 further dialogue around that maybe off line.

18 SETH SCHOENFELD: Absolutely and I would
19 like to highlight and... as we've transitioned the PSAL
20 to our division every policy, every procedure, every
21 decision point whether its regarding budget or team
22 allocation or otherwise we are looking into to make
23 sure that we serve the students the best way we can
24 and so I would be happy to discuss that off line with
25 you going forward as well as anybody else who's

1 COMMITTEE ON EDUCATION

2 interested in that conversation and of course
3 providing the opportunity for students in our school
4 communities to engage in that. The idea of being a
5 former student athlete is not lost on me, it changed
6 my life, my father was a coach but it took me getting
7 into sports to change my life and put me on this
8 successful trajectory I've had and I... and quiet
9 honestly I went to Lincoln High School and I took for
10 granted what a... what a sports program could look like
11 or could not look like and so every single policy and
12 procedure will be reviewed and is being reviewed and
13 we will open it up for conversation to make sure we
14 are doing the best we can for this city's... the
15 students of New York City.

16 COUNCIL MEMBER CORNEGY: Well thank you,
17 I'll reserve the rest of my questions for the second-
18 round if there is one.

19 CHAIRPERSON TREYGER: Thank you Council
20 Member Cornegy, I, I didn't have the good fortune of
21 being a PSAL player, I did play chess at Myrtle High
22 School however and I... [cross-talk]

23 COUNCIL MEMBER CORNEGY: That, that, that
24 counts actually.

1 COMMITTEE ON EDUCATION

2 CHAIRPERSON TREYGER: I, I, I hope it
3 does. I'd like to now call on my colleague and a
4 sponsor of the bills, Council Member Reynoso.

5 COUNCIL MEMBER REYNOSO: Okay and just
6 your, your story on who you are I think could really
7 help us in this conversation but there are kids that
8 are graduating from school right now that had no PSAL
9 sports teams in their schools so all that you got
10 they didn't... [cross-talk]

11 SETH SCHOENFELD: Uh-huh... [cross-talk]

12 COUNCIL MEMBER REYNOSO: ...and they're at
13 a disadvantage because of it and that's where we're
14 coming from in trying to make changes here. I want to
15 ask, every single school in the city of New York
16 asked for a basketball, every high school one, how do
17 you determine which ones get the basketball team and
18 which ones don't?

19 SETH SCHOENFELD: So, there is an online
20 application which allows schools to request a team,
21 if they request a team we're asking the administrator
22 filling out the application to make sure that they
23 can fill the roster, that it is of student interest
24 at that school and, and, and would be highly engaging
25 to the young people as well as if they have a coach

1 COMMITTEE ON EDUCATION

2 on site who would be able to support the program. The
3 team then reviews it looking at various factors
4 including female participation as well as schools
5 with few teams.

6 COUNCIL MEMBER REYNOSO: So, so everyone
7 that wants a basketball team and meets all the
8 criteria that you just had gets a basketball team?

9 SETH SCHOENFELD: No, unfortunately we
10 receive over 250 applications a year and on average
11 grant approximately 25 teams so no, every school
12 would not be able to receive a team.

13 COUNCIL MEMBER REYNOSO: So, how do you
14 determine which teams don't get the team, I'm... I
15 guess what I'm asking is who doesn't get a team that
16 requested it met all the... all the criteria that
17 you're asking for?

18 SETH SCHOENFELD: As I said we are
19 interested in increasing access for all of our young
20 people and we want to continue to look at all the
21 processes and procedures that allow us to do that
22 unfortunately I can't speak further to that or at...
23 deeper to that question at this time because of
24 pending litigation.

1 COMMITTEE ON EDUCATION

2 COUNCIL MEMBER REYNOSO: So, there is a
3 possibility that there is a team that meets all the
4 criteria that you're asking for but will not get a
5 team here in the city of New York?

6 SETH SCHOENFELD: As I said I
7 unfortunately can't answer that right now.

8 COUNCIL MEMBER REYNOSO: Okay. Is there a
9 formula that the PSAL uses that determines... to... that
10 ensures equitability to make sure that everyone gets
11 a chance at sports, is there like a... something that
12 you use internally to say, you know what this school
13 here doesn't have a basketball team and its been
14 asking for one for four years, this team has one, has
15 always gotten one every four years maybe this year we
16 won't give it to this school we'll give it to this
17 school or maybe this year we'll just fund them, is
18 there a formula that you use to determine that?

19 SETH SCHOENFELD: Posted online is the
20 criteria we're looking for to support teams but again
21 any deeper questioning on that matter I can't answer
22 at this time due to current litigation.

23 COUNCIL MEMBER REYNOSO: If a school gets
24 a team this year does it keep that team in
25 perpetuity?

1 COMMITTEE ON EDUCATION

2 SETH SCHOENFELD: We look to support
3 teams to stay as long as they're meeting the, the
4 basic criteria for supporting a team and fielding a
5 roster we would continue to support that team.

6 COUNCIL MEMBER REYNOSO: So, teams like
7 Lincoln High School that you went to because they
8 have a long time here in the city of New York in
9 existence, maintains all of its teams and a new that
10 is to come up brand new might not get the same access
11 to the team sports that you had access to in Lincoln
12 High School?

13 SETH SCHOENFELD: Can you... [cross-talk]

14 COUNCIL MEMBER REYNOSO: Lincoln High
15 School has been... [cross-talk]

16 SETH SCHOENFELD: Yes... [cross-talk]

17 COUNCIL MEMBER REYNOSO: ...in existence
18 for a long time...

19 SETH SCHOENFELD: Uh-huh... [cross-talk]

20 COUNCIL MEMBER REYNOSO: It is not a
21 small school or a new school...

22 SETH SCHOENFELD: Right... [cross-talk]

23 COUNCIL MEMBER REYNOSO: A new school
24 comes up and let's say the school of Danny Dromm...
25 [cross-talk]

1 COMMITTEE ON EDUCATION

2 SETH SCHOENFELD: Uh-huh... [cross-talk]

3 COUNCIL MEMBER REYNOSO: ...the school
4 exists, and it is asking for a basketball team you
5 have to consider... and it meets all the criteria that
6 you asked for... [cross-talk]

7 SETH SCHOENFELD: Uh-huh, uh-huh... [cross-
8 talk]

9 COUNCIL MEMBER REYNOSO: ...Lincoln High
10 School will keep its basketball team, right but will
11 the Danny Dromm school get a basketball team if it
12 meets all the criteria that you asked for?

13 SETH SCHOENFELD: Over the last few years
14 we've been focusing on helping build programs at
15 newer and smaller schools, in the 2016/17 school year
16 76 small schools gained access to teams and in the
17 17/18 school year 56 small schools gained access to
18 teams compared to only eight at large schools.

19 COUNCIL MEMBER REYNOSO: Okay, you,
20 you're trying to... so, you're trying to... it seems like
21 you're making an effort to build equity because
22 you're giving more schools the small... more teams to
23 smaller schools than larger teams so in doing so
24 you've recognized that there is an inequitable system
25 that exists?

1 COMMITTEE ON EDUCATION

2 SETH SCHOENFELD: As we've transitioned
3 the PSAL to the division we are looking at all the
4 data and all the possible ways that equity and access
5 can play a role in our... in our decision-making
6 processes. We are looking to make sure that all of
7 our policies and procedures do address access, we
8 really want to push towards access for all of our
9 students and all the students of New York City.

10 COUNCIL MEMBER REYNOSO: Can I get the
11 data that the Department of Education has on who has...
12 who has sports teams and who doesn't, is there a way
13 that I can get that and that be presented to the
14 Council?

15 SETH SCHOENFELD: I... [cross-talk]

16 COUNCIL MEMBER REYNOSO: So that... so that
17 we can look at who has it and who doesn't?

18 SETH SCHOENFELD: Yes, and I do believe
19 that Council does receive that report, but I'd be
20 happy to follow up with it, absolutely and I'd be
21 happy to set up time to actually discuss it as well.

22 COUNCIL MEMBER REYNOSO: Okay, thank you,
23 thank you I defer to the Chair and hopefully there's
24 a second round of questions.

1 COMMITTEE ON EDUCATION

2 CHAIRPERSON TREYGER: Well just to kind
3 of piggy back on what my colleague was just talking
4 about, according to the terms and conditions provided
5 to the city council there were 150 PSAL team requests
6 that were denied last year, are you aware of that?

7 SETH SCHOENFELD: Yes, we, we, we got to
8 review that data.

9 CHAIRPERSON TREYGER: And most of them
10 we're being told were denied due to a lack of
11 funding, are you aware of that?

12 SETH SCHOENFELD: I don't have the exact
13 numbers on who got that email but yes, I do know that
14 that is one of the reasons schools were notified for
15 not receiving a team.

16 CHAIRPERSON TREYGER: How much would it
17 cost to fund all PSAL programs that were requested
18 last school year?

19 SETH SCHOENFELD: I don't have that
20 number in front of me right now, I will... I would like
21 to add to that something though... [cross-talk]

22 CHAIRPERSON TREYGER: Yeah... [cross-talk]

23 SETH SCHOENFELD: ...I don't believe that
24 we would be providing the access that our students
25 deserve by simply giving all the teams that were

1 COMMITTEE ON EDUCATION

2 requested, I think that this is a much more robust
3 conversation and much more robust opportunities for
4 us to think about how we provide access across the
5 city. We have some very successful models in our
6 community-based model that provides access, we have
7 campus models and so just providing the teams to
8 schools where the administrator applied, we don't
9 believe is a comprehensive enough approach to this
10 and really want to take a more comprehensive approach
11 to providing access to all students throughout...

12 [cross-talk]

13 CHAIRPERSON TREYGER: Right but Mr.
14 Schoenfeld respectfully remember in the beginning of
15 my testimony... beginning of my commentary I talked
16 about the differences between mandates and things
17 that are required and you know some folks
18 recommending things, let me repeat that this is one
19 of the parts... sections of the regulations; there
20 shall be opportunity provided for participation in
21 appropriate extra class activities. Now I understand
22 that's a very broad statement, but the fact is we're
23 not doing that for all students, so this is not just
24 about a push for access, this is about a push for
25 compliance to guarantee and ensure access for all of

1 COMMITTEE ON EDUCATION

2 our students. I think this is... this is the issue that
3 we're having right now is that we're not in
4 compliance and if it's an issue of funding my
5 goodness we have... we have a 30-billion-dollar DOE
6 budget that continues to grow. I just read a
7 disturbing, disturbing Comptroller's audit about
8 millions of dollars spent on lavish spending on posh
9 hotels in Westchester, you're telling me there's not
10 money for our kids and our schools for... to provide
11 adequate PE, its unacceptable, its unacceptable. So,
12 it's not just we have... we have to do better, we have
13 to do better. I'd like to turn next to my colleague
14 Council Member Levin.

15 COUNCIL MEMBER LEVIN: Thank you Mr.
16 Chair. So, I want to thank you for your testimony and
17 thank you for being here and answering our questions.
18 The Chair made reference to Chancellor Farina's
19 testimony in this... to this Council in 2016 regarding
20 the goals of DOE's PE Works initiative which was
21 quote, "to move all elementary schools to compliance
22 with state physical education regulations by June
23 2019". So, I just want to be clear, are... or you could
24 be clear with us, are we on track to be in compliance
25

1 COMMITTEE ON EDUCATION

2 with state physical education regulations by June
3 2019?

4 LINDSEY HARR: Well we're not quite
5 halfway through this school year and we're working
6 really hard on that, so I can't give you a definite
7 answer on that, that is what we're shooting for with
8 elementary schools and also working towards... to
9 ensure that ultimately all of our students are
10 receiving all the required PE...

11 COUNCIL MEMBER LEVIN: I, I hear you but,
12 you know three quarters of the way or two thirds of
13 the way through a plan you should know whether you're
14 on track to meet a particular target, if we're not on
15 target it would be great for DOE to just say we're
16 not on target, are we... are we on target or are we not
17 on target?

18 LINDSEY HARR: The public data that was...
19 or the data that we reported in August showed we were
20 at 63 percent for elementary schools... [cross-talk]

21 COUNCIL MEMBER LEVIN: Uh-huh... [cross-
22 talk]

23 LINDSEY HARR: ...so we still have a lot of
24 work to do this year and we're doing that work as
25 hard and as fast as we can.

1 COMMITTEE ON EDUCATION

2 COUNCIL MEMBER LEVIN: But we're not on
3 target? And... so, what has gone into... if, if the
4 Chancellor is going to say that in 2016 she would
5 only say that if there was a clear plan that could
6 then back up that type of statement, it's a public
7 statement at a Council hearing just a basic
8 accountability would ensure that you can back up what
9 you're going to say especially when you're Chancellor
10 of Department of Education so if we're not meeting
11 that target two, two years into a three year plan
12 why... what is... what has happened since June of 2016...
13 or in 2016... what has happened since 2016 that has
14 pushed us off target?

15 LINDSEY HARR: I wouldn't say that we've
16 been pushed off target and I think we're... when... we'll
17 be taking another look at our data when we hit the
18 mid-year point this year, I think the challenges of
19 this work which is incredibly important and is really
20 unprecedented there are some real challenges as I've
21 spoken about earlier we had to build a pipeline for
22 hiring and retaining more than 450 PE teachers, we're
23 working intensively with schools to help them shift
24 their scheduling practices... [cross-talk]

1 COMMITTEE ON EDUCATION

2 COUNCIL MEMBER LEVIN: But all of these
3 things we knew in 2016 when the Chancellor made that
4 statement so I'm just wondering what has... what has...
5 if we're not going to be meeting the target why are
6 we not meeting the target? If we come back here... I
7 mean we're going to be... well we'll... we could have a
8 hearing in June I guess to, to, to see whether we
9 have reached that target, but something has... some,
10 something has gone into that, that is... I mean I, I, I
11 appreciate that but, but is there... was there... was
12 there a plan in 2016, a clear plan with, with, with
13 quarterly benchmarks?

14 LINDSEY HARR: We've had a plan and we've
15 been working on that with individual needs
16 assessments with schools, individual action plans, I
17 think that, you know quite honestly we've found that
18 reversing decades of practice in New York City
19 schools has not been easy, its required some time and
20 a lot of work and we're committed to putting that in
21 and to this investment that we've made... [cross-talk]

22 COUNCIL MEMBER LEVIN: Uh-huh... [cross-
23 talk]

24 LINDSEY HARR: ...but it doesn't happen
25 overnight, it doesn't just happen in, in one year so

1 COMMITTEE ON EDUCATION

2 we're encouraged that we've seen significant
3 progress... [cross-talk]

4 COUNCIL MEMBER LEVIN: Sure... [cross-talk]

5 LINDSEY HARR: ...but we're not there yet,
6 I agree with you...

7 COUNCIL MEMBER LEVIN: Okay, I just have
8 one other quick question here with your courtesy
9 Chair, has, has OMB weighed in on any requests from
10 the Department of Education to, to increase PE
11 budgets, you know when... during budget time over the
12 last two budget years? Another word has, has... have we
13 made requests to... have, have we... have... has DOE made
14 requests to OMB that have... that have been turned
15 down?

16 LINDSEY HARR: I'm not aware of that, we
17 have our PE Works funding right now which is
18 continuing, and we want to, you know make sure... I
19 think this administration has made its commitment to
20 sustainable long-term physical education clear. I'm
21 not aware of specific conversations with OMB but...
22 [cross-talk]

23 COUNCIL MEMBER LEVIN: So, no funding and
24 every dollar that we need is in the budget, is that
25 right?

1 COMMITTEE ON EDUCATION

2 LINDSEY HARR: I think for... I mean the... I
3 think that right now, yes, for PE Works we believe
4 that we have the funding that we need to do this
5 work. The Mayor made the additional commitment
6 through Universal PE for facilities so also
7 throughout the course of this initiative as
8 additional needs have been highlighted the, the
9 administration has just taken a look at those.

10 COUNCIL MEMBER LEVIN: Okay, alright,
11 thank you. Thank you Chair.

12 CHAIRPERSON TREYGER: Thank you, next
13 we'll hear from Council Member Rose.

14 COUNCIL MEMBER ROSE: Thank you Chair. I
15 think my colleagues have asked some very important
16 and, and good questions. I'm not sure if we got such
17 good answers but I want to refer to Executive
18 Director Harr's statement and sort of come at this
19 from a different direction. We believe that... this is
20 your statement, we believe that educating the whole
21 child involves creating conditions in schools where
22 quality PE thrives, and school communities are
23 engaged in supporting students, student's wellbeing
24 and I want to know is PE mandated, is it mandated as
25 part of the school curriculum?

1 COMMITTEE ON EDUCATION

2 LINDSEY HARR: Yes, it's a state
3 requirement.

4 COUNCIL MEMBER ROSE: Excuse me?

5 LINDSEY HARR: Yes, it's a state
6 requirement.

7 COUNCIL MEMBER ROSE: Okay and so my, my
8 question is if PE is, is educationally mandated and
9 we have to provide this for them why is that we are
10 building schools and I know you're not school
11 construction but why are we building schools and
12 allowing them to be built where they are not building
13 gyms, they are building these shared spaces,
14 gymnasium that are multipurpose and because they
15 are multi purposed then there is not time, how can
16 you schedule an entire school that's mandated to have
17 physical education to utilize this space that is... you
18 know has many purposes and not just for physical
19 education, it seems hypocritical to me that the
20 Department of Education is allowed to do this and in
21 schools where you have shared buildings, shared
22 schools that are also sharing the same multipurpose
23 shared space how are you supposed to and how can you
24 tell us that you're able to meet your mandate to
25 provide physical education, you know and, and you've

1 COMMITTEE ON EDUCATION

2 talked about the value of physical education in terms
3 of, of their educational growth and development, you
4 talked about it providing a... that all students are
5 having... or have access and equity, how is it that you
6 can make these claims when we have these shared
7 spaces that clearly programming, programming must be
8 a nightmare?

9 LINDSEY HARR: This administration has
10 made physical education a priority and that has been
11 both on the instructional side which is the area that
12 my team supports through PE Works and also through
13 the Mayor's Universal PE initiative which is a
14 commitment to ensure that all schools have designated
15 PE space. I think as we... as my team is working with
16 schools one of the things that we look at with them
17 is how they can best utilize the space that they
18 have; improve space sharing practices and scheduling
19 practices to ensure particularly in those co-located
20 spaces that all students are... [cross-talk]

21 COUNCIL MEMBER ROSE: So, how... [cross-
22 talk]

23 LINDSEY HARR: ...getting... [cross-talk]

24 COUNCIL MEMBER ROSE: So, can you tell me
25 then if all students are, are getting PE how much

1 COMMITTEE ON EDUCATION

2 time is actually allocated to this pit... this physical
3 education if everybody is getting and we are using
4 the shared spaces?

5 LINDSEY HARR: The state sets the time
6 requirements which vary by grade level; in elementary
7 school its 120 minutes a week, in middle and high
8 school generally its 90 minutes a week.

9 [off mic dialogue]

10 LINDSEY HARR: No, we're not there yet
11 but we're getting closer.

12 COUNCIL MEMBER ROSE: Thank you...

13 CHAIRPERSON TREYGER: Thank you Council
14 Member, I just want to note that we've also been
15 joined by Council Member Levine, Lander and Ampry-
16 Samuel and next we'll hear from Council Member
17 Barron.

18 COUNCIL MEMBER BARRON: Thank you Mr.
19 Chair and thank you to the panel for coming. I wasn't
20 here for much of the hearing, I had some other
21 commitment but I did come and heard a response that
22 you didn't have the financial information, one of my
23 colleagues asked a question, I think that's being ill
24 prepared and if you were a student in the class and
25 hadn't done your homework and been prepared you would

1 COMMITTEE ON EDUCATION

2 not get a passing grade. So, I think as the
3 Department of Education you owe it to this Committee
4 to come prepared, anticipate questions that we might
5 ask and bring the necessary financial information so
6 that we can go forward with what it is that we need
7 to know and what we need to do. So, I would ask you
8 to do that in the future anticipate that we might ask
9 a question about what the total amount regarding any
10 of the programs is related to physical activity that
11 you could have that information and share it with us.
12 Secondly, we know that there are obvious physical
13 benefits to a well-regulated physical activity
14 program but there are also social benefits and
15 intellectual benefits and we know that cognitive
16 functions also improve with children who have a
17 regular physical activity program, their attention
18 span also improves when they have a regular program,
19 they feel better about themselves, they look better,
20 they're not obese and they have less of an
21 opportunity... or less of a risk for diabetes. So, I
22 would say that the DOE has contributed to the numbers
23 of children who have been diagnosed with ADD,
24 attention deficit disorders and the number of
25 children who are obese and the number of children who

1 COMMITTEE ON EDUCATION

2 have type II diabetes in particular and I would say
3 that the Department of Education has been grossly
4 remiss and we need to correct the situation, your
5 time table has not matched what it is that our
6 children need to be able to have all of these and I
7 speak from the position of someone who was in the
8 Department of Education 36 years, and I understood
9 the value of physical education and make sure that in
10 my program I made the sacrifices in terms of
11 programming to make sure that my certified PE teacher
12 was able to share his skills throughout the
13 programming of all the grades. You have a long way to
14 go and we hope that at the next hearing you'll be
15 able to give us definitive information, data,
16 finances and tell us that you are in fact on track.
17 Thank you.

18 CHAIRPERSON TREYGER: Thank you Council
19 Member. Next, we'll hear from Council Member
20 Rosenthal.

21 COUNCIL MEMBER ROSENTHAL: Thank you so
22 much Chair and, and of course I want to associate
23 myself with the comments of my colleague, Inez
24 Barron. I wanted to ask about my bill in particular,
25 I appreciate the fact that you support the goals of

1 COMMITTEE ON EDUCATION

2 the legislation and, and that's important, I wanted
3 to know what hurdles do you think get in the way of
4 implementing the bill, the goals of this bill or are
5 you fully in support and ready to sign off on it?

6 LINDSEY HARR: So, just to clarify the..
7 you're speaking specifically about reporting about
8 levels of compliance specifically for students who
9 are mandated for adapted physical education and also
10 providing a summary of findings?

11 COUNCIL MEMBER ROSENTHAL: Uh-huh..

12 LINDSEY HARR: Yeah. Yes, we're, we're in
13 agreement with that and look forward to working with
14 you and, and hopefully being able to implement that
15 for the next report.

16 COUNCIL MEMBER ROSENTHAL: So, I'm asking
17 are you ready to.. can we enact it or are there
18 changes you'd like to make?

19 LINDSEY HARR: I think that I should
20 confer with my colleagues in IGA, but I don't think
21 that there are any major changes, I think this is
22 something we can do and we're certainly supportive of
23 providing this additional level of information. I
24 don't think there are any changes we need to make but
25

1 COMMITTEE ON EDUCATION

2 I would just want to make sure with our systems folks
3 and our IGA folks that there's no tweaks.

4 COUNCIL MEMBER ROSENTHAL: What percent
5 of children do you guess are in the category where
6 they need Phys ed?

7 LINDSEY HARR: All students... [cross-talk]

8 COUNCIL MEMBER ROSENTHAL: Would kids...
9 [cross-talk]

10 LINDSEY HARR: ...need Phys ed... [cross-
11 talk]

12 COUNCIL MEMBER ROSENTHAL: No, no, no,
13 with... kids with disabilities?

14 LINDSEY HARR: All students with... all
15 students need physical education and one of the
16 things that I think is really strong about the
17 state's requirements is that there are no waivers for
18 PE for any student for any... [cross-talk]

19 COUNCIL MEMBER ROSENTHAL: Yeah, let me...
20 [cross-talk]

21 LINDSEY HARR: ...reason... [cross-talk]

22 COUNCIL MEMBER ROSENTHAL: ...word it a
23 different way, how many kids do you think are
24 getting... how many kids with... how many kids with

1 COMMITTEE ON EDUCATION

2 disabilities are there in the system who would... who
3 would be captured in this report?

4 LINDSEY HARR: In the report we should be
5 able to capture all students who are mandated for
6 adapted PE, I don't want to speculate right now as,
7 as to what that percentage would be... [cross-talk]

8 COUNCIL MEMBER ROSENTHAL: No, I'm just
9 curious how many are there?

10 LINDSEY HARR: I don't know that... [cross-
11 talk]

12 COUNCIL MEMBER ROSENTHAL: A million...
13 [cross-talk]

14 LINDSEY HARR: ...but we can follow up with
15 you.

16 COUNCIL MEMBER ROSENTHAL: Half a
17 million?

18 LINDSEY HARR: I don't have that number
19 in front of me, but we can follow... [cross-talk]

20 COUNCIL MEMBER ROSENTHAL: Okay... [cross-
21 talk]

22 LINDSEY HARR: ...up with... [cross-talk]

23 COUNCIL MEMBER ROSENTHAL: ...less than
24 100,000? Okay, I get it. So, you'll... that number is,
25 is gettable and you have it back in the office, okay

1 COMMITTEE ON EDUCATION

2 and do you know where they are in school pretty much,
3 what schools are involved and how much money do you
4 think it would take to renovate the buildings or
5 change programs so that they could have access to
6 physical education?

7 LINDSEY HARR: That is outside of the
8 purview of my office, I can't speak to that, but I'd
9 be happy to follow up with you afterwards.

10 COUNCIL MEMBER ROSENTHAL: Does any... do
11 you think... does anyone, would anyone have that
12 information, has the budget office done a run?

13 LINDSEY HARR: I would have to check
14 facilities are... [cross-talk]

15 COUNCIL MEMBER ROSENTHAL: Okay... [cross-
16 talk]

17 LINDSEY HARR: ...are not my area so I
18 don't... I don't want... [cross-talk]

19 COUNCIL MEMBER ROSENTHAL: Okay... [cross-
20 talk]

21 LINDSEY HARR: ...to speculate here.

22 COUNCIL MEMBER ROSENTHAL: Thank you, I'd
23 appreciate your getting back to the Committee, thank
24 you for your help.

1 COMMITTEE ON EDUCATION

2 CHAIRPERSON TREYGER: Thank you Council
3 Member. I just want to also point out for the record
4 we talked a lot about what the DOE is mandated to do
5 according to the state regulations, the regulations
6 also state that all pupils as we've just heard
7 testimony, all pupils shall attend and participate in
8 a physical education program as approved in the
9 school plan for physical education. So, students are
10 required, students in order to complete their full
11 instructional program students are required as well
12 to attend what you're mandated to provide, we're,
13 we're not even giving them the opportunity to fulfill
14 the full... really the fullness of their instructional
15 program because this is required for them to receive
16 their, their diploma and to, to advance in education
17 so we're not in compliance with, with regards to the
18 curriculum, we know that, over a fifth of our
19 students are not receiving adequate time, we don't
20 have an exact number today of how many schools have a
21 PSAL program, we do know that 150 were denied last
22 year because of money that apparently we don't have
23 but I'm pretty sure we do have, we're not in
24 compliance with regards to facilities. There is... we
25 have a lot of work to do and, and... I just have a

1 COMMITTEE ON EDUCATION

2 question with regards to... I mentioned before if
3 something is not measured its not really funded or
4 prioritized in my opinion. Can you speak to whether
5 or not when someone... whether a Deputy Chancellor or
6 whether a superintendent visits a school to conduct..
7 they used to conduct what's called quality reviews
8 back in my time, now they might be called snapshots
9 I'm not sure, is PE on that agenda, is there a
10 question on... about how the school provides PE and
11 what could the district or what could the DOE do to
12 help support the school provide more PE, is that
13 even... is that a question that's asked to a local
14 school community?

15 LINDSEY HARR: I think you're... you made a
16 really important point about the importance of, of
17 measuring and tracking these things and I think that
18 the PE, the annual PE reporting law that the council
19 passed has been tremendously important and your
20 support of this has been tremendously important in
21 terms of raising awareness about the importance of
22 PE, the work that needs to be done and the investment
23 that we've made as a city in, in moving towards
24 having all of our students receive their required
25 amount of PE so I think the public report is, is one

1 COMMITTEE ON EDUCATION

2 way that's really important. Physical education is on
3 the principal's compliance checklist as well so
4 that's a really important measurement tool and we
5 also work with the executive superintendents, the
6 superintendents and the field support staff.. or I'm
7 sorry, the field support center staff to help ensure
8 that they understand what quality physical education
9 is, what the requirements are so that they can be
10 doing their work with their schools as well.

11 CHAIRPERSON TREYGER: Right, so you
12 mentioned that this is on the principal's compliance
13 checklist so if a principal in conjunction with their
14 physical education supervisor or educators make a
15 request to the DOE we'd like to have a PSAL team
16 because we want to be in compliance in providing
17 after school activities and we want to do the right
18 thing for our students, are... what happens then when,
19 when they're being denied?

20 LINDSEY HARR: Uh-huh, so I want to make
21 one point of clarification and then I think I'll ask
22 Seth to address the PSAL question, what's on the
23 compliance checklist is the... is physical education as
24 an academic in school subject that is required for
25 every student every year K through 12, that is.. that

1 COMMITTEE ON EDUCATION

2 is a state requirement, it's not a requirement that
3 every student participate in after school athletics
4 so, so what we're looking at with the compliance
5 checklist is that core academic requirement and I
6 think I'll... [cross-talk]

7 CHAIRPERSON TREYGER: And, and so but
8 just to finish that point... [cross-talk]

9 LINDSEY HARR: Uh-huh... [cross-talk]

10 CHAIRPERSON TREYGER: If they don't have
11 physical space in their building to provide PE then
12 how do we support that school?

13 LINDSEY HARR: Yep and sometimes that
14 does come up and so often times what will happen is
15 the superintendent or sometimes the field support
16 center or the principal themselves will reach out to
17 us and say I need some help here and we'll go in and
18 work with them, it might be that there are some
19 scheduling changes or some space that's available,
20 some schools... the facilities works with them to
21 arrange for leases of other space so where there are
22 those space challenges we do work on those and for
23 the longer term solution the Mayor's commitment
24 through Universal PE is, is in process.

1 COMMITTEE ON EDUCATION

2 CHAIRPERSON TREYGER: I just want to
3 share with you just from my experience and I speak to
4 many educators still in service, my, my colleagues, I
5 don't believe that this has reached the priority
6 level that it should be reaching, I still believe
7 that this is an issue... this is a... this is a subject
8 and this is a... an area that has historically and to
9 this day continues to be neglected by the DOE because
10 there is such an obsessed focus on standardized
11 testing and meeting other state mandates. I think the
12 city is very selective in what mandates it likes to
13 meet because clearly there's a lot of pressure from
14 the state about certain test scores; math, ELA and
15 others and, and I, I know that there's a national
16 culture around that as well but we, we can do better,
17 and we should be doing better. I keep hearing
18 speeches and all these pledges of universal PE but
19 we're still not universal, we're still not universal
20 and if it was an issue of budget and money this is
21 the time to tell us because we're entering budget
22 season and last year during budget season no one told
23 us from the DOE that, that we're short money for PSAL
24 program, its an issue of how you spend your money.
25 So, its whether... you know first of all we know that

1 COMMITTEE ON EDUCATION

2 these are state mandates but it's also how you
3 implement those mandates and whether or not we take
4 it serious at the local level and respectfully as I
5 mentioned in my opening statement there's information
6 in the report that's redacted, we don't have school
7 level information, we have some district wide
8 information but not school level information. So,
9 we're asking the DOE to work with us here, if it's an
10 issue of money this is the time to tell us, this
11 Council will aggressively pursue those monies. I'm
12 heading up to Albany with my colleagues in, in... you
13 know very soon to ask and to insist on more money
14 from the state for them to meet... for them to pay
15 their bills but we need to know that the money is
16 going where, where it should be going. There should
17 be no reason why any school with a credible athletics
18 program request... they, they should not be denied. Now
19 I also passed a bill recently with regards to
20 transparency on PTA fund raising, could anyone tell
21 me whether or not can PTA fund raising money be used
22 to supplement or help pay for PSAL sports activities
23 in schools?

24 SETH SCHOENFELD: So, we do not generally
25 allow PTAs to fund a team, there are certain expenses

1 COMMITTEE ON EDUCATION

2 for all PSAL programs that rely on the school and the
3 PTA have the right to utilize that to support a
4 program like with things like uniforms and equipment
5 upkeep and things like that but the precession
6 funding for coaches, athletic directors and game day
7 officials all comes from the PSAL budget.

8 CHAIRPERSON TREYGER: But uniforms and
9 equipment are not cheap, how much... how much could
10 that... could that cost on average?

11 SETH SCHOENFELD: I would have to get
12 back to you with that, I don't know off the... [cross-
13 talk]

14 CHAIRPERSON TREYGER: Yeah, they're not
15 cheap because many students have to individually try
16 to fund raise on their own to help pay for these
17 things and we learned that there are some schools
18 that have the capacity to raise over a million
19 dollars every year and I'm pretty sure that they
20 offset costs for kids and then I represent a
21 community that has to start a go fund me page for
22 basic school supplies which should not be happening.
23 So, there's also inequities on how even monies are,
24 are raised privately and some schools have alumni
25 associations. Other types of access to funds that

1 COMMITTEE ON EDUCATION

2 many other schools in certain communities just do not
3 have so I think that we haven't even yet really hit
4 on the... on the depth of inequity here. There will be
5 follow up on this issue because clearly, we are still
6 very far from compliance, I am not convinced today
7 that the DOE is taking this serious at the... at the
8 highest levels because there's data that was just not
9 here today, information that's not here today, people
10 that are not here today. So, I, I am leaving this
11 hearing actually very disappointed and there are a
12 lot of areas of follow up that we have to... we have to
13 work on. Do any of my other colleagues... Council
14 Member Reynoso I, I think you had a... you had a final
15 point you wanted to make.

16 COUNCIL MEMBER REYNOSO: Just... I want to
17 ask a, a quick question related to when a school does
18 receive a team. The big issue I have is funding, is
19 there any possibility for a school to get an
20 additional team when they already have many and a
21 school not receive any teams under your criteria,
22 does that... so you mentioned how much... how many
23 schools, new schools got teams?

24

25

1 COMMITTEE ON EDUCATION

2 SETH SCHOENFELD: In school year 17/18 56
3 small schools gained access compared to eight large
4 schools.

5 COUNCIL MEMBER REYNOSO: So... compared to
6 what?

7 SETH SCHOENFELD: Eight large schools.

8 COUNCIL MEMBER REYNOSO: So, eight large
9 schools that got more funding than what they
10 traditionally have, why did that funding not go to
11 more small schools instead of the denying 130 maybe
12 you could have denied 122, why is it not going to
13 access to folks that don't have it as opposed to
14 these larger schools?

15 SETH SCHOENFELD: So, so first I would
16 point out that just being a large school doesn't mean
17 that they have a robust PSAL program either, it just
18 means that they have larger enrollments so there are
19 some schools in New York City that have large
20 enrollments that historically have not had PSAL
21 programming so its hard to determine from those
22 numbers in themselves what your referencing there.

23 COUNCIL MEMBER REYNOSO: So, I'll, I'll
24 give an example, Murry Bergtraum is a school that's
25 actually across the street from this building, they

1 COMMITTEE ON EDUCATION

2 recently got two soccer teams approved last year by
3 the PSAL then we have a school called Bronx
4 Leadership that didn't... that got denied because of
5 lack of funding, why not just give Murry Bergtraum
6 one team and give Bronx Leadership another and not
7 give two to Murry Bergtraum and none to Bronx
8 Leadership, how does that... how is that determination
9 made?

10 SETH SCHOENFELD: I would have to look
11 into that specific example but as I said earlier as
12 we transition PSAL to the division of School Climate
13 and Wellness we want to recognize the opportunity,
14 right, the opportunity that we have a council so
15 focused on this issue, a Mayor and a Chancellor that
16 have continued to push equity and equity now and a
17 Deputy Chancellor who has committed her work to
18 equity and access for all students of New York City
19 and we are going to take that lens to every part of
20 the PSAL and we are going to look through all of our
21 processes, all of our procedures, all of our decision
22 making processes including new team selection as well
23 as budget and otherwise to make sure that we are
24 providing the greatest level of access we can provide
25 to the young people of New York City.. [cross-talk]

1 COMMITTEE ON EDUCATION

2 COUNCIL MEMBER REYNOSO: The, the first
3 step to that is admitting that there's a problem and
4 I don't think the Department of Education has come
5 out and told us that there is an equity issue when it
6 comes to sports for students in the city of New York,
7 that's the first thing you didn't do and you haven't
8 done and if you don't think there's a problem its
9 hard to addressing, its hard to recognize ways to
10 change it so that's my problem. Another thing is that
11 this Chancellor has done a lot of talking and I want
12 to see him walking and that's a big problem as well.
13 Equity is a great word to say, actually dealing with
14 equity is a whole different conversation and this
15 Department of Education with the information we're
16 getting now not being able to achieve your own goals
17 that you're setting forth related to PE time that's
18 on you, that's not on anyone else, you set your own
19 goals and you don't even achieve them, that shows us
20 here and this panel on this side of desk whether or
21 not it's a priority. Equity has been a problem for a
22 long time in the Department of Education and you guys
23 say you want to do something about it, we're looking
24 forward to the day that you finally follow through
25 and that hasn't happened here today and we're... I'm

1 COMMITTEE ON EDUCATION

2 very unsatisfied with like the presentation that was
3 given here today. There's a lot of talk but not a lot
4 of walk, thank you.

5 CHAIRPERSON TREYGER: Alright, I
6 appreciate that and, and just in closing my
7 frustration grows because this is yet another area of
8 the inequity piece that I continue to see in our
9 school system. When the Mayor says computer science
10 for all, another universal pledge when there are
11 schools, I visit repeatedly that don't have adequate
12 wiring and bandwidth to provide internet even for the
13 students that they have today. When certain schools
14 don't have physical education programs, when certain
15 schools still have outdated antiquated
16 infrastructure. This... there's a pattern here and as
17 my colleague Council Member Reynoso mentioned the
18 pattern really hits home in areas that could least
19 afford to be any further neglected and I just want to
20 point out as well that there's a difference between
21 goals and mandates, mandate is something you have to
22 do but we're not doing, goals should be set and I
23 understand and I, I want to say for the record to be
24 clear to the audience the state has a big obligation
25 here as well because we talk about the physical

COMMITTEE ON EDUCATION

1
2 space, the states... when, when the state doesn't pay
3 its bills to New York City schools that denies us
4 opportunities to invest more in our school system,
5 we're owed over a... well over a billion maybe two
6 billion dollars from the state on past bills, that's
7 a big issue but at the same time we also have
8 significant resources in the DOE, we have to make
9 sure that we're prioritizing key items. I, I keep
10 hearing that PE is important but we're not... the
11 numbers are not matching up to that level of
12 importance so there is going to be significant...
13 there's going to be some follow up work here. I do
14 think that the DOE should go back to the table and
15 draw up some goals about further compliance because
16 yes, I, I do note that there's been an increase in
17 compliance but we're still over 200,000 kids,
18 students are, are still not receiving adequate PE
19 time and that's outrageous and, and with regards to
20 PSAL it is... it is a... as you've... and I, I do
21 appreciate Mr. Schoenfeld your, your commentary, it,
22 it is life changing for many kids, it's beyond the
23 sports fields or the court or the, the area... the,
24 the, the arena that the students are playing in, it
25 is life saving for students. In my school a feeder

1 COMMITTEE ON EDUCATION

2 program was life saving for students, these are the
3 things that maybe superintendents or the... or people
4 from the state don't come into ask about when they do
5 their visits about test scores but these experiences
6 on and off the field are lifesaving and life changing
7 for our young people and on the big proponent of also
8 social emotional growth and learning, there are
9 things that you learn on the field and the court that
10 you won't learn in a textbook; experiences, how to
11 socialize, how to put down the phone for an hour and
12 talk to each other and socialize and get to know each
13 other and get to know people, that's... these are
14 critical opportunities that our students are not
15 being provided. So, I, I, I kind of get the sense
16 when I speak to you, I'm, I'm preaching to the choir,
17 but we need to make sure that the people at the top
18 are getting the message and putting their money where
19 their mouth is and I thank the panel for their time.

20 COUNCIL MEMBER REYNOSO: I'm sorry Chair
21 I would just like to ask the, the Department of
22 Education if you could stay and listen to the
23 testimony of the students and not rush out that would
24 be helpful.

1 COMMITTEE ON EDUCATION

2 SETH SCHOENFELD: We would have it no
3 other way, thank you for allowing us to stay.

4 COUNCIL MEMBER REYNOSO: Thank you.

5 CHAIRPERSON TREYGER: Thank... we thank the
6 first panel and the next panel we will call up; Lisa
7 Parks; Matthew Diaz; Benji Weiss; and Devaun Longley.
8 I guess we'll start here if that's okay?

9 LISA PARKS: Okay, it's on.

10 CHAIRPERSON TREYGER: Don't be nervous,
11 this is all about you, you are leaders in this effort
12 and so take your... take your time and take a deep
13 breath and let's get started.

14 LISA PARKS: Okay, well I wanted to start
15 by saying thank you for having me and everybody else
16 that's here. My name is Lisa Parks and I am a student
17 at Bronx Academy of Letters, I am an athlete. I play
18 multiple sports including basketball, soccer and my
19 favorite sport is track. I moved to the Bronx from
20 Atlanta, Georgia and I thought I was going to have
21 track... a track team at the school I was going to
22 attend in New York and found out there was no track.
23 It made me feel really disappointed and upset. It
24 made me feel like I was wasn't going to be able to
25 play sports again. I didn't want to go to school

1 COMMITTEE ON EDUCATION

2 anymore. In Atlanta, I came in first in all of my
3 meets and I loved when people like my mom cheered me
4 one. It made me feel like I could do better and be
5 better. It gave me confidence and built my self-
6 esteem knowing that I could do something that I loved
7 doing. I am thinking about going back to Atlanta
8 just, so I can run with the track team. I don't think
9 students should have to go find a way to compete in
10 sports outside of their school. It should be at all
11 schools. I want every school in New York City to be
12 able to play and compete in every sport.

13 DEVAUN LONGLEY: My name is Devaun
14 Longley, I am a 16... I am 16, a tenth-grade student
15 from Bronx Academy of Letters... [cross-talk]

16 CHAIRPERSON TREYGER: Devaun can you
17 speak closer to the... to the mic?

18 DEVAUN LONGLEY: Sorry... [cross-talk]

19 CHAIRPERSON TREYGER: You, you could pull
20 it towards you.

21 DEVAUN LONGLEY: Oh... [cross-talk]

22 CHAIRPERSON TREYGER: Thank you.

23 DEVAUN LONGLEY: My name is Devaun
24 Longley, I am a 16... I am 16 and a tenth-grade student
25 from the Bronx Academy of Letters. While I am an...

COMMITTEE ON EDUCATION

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2 while I am an artist, I am also an athlete. Sports
3 has been in my life since middle school, though its
4 been limited to basketball and track, track and
5 field. I have never been able to explore other
6 sports. I have heard that there are dozens of sports
7 that other schools have that mine doesn't. Even
8 though I am able to play baseball and soccer, I wish
9 that my school had all the sports that other schools
10 in New York City have. My love for sports makes me
11 feel very badly for all the kids who go to schools
12 without sports. Many black and Latino students are
13 limited because they don't have access to things that
14 makes us free, the things that makes us who we are.
15 Sports has always been in, in our lives, but
16 basketball, soccer and baseball are what we have been
17 linked to. Some may say that's all we need or just to
18 be grateful we have any teams at all. But it's not
19 about sports itself, its about who is getting it and
20 why. There are so many other sports that a school
21 could have; swimming, tennis, lacrosse, wrestling,
22 martial arts. There are so many things that a... that
23 we could have that our other schools have. I want
24 all, all... I want all students in New York City to
25

1 COMMITTEE ON EDUCATION

2 have a large variety of sports that they could choose
3 from.

4 MATTHEW ALEXANDER DIAZ: Hello, my name
5 is Matthew Alexander Diaz, I am a Senior at Bronx
6 Academy of Letters and I'm, I'm also the Executive
7 Director of IntegrateNYC and also, I am the Youth
8 Lead in the FairPlay Coalition. The FairPlay
9 Coalition stands for the equal right of every public-
10 school student to have access to public school
11 athletic league sports. In New York City there are
12 many statistics that show inequitable distribution of
13 sports and you heard.. you have heard some and I'm
14 sure you will hear more of these upsetting numbers.
15 But I live this disparity. I can personally say that
16 my school had less than four teams when I was a
17 freshman but now, I am supposed to be excited because
18 I have seven teams three years later, but I know for
19 a fact that at least one school in the public school
20 system has 44 sports teams. And yes, that is a much
21 whiter school than mine. So my question has been why
22 is that allowed to happen? And another question is,
23 why can't the DOE answer a basic question about
24 themselves. Many students in the public-school system
25 have been normalized to having no sports in their

1 COMMITTEE ON EDUCATION

2 schools and that is not right for all these students.
3 I represent all the black and brown students in the
4 New York City public school system who want to give
5 us an equitable distribution of sports and hold the
6 people making the decisions as to who get... who gets
7 what accountable for their discrimination. Intro 242
8 is a good first step to starting to answer that many
9 questions we have about why the system is the way it
10 is, and we look forward to speaking to you more about
11 this issue on the Fair Play Lobby Day next week. We
12 hope that the Council will listen to our voices and
13 pass Intro 242. Next week we will be meeting with
14 many Council Members and we will pass on this bill.
15 Thank you.

16 BENJI WEISS: Hello, hello, my name...
17 alright, okay. Hello, my name is Benji Weiss and I am
18 a sixth grader at BCS and I am a middle school
19 consulate for IntegrateNYC and I also play a sport, I
20 play soccer. Soccer is very important to me because I
21 love playing it, watching it and I get more exercise
22 as a result of playing soccer and I think every
23 student should be able to play the sports they enjoy.
24 Now I will tell you why sports matter and why every
25 student should have equal access to sports. The

1 COMMITTEE ON EDUCATION

2 reason why sports matters and every student should
3 have equal access to sports in their schools is
4 because sports are a good way to get exercise, work
5 on team building skills and sports can be stress
6 relieving and we all know that school can be... can
7 cause a lot of stress. Sports can also be a way for
8 children of different races and religions to interact
9 with each other who otherwise not... might not interact
10 with one another and sports can be a way for kids to
11 get better sleep because sports can tire you out and
12 make you more tired at bedtime and scientists have
13 proven that with better sleep students perform better
14 in school. One report shows that more than 17,000
15 black and Latino students have no sports in their
16 schools and one New York City Times article titled in
17 schools where sports may be most vital New York City
18 offers the least help said that of 480 high schools
19 67 have no PSAL teams, 100 have fewer than six. It
20 also says the schools with the least access to sports
21 teams have the highest number of students of color
22 and where for whom English is not their first
23 language. It also says that there are schools in
24 Staten Island with heavy white enrollment and they
25 have 40 teams, so we should be asking ourselves why

1 COMMITTEE ON EDUCATION

2 there isn't sports equity and we should be saying
3 sports equity is vital to students and schools and
4 having sports equity in schools is one of the many
5 steps to ending segregation in our schools. Thank
6 you.

7 CHAIRPERSON TREYGER: So, this entire
8 panel gets an A plus for... I mean I think looking at
9 the future City Council I think in a certain number
10 of years this panel will be sitting up here, that was
11 very powerful and excellent informative testimony. I
12 just have one quick question that... and folks can feel
13 free to chime in, I want... I want to hear your
14 thoughts on this, how do you feel access to sports
15 and sports teams and programs has impacted your
16 academic work, has it... has it help, helped you even
17 concentrate, focus more, just curious to hear your,
18 your thoughts on that, anyone could feel free to
19 chime in?

20 MATTHEW ALEXANDER DIAZ: To answer that
21 question I did play triathlon for my school, soccer
22 and basketball and while I... while I attended these
23 sports my attendance was a lot higher, these sports
24 teams required me to have one day to like study hall,
25 like two days of, of the week we had study hall so we

1 COMMITTEE ON EDUCATION

2 had to do our homework and I think sports... in order
3 to play sports in my school you had to have a high
4 attendance, you have to reach the bar, you have to
5 have punctuality, you have to be... you have to be
6 there and you have to have good grades and in order
7 to play sports you have to have good grades and I
8 think it allowed me to keep going my athletic career
9 and also my academic career.

10 CHAIRPERSON TREYGER: Any, anyone else?

11 LISA PARKS: So, I came from Atlanta,
12 Georgia and this is my second year here and I didn't
13 play sports last year but I'm playing this year and
14 its different because from Atlanta they have every
15 sport, we have... you can name any sport, we have every
16 sport so coming here knowing that there was only like
17 four sports was really surprising so I'm playing
18 sports this year and my coaches do push me, it's
19 really hard to get up in the morning and get to
20 school in time but I do and I look forward to doing
21 that because I want to be on the court playing with
22 my teammates so... yeah.

23 CHAIRPERSON TREYGER: And that's, that's
24 a great answer and, and... any, anyone else?

1 COMMITTEE ON EDUCATION

2 COUNCIL MEMBER KING: Can I ask you Lisa,
3 I want to ask you a question. I know you said you
4 were looking to getting back on 95 and heading back
5 to Georgia if you can't get on the track team, I'm
6 saying please don't do that we need your advocacy
7 here in the city of New York and if they can't get
8 it right before you graduate I got a track team that
9 you can be part... you can participate with, okay?
10 Alright.

11 DEVAUN LONGLEY: I feel the same as these
12 two. What I want to add on was sports has also made
13 me... it, it also made me able to interact with more
14 people. If it wasn't for my friends asking me to join
15 a team, I wouldn't like know the people that I know
16 now and it, it really helped me out with stress, you
17 know just... it's, its... sports is... has given me the
18 time to like not think about work or anything it's
19 just to... I just go to sports... I, I just go to
20 practice every day to just play to... you know to
21 ignore everything else that's, you know bad or...

22 CHAIRPERSON TREYGER: Great, great
23 answer, Benji.

24 BENJI WEISS: So, I feel sports can help
25 you in high pressured situations like a test but also

1 COMMITTEE ON EDUCATION

2 in my school if you want to join the soccer team
3 practice is before school starts so it, it requires
4 you to get to school and that could definitely help
5 students with their attendance so they could be
6 playing the sport they love and they could be doing
7 well in school.

8 CHAIRPERSON TREYGER: I mean those are
9 great answers and they actually validated many of my
10 experiences, right... as I mentioned before I was a
11 former high school teacher before elected to the
12 City Council and I found it interesting that those
13 students that were... some of the students that were on
14 the sports teams whether it was soccer, football,
15 baseball were some of the same students that were
16 very active in leadership roles in student
17 government, they were very active in our theater
18 program, they were active in all of the volunteer
19 days assisting at a... at a local hospital, assisting..
20 I think there are so many more tangible benefits,
21 certainly what you do on the field or on the court
22 or, or any sport that you're playing there are so
23 many benefits of physical activity but it does, I
24 think it creates a stronger school community and a
25 stronger community in general because in addition

1 COMMITTEE ON EDUCATION

2 some of the best events were the football nights when
3 the whole community would come out to watch the game
4 and to support the students, home, home coming, that
5 should be a part of, of a... of a school coach and
6 school spirit and so I, I really thank you, I really
7 thank you for your advocacy and for your courage to
8 come up to City Hall and, and, and.. because I know
9 you're not just speaking for yourself, you're
10 speaking for your fellow peers, your fellow students
11 as well so thank you very much. I'd like to turn it
12 over to my colleague Council Member Rosenthal who has
13 questions.

14 COUNCIL MEMBER ROSENTHAL: Thank you, I
15 actually.. Chair I think you, you nailed everything I
16 was just about to say. I was going to ask each of you
17 if you would consider leadership positions in other
18 activities because I agree, I think.. or being a
19 leader in your sport on the track team or on a
20 basketball team, baseball team, soccer, whatever it
21 is, it shows real leadership to come here today and
22 I, I appreciate you guys very much and Lisa, you know
23 we do have internships available in my office so I
24 just wanted to..

1 COMMITTEE ON EDUCATION

2 LISA PARKS: I'm actually doing an
3 internship right now so... I mean I can do two so...

4 COUNCIL MEMBER ROSENTHAL: Okay, it's a...
5 you know maybe for next year. Thank you, guys.

6 CHAIRPERSON TREYGER: Thank you, thank
7 you very much for, for your very powerful testimony,
8 we'll continue our work together, thank you very
9 much. We've also... I just want to note that earlier we
10 were joined by Council Member Salamanca and we'll
11 call up the next panel. Thank you.

12 COUNCIL MEMBER KING: Good job.

13 CHAIRPERSON TREYGER: Great job,
14 excellent.

15 [applause]

16 CHAIRPERSON TREYGER: I'd like to next
17 call up David Garcia-Rosen; Melissa Iachan, Iachan,
18 I'm sorry; Mark Dorman; Doctor Mark Naison and
19 Christine Appah.

20 DAVID GARCIA-ROSEN: Nelson Mandela who
21 would have turned 100 this week said sports have the
22 power to change the world, it has the power to
23 inspire, the power to unite people in a way that
24 little else does, it speaks to youth in a language
25 they understand, sports can create hope where there

1 COMMITTEE ON EDUCATION

2 was once only despair, it is more powerful than
3 governments in breaking down racial barriers, it
4 laughs in the face of all types of discrimination. My
5 name is David Garcia-Rosen and I am the Director of
6 School Culture and Athletics at the Bronx Academy of
7 Letters. The Public Schools Athletic League has run a
8 separate and unequal interscholastic sports program
9 for my entire 20-year career in the DOE. It did not
10 have the be this way. We did not have to let
11 generations of black and Latinx students pass through
12 our schools without the power of sports. I have
13 worked at three different segregated high schools
14 over the past 15 years and my students were denied
15 access to the Public-School Athletic League countless
16 times at each of those schools. on the other hand,
17 I've seen the power of sports with my own eyes. In
18 2011, I created the Small Schools Athletic League and
19 my school had a baseball team for the first time
20 ever. Two students, Argenis and Carlos, had pretty
21 much dropped out of school. But when they heard about
22 the team, they came to my office and said "we want to
23 be on the baseball team" and I said well, good you
24 have to come to school every day and start passing
25 your classes and both of them graduated one what was

1 COMMITTEE ON EDUCATION

2 one of the best days of my career because I saw
3 sports truly turning dropouts into graduates. The
4 question then is why would the PSAL deny this
5 transformational opportunity to hundreds of thousands
6 of students over the past 20 years? Why would they
7 give badminton and table tennis to schools that
8 already have 40 teams, while denying my kids their
9 very first team, why, why? I, I just can't... I have a
10 speech here but it's like I can't fathom, I mean some
11 of these guys are sitting here, these are decisions
12 that they made and I've watched these kids go through
13 the schools without access to sports while at the
14 same time watching these schools over and over with
15 30 teams get 35 teams, get 40 teams, get 45 teams
16 while schools with zero year after year after year
17 were denied one team, it is inexplicable why they
18 would do this and then why would they deny the
19 problem continuing today, I mean they're giving these
20 fall... this, this data that is misleading. When you
21 come up here and say hundreds of teams were added
22 it's not acknowledging the depth and the gravity of
23 the problem. When you tell the New York Times in 2014
24 that 90 percent of students have access to the PSAL
25 meaning that if you have one team you have access to

COMMITTEE ON EDUCATION

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2 the PSAL, that is the data that these guys sold to
3 the community for years and the New York Times called
4 it a statistical delusion. We'll never know the
5 answers to these questions because the PSAL over the
6 years has been a completely opaque operation
7 accountable to no one. They give out teams and
8 athletic funding without even considering equity or
9 the impact its having on black and Latinx students
10 throughout the city. In 2012 I gave them the
11 research, I said here it is there... its clear as day
12 and instead of saying wow this is a real problem,
13 they got angry about it and denied and denied and go
14 angry and denied some more, instead of fixing the
15 problem... I mean we are the adults in this room let..
16 like we're all in here now; the PSAL is here, the
17 Council is here, we're here as advocates, the
18 students are here this is not like the... rocket
19 science to fix let's just fix it, lets stop hiding
20 behind lawyers who are sitting in the front row
21 telling people not to answer questions, lets stop
22 hiding and start fixing. We can do it, its... let's
23 just do it for the kids. What... like its just... its
24 time, its time...

25

1 COMMITTEE ON EDUCATION

2 CHAIRPERSON TREYGER: Read... well its, its
3 well past time but agreed, thank you very much for
4 your powerful testimony, next, thank you.

5 MELISSA IACHAN: Thank you. My name is
6 Melissa Iachan and I am a lawyer, but I am here in
7 the spirit of working together in collaboration and
8 transparency. I'm a Senior Staff Attorney at New York
9 Lawyers for the Public Interest. Thank you to Chair
10 Treyger and the Education Committee for finally
11 holding a hearing on the critical issue of after
12 school sports, the PSAL and on Intro 242-A and Reso
13 85. We are very grateful for Council Member Reynoso
14 and Council Member King's tireless advocacy to make
15 PSAL's decision making on allocation of after school
16 sports teams and resources more transparent. And
17 never before have we seen the need for transparency,
18 I think than today's hearing. NYLPI has been working
19 with students, organizers, teachers and coaches in
20 our public schools for many years to raise awareness
21 of the severe inequity in access to PSALs sports
22 teams and to change DOE's policies in order to ensure
23 more equal distribution of resources tied to after
24 school sports teams. The problems with the current
25 system are multilayered but the result is that the

1 COMMITTEE ON EDUCATION

2 large, more integrated schools have access to many
3 more sports teams than most small schools where the
4 student body is predominantly black and Latino.
5 Everyone has heard some of the statistics, but they
6 bear repeating because we cannot allow the PSAL off
7 the hook for perpetuating discrimination in the
8 allocation of sports teams and resources. There are
9 approximately 20,600 students who attend a school
10 with no PSAL teams and 83.5 percent of these students
11 are black and Latino. Schools composed of ten percent
12 or fewer black and Latino students had a 91 percent
13 PSAL team approval rate between 2012 and 2017,
14 whereas schools with 90 to 100 percent black and
15 Latino students only had 55 percent of their team
16 applications granted. Black and Latino students have
17 less access than students of other races to every
18 single PSAL sport with the exception of four
19 individual sports and those exceptions happen to be
20 the least expensive sports to fund. I know many
21 members of the City Council are just as outraged by
22 these statistics as NYLPI and our partners in the
23 Fair Play coalition and these incredible students
24 are, including the co-sponsors of Intro 242-A, which
25 was drafted to bring more accountability and

1 COMMITTEE ON EDUCATION

2 transparency to the PSAL's team granting process. We
3 are here today to strongly encourage the Council to
4 pass Intro 242-A. We know transparency and reporting
5 can make a difference because NYLPI worked hard to
6 pass Local Law 102 so the public could know how many
7 students weren't getting the state mandated PE, PE
8 instruction in school and with those troubling
9 statistics public DOE has made necessary funding
10 available for, for PE and we were able to see the
11 amazing maps that you all put together with that
12 information, we need the same thing for the PSAL.
13 Currently, the PSAL has sole, sole authority to
14 decide whether to grant or deny teams to schools that
15 make requests, without making any sort of standard
16 decision-making criteria or scoring system publicly
17 available. This lack of transparency and the lack of
18 any publicly available standard policy by which PSAL
19 makes its team granting decisions on their own would
20 be troubling. But this is even more concerning when
21 you look at the discriminatory results of the
22 shrouded decision making. My testimony which you all
23 have a copy of goes on to talk about how this trans..
24 this lack of transparency extends to FOIL requests
25 being unanswered and really specific FOIL requests

1 COMMITTEE ON EDUCATION

2 from the past three years continuing to be kicked
3 down the road without preventing any data. It is
4 clear that we do need this council to act and to
5 really put the pressure on the Department of
6 Education. It's our hope that today's important
7 discussion sheds light on how the current PSAL
8 systems perpetuate discrimination and
9 disproportionately allocate DOE resources to the
10 detriment of black and Latino students. We are
11 looking forward to engaging with our Council Members
12 further and directly on this issue next week when the
13 students lead our Fair Play Lobby Day and we are able
14 to see the Council pass this important bill into law
15 soon. We know that this legislative body can help
16 bring more accountability, justice, fairness and
17 equity into the PSAL. Thank you.

18 CHAIRPERSON TREYGER: Thank you very much
19 and this hearing certainly has given us greater
20 impetus to act very soon, thank you very much. Next
21 sir.

22 MARK DORMAN: Thank you, testing. Good
23 afternoon, my name is Mark Dorman. I'm a health
24 education teacher and physical education teacher,
25 former Athletic Director, Volleyball Coach in

1 COMMITTEE ON EDUCATION

2 Manhattan Comprehensive Night Day High School near
3 Union Square. First, I would like to thank the
4 Council for allowing me to speak, however, I'm
5 saddened by the fact I even have to be here. I have
6 been in education for 30 years, 20 of which were
7 upstate as a teacher, coach administrator and a
8 Charter School Development Officer. The last ten
9 years here in the Department of Education. When I
10 transferred to Manhattan Comprehensive High School in
11 2013 there were no sports offered and I've been to
12 several other schools; Bronx Letters, Bread and Roses
13 and High School for Environment Studies but... and they
14 had limited sports, but this school had none.
15 Students constantly asked me why don't we have sports
16 especially soccer since a lot of them are
17 international students. I had no answer to that but
18 as a former administrator I was well aware of the
19 Commissioner's regulations which and I do want to
20 make a correction, part 135.2 requires schools to
21 offer PE including athletics and recreation. I called
22 the PSAL to find out how to sign up I was told that
23 our school does not qualify. Now you have to
24 understand I'm from upstate, every school district in
25 up... every school district in this state on Long

1 COMMITTEE ON EDUCATION

2 Island has these programs, it is unconscious that
3 they don't have them at some level, every single one.
4 So, when I came here, I thought, and I was told not
5 to say this, but I really thought that I had dropped
6 myself in a time machine to Mobile, Alabama and I
7 mean that. I was told by this person, a person that
8 do you really think that transfer school students
9 deserve athletic programs, that's a quote. In 2014,
10 David Rosen came to Manhattan Comprehensive to offer
11 our school sports participation, an option, a sport...
12 an option to join the small schools athletic league.
13 I was thrilled, it was a highly functional league and
14 we enjoyed participation until the money promised by
15 Mayor De Blasio was, was not delivered shutting down
16 the league and that's another story because I, I
17 contacted the Chancellor and emphasized this must
18 continue at least my sport... my soccer program it
19 involved 300 kids, you cannot stop that in the middle
20 of a season and fortunately she said to the PSAL
21 continue it and we did however I was told you will
22 never get soccer. So, I went to the PSAL and I had a
23 conversation and they said well it's just a transfer
24 league and soccer is a... is a contact sport. I said
25 well you know what I'm not new to this rodeo so is

COMMITTEE ON EDUCATION

1
2 basketball and you've had it in the transfer league
3 for years so our democratic... demographics in New York
4 is changing, get used to it, soccer is huge. And so...
5 and I went off the script a little bit, I apologize.
6 After continued pressure the students, athletic
7 directors and coaches in the PSAL gave, gave in...
8 gave, gave in and, and developed their own small
9 athletic school league which included multiple
10 pathways league which we're in, I'm in. I became the
11 athletic director, coached girls' volleyball and
12 boys' volleyball, after four years of promises and
13 pleading with the PSAL to move our soccer program to
14 the spring, from spring to fall for scholarship
15 equity the league has failed to deliver on promises
16 of sport equity. My soccer boys all dark skinned are
17 some of the best, probably the top five according to
18 all of the referees in New York City, we have had
19 three or four full scholarships, yet we were given
20 the worst fields in New York City and on Randall's
21 Island. At one-point last year, we were playing on
22 the worst field next door the private schools were
23 practicing on one of the best. We had been kicked out
24 of competitions, finals because the time was up but
25

1 COMMITTEE ON EDUCATION

2 it wasn't, we were kicked out by the private school,
3 ten-year olds who needed to practice.

4 CHAIRPERSON TREYGER: If we could just
5 quickly wrap up because we have some follow up
6 questions for the panel, everybody, thank you for
7 your... [cross-talk]

8 MARK DORMAN: I do want to... [cross-talk]

9 CHAIRPERSON TREYGER: ...powerful... [cross-
10 talk]

11 MARK DORMAN: ...I... can I... can I please..
12 [cross-talk]

13 CHAIRPERSON TREYGER: Yeah... [cross-talk]

14 MARK DORMAN: ...finish this up, I will
15 finish up very... [cross-talk]

16 CHAIRPERSON TREYGER: Yes... [cross-talk]

17 MARK DORMAN: ...quickly... [cross-talk]

18 CHAIRPERSON TREYGER: Yes... [cross-talk]

19 MARK DORMAN: Facilities both indoors and
20 outdoors that should be available to public school
21 students are being up served and... by private schools,
22 clubs and other organ... outside organizations. When I...
23 when I inquired about getting fields permits and to
24 practice myself... for my soccer team one of the top
25 teams in the city I was told no permits are given to

1 COMMITTEE ON EDUCATION

2 practices for public schools only games. I did my
3 research, I then asked why the private schools K
4 through 12 are given permits to practice and play on
5 public facilities both state facilities and our city
6 facilities, the response they gave me they donate
7 large sums of money. I'm almost finished. You cannot
8 have sports teams without facilities and this is
9 important to develop our, our equity. 80 percent of
10 the available venues in New York City's public parks
11 are used by the private schools and the private
12 sector, more disturbing is that hundreds of our
13 middle and high school indoor facilities after six
14 o'clock are being sold to the... by the city to the
15 private sector further, furthering limiting the
16 opportunities for public school students to
17 participate in sports. The percentage of public
18 schools that have no soccer, baseball, basketball,
19 volleyball, softball and other sports is
20 astronomical. The reason for... reason for not having
21 available sports in the... in the public schools is
22 because private schools are using the majority of the
23 facilities and something has to change. The fact that
24 the private schools have greater financial resources
25 should not negate the equality of availability for

1 COMMITTEE ON EDUCATION

2 these kids. Our kids deserve better, we as a
3 community are here to serve the public, we are a
4 community that has a responsibility, we are a
5 community that must do better for our kids and
6 provide equity. This country is founded on that. The
7 responsibility of equity arrests on you, the elected
8 officials, thank you.

9 CHAIRPERSON TREYGER: Thank you very much
10 sir and I think my colleague Council Member King has
11 some questions.

12 COUNCIL MEMBER KING: I'm just going to
13 take 30 seconds, not just to say a question but I
14 want to thank David Rosen, I want to thank you again
15 for your energy and helping us spark this
16 conversation over a year ago but I want to say to the
17 DOE that's still here in just closing remark and to
18 the PSAL, come December 26th the PSAL will be 115
19 years old, first game played at Madison Square
20 Garden, what does that mean that none of us was
21 around when this was formulated but we have a
22 responsibility right now to knock out the kinks that
23 shows the inequity that was happening in the world of
24 sports, not only in the world of sports but in the
25 world because we're telling our black and brown

1 COMMITTEE ON EDUCATION

2 brothers and children... sisters that they're not
3 worthy of what the Caucasians have experienced over
4 the years to greater opportunities and through
5 education and through sports so we got to be better,
6 its your turn to shine right now, its your turn to
7 fix this, its your turn to deliver not to come up
8 with excuses why because you didn't create this
9 system but you're managing it now, are you prepared
10 to step up to the challenge and be the champions that
11 our young people need right now, that's my... that's my
12 task to you right now, throw the excuses out of the
13 way lets fix it and make the PSAL what it was
14 intended to be for all young people who want to get a
15 good education through sports. Thank you. Thank you,
16 Mr. Chair.

17 CHAIRPERSON TREYGER: I certainly share
18 the... a lot of the, the passion and the feelings for
19 my colleagues and, and again I'm, I'm speaking not
20 just as a Council Member or as a... as a politician I'm
21 speaking as a former teacher who is still deeply very
22 much invested in the success of students, you know
23 once a teacher always a teacher and I speak from
24 firsthand experience the impact that these programs
25 had on my student's instruction. Some of them did not

1 COMMITTEE ON EDUCATION

2 have mentor figures during the course of their lives
3 and their coaches and their assistant coaches and
4 parent volunteers would check in with me about their
5 attendance, about their scores, are they ready for
6 the regents, are they ready for... I mean it was
7 incredible, the, the support system it created beyond
8 the field and so in my mind I'm thinking about yes,
9 the actual sport itself which is really important and
10 there's so many skills that come with it but all the
11 wrap around that comes with being a part of a... of a...
12 of a community that is so... and the coaches were
13 incredible, their relationship, they reached... we, we
14 hear the term government credible messenger sometimes
15 a principal might not be able or a teacher to connect
16 with the kid like a coach can and that's... I've seen
17 that and, and so... and many of these coaches go above
18 and beyond even if they're even paid or what they're
19 being paid so I... so I'm going to recognize it on the
20 record and I, I certainly believe that public
21 facilities should be first preserved for our public
22 school students and community, that is... that is
23 something I've seen in other areas besides sports
24 programs that there are certain schools that their
25 spaces are reserved for other things other than for

1 COMMITTEE ON EDUCATION

2 the students at night and... so, I've, I've heard that
3 even in my district and that's something that I will
4 certainly follow up on as well so I, I, I really
5 thank you for your... for your powerful testimony and
6 there's no more other questions this panel is
7 dismissed, thank you very much.

8 DAVID GARCIA-ROSEN: Thank you.

9 [applause]

10 CHAIRPERSON TREYGER: And the final panel
11 we have here is Ben Gologor, Greg Mihailovich,
12 Nicoletta Nerangis, and Michael Davoli.

13 GREG MIHAILOVICH: Okay, thank you Chair
14 Treyger and the Education Committee. My name is Greg
15 Mihailovich, I'm the New York City Community Advocacy
16 Director for the American Heart Association and also
17 a former PSAL athlete. The American Heart Association
18 is the nation's oldest and largest voluntary
19 organization dedicated to fighting heart disease and
20 stroke, 88 percent of the... of which the diagnosis are
21 preventable which is why we prioritize policies that
22 promote child health. And the American Heart
23 Association applauds the significant efforts that the
24 New York City Council and Mayor De Blasio has made
25 over the past couple of years; PE Works, Universal PE

1 COMMITTEE ON EDUCATION

2 and the significant progress we've seen over the past
3 couple of years with making sure every child has PE
4 but as you said Chair Treyger we still have a ways to
5 go. One of the things that we're happy about is how
6 we can accurately track the progress and identify the
7 chronic areas of needs because of Local Law 102 and
8 this law has dramatically improved the transparency
9 from where it was, obviously again still work to do
10 but as helpful as the law has been, we definitely
11 feel it can still be better. The Phys Ed for All
12 coalition which the American Heart Association is a,
13 a member we have a wish list of school, school level
14 metrics that we would like to see as part of Local
15 Law 102, I have it in detail in the written testimony
16 I'm not going to go into it but it touches on the
17 quantity, the curriculum, student assessment,
18 equipment and facilities, substitution waivers some
19 of which are addressed in the... by the amendments that
20 you... we're, we're talking about today and we're
21 thankful for that and your ongoing commitment to, to
22 child health but you know we all want the same thing
23 here and to use a sport analogy let's swing for the
24 fences like we're here and we're talking about Local
25 Law 102 let's make it as best as we possibly can and

1 COMMITTEE ON EDUCATION

2 get all this data that we want so that our kids are
3 definitely getting the PE that we need. And I mean
4 preaching to the choir here we all know that PE helps
5 improve cognition, bone health, fitness, heart
6 health, it reduces depression, I mean this is
7 something we all want for our kids. So, you know
8 we're here, we're talking about let's, let's make
9 Local Law 102 the best we possibly can. Additionally,
10 in the current state, I mean you've seen it the Local
11 Law 102 the data comes out on these really dense
12 spreadsheets which is kind of intimidating for
13 someone who doesn't do a lot of data analysis. The
14 American Heart Association we actually created an
15 infographic based on previous years, Local Law 102
16 data and we use it as a... as a tool talking to parents
17 and it really resonates with parents and advocates
18 when they can actually see the difference. So, one of
19 the things that we advocate for is having this data
20 be more accessible and be distributed to the schools
21 in local languages so that parents and advocates,
22 student advocates they can actually see where
23 they've... where they were, where they've been and how
24 much further they have to go. So, we definitely want
25 to do... want... would like to do that and we've attached

1 COMMITTEE ON EDUCATION

2 that. Additionally, we also applaud the.. applaud the
3 effort of the Council and DOE to make sure kids have
4 equitable access to after school activities. We
5 recommend that children ages six to 17 should get at
6 least 60 minutes per day of moderate to vigorous
7 intensity physical activity so the required PE
8 minutes of 90 minutes to 120 minutes a week doesn't
9 quite get there so this helps bridge the gap of
10 making sure they get the, the activity and these same
11 neighborhoods that are lacking.. the school lacking,
12 the schools are also usually the ones that have the
13 highest incidents of diabetes type.. you know a type
14 II diabetes obesity so it really does help a lot of
15 these things so thank you for your time.

16 NICOLETTA NERANGIS: Thank you for giving
17 me the opportunity to speak today. I'm Nicolleta
18 Nerangis, I'm the Founder and Executive Director of
19 Run4Fun, a non-profit organization that promotes
20 holistic wellness in youth mentally, physically,
21 socially, and educationally. I'm also part of the
22 PE4All Coalition as well as the President of Brooklyn
23 Chapter of Achilles, which is for disabled athletes
24 including children. I'm here today as a voice for my
25 youth. I myself was.. the power of sports saved my

COMMITTEE ON EDUCATION

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2 life from depression and anxiety. When my son was
3 born and he was about seven years old, he loved to
4 play and run nonstop just like so many of our kids
5 and... but feared competition in sport and I said to
6 him on a run one day, honey why don't you join a
7 track team, he said ma no but I'll do it if you lead
8 it so that, that was an ah ha moment, that moment I
9 said you know that's not a bad idea so I took him and
10 about six of his friends up to the park, in Prospect
11 Park, Brooklyn and started running games and taking
12 them to races all over the city. That started
13 something that I had no idea would grow into serving
14 over 2,000 youth in New York City today. We... and many
15 of... what I've found is in our youth many of them had
16 the same anxiety, have the same struggles with
17 depression, have a lot of stress at school. I had one
18 particular youth that couldn't go to school, he had
19 stomach aches because he couldn't make friends on the
20 recess playground, he didn't know what to do after
21 school, he didn't have friends, he didn't make them
22 well, his mom had to pick him up from school at
23 lunchtime because he couldn't make it through the
24 day. Then I started recess at that school and then
25 Run4Fun after school and we ran on Wednesdays, he

1 COMMITTEE ON EDUCATION

2 couldn't get to school on Tuesday but Wednesday he
3 knew he could get to school because he was going to
4 run after school and then the following week he got
5 to school on Tuesday because he knew he was going to
6 run on Wednesday and he made friends running in, in
7 sports and he's had those same friends at school and
8 could go to school in the morning and his academics
9 improved and he could sit in class, he was then
10 diagnosed with ADHD and learning difficulties and
11 sport has given him his life, saved his life just
12 like so many. One day I got a call from a beautiful
13 woman from East Flatbush, from a middle school for
14 art and philosophy, parent coordinator there, she
15 said the past parent coordinator left and took the
16 roadrunners programs away and we don't have them
17 anymore and my kids are begging to run every day and
18 I said well do you have funding, she said no, I said
19 don't worry we're going to find it, we have to find
20 it. So, I started a go fund me and brought Run4Fun to
21 her school that spring then at the end of the spring
22 I didn't have any more money, she said well are you
23 going to come back in the fall, I said I don't know
24 I, I'll, I'll... I'm going to try, I'm going to try my
25 best, I found a Nike grant that summer and applied

COMMITTEE ON EDUCATION

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2 for that grant. We got the grant to go back for the
3 year and then... and the kids... she said the kids were,
4 were going to school, they went to school because of
5 sport, they loved running, we took them out to track
6 meets and they were able to, to have their behavior
7 improved, the principal reported their academics were
8 better, their attendance was better, it was saving
9 lives, it does save lives. We are also in a school
10 that does not have a PSAL team, a high school and
11 they called me and said can you bring Run4Fun, PSAL...
12 PSAL continues to reject our asks for track and cross
13 country team so we're at that high school but there..
14 the opportunities that the PSAL gives them for
15 college scholarships, the road for opportunities for
16 the rest of their lives that they will not have
17 because they do not have PSAL. They have Run4Fun and
18 we're so happy to be there, but they need PSAL, they
19 need it, need it desperately. This is what we're
20 doing, this is what I wake up every day... every day
21 and this is my life work, is to save our youth and
22 sport has the power to save lives, has the power to
23 literally prevent suicide, to, to promote self-
24 esteem, to prevent child obesity and diabetes, power
25 of sport is real and every day I wake and I'm trying

1 COMMITTEE ON EDUCATION

2 to fill these gaps with tirelessly applying for
3 grants and funding and I should not have to be
4 filling gaps. Thank you very much.

5 CHAIRPERSON TREYGER: Thank you for your...
6 for your powerful testimony and for your advocacy,
7 thank you very much.

8 NICOLETTA NERANGIS: Thank you.

9 BEN GOLOGOR: Thank you Chairman Treyger
10 and the Education Committee for holding today's
11 important hearing. My name is Ben Gologor, I'm here
12 today representing Asphalt Green, it's a sports and
13 fitness nonprofit organization operating youth
14 programs throughout New York City. This year, our
15 organization is providing programs and trainings in
16 partnership with 150 public and charter schools in
17 some of New York's most underserved neighborhoods. In
18 addition to keeping over 30,000 kids active at recess
19 and teaching 3,500 kids to swim during the school
20 day, we also run a community sports leagues program
21 which gives 750 middle school youth in Harlem the
22 chance to represent their school in interscholastic
23 competition. Through this program we have seen how
24 after school sports can strengthen school
25 communities, prepare students for high school

1 COMMITTEE ON EDUCATION

2 athletics, and help children develop confidence and
3 social skills. Over the last several years we have
4 had the opportunity to work closely with the
5 Department of Education's Office of School Wellness
6 Programs. We have taken part in the district...
7 Office's District Advisory Council and have
8 collaborated to train elementary school staff on how
9 to run active and inclusive recess periods. While
10 there's still a lot of work to be done, we commend
11 the DOE's efforts around improving and increasing
12 physical education and physical activity during the
13 school day. We believe Chairman Treyger's bill will
14 further help serve to further support these efforts
15 and similar efforts in the areas of adaptive physical
16 education and after school ports... parts for students
17 throughout New York... throughout New York City. For
18 many years, Asphalt Green has provided adaptive Phys
19 ed for two specialized schools serving children with
20 autism and general learning disabilities. We believe
21 the Department of Education has prioritized the
22 importance of expanding and improving options for
23 adaptive Phys ed and is working towards creating more
24 opportunities for CBOs and other service providers to
25 collaborate on making an impact in this area. Council

1 COMMITTEE ON EDUCATION

2 Member Rosenthal's bill would help all stakeholders
3 better understand where more support is needed and
4 where successful adaptive programs are running. This
5 will help raise the bar for adaptive Phys ed and
6 ensure every child develops the physical literacy
7 needed to be healthy and active. We would also like to
8 voice our support for Council Member Reynoso's bill
9 to require increased report on... reporting on after
10 school athletic funding. After school athletics are a
11 crucial part of the safety net for children and
12 families. With such a wide variety of agencies and
13 CBOs acting as service providers during the after-
14 school hours, more detailed accounting of the needs
15 and resources of specific schools will help to guide
16 how all of these organizations deliver services in
17 the most equitable, coordinated and effective way. We
18 look forward to continuing our work in the years to
19 come and developing deeper partnerships with the
20 Department of Education, the City Council and other
21 stakeholders to ensure all children in New York City
22 can lead active and healthy lives. Thank you very
23 much.

24 CHAIRPERSON TREYGER: Thank you as well
25 for your powerful words and advocacy and I just had

1 COMMITTEE ON EDUCATION

2 one quick follow up question with regards to.. you
3 mentioned before about the state mandates, the
4 minutes are not even sufficient enough to meet the
5 standards from the American... the Heart Association,
6 that's something that obviously would.. is not a state
7 panel but what is... what is actually the recommended
8 time, I don't know if you have that with you or
9 whether... I'd like to kind of get information and I'm
10 sure it varies for different grade level but is there
11 a certain recommended time..

12 GREG MIHAILOVICH: Yeah, I mean this is
13 based on the, the latest US Department of Health and
14 Human Services, the physical activity guidelines, 2nd
15 edition that just came out but children ages six to
16 17 should get, you know at least 60 minutes and kids
17 younger than that should just.. they, they recommend
18 just being active moving around, there aren't like
19 specific minutes but the idea is you get them moving
20 as much during the day. We have a... obviously a lot
21 more detail to that we can get that to your office if
22 that's helpful..

23 CHAIRPERSON TREYGER: And you're saying
24 that this information was recently updated, how
25 recent?

1 COMMITTEE ON EDUCATION

2 GREG MIHAILOVICH: Two, two months, I
3 mean we just... we adopted this, I mean I'll have to
4 see... [cross-talk]

5 CHAIRPERSON TREYGER: Around... [cross-
6 talk]

7 GREG MIHAILOVICH: ...when the, the
8 Department of Health and Human Services but our
9 standards we adopted it...

10 CHAIRPERSON TREYGER: US Department...

11 GREG MIHAILOVICH: Yeah, yeah, US
12 Department of Health and Human Services.

13 CHAIRPERSON TREYGER: Interesting because
14 the regulations that I... that I keep referencing
15 during the course of the hearing from the state...
16 [cross-talk]

17 GREG MIHAILOVICH: Yep... [cross-talk]

18 CHAIRPERSON TREYGER: ...and it doesn't
19 appear that they've been really updated since like
20 the early 80's so... [cross-talk]

21 GREG MIHAILOVICH: That doesn't surprise
22 me... [cross-talk]

23 CHAIRPERSON TREYGER: When, when I was
24 born so we, we have a lot of work to do I think at
25 the state level... [cross-talk]

1 COMMITTEE ON EDUCATION

2 GREG MIHAILOVICH: Uh-huh... [cross-talk]

3 CHAIRPERSON TREYGER: ...and at the city...

4 the city level as well and, and I'll just close by,

5 by sharing that in the school that I taught I'm sure

6 many of you or some of you might have heard or seen

7 the, the, the famous Broadway play Hamilton one of...

8 one of the students that I had the pleasure of

9 working with he was never in my class but I would,

10 would volunteer in the school and he was very active

11 in, in school, it was Anthony Ramos who was a... was

12 one of the stars of, of Hamilton and he shared his

13 story about the impact of the baseball team that he

14 was a member of in the school and he developed these

15 social networks from the team to... he joined the, the

16 theatre program which I'm very happy he did and

17 we're... I think the whole world is happy he did as

18 well but it was the bond and the networks and the

19 relationships he built from the sports team and from

20 the after school programs that really catapulted him

21 and of course the amazing teachers along the way

22 that, that he met, I wish... our, our educators but

23 that's the impact and, and so we're fighting, every

24 student should be given that opportunity that Anthony

25 Ramos was provided in my school and we're not going

COMMITTEE ON EDUCATION

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to stop until that is done. Thank you very much, I
appreciate it and with that this hearing is
adjourned.

[gavel]

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

January 4, 2019