



Legislation Details (With Text)

**File #:** Int 0550-2005 **Version:** A **Name:** Requiring the NYC Dep't of Education to report on the number of temporary and non-standard classrooms in use in the public school system.

**Type:** Introduction **Status:** Enacted  
**In control:** Committee on Education

**On agenda:** 2/2/2005

**Enactment date:** 12/29/2005 **Enactment #:** 2005/122

**Title:** A Local Law to amend the New York city charter, in relation to requiring the New York city department of education to report on the number of temporary and non-standard classrooms in use in the public school system.

**Sponsors:** Miguel Martinez, Eva S. Moskowitz, Charles Barron, Gale A. Brewer, Leroy G. Comrie, Jr., Erik Martin Dilan, Lewis A. Fidler, James F. Gennaro, Vincent J. Gentile, Alan J. Gerson, Sara M. Gonzalez, Allan W. Jennings, Jr., G. Oliver Koppell, John C. Liu, Hiram Monserrate, Michael C. Nelson, Annabel Palma, Christine C. Quinn, Domenic M. Recchia, Jr., James Sanders, Jr., Kendall Stewart, David I. Weprin, Bill De Blasio, Robert Jackson, Larry B. Seabrook, Joseph P. Addabbo, Jr., Betsy Gotbaum

**Indexes:**

**Attachments:** 1. Committee Report 6/15/05, 2. Witness List 6/15/05, 3. Class Size & Buildng Use - Handout 6/15/05, 4. Hearing Transcript 6/15/05, 5. Committee Report 10/31/05, 6. Hearing Transcript 10/31/05, 7. Committee Report 11/10/05, 8. Hearing Transcript 11/10/05, 9. Information Request Responses 11/10/05, 10. Information Request - Attachment 1 - 11/10/05, 11. Information Request - Attachment 3 - 11/10/05, 12. Committee Report 11/29/05, 13. Hearing Transcript 11/29/05, 14. Fiscal Impact Statement, 15. Fiscal Impact Statement - A (12/21/05), 16. Information Request - Attachment 2 - 11/10/05, 17. Hearing Transcript - Stated Meeting 11/30/05, 18. Hearing Transcript - Stated Meeting 12/8/05, 19. Hearing Transcript - Stated Meeting 12/21/05, 20. Local Law

| Date       | Ver. | Action By              | Action                      | Result |
|------------|------|------------------------|-----------------------------|--------|
| 2/2/2005   | *    | City Council           | Introduced by Council       |        |
| 2/2/2005   | *    | City Council           | Referred to Comm by Council |        |
| 6/15/2005  | *    | Committee on Education | Hearing Held by Committee   |        |
| 6/15/2005  | *    | Committee on Education | Laid Over by Committee      |        |
| 10/31/2005 | *    | Committee on Education | Hearing Held by Committee   |        |
| 10/31/2005 | *    | Committee on Education | Laid Over by Committee      |        |
| 11/10/2005 | *    | Committee on Education | Hearing Held by Committee   |        |
| 11/10/2005 | *    | Committee on Education | Laid Over by Committee      |        |
| 11/29/2005 | *    | Committee on Education | Hearing Held by Committee   |        |
| 11/29/2005 | *    | Committee on Education | Amendment Proposed by Comm  |        |
| 11/29/2005 | *    | Committee on Education | Amended by Committee        |        |
| 11/29/2005 | A    | Committee on Education | Approved by Committee       | Pass   |
| 11/30/2005 | A    | City Council           | Laid Over by Council        |        |
| 12/8/2005  | A    | City Council           | Laid Over by Council        |        |
| 12/21/2005 | A    | City Council           | Approved by Council         | Pass   |

|            |   |              |                              |
|------------|---|--------------|------------------------------|
| 12/21/2005 | A | City Council | Sent to Mayor by Council     |
| 12/29/2005 | A | Mayor        | Hearing Held by Mayor        |
| 12/29/2005 | A | Mayor        | Signed Into Law by Mayor     |
| 12/30/2005 | A | City Council | Recved from Mayor by Council |

Int. No. 550-A

By Council Members Martinez, Moskowitz, Barron, Brewer, Comrie, Dilan, Fidler, Gennaro, Gentile, Gerson, Gonzalez, Jennings, Koppell, Liu, Monserrate, Nelson, Palma, Quinn, Recchia Jr., Sanders Jr., Stewart, Weprin, deBlasio, Jackson and The Public Advocate (Ms. Gotbaum)

A Local Law to amend the New York city charter, in relation to requiring the New York city department of education to report on the number of temporary and non-standard classrooms in use in the public school system.

Be it enacted by the Council as follows:

Section 1. Legislative findings. New York City public schools have been overcrowded for decades. As a result, at hundreds of schools across the City, the Department of Education has installed “temporary classrooms” or “transportable classroom units.” These are semi-permanent, modular buildings designed to provide classroom space cheaply and quickly. Unfortunately, many of these temporary classrooms have become permanent fixtures in their schoolyards. The Department has insufficient funds to replace them with proper school buildings, and, therefore, many of these structures have remained in use for decades.

These temporary classrooms are undesirable for many reasons. They are often poorly heated, ventilated and lit. They isolate children from their school communities and take up space that is needed for playgrounds and athletic facilities.

In addition to installing temporary classrooms, the Department, in response to overcrowding, has converted non-classroom space within existing school buildings to classroom use. As a result, many students attend class in converted offices, bathrooms, basements, and other spaces that were not designed to be classrooms. These spaces often lack sufficient natural light, and are laid out in a manner that is far from ideal. Some of these spaces likely do not meet minimal standards for appropriate classroom design. Furthermore, in the most overcrowded schools, the elimination of libraries, laboratories, art rooms, auditoriums and other spaces in order to provide classroom space deprives children of fundamental, important aspects of their education.

Although the Department of Education has for years promised to eliminate the use of temporary and non-standard classrooms, it has been slow to do so. The public is not aware of the scope of these problems, as parents are generally only familiar with their children’s schools. Therefore, public pressure to improve these substandard classrooms has not reflected the level of public dissatisfaction with such facilities. The Council finds that the Department’s efforts to eliminate temporary and non-standard classrooms would be aided by the annual public disclosure of the number of such classrooms.

§ 2. Section 522 of the New York city charter is amended to read as follows:

§ 522. Reports of the [board] department a. The [board] department of education shall on or before the thirtieth day

of November in each year make and transmit to the mayor a report in writing, for the year ending on the thirty-first day of July next preceding, stating the whole number of schools under its jurisdiction during the said year; the number of teachers; the total number of pupils on register, and the average attendance at each school; the number of high schools and training schools for teachers, with the number of teachers and the attendance of pupils at each; the corporate schools or societies from which reports have been made to the [board] department of education, the length of time such schools have been kept open, and the number of teachers and of pupils taught in each such school and the total amount of money expended for the purposes of public education in the city during the preceding fiscal year. The [board] department of education shall also make in said reports such suggestions and recommendations relative to the public schools of the city as it may deem proper.

b. Temporary and non-standard classroom reporting. The department of education shall report to the council annually, on or before October fifteenth of each year, the number of non-standard classrooms within the public school system. Such report shall provide the number of non-standard classrooms, disaggregated by: school; zip code; school district; instructional region; community district; council district; and borough, and for each non-standard classroom, the number of children who attend classes in each such non-standard classroom. For purposes of this section, the term “non-standard classrooms” shall mean any of the following spaces that are used for subject-matter instruction where students are intended to be seated at desks: a transportable classroom unit; a classroom located in a structure that was not built or renovated with the intention that such structure be a permanent educational facility; a classroom located in a multi-purpose room, also called a cluster room, and not used for the specialized instructional, administrative or other purposes for which such room was designed or intended; a classroom located in a space that was not designed for classroom use when built or when last fully renovated; and a classroom the use of which violates any New York city or state law pertaining to classroom design, location or amenity or the type of interior space that may lawfully be used as classroom space.

§ 3. If any subsection, sentence, clause, phrase or other portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of the local law that added this section, which remaining portions shall remain in full force and effect.

§ 4. This local law shall take effect immediately after its enactment into law.

MHG  
LS # 2030  
October 28, 2005