



**Testimony of the New York City School Construction Authority
and the New York City Department of Education
Jointly before the New York City Council Committees on Education, Finance,
and Land Use**

April 18, 2018

Lorraine Grillo, President and Chief Executive Officer, New York City School Construction Authority

Introduction and Overview

Good morning Chairs Treyger, Dromm, and Salamanca, and Members of the Education, Finance, and Land Use Committees. My name is Lorraine Grillo and I am President and Chief Executive Officer of the New York City School Construction Authority (SCA). I am joined by Elizabeth Rose, Deputy Chancellor for the Division of Operations at the New York City Department of Education (DOE). We are pleased to be here today to discuss our work to address overcrowding and successfully plan new school capacity and the proposed legislation.

Our mission is to design and construct safe, attractive, and environmentally sound public schools for children throughout New York City as well as modernize existing school facilities. The SCA was established in December 1988 to build new public schools and manage the design, construction and renovation of capital projects in New York City's more than 1,400 public school buildings, nearly half of which are over 60 years old. Following changes in school governance law in October 2002, management of the DOE's Capital Program was consolidated under one agency, the SCA, and functions that were once divided between different organizations were integrated.

To put this plainly, the consolidation and comprehensive approach to planning, siting, and construction has led to a dramatic reduction in overall durations for capacity projects, resulting in a shorter timeframe for the completion of new schools. On average, the SCA can deliver a new ground-up school in three-to-four years, depending on size.

An important part of our success is the partnership we have with the City Council. With your support, we are more successful in pursuing new sites. With your generous funding, we are able to do more to modernize existing schools. We value our partnership and believe that collaboration is the best way to achieve success for our students. We thank the City Council for its work on the recently released *Planning to Learn* report and believe there are a number of recommendations that we can collectively work together on for the betterment of all our students.



Capital Plan Development

Our comprehensive planning process includes developing and analyzing quality data, creating and updating the Five-Year Capital Plan, and monitoring projects through completion. We have sought out opportunities to strengthen and refine our planning strategies—including the introduction of an annual amendment process and the identification of need at the sub-district level. We look forward to continuing the conversation on ways to better refine and enhance our process.

In order to support our Capital Plan development, we undertake an annual review of our capacity need analysis, which includes updating our enrollment projections. For this work, we solicit professional services from Statistical Forecasting LLC, a reputable demographic firm. These projections incorporate data on birth, immigration, and migration rates from various City agencies. Additional agencies provide statistics on housing starts and rezoning efforts—whether City-led or through private applications. These enrollment projections, which are performed on a district and sub-district level, help inform our need for new capacity projects.

When compared to actual enrollment, our projections consistently take an aggressive stance towards growth. Over the years, our estimates have been between one and two percent over actual enrollment figures citywide.

Using a broad range of sources provides a complete view of potential student demand, and the annual updates allow us to make timely adjustments when there is a sustained increase in student population in one part of the City or a decline in student population in another. This also ensures that our projections accurately represent all of New York City and its nuances.

Coupled with the work of our enrollment projections is a look at our existing portfolio and the capacity we will be bringing online. For this work, we employ the latest data from the report on Capacity, Enrollment and Utilization, commonly known as “The Blue Book.” As you may know, we exclude the capacity of all mini buildings and Transportable Classroom Units, or TCUs, from existing capacity calculations.

Public feedback plays a crucial role in our capital planning process. Each year, we undertake a public review process with Community Education Councils (CECs), the City Council and other elected officials, and community groups. We offer every CEC in the City the opportunity to conduct a public hearing on the Plan and we partner with individual Council Members and CECs to identify local needs. Your insights during this process are essential, and we look forward to our continued partnership.

It should be noted that the capacity program makes up almost 40 percent of our overall capital budget. The rest of the funding in the Five-Year Capital Plan is allocated to the Capital Investment Program (CIP) and the Mandated Program categories to cover infrastructure work in our existing buildings.



Siting of New Capacity

Over the past two years, the City added over \$1 billion to the Five-Year Capital Plan to build additional new seats in the most overcrowded and fastest-growing neighborhoods. This brings the total number of new seats in the current Capital Plan to over 44,000, and total funding to the highest-ever level of approximately \$16.5 billion. Since 2004, the SCA will have opened over 145,000 new school seats across the five boroughs by the start of the new school year.

We know that our ability to site and construct new schools is critical to our success. We thank Mayor de Blasio for his commitment to fully fund the current identified additional seat need in the next Plan, and the Office of Management and Budget (OMB) for working with us to begin this process now. The next Five-Year Capital Plan will continue on the track of success we have had in our previous Plans. In FY2005–2009, the SCA sited nearly 90 percent of the funded seats at the conclusion of the Plan. We continued making progress towards our goals in FY2010–2014, where we sited nearly 80 percent of our funded seats and, like this current Capital Plan, we saw a funding increase mid-cycle. As of the February Amendment, we have sited 31,807 seats and are working on additional new projects that would bring us to nearly 40,000 seats.

The need for new schools is almost always linked to thriving and booming neighborhoods where vacant and unused space is uncommon, and here we face the tremendous challenge of finding sites that are large enough and suitable for building new schools.

The SCA employs independent, professional real estate brokers in each borough who are tasked with investigating listings and pursuing all opportunities for new school seats. SCA Real Estate Services staff works with our brokers in actively and constantly looking for properties throughout the five boroughs, in areas of funded need, to purchase or lease. The brokerage firms that currently have a contract with the SCA are as follows:

- Cornerstone Group Real Estate Services: Brooklyn and Staten Island
- Newmark Knight Frank: Manhattan
- Cushman & Wakefield: Bronx
- Savills Studley: Queens

In our discussions with various stakeholders, we have talked about the challenges in siting new schools and what we look for typically. These considerations, which are worth repeating here today, can be driving factors in whether a site moves forward or not. The SCA looks for sites that are at least 20,000 square feet for a new elementary school but will consider smaller lots in areas of significant need, but they must be at least 12,000 square feet. The location and context of a site is also evaluated to ensure the appropriateness. Considerations are made for factors that may include traffic conditions and adjacent uses that are not compatible with a school. Lastly, the SCA conducts extensive environmental review on each and every new property being considered. There may be times where environmental challenges are deemed sufficient enough to remove a site from consideration.



While finding new sites can be challenging, we approach siting in a comprehensive way that allows us to take advantage of unique situations. Over the years, we have developed a deep relationship with both the Archdiocese of New York and the Diocese of Brooklyn and Queens. With our shared mission of education, we've been able to transform former parochial school buildings into new homes for New York City's public school children. Over the last 14 years, this has led to nearly 15,000 seats.

Additionally, we have forged new partnerships over the past decade by working with developers on large-scale projects in areas of existing or projected overcrowding. These partnerships allow the SCA to provide new school facilities in areas of need, with the developer providing dedicated land or space within the project. Over 5,000 seats within developer projects projected to begin during this current Five-Year Capital Plan are funded for design or design and construction including: Hudson Square Rezoning, Trinity Place Holdings, and Hudson Yards in Manhattan; Crotona Park East/West Farms Rezoning in the Bronx; Atlantic Yards, Albee Square, Greenpoint Landing, and Domino Redevelopment in Brooklyn; and Halletts Point Rezoning in Queens. Many of these projects are actively in design.

Working with the Department of City Planning, the City Council, and developers, we have been able to take advantage of both City-owned and private property to secure sites for future schools. Our engagement during both City-initiated neighborhood rezonings as well as developer projects have proven to be helpful in securing new school siting opportunities, such as Parcels C and F in Long Island City in Queens and the Jerome neighborhood in the Bronx.

We know our strategies have to be flexible in order to address the unique challenges of neighborhoods and we know that eminent domain has a role to play. We have and will continue to use this resource appropriately and judiciously. In Sunset Park, we have been successful in keeping negotiations moving forward with the force of eminent domain most recently with the former C-Town site at 4525 8th Avenue and a parcel of land making up the former Police Precinct site at 4302 4th Avenue. In these two cases, the SCA went so far as holding Article 2 hearings. In School District 20, through the use of eminent domain we have acquired a property at 59th Street and Third Avenue that will be home to a new 976-seat school. In Queens, we have exercised our right to threaten eminent domain most recently at Q419, the future home of a new 646-seat intermediate school.

We are more successful in pursuing new sites with your support. Take, for example, Chair Treyger, who suggested an existing school for an addition. This new addition at P.S. 97 will add 468 needed seats. Working with Council Members Koslowitz and Grodenchik, we were able to successfully identify two new addition or annex sites in each of their districts, which will bring over 1,600 new seats. While these are great examples of our collaboration and partnership, we have seen too many good sites that don't become home to schools because the support is not there. We need everyone's help in ensuring these good sites become schools.



Other Strategies to Address Overcrowding

Currently, over half of our overcrowded buildings are located in areas where we have funded new capacity in the FY 2015–2019 Capital Plan. New capacity is an important tool to tackling areas of overcrowding; however, resource constraints mean we cannot depend solely upon new capacity to address overcrowding.

Cross-departmental meetings happen regularly between the DOE's Office of Space Planning (OSP), the SCA, DOE's Offices of District Planning, Student Enrollment, and the Division of School Facilities, and Superintendents to evaluate seat need and consider strategies to relieve overcrowding. DOE's strategies to alleviate and address overcrowding include grade expansion, grade truncation, rezoning of elementary and middle school catchment areas, and conversion of inefficient spaces in existing school facilities. In an effort to build on this work, the Office of Space Planning is implementing a system to better track overutilization, and monitor the strategies we are using to alleviate overcrowding.

We know that non-capital interventions have a positive impact on overutilization. Working with Community Education Councils (CECs), which have the authority to approve zoning lines, and other community stakeholders, DOE has worked to reduce overcrowding by rezoning the catchment areas of elementary and middle schools. Since the 2010–2011 school year, 244 elementary schools and 30 middle schools have been rezoned. For the elementary schools where the goal was to reduce incoming kindergarten enrollment to alleviate overcrowding, 94 percent were successful. Because rezoning only impacts the incoming grade level each year, the full impact of a rezoning is felt after six years for elementary schools and after three years for middle schools.

DOE also uses existing underutilized space to alleviate overcrowding by re-siting existing schools, by opening new schools and programs to attract students from over-utilized buildings, or by creating additional capacity for different grade levels.

CONCLUSION

With respect to the proposed legislation, we support the City Council's goal for increased efforts across City agencies to address the challenges of finding and securing adequate sites for future school locations. We look forward to working with the City Council to ensure that any reporting requirements align with the information and data we currently capture and are available in our systems.

We have made great progress in our efforts to reduce overcrowding citywide, yet there remain pockets of overcrowding in our system. We know we have more work to do, and will continue to target these areas to reduce overutilization.



The support of our partners in the City Council is paramount to this success. Whether it is through your generous funding or through your support for our new school sites, all of our students benefit. We plan to continue that tradition of partnership and look forward to working with all of you towards our shared goals.

Thank you again for allowing me to testify today and we would be happy to answer any questions you may have.



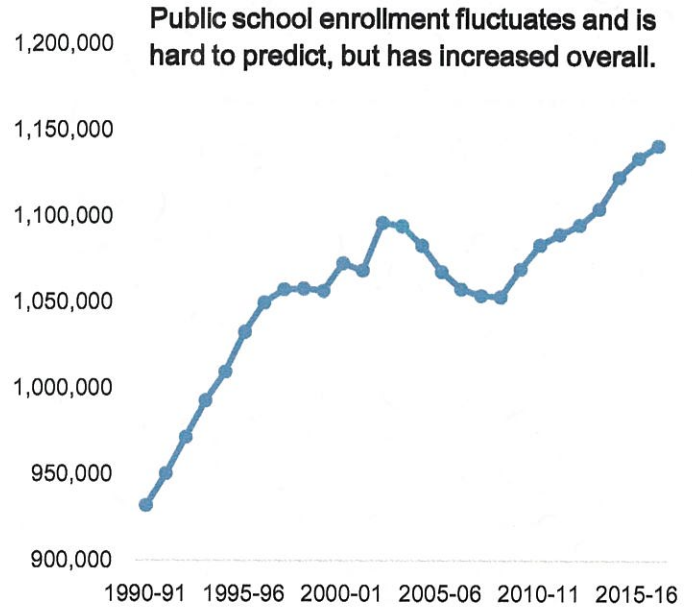
Planning to Learn: The School Building Challenge

For too long City students have attended schools that are overcrowded. The greatest city in the world deserves educational facilities to match. While the City has made significant new investments in public schools, there is more to do.

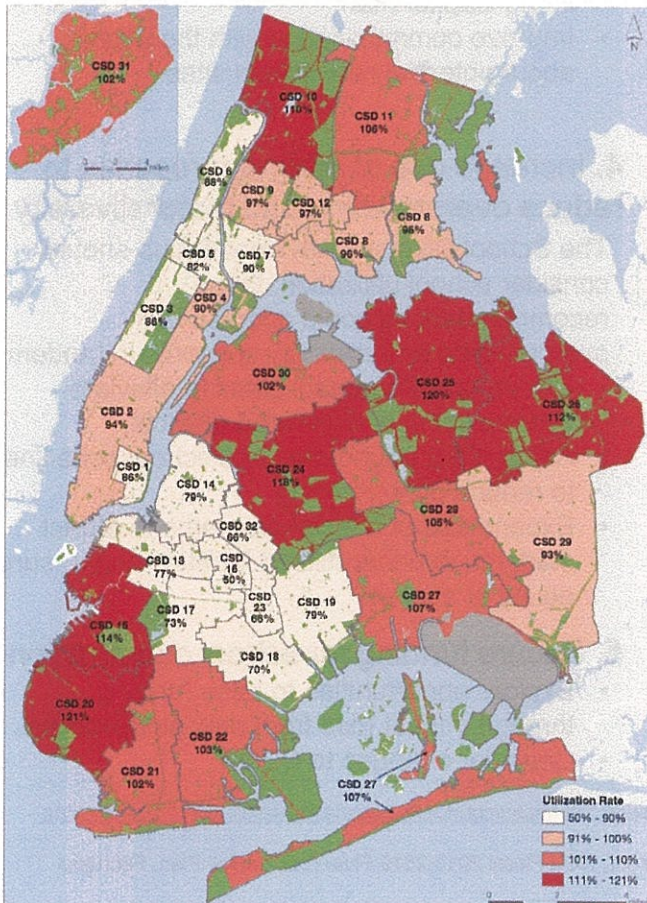
Process. The City Council formed a School Planning and Siting Working Group in February 2017 to explore strategies to improve the school planning, siting, and building process. The Working Group met with education advocates; representatives of the School Construction Authority and the Department of Education; real estate experts, architects, and other professionals; and solicited input from the public.

Why now? Though overcrowding in NYC schools is long-standing, there are new and growing challenges for school planning and siting:

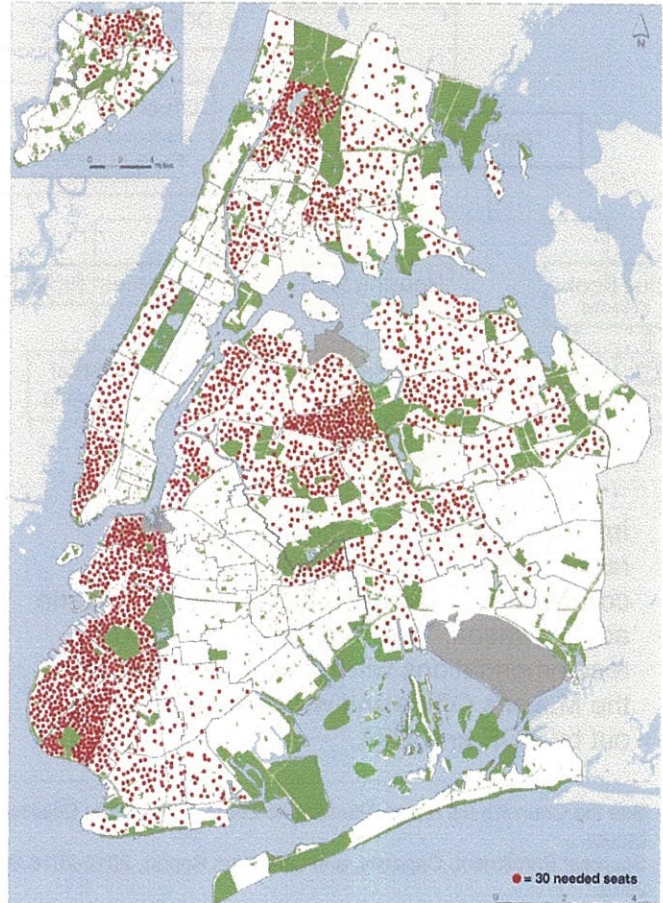
- Universal Pre-Kindergarten (UPK);
- 3-K for All;
- improving graduation rates/declining dropout rates;
- increasing participating rates (portion of school-age children choosing public school);
- increasing charter school enrollment; and
- population growth.



K-8 Utilization by School District, SY 2015-16



K-8 Identified Seat Need by Subdistrict



Recommendations

1. Make it easier and faster to build schools

- Pilot an RFP process for finding sites for new school construction.
- Advocate for SCA to receive Design-Build authorization from NYS.
- Expand use of eminent domain, particularly in high-need districts.
- Convene a school design working group to consider school design flexibility.
- Establish zoning incentives to encourage school construction in high-need districts.
- Continue to use the Education Construction Fund (ECF) model where appropriate.
- Lease school buildings in large-scale affordable housing projects.
- Improve coordination of City space to help SCA find school sites.
- Support or build consensus for proposed school facilities.

2. Accurately describe the problem

Improve the integrity of the identified seat need formula.

- Include confidence intervals in enrollment projections.
- Implement Blue Book Working Group recommendations that have not yet been implemented, particularly regarding class size.
- Develop a housing projection model.
- Create neighborhood-based Projected Public School Ratios using up-to-date Census data.
- Extend the school capacity planning horizon.

3. Give the public and decision makers the information they need

- Provide all data related to the identified seat need in machine-readable format at the level of planning (i.e. subdistrict level).
- Provide substantive information on the adjustments SCA makes to the raw seat need that results in the identified seat need.
- Clarify how race is incorporated into enrollment projections.
- Include the planning process for pre-K seats in the Capital Plan.
- Improve communication with the public about potential new school sites.

4. Increase use of other approaches to reduce overcrowding and foster diversity

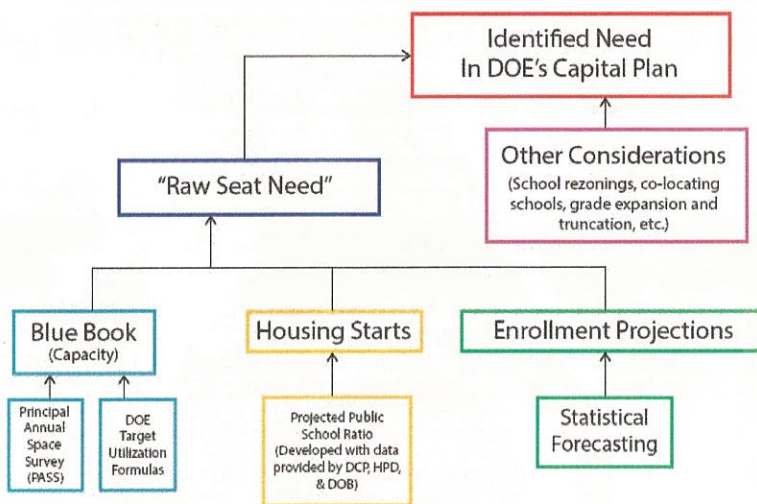
The School Diversity Advisory Group should consider school utilization; these recommendations could address both overcrowding and diversity concerns in tandem.

- Create specific school plans to alleviate overcrowding in high-need districts.
- Adjust CSD boundaries and school zone lines to reduce overcrowding.
- Expand use of special programs to attract students to underutilized facilities and ensure equity of access.

5. Secure funding for school construction

- Explore opportunities to raise funding through impact fees from new development.
- Consider changes to CEQR.

Identified Need Formula



Implementation. Implementing the recommendations will require close collaboration between the City Council and the administration. The majority of the report's recommendations will require leadership from the Mayor's Office and will need to be carried out by DOE and SCA.

See the Council's full report "Planning to Learn: The School Building Challenge," at <https://council.nyc.gov/land-use/plans/schools-working-group/>.

Sources: Enrollment, Capacity, and Utilization Report, 2015-2016 School Year; DOE Fiscal 2015-2019 Five-Year Capital Plan, February 2018.

FOR THE RECORD



United Federation of Teachers
A Union of Professionals

TESTIMONY
OF THE
UNITED FEDERATION OF TEACHERS

SUBMITTED TO THE
NEW YORK CITY COUNCIL
COMMITTEES ON FINANCE AND EDUCATION

REGARDING THE PROPOSED FY 2019 Capital Plan

April 17, 2018

The United Federation of Teachers thanks the City Council for its leadership addressing the many challenges facing our public schools. We will continue to work with Council members and Mayor Bill de Blasio to improve the city's public school infrastructure because we know a healthy, safe, clean environment is essential to creating opportunities for our children.

We also want to thank the City Council for allowing us to comment on the February 2018 Proposed Amendment to the Department of Education's Fiscal 2015-19 Five-Year Capital Plan. As the final year of this plan begins in July, this Amendment partially sums up the plan's goals, states what has been accomplished and outlines current and future projects.

Much has been done. For example, we've eliminated PCB-containing light fixtures from schools and for less money than originally estimated. The School Construction Authority responded to the concerns of school communities and parents, and we applaud this. Another success: We've reduced the number of trailers used for classrooms from more than 370 to 120. That's an enormous improvement and the city should be commended for listening to parents, educators and union leaders.

It's important to note that the Five-Year Capital Plan is not a static document. Every year, we've make changes, and this continual review serves the public well. The 2018 Proposed Amendment includes two new initiatives: the Universal Physical Education Initiative and the Air Conditioning Initiative. We applaud Mayor de Blasio, DOE and SCA for their leadership and we thank the Council, the borough presidents and the mayor for the additional \$900 million above last year's funding level.

What's inside counts!

As the Council knows, many challenges still persist. Chronic problems with our buildings, many of them more than a century old, require both daily maintenance and long-term investment. Maintenance is as important to the health of a building as any large-scale projects and, in many cases, ensures the capital projects attain their expected years of use. For example, after windows are installed or a roof is installed, the city must remain vigilant in keeping them in good working order.

However, our children and educators are often subjected to substandard conditions, which is a disgrace in a city that's among the world's wealthiest. Our ceilings leak, toilets don't flush, faucets run dry, window shades are tattered and broken and overhead lights remain dark for months. Unbelievably, these minor repairs can take months or years to get fixed because we don't have the money, we are told.

The UFT recognizes the difficulties in deciding priorities in a system where demand seems endless, but we also believe that with the political will, we can have a system in which every school sparkles inside and out. We are encouraged that this Proposed Amendment adds funding for both exterior and interior projects and sets us on the right path.

Over the last several capital plans, the City Council, the mayor, DOE and SCA have kept a steady eye on repairing the exterior of our aged school buildings, and we thank them for that. So many of them looked exhausted and broken, and it has been a pleasure to watch them revitalized; some of them are architectural gems.

Not that there haven't been improvements inside the buildings. We commend the SCA and DOE for upgrading student bathrooms system-wide. We're also grateful for the vast improvements we've seen in middle school science labs.

But, our children and educators feel the impact of insufficient maintenance funds in unfixed leaks, inoperable toilets and sinks, and broken shades and lights. We urge all those involved in these interior maintenance decisions to take the same comprehensive approach they took with the building's facades, roofs and exterior walls.

Two initiatives for healthier, happier children

Two mayoral initiatives introduced in the Proposed Amendment approach the scale we're talking about.

- 1) The Air Conditioning Initiative, funded at \$50 million, will provide the electrical upgrades needed to install air conditioning in every classroom by 2022.
- 2) The Physical Education Initiative, funded at \$105.5 million, will ensure all students have space inside schools for exercise by 2021. The Amendment specifies that three schools will get gym annexes, a promising start.

Both of these programs are so important, it's hard to estimate the value to our city. The

Amendment lacks details, however, as to how these initiatives will be completed. We look forward to learning more about them in the next capital plan.

Let's save energy and money

Another mayoral initiative focuses on a sustainable source of energy for the city's schools. With 35 projects completed and another 90 in the pipeline, we're moving toward a solar energy profile. We're on board with the SCA and DOE making energy sustainability a priority in all projects. It's the only smart way to go, at this point. And, once again, we urge the SCA to accelerate the conversion of #4 oil-burning boilers. The current mandate aims for 2030. These conversions will improve the quality of air in neighborhoods where these schools are located.

The need for more seats

The city now has 8.6 million people living here, the largest population in its history. As the city grows, so does the school-age population. The Proposed Amendment projects 44,628 new K-12 seats across 88 projects, a small increase of about 300 seats over last year's plans. The SCA also expects to create nearly 8,800 universal pre-kindergarten seats, also an increase of 600 seats over last year. And for the Class Size Reduction program has announced projects for nearly 1,400 seats. This totals around 54,820 new seats.

If all of this work is accomplished during the current five-year plan that would be a sizable achievement. However, some say many more seats are needed, plus finding land for new schools in a congested city is difficult. Of the 44,628 new seats, 31,800 seats have been completed or are under creation. That leaves 12,800 seats, almost 29 percent, funded but existing on paper only.

These seats are located in every borough but there are 4 districts with 1,000 or more funded seats that are not yet in the process – Districts 10, 20, 24 and 30. District 10 has 1,700 seats that are not yet underway and District 20 has 3,500.

What are the problems in these districts? Is it a function of locating feasible school sites or other issues? These are important questions that need answers in all of these districts, which also have histories of being chronically overcrowded.

The challenges of keeping up with growth are not just a problem of getting projects started in these 4 districts and in other neighborhoods. Overall, there are 43 neighborhoods in 20 districts, Queens and Staten Island High schools with an identified need for new capacity – a total of 38,428 seats - that are currently unfunded. Of these, 10 districts and Queens High Schools have an unfunded need in excess of 1,000 and in three of them - Districts 15, 25 and Queens High Schools – the need is in excess of 3,000 seats and District 20 has an astonishing shortfall of 5,000 seats. Much has been built but the need remains high and challenging in many neighborhoods.

While projections see enrollment declining modestly during the next 10 years, a number of districts will grow. The five with the greatest projected growth are Districts 20, 25, 28,

26 and 11. These districts already have chronic overcrowding. This growth will exacerbate the problem.

Crowded schools lead to school problems

Overcrowding translates into real problems for our students and staff: oversized classes, crowded hallways, discipline issues, the loss of cluster rooms; music, art and dance spaces; specialized classrooms; teacher offices and space for those who provide support services – school counselors, speech therapists and social workers to name a few.

The Mayor's Office of Operations says kindergarten through 3rd grade classes optimally should have no more than 20 children. Throughout the city, however, these grades are bigger than that target and have incrementally increased from the previous year. Target class sizes in grades 4 through 8 are below the maximum number, and that's something to cheer about.

SCA and DOE created a program to supplement the new capacity program. The class-size reduction initiative dedicates funding to specific projects. Three projects have been identified, one each in Queens, Brooklyn and Bronx. The Amendment costs out these projects and the price is significantly less than the funding envelope for this program. SCA should prioritize this program and identify additional projects to expend these funds completely.

SCA and DOE also must examine opportunities to more efficiently configure our school buildings. We are concerned to learn that funding for facility restructuring has decreased. This program is so valuable in converting over-sized shops and classrooms into much needed capacity and other important school-based initiatives: the school-based health centers and other community school features.

Health concerns

The city has made great progress in removing temporary classroom units (TCU) — also known as trailers — from schoolyards throughout the five boroughs, but 120 will still house children at the end of the current capital plan. They quickly deteriorate, becoming ripe for mold and mildew. Children with allergies, asthma, respiratory disease or compromised immune systems are obviously at risk, but all children are endangered by attending school in a TCU. In addition, the TCUs isolate students and staff from the main building.

As we noted above, the city has removed the crumbling PCB-containing lighting fixtures. But we remain concerned about whether PCB-containing caulk, used to seal windows in the schools presents a health hazard. We hope the city continues to fund this project as well.

Safe Schools

Our schools must be safe havens. The drinking water must be free of lead and we support DOE's testing and remediation efforts and are working with them on this effort. Lead paint and asbestos abatement are important ongoing initiatives. Security in school buildings is another high priority. The implementation of the digital video surveillance system is ongoing and must be completed. Again, the capital plan amendment does not provide sufficient information on this program to understand when this important initiative will be complete.

In summary

We are encouraged by the City Council's working group and its collaborations with SCA to accelerate school planning and siting. As SCA completes the projects in this capital plan and formulates the next, we must create strategies to expedite the entire process while controlling costs in meeting this challenge.

In this pivotal moment at DOE with a new Chancellor, we have an opportunity to make changes in how we do things. We urge the SCA and DOE to work collaboratively with the City Council as they shape the priorities and investment levels for the next several years.

Thank you for listening to our thoughts on this proposed Amendment to the Five-Year Capital Plan.



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**Testimony of New York Lawyers for the Public Interest
before the New York City Council Education Committee
in support of Introductions 449, 461, 729, 757, 759 and Resolution 289.**

April 18, 2018

Greetings Chairmen Treyger, Dromm, Salamanca and members of the Education, Finance and Land Use Committees. My name is Christine Nyamekye Appah and I am a senior staff attorney in the Environmental Justice Program at New York Lawyers for the Public Interest (NYLPI). I work on issues related to children's environmental health. For more than a decade, NYLPI has engaged in legal campaigns to protect children from toxic exposures where they live, learn and play. Our recent efforts include a successful lawsuit that required the City to remove all PCB-contaminated light fixtures from public schools. We engage in advocacy around school siting, leasing and construction issues.

I appreciate this opportunity to provide testimony in support of Introductions 449, 461, 729, 757, 759 and Resolution 289. These legislative proposals collectively address the acute problems of school overcrowding, siting of new schools, and the need for greater public information around these related issues. We encourage the City Council to incorporate consideration of environmental contamination and remediation issues into these legislative proposals.

About NYLPI

NYLPI is a social justice organization that was founded forty years ago to provide critical legal services and advocacy for New Yorkers in need. We provide services through our environmental justice, health justice and disability rights programs through the community lawyering model. NYLPI's community lawyering model is a client driven process that uses all of the skills of our staff to promote sustainable solutions and strategies for neighborhood empowerment. NYLPI also operates the Pro Bono Clearinghouse which coordinates volunteer efforts from the private bar and fosters capacity building for nonprofit organizations. As an organization, we are deeply committed to advancing the public interest through innovative and sustainable legal and policy solutions.

Environmental Justice in School Siting

Communities with lower incomes and communities of color are often both in greatest need of additional school spaces as well as more likely to have environmentally contaminated sites. These communities are also less likely to have full information about proposed school sites and environmental remediation needs. Studies have shown that children from communities of color and lower income communities are more likely to attend schools that are sited near environmentally hazardous facilities, like busy highways, that cause poor air quality. One study found that “students of color are disproportionately located in schools with higher respiratory hazard ratios, raising flags for policy makers and advocates. As it turns out, part of this is simply the fact that the most urban and most polluted areas are also more likely to have significant minority populations.”¹ Poorly sited schools can even have a detrimental effect on children’s academic performance.²

The City has acknowledged that there are few sites that meet the criteria that are free of contaminants. The “Planning to Learn” report on school overcrowding and school siting notes that “[r]eal estate experts have indicated that there are very few large sites left without some level of contamination, including but not limited to semi-volatile organic compounds and heavy metals.”³ The City Council report also notes that the School Construction Authority (SCA) has not made clear what threshold levels of these contaminants the city is willing to work with.

We have represented concerned parents and community members on issues related to past contaminated school sites. NYLPI represented the Bronx Committee for Toxic Free Schools in their suit against the SCA when it planned to build a school in Mott Haven on a highly contaminated site. The resulting win ensured that the SCA followed the procedures required under the State Environmental Quality Review Act (SEQRA) and conducted a full remediation appropriate for the site’s use as a school. Only after a lawsuit did the City commit to a full remediation of the site. We also worked with parents at PS 51 in the Bronx, which was shut down in 2011 after tests revealed levels of TCE 10 times the legal limit, to ensure that in the future, there would be greater transparency and parental notification if high levels of contaminants were found in a school.

Given this history, we are particularly concerned about the environmental issues that arise in the planning and school siting process. We seek to emphasize the importance of incorporating clear and supportive language in these bills to ensure transparency around environmental considerations during the planning process.

¹ Pastor Jr., Manuel et. al, (2005). *Breathless: Schools, Air Toxics, and Environmental Justice in California*, (CJTC Working Paper 05-1 January 2005) Retrieved from the Center for Justice, Tolerance and Community site: https://cjtc.ucsc.edu/docs/Breathless_03_with_figures_unlinked.pdf

² Ibid.

³ New York City Council (2018). *Planning to Learn: The School Building Challenge*. Retrieved from the New York City Council site: <https://council.nyc.gov/land-use/plans/schools-working-group/>

Legislative Proposals

Intro 757

NYLPI supports the creation of an interagency task force to assist in the process of finding adequate sites for city schools. We request that the City Council broaden the interagency task force by including a member from the NYC Department of Environmental Remediation (DER). We believe that an environmental professional should be an essential member of the interagency taskforce. A representative from DER could provide valuable input on feasibility much earlier on in the planning process. We also support the proposal to include an educator and a parent/caregiver to the task force to serve in an advisory role.

Introductions 449, 461,729 and Resolution 289

We encourage the City Council to adopt Introductions 449, 461,729 and Resolution 289. We appreciate the move towards transparency that these measures would afford to interested community members. We believe that these measures would foster greater communication about the processes involved in relieving school overcrowding and planning for future enrollment.

Introduction 461

If Introduction 461 is adopted, the City should include regulatory provisions that interface the New York State Department of Environmental Conservation's register of contaminated sites along with the information provided on vacant sites with a footprint of at least 20,000 square feet. This way, the City can proactively exclude sites from the assessment process that have not been properly remediated. Given the scarcity of land available, we support construction on land that has been properly remediated and cleaned for re-use. We also encourage the City to adopt the Environmental Protection Agency's School Siting Guidelines.

Conclusion

NYLPI supports these legislative proposals as they collectively address the acute problem of school overcrowding and the lack of desirable sites. We encourage the City Council to include precautionary measures that take into consideration the environmental factors that may make some sites actually unusable. We urge the City Council to take steps to codify the concern over contaminants in potential school sites and to incorporate environmental stewardship in the planning and construction process. These measures will help to ensure healthier schools for our children.

Respectfully Submitted,

Christine Nyamekye Appah
Senior Staff Attorney
New York Lawyers for the Public Interest

Good Afternoon:

My name is Michael Friedman and I am the UFT Chapter Leader of Pathways to Graduation also known as P2G a high school equivalency program in the Department of Education's District 79 which runs the alternative schools and programs for the DOE. P2G has almost 80 sites of day and evening programs. Each borough has at least one referral center and hub.

In Brooklyn our hub and referral center are located in the old Boys High School at 832 Marcy Avenue in Bedford Stuyvesant also known as the Marcy Avenue Campus. Besides P2G, there are two transfer schools on the campus, a LYFE program for ^{transfer} ~~booters~~ a small district 75 special education program and a charter high school. The DOE; is proposing merging the two transfer schools and they would lose one of their two floors and contracting the P2G program where the program would lose 4 out of 10 classrooms, would lose an administrative office and storage space. This would be done in order to add a middle school charter school in the building.

This space has in the two transfer schools and P2G given students who have dropped out of school, have many social problems or are new to our country a second chance in life. They have small classrooms with teachers who care about the students. This safe environment would be lost because of this proposal. It is wrong!

The P2G referral center has served students all over Brooklyn by testing them and counseling them as they reenroll in school or in the case of some new immigrants enroll in school for the first time. After they are enrolled they are placed either in P2G at the hub or at one of our sites if they are ready to pass the high school equivalency test or elsewhere in the DOE if that is in the student's best interest. The hub serves as a literacy center and ESL center and for all of the P2G students of Brooklyn as a pre-testing center for the high school equivalency test and for Brooklyn wide events. Which means it services almost 1000 students throughout Brooklyn currently enrolled in P2G and has help^d innumerable students in the referral center. For the students who remain at the hub the students are given individualistic attention and creative instruction. One example is the bicycle repair program which has taught students skills, given them jobs and has been featured in the media including News 12 Brooklyn

There will be a PEP vote on April 25 on this very bad proposal. If it goes through, many students will be hurt. I am asking that you use your influence to get this proposal defeated. There was a hearing by the DOE at Marcy on this proposal. I wish you could have seen the passion of the students who are afraid they will be losing a lifeline that will serve them in the future. They pleaded with the DOE to not let this proposal go through. This proposal must be defeated.

Thank you very much!



Class Size Matters
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Class Size Matters testimony before NYC Council Committees on Finance, Education and Land Use on School Planning and Siting

April 18, 2018

Chairs Dromm, Treyger, Salamanca and Committee members: Thank you for holding these important hearings today. My name is Leonie Haimson, Executive Director of Class Size Matters, and our organization has long advocated for improving the efficiency of school planning, siting and construction, in order to address the chronic crisis of overcrowded buildings and classrooms in NYC's public schools.

In 2008, we released a survey of NYC principals, in collaboration with the City Council, the CSA, and Prof. Emily Horowitz of St. Francis College, with detailed comments and observations from 38% of all New York City public school principals. The results showed that half of all principals said that the official utilization rate for their own school as reported by DOE was inaccurate.

In addition, 86% of principals said that their class sizes were too large to provide a quality education, and reported many other problems resulting from overcrowding, including unsafe conditions for students or staff, difficulty in providing sufficient credits that students need to graduate on time, and that intervention and special services were being given students in hallways and closets.¹

That same year, we released a report called ***A Better Capital Plan***, co-authored by the Manhattan Task Force on School Overcrowding, the Center for Arts Education and the UFT, with recommendations on how the DOE should address overcrowding by improving the methodology used to estimate the need for new school seats and classrooms, to plan at the neighborhood level, and be more proactive in anticipating growth.²

In 2014, we released a comprehensive and detailed report called ***Seat Crunch***, which included new data and research on the damaging impact of school overcrowding on student learning conditions, explained what factors contributed to it, and pointed out the lack of progress in tackling this problem over the course of the last decade. Despite repeated promises by the former Mayor and his Chancellors, none of the promises repeatedly made in speeches and capital plans were achieved, including the alleviation of overcrowding, the reduction of

¹ Leonie Haimson and Prof. Emily Horowitz, ***How Crowded Are Our Schools? New Results from a Survey of NYC Public School Principals***, October 3, 2008 at https://www.classsizematters.org/wp-content/uploads/2011/04/principal_survey_report_10.08_final1.pdf

² Manhattan Task Force on School Overcrowding, Class Size Matters, The United Federation of Teachers and The Center for Arts Education, ***A Better Capital Plan***, October 2008; posted at: https://www.classsizematters.org/wp-content/uploads/2011/04/A_Better_Capital_Plan_final_final.pdf

split sessions in high schools, the removal of TCUs or trailers, and/or the creation of enough space to reduce class size in the early grades.³ Instead, for the first time, waiting lists for Kindergarten arose at nearly 25% of all elementary schools.

Last fall, we released yet another report, entitled *Seat Loss*, which revealed that despite the claims of the previous administration of having created 100,000 new seats between 2004 and 2013, only 45,000 net seats were actually created, because thousands of seats were lost due to lapsed leases, the elimination of annexes and/or TCUs. The vast majority of net seats created citywide- nearly 43,000 – had been filled by charter school students, while only 2,357 of the net seats created were filled by public school students.⁴

These failures in policy and planning have led to increased overcrowding. Last year, according to the latest DOE enrollment and utilization report, about 575,000 students (56% of total) were enrolled in overcrowded schools:

- About 350,000 (68% of total) elementary students
- About 50,000 (33% of total) middle school students
- And about 175,000 (49% of total) high school students.⁵

And this overcrowding threatens to worsen, given the residential construction boom across the city, and with continued population growth outstripping the building or leasing of new school buildings.

The recent City Council report *Planning to Learn: The School Building Challenge*, makes a great start in addressing these issues.⁶ I'd like to thank Speaker Johnson as well as the members and staff of the Land Use, Finance and Education Committees for their work on this report.

I'd also like to thank Councilmembers Dromm, Kallos and Gibson and Torres, for introducing six new bills to improve the accuracy and efficiency of school planning and siting.⁷

³ Class Size Matters, *Seat Crunch: Failures in policy and planning leading to overcrowding in the city's schools*, June 2014; <https://www.classsizematters.org/wp-content/uploads/2014/06/SPACE-CRUNCH-Report-Final-OL.pdf> See also, Leonie Haimson, "New York City's Classroom Space Crunch," *Gotham Gazette*, June 17, 2014 <http://www.gothamgazette.com/city/130-opinion/5107-new-york-city-classroom-space-crunch-haimson>

⁴ Class Size Matters, *Seats Gained and Lost in NYC Schools: The Untold Story*, Sept. 2017 <https://www.classsizematters.org/wp-content/uploads/2017/09/Web-Seat-Loss-Report.pdf>.

⁵ NYC Department of Education, *Enrollment, Capacity & Utilization Report Target Calculation 2016 – 2017 School Year*, Dec. 2017.

⁶ The NYC Council, *Planning to Learn: The School Building Challenge*, March 2018 <https://council.nyc.gov/land-use/wp-content/uploads/sites/53/2018/03/Planning-to-Learn-3.16.2018-high-resolution.pdf>

⁷ <http://legistar.council.nyc.gov/MeetingDetail.aspx?ID=601111&GUID=3D1D5676-1CB3-4FE8-9BE4-5655898D20C7&Options=info&Search=>

We have specific recommendations on how to strengthen these bills. For [Int 0461-2018](#) and [Int 0759-2018](#), we would like more transparency, so that the data on available buildings and sites be released publicly, not just internally between city agencies, and the DOE required to report on why they have accepted or rejected these buildings as schools.

For [Int 0729-2018](#), DOE's seat needs projections, methodology and underlying data should be reported annually, rather than every five years, as these estimates are re-calculated annually for the capital plan amendments. This is an important reform to be implemented, because even after using the DOE's own data and methodology we are unable to replicate their findings. Moreover, these projections should be disaggregated by grade level 3K or PK-12, and by sub-district and neighborhood for them to be fully useful. Right now, all their seat need estimates are lumped together so the DOE can claim they are fulfilling seats needs even though in many cases, they seem to be relying on space in middle schools to relieve elementary school overcrowding, for example.

Finally as regards [Int 0757-2018](#), it would be useful to broaden the membership of this Task Force to include parents, teachers, advocates, architects, and representatives from the Real Estate Board and the construction unions, and to expand its mandate to consider other improvements in the process of school planning and siting, including whether impact fees should be considered to help pay for new schools. Additional language for each of these bills is provided below.

We would also like to offer some additional ideas for legislation that would improve school planning and siting and that come directly out of the gaps in the current process, as identified by our analyses as well as the findings of the recent City Council report:

- A bill to require the City Planning Department to update the CEQR formula to ensure that it is based upon the latest census data – rather than data from 2000- and that it includes enrollment projections for UPK and 3K students as well as co-located charter school students.
- Legislation to reform the ULURP process, so that proposed residential projects in areas where the schools are already overcrowded or likely to become so would require the building or leasing of new schools to provide sufficient seats to keep the schools below 100% utilization. Right now the thresholds are far too high, even in areas where the schools are already overcrowded.
- Any large-scale development project or rezoning should also initially be referred to the district Community Education Council for their comments. Often CECs are more aware of specific issues related to school capacity and overcrowding than local Community Boards. Like Community Boards, the CECs should hold public hearings and vote on whether to recommend approval, modification or rejection to the proposed project, based upon its likely impact on schools.
- DOE should be also obligated to report each year on how many schools seats have been added and lost, whether through lapsed leases, elimination of TCUs, annexes or for other reasons. Right now, the DOE only reports on the number of seats added rather than lost each year, which gives a one-sided and highly inaccurate picture of the progress made towards alleviating school overcrowding.

DOE and SCA should also be encouraged to plan and build on a ten-year timeline rather than a five-year timeline, since building a new school takes approximately six years and they are always falling behind the need for more school space rather than meeting it.

The housing projections also need to be updated regularly; the one posted on the DOE website is more than a year old.⁸ The ten--year projections also should be fundamentally revamped. Right now the DOE assumes in its projections that not a single new housing unit will be built in Brooklyn or Staten Island between 2020-2024, and only 184 units in the Bronx and 478 units in Queens.⁹

Borough	5 Year Projection (2015-2019)	10 Year Projection (2015-2024)	Difference
Manhattan	63689	64758	1069
Bronx	18892	19076	184
Brooklyn	64394	64394	0
Queens	25076	25554	478
Staten Island	3463	3463	0
Citywide	175514	177245	1731

We believe that the DOE should align their capital plan and school capacity formula with smaller classes, as the regulations for the State Education Law called Contracts for Excellence require.¹⁰ This was proposed by the Blue Book Working Group, and the city’s rejection of this recommendation is one of the central issues in the class size lawsuit we filed last week against the DOE and the State Education Department.¹¹

Finally, we urge the City Council to fully fund the DOE estimate for the need for new school capacity, since it is likely a radical underestimate of the actual need.

Thank you for your time, and suggested language to add to proposed bills is highlighted below.

⁸ Meanwhile new residential building permits in in NYC hit their highest level in a decade in the first quarter of 2017; see <https://therealdeal.com/2017/03/17/single-family-homes-led-us-housing-starts-in-february/> while the Building Congress projected continued growth in 2018 and 2019: <https://www.buildingcongress.com/advocacy-and-reports/reports-and-analysis/Construction-Outlook-2017-2019.html>

⁹ NY School Construction Authority, Projected New Housing Starts as Used in 2015-2024 Enrollment Projection. 2015-2019 Capital Plan, undated but properties tab says 3/1/17; “used to develop the capacity recommendation [sic] for the Proposed November 2016 Amendment”; <http://www.nycsca.org/Community/Capital-Plan-Reports-Data#Housing-Projections-70>

¹⁰ http://www.p12.nysed.gov/mgtserv/C4E/htm/C4e_class_size_reduction_NYC_2.htm

¹¹ https://docs.google.com/viewerng/viewer?url=https://www.classsizematters.org/wp-content/uploads/2018/04/Agostini-v-Elia-Verified-Petition-class-size-lawsuit-4.12.18.pdf&hl=en_US

Int 0461-2018- By Council Member Dromm - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of citywide administrative services to notify the department of education and the school construction authority when city-owned or leased property of an adequate size is determined to have no current use.

[Suggestion - provide written notice to the department of education of the city of New York and the New York city school construction authority, the City Council, the respective Community Board and Community Education Council and post online at a publicly accessible website, which notice shall include the information.] At regular intervals, or at least annually, the DOE/SCA should report whether they've accepted or rejected these buildings to be renovated into schools and why.

Int 0729-2018

- By Council Member Kallos - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of education to post methodology and data for determining identified seat need.

Suggestion: This reporting should be done annually [instead of every five years], either prior to or as part of the annual proposed amendments to the capital plan. The projected need for seats should be disaggregated by grade level preK-12, district, sub-district, and school attendance zone level. Both five-year and ten-year projections should be provided. If adjusting school attendance zone lines is assumed in the projections, these proposals should be described and explicated as part of the methodology as well.

Either separately or as part of the annual proposed amendments to the capital plan, reporting should also be included on the number of new school seats created for each school type since the previous amendment, and the year completed, as well as whether the seats are located in an Early childhood center, elementary school, grade K-8 school, grade 6-12 school, high school, or D75 program, disaggregated by district, sub-district and neighborhood. Also reporting should include the number of school seats lost over that same period, either through lapsed leases, the elimination of annexes or TCUs or other reasons.

Int 0757-2018 - By Council Member Gibson - **A Local Law** to amend the administrative code of the city of New York, in relation to the creation of a school siting task force. to require the mayor to create an interagency task force on school siting to identify potential city-owned properties for school siting and identify vacant lots suitable for schools.

[Suggestion: To include on the Task force a member of the Real Estate Board of NY, an education advocate, the chair of CPAC or a representative and the chair of the Education Council Consortium or a representative. Among other issues to study - whether impact fees or other proposals should be imposed on developers to help pay for new schools and if so, come up w/a proposal how this should be crafted.]

Int 0759-2018 _ - By Council Member Gibson - **A Local Law** to amend the administrative code of the city of New York, in relation to identifying applications to the department of city planning and the department of buildings related to parcels suitable for school sitings. This bill would require that whenever the Department of City Planning (DCP) and the Department of Buildings (DOB) to notify the School Construction Authority upon filing of a ULURP application, an application to amend to the text of the Zoning Resolution, or an application for a new building permit that relates to land that has a footprint large enough for a new school. The bill would require DCP and DOB to annually report to the Council the list of applications referred to SCA during the previous calendar year. [Suggestion: to report also to local CEC, Community Board and on a public-facing website as well]



PIE's Testimony to New York City Council

New York City Council Hearing Before Committees on Education, Finance and Land Use in Response to the City Council's March 2018 Report, "Planning to Learn: The School Building Challenge"

April 18, 2018

Good afternoon. My name is Jaclyn Okin Barney, and I speak today as the coordinator of Parents for Inclusive Education (known as "PIE"). PIE is a parent-led advocacy group of educational reformers that works to ensure that all students with disabilities in the NYC public schools have access to meaningful inclusive educational and community opportunities. PIE has been in existence for almost twenty years with members throughout the five boroughs. We are the only New York City group dedicated solely to advocating for the inclusion of students with disabilities.

We work in various ways to achieve our agenda, including collaborating with the Department of Education on different projects. Over the past year or so, we have been working with Department of Education administrators and other special education groups to advocate for students with physical disabilities to have equal opportunities in attending schools across our City by increasing the number of barrier-free school buildings and school programs available to students. We appreciate the efforts the DOE officials have taken regarding this issue, however much more needs to be done and more money needs to be allocated in this regard.

We applaud the City Council's March 2018 Report, "Planning to Learn: The School Building Challenge" in its recognition of the need for the City to increase the number of schools that are accessible to students with physical disabilities. As it is pointed out in the report, students with physical disabilities do not have equity in their educational choices because so many high schools (middle and elementary schools too) are not fully accessible and compliant with the Americans with Disabilities Act so that students with physical disabilities can access and attend them. With data from the Department of Education, PIE believes that approximately 7%, or just 8 high schools, in Manhattan are fully accessible. For the Bronx, the number is approximately 19%, which is only 22 high schools out of 115 schools in the borough. In Queens, it is just 20% of high schools in the borough that are fully accessible. In Brooklyn, there is approximately 11% of high schools and 36% in Staten Island. These numbers are far too low across all the boroughs, especially considering that the Americans with Disabilities Act, the law that requires city buildings to be accessible, was enacted more than twenty-seven years ago.

In addition to fully accessible schools, students can consider attending schools designated by the Department of Education as "partially" or "functionally" accessible. However, the actual accessibility of these school varies significantly. Some of these schools may be accessible in a way that a student who uses a wheelchair can get to all areas of the school building, while other schools that are listed as "partially" or "functionally" accessible, are not actually accessible in a way that a student in a wheelchair can attend. For instance, we know of partially-accessible schools where students in

wheelchairs cannot pass beyond the first floor or schools that may have elevators but have no bathrooms that can meet the needs of a student in a wheelchair. We also know of schools where a student may be able to get to some parts of the building, but are unable to access key areas such as the library, science labs, computer labs, auditorium, stages, or the lunchroom, making it difficult for students with physical disabilities to be fully included in the school's program. Finally, we know of schools where students need to use a separate entrance in order to enter the building.

I am here today to implore you to act upon the findings of the report and provide the Department of Education with the funding it needs to make the changes necessary to school buildings so that more can be fully accessible to students and individuals with physical disabilities and so the Department can embark on new projects for more schools to become fully accessible. I know that City Council included additional funding for school accessibility in its Response to the Fiscal's 2019 Preliminary Budget. Last year, when the City Council proposed a similar provision in its proposed budget, the funding was eliminated in the Final Budget. We cannot afford for this to happen again.

Despite the Department of Education's efforts in this area, unless appropriate funds are allocated to this need, students with physical disabilities are not going to have the same opportunities or choices as their non-disabled peers. All students deserve an equal education and equal opportunities to that education; this includes students with physical disabilities. To do this, the City needs to start aggressively addressing this situation and improve the accessibility of our school system.

I leave you with one final note today. In NYC where students are able and encouraged to apply to schools that peek their interest and where they can hone their skills, it is ironic that among the high schools in Brooklyn that are inaccessible include: Franklin Delano Roosevelt High School, High School for Civil Rights and School for Human Rights.

Thank you for considering our testimony today.

Jaclyn Okin Barney Esq.
Coordinator
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Thank you for the opportunity to provide testimony today about the upcoming Capital Budget. I want to focus on the inadequate line item for accessibility for the New York City public schools. Despite a small increase to \$127 million, over 5 years, in our current budget cycle, the budget remains inadequate for compliance with the ADA and the IDEA.

The NYC Department of Education has 3066 sites. There are nearly 1800 schools in about 1300 buildings. We have about 1240 schools which are not fully accessible, which translates into about 900 buildings that need to be made accessible. At the current rate of 17 schools every 5 years, we will reach full accessibility in 262 years, in the year 2280. This is appalling. We need full accessibility to be on the horizon of our lives. We need a plan. I am proposing that we increase the capital budget for accessibility to \$1 billion over 5 years. At that rate, we will achieve full accessibility in 26 years, just in time for my grandchildren to go to high school.

We dodge our legal requirements and our moral imperative, when we twist IDEA's mandate for "a Free and Appropriate Education" to mean an education anywhere the Department of Education sends you. An appropriate education is not one where people with disabilities are segregated into schools that they can access. An appropriate education means equal opportunities to attend your neighborhood elementary school, to have a full range of middle and high school choices, and to have your parents involved in your education.

We have seen the difference for our son, Abey, first hand this year. The change from the Henry Viscardi School a segregated special education school, located 19 miles from our home in Albertson, Long Island, and Bard High School Early College Queens, a competitive high school 2 miles from our home, has been extraordinary. My son is finally getting the challenging education he has been missing for the last 9 years. My son has friends, who can come over to our house. And his commute has gone from one hour each way to 20 minutes each way. This is what he was entitled to all along.

This is not just an education issue. The ADA, passed in 1990, guarantees that people with disabilities have the same opportunities as everyone else to participate in the mainstream of American life -- to enjoy employment opportunities, to purchase goods and services, and to participate in State and local government programs and services. Our schools are public buildings where teachers, administrators and staff make their living, community members vote, and families attend conferences and events. 28 years later, we have not complied with the spirit or the letter of the ADA in our school buildings.

It is easy to focus on the Department of Education when we discuss the lack of accessibility. But the money needed to achieve compliance with the ADA has to come for our legislators. We need you to make the allocations that will support fully accessibility for my son, Abey, to get a job, vote, participate in his community, and one day bring my grandchildren to school.

Michelle Noris, PE

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Astoria, NY 11105

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**New York City Council Joint Hearing on Recent City Council Report--
*Planning to Learn: The School Building Challenge***

April 18, 2018

We would like to thank the New York City Council's Committees on Education, Finance, and Land Use for holding this important joint hearing on the recent City Council Report--*Planning to Learn: The School Building Challenge*.

We testify today to highlight the need for New York City Department of Education officials to focus on meeting the needs of students with disabilities in *all* schools, as it continues to address overcrowding, space utilization of school buildings, school planning processes, and community engagement.

INCLUDEnyc (formerly Resources for Children with Special Needs) has worked with hundreds of thousands of individuals since our founding 35 years ago helping them navigate the complex special education service and support systems, so that young people with disabilities can be included in all aspects of New York City life.

We commend Mayor de Blasio and the Department of Education (DOE) on their efforts to increase the number of schools that are partially and fully accessible to students with mobility impairments. Yet we are in full agreement with the Council's response to the Mayor's Preliminary Budget that it requires the DOE to reallocate \$125 million within the Five-Year Capital Plan to do so.

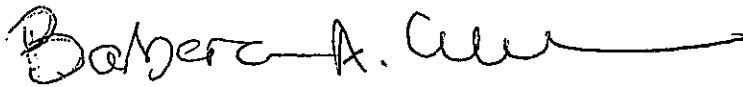
Our students with the most involved disabilities, in District 75, are among the most segregated in New York City. These 24,000 students are in dire need of more school choices so that they may make meaningful connections within our schools and be fully included in our communities. Through our work, we know firsthand that too many students are being bussed to District 75 programs outside of their neighborhoods and school districts due to a lack of accessible buildings and appropriate programs with available seats in the DOE district near where they live. This is particularly notable in DOE districts with a higher percentage of low performing schools and an increased number of charter schools, such as District 17 in Brooklyn and in the South Bronx.

As a result, we recommend that the Department of Education does the following:

- Increase the number of schools that are partially and fully accessible to students with mobility impairments
- Increase the number of District 75 programs in high-need areas
- Change the current student placement process for students recommended for a District 75 program from borough-wide availability to DOE school district availability so that students have appropriate school options in the communities where they live
- Annually publish data on the number of students with disabilities in District 75 programs who attend programs outside of the community school district in which they live, disaggregated by disability classification and student age

Thank you for taking the time today to consider this important matter. We look forward to partnering with you to improve equity and access for all young people with disabilities in New York City.

Sincerely,

A handwritten signature in black ink that reads "Barbara A. Glassman". The signature is fluid and cursive, with a long horizontal line extending to the right.

Barbara A. Glassman
Executive Director

FOR THE RECORD

My name is Miari Roberts and I'm a teacher at Brooklyn Academy High School, a transfer school, in Bedford-Stuyvesant Brooklyn, located in building K458 at 832 Marcy Avenue. I'm speaking on behalf of our stakeholders who are opposed to the current proposal that DOE has to cut our space in half without considering the needs of our students. We believe that DOE has allowed space planning to take priority over the high social/emotional and academic needs of our students. My school serves students who are 16 to 21 years old, and 28% of those students have IEPs. Transfer schools were designed by the DOE to be small, personalized learning environments. However, DOE's current proposal for our building will combine two schools into one school and squeeze 300 kids onto one floor, just so that they can squeeze an Uncommon Charter middle school into the building. It's unfair to our students who were unsuccessful in large traditional high schools to be disregarded again. The needs of our students should come before square footage. The City Council should also further investigated how the DOE allows charter schools to have priority over public schools when decisions are made around space. We were offered a proposal, but it was rescinded because the charter school turned it down. It's unfair and shameful that the DOE allows space planning to take priority of students and staff who need space for counseling, IEP meetings, evaluations, tutoring, and small class sizes. Our school is in Councilman Cornegy's district and we are asking him to visit our school and to bring our concerns to DOE.

Thank you.

Respectfully submitted,

Students, staff and parents

Brooklyn Academy High School

DISCRIMINATION, SEGREGATION & CIVIL RIGHTS VIOLATIONS

NYC
ADA
2018

- * Which child here deserves that? *
- One in this picture will not have the same high school choice as the others?
- One child was barred from local elementary.
- One child could not apply to favorite middle school.





Advocates for Children of New York
Protecting every child's right to learn

THE RECORD

**Testimony to be delivered to the New York City Council
Committees on Education, Finance, and Land Use**

Re: City Council Report – Planning to Learn: The School Building Challenge

April 18, 2018

Thank you for the opportunity to speak with you. My name is Randi Levine, and I am Policy Director at Advocates for Children of New York. For more than 45 years, Advocates for Children has worked to ensure a high-quality education for New York students who face barriers to academic success, focusing on students from low-income backgrounds.

Advocates for Children is concerned about overcrowding and appropriate school planning for all children across the City. We were pleased to participate in meetings of the City Council's School Planning and Siting Working Group and appreciate the City Council's attention to these areas. It is important to ensure that the City is identifying adequate school space in order to expand 3-K for All to every district, lower class size, ensure that schools have appropriate space for students with disabilities to receive the classes and services they need, and reduce travel time for students who attend District 75 specialized schools and other specialized programs. Given our limited time today, we will focus our testimony on the issue of school accessibility.

No conversation about the "school building challenge" would be complete without discussion of the severe shortage of schools that are accessible to students, families, and staff with physical disabilities. In December 2015, the U.S. Department of Justice found that only 17% of the City's elementary schools were fully accessible. Two years later, the numbers are still unacceptably low. Three of the 32 community school districts have no fully accessible elementary school buildings (Districts 12, 16 and 21), 4 districts have no fully accessible middle schools (7, 14, 16, and 32), and 6 districts have no fully accessible high schools (14, 16, 18, 20, 21 and 32). As a result, families have limited options, and students often must travel longer distances to attend schools that can meet their needs. Additionally, families are required to make difficult compromises regarding curriculum and programming for their students.

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Because full accessibility is so limited, the DOE places many students with accessibility needs in schools that are only “partially accessible.” Unfortunately, families find significant variation in these partially accessible schools. Students who use wheelchairs or walkers may be required to enter their buildings through separate entrances and may not have access to key spaces within the building.

We are pleased that the DOE’s Office of Space Planning is working to complete surveys of the accessibility of public school buildings. These surveys, known as Building Accessibility Profiles, confirm the need for the City to improve the accessibility of partially accessible buildings and can help the City identify the most effective, efficient, and necessary projects to improve accessibility for students, families, and staff with mobility, hearing, and vision needs.

The 2015-2019 Capital Plan allocates \$100 million for improving school accessibility and \$28 million for ensuring that a number of schools can serve as accessible emergency shelters. Together, that represents *less than one percent* of the total funding in the Plan. Furthermore, the City has already spent the vast majority of this funding, leaving little, if any, funding for accessibility projects in the coming year. If the City does not increase funding for accessibility projects in this year’s budget, we will not see additional progress over the next year.

New York City should no longer tolerate a system where students, parents, and teachers who use wheelchairs are effectively barred from most schools. We are pleased that the City Council’s “Planning to Learn” report states that the DOE should address the shortage of barrier-free programs so that all students have equitable access to schools and that the City Council’s Response to the FY 19 Preliminary Budget recommends the allocation of \$125 million in additional funding to increase the number of accessible schools.

We encourage the City Council to stand firm on this recommendation and work with the Administration to ensure that the final budget includes additional resources for school accessibility. We also encourage the City Council to hold a hearing on school accessibility to hear about the challenges students are facing and focus more attention on this issue. To address the school building challenge, the City must ensure that all students, families, and staff can get in the front door.

Thank you for the opportunity to testify. I would be happy to answer any questions.

**Testimony Before the City Council's Committees on Education, Finance and Land Use
Regarding the Joint Hearing on City Council Report –
Planning to Learn: The School Building Challenge and
Int. 449, Int. 461, Int. 729, Int. 757, Int. 759, Res. 286 & Res. 289**

FOR THE RECORD

April 18, 2018

FOR THE RECORD

Good afternoon, Speaker (Corey) Johnson, Chairs (Mark) Tryeger, (Daniel) Dromm and (Rafael) Salamanca. I am Jeannine Kiely, the Chair of Schools and Education Committee for Manhattan, Community Board 2.

Thank you for including in the City Council *Planning to Learn* Report many of the recommendations that CB 2 shared with the Education and Finance Committees last year. I am re-submitting these recommendations to the committees today.

I also want to address one of the key challenges in the report, the “difficulty in finding appropriate sites for new schools”, given the high cost of land and lack of development sites, particularly in Community Board 2.

I want to highlight that the School Construction Authority has the option to build a 100,000 SF public school on NYU-owned land as a result of the NYU rezoning in 2012. The option to build the “Bleecker School” will expire in December 2018. CB 2 estimates that this option is worth in excess of \$65 million, based on the average price per buildable square foot in Manhattan and if it expires, this would result in a loss of \$65 million to NYC taxpayers.

In June of 2017, CB 2 prepared a detailed demographic analysis that demonstrated the need for the Bleecker School, which could serve approximately 600 students through grade 8. CB 2 also unanimously passed a resolution urging NYU to extend the option expiration date to 2025, the original date NYU proposed in the rezoning and for the DOE to fund the Bleecker School in the SCA's next five year Capital Plan.

Last fall, Council Member Chin formed the Emergency Bleecker Street Taskforce and CB 2 is working with this team to find a solution, which we hope will result in the extension of the option expiration date and the funding of the 100,000 SF Bleecker School.

Thank you.

Attachments

1. *Bleecker School: Updated Timing and Demographic Analysis*, CB 2 Schools & Education Committee, June 12, 2017.
2. *Resolution in Support of Extending the Option to Build the Bleecker School*, Community Board 2 Manhattan, June 27, 2017.
3. *Testimony Before the City Council Education and Finance Committees on the School Siting and Planning Process*, February 28, 2017.

**Testimony Before the City Council Education and Finance Committees on the School
Siting and Planning Process
FOR THE RECORD
February 28, 2017**

Good afternoon, Speaker Mark-Viverito and Chairs (Daniel) Dromm and (Julissa) Ferreras-Copeland. I am Jeannine Kiely, the Chair of Schools and Education Committee for Manhattan, Community Board 2. I am here to share recommendations that CB 2 approved in February 2017 to reform the CEQR methodology to more adequately forecast public school seats.

In Community Board 2, residential construction has resulted in an increased number of families in our community, which requires a corresponding increase in community facilities and social services, such as: schools, parks, police, and medical care. We remain concerned about overcrowding in our local public schools, and unanimously passed resolutions in February 2008, February 2012 and February 2017 that stressed the need to consider “school capacity and overcrowding as part of our evaluation process for each and every new residential project.”

Manhattan CB 2 has identified the following flaws in the current school planning process:

1. In 2014, New York State passed legislation to require the Department of Education and School Construction Authority to use more local data when forecasting enrollment projections. We want to ensure that this translates to local planning so that our youngest children have the option to attend a neighborhood elementary school and not be required to commute to a school in an artificially defined sub-district in our expansive school districts.
2. The CEQR formulas, which are used by the Departments of Education and City Planning, to calculate the impact on school seats caused by new residential development, are based on long outdated assumptions that describe a time when families generally chose not to live in Manhattan. The multiplier for estimating public school students in Manhattan is only 0.12 for elementary schools and 0.04 for middle schools, well below levels in the other four boroughs. In our community, based on the actual number of new residential units and actual enrollment, the historical implied CEQR multiplier is closer to 0.16 for elementary school seats.¹
3. Furthermore, in accordance with the CEQR Technical Manual, the city only requires that a detailed Environmental Impact Analysis (EIS) of school seats be conducted on residential projects that will add at least 310 units or more, even though it is clear that all new residential construction and conversions (including those of only a few units) have the potential to add children to our schools. Multiple projects that individually do not trigger an EIS analysis will certainly have a collective impact on the school age population and therefore increase the demand for public school seats.
4. The EIS analysis also is flawed because it permits 100% of the capacity for a school to be included even when some, or all of the, relevant school zone is outside the study area for the analysis. This occurred recently for the rezoning for 550 Washington Street and resulted in the city’s approval of 1,408 new units of non-senior housing with zero funding

¹ *Bleecker School: Timing and Demographic Analysis*, CB 2 Schools & Education Committee, October 15, 2014, p. 22, available at <http://on.nyc.gov/2IRmzHC>.

FOR THE RECORD

for public school seats. This new demand for public school seats will cost NYC taxpayers more than \$30 million.²

5. Under the EIS analysis, the formula for calculating the change in utilization is (Students Introduced by the Proposed Project) / (Capacity in the Study Area) = Change in Utilization.³ As a result, as the population in the study area expands or more school capacity is built, the threshold for any residential project to impact utilization increases, while the cost to build new school seats continues to rise.
6. The CEQR policy is based on capacity as defined in the Blue Book (officially known as the Enrollment, Capacity, and Utilization Report), which continues to be based on class sizes of 28 students for grades 4-8 and 30 for high school, despite class sizes in the state-mandated Contract for Excellence plan of 23 students per class in grades 4-8 and 25 in high school.

To address these flaws, CB 2 Manhattan:

1. Calls upon the Department of City Planning to develop new and better formulas, based upon current demographics, that more accurately represent the percentage of families with school age children that comprise our local population, and considers the number of families who can be expected to move into new residential development;
2. Calls upon the Department of City Planning to institute a policy that would require a school impact study, using local data as required under the 2014 law, on all new residential construction and conversion, regardless of size; and,
3. Urges elected officials to develop a mechanism that would require developers of all new residential buildings to contribute to a capital fund for public schools, and/or include new school seats within their projects.

Thank you.

² Assumes an implied CEQR multiplier of 0.16 and cost per school seat of \$120,000-\$174,000. Using the 0.16 implied CEQR multiplier results in 225 new school seats and a cost to taxpayers of \$27.0 to \$39.2 million. Using the 0.12 CEQR multiplier results in 169 new seats and a cost to taxpayers of \$20.3 to \$29.4 million.

³ Formula Simplified

Utilization with Action – Utilization No Action = % Change in Utilization
 $[(\text{Future} + \text{Project}) / \text{Capacity}] - [(\text{Future} / \text{Capacity})] = \% \text{ Change in Utilization}$
 $[(\text{Future} + \text{Project} - \text{Future}) / \text{Capacity}] = \% \text{ Change in Utilization}$
 $\text{Project} / \text{Capacity} = \% \text{ Change in Utilization}$

Variables

Future = Total Future Enrollment in 2024
 Project = Students Introduced by the Proposed Project
 Capacity = Public School Capacity in the Study Area

FOR THE RECORD

Terri Cude, *Chair*
Susan Kent, *First Vice Chair*
Daniel Miller, *Second Vice Chair*
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*
Keen Berger, *Secretary*
Erik Coler, *Assistant Secretary*

COMMUNITY BOARD NO. 2, MANHATTAN

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June 27, 2017

Carmen Fariña, Chancellor
Tweed Courthouse
52 Chambers Street
New York, NY 10007

Lorraine Grillo
President and Chief Executive Officer
10-10 Thomson Avenue
Long Island City, New York 11101

Dear Chancellor Carmen Fariña and President & CEO Lorraine Grillo:

At its Full Board meeting June 22nd, 2017, Community Board #2, adopted the following resolution:

Resolution in Support of Extending the Option to Build the Bleecker School

Whereas:

1. New York University has made a series of shrinking commitments to build a public school over the last 50 years:
 - a. Starting in the 1960s, NYU promised to build an elementary school for neighborhood children on the site of the former Coles Sports Center and the future 181 Mercer building,
 - b. Again in 2010, NYU promised to build the core and shell of a new 600-seat public elementary school on one of its three superblocs, and,
 - c. In 2012, NYU promised the land for the SCA to build a 100,000 square foot school in the Bleecker Building ("Bleecker School"), with the option expiring in 2025;
2. In 2012, as detailed in the final Restrictive Declaration of Large-Scale Development for the NYU LSGD ("Restrictive Declaration"), NYU promised the land for the Bleecker School, but the option or "School Election Notice" would expire on December 31, 2014;
3. In October 2014, both CB 2 and Community Education Council District 2 unanimously passed resolutions in support of extending the "School Election Notice" to 2025, which was NYU's original proposal and which would allow the Bleecker School to be funded in the SCA's next five year capital plan as opposed to requiring an amendment of the current one;
4. In a letter dated October 21, 2014, NYU extended the "School Election Notice" to December 31, 2018;
5. This option is worth in excess of \$65 million, based on the average land value in Manhattan in 2016 of \$681 per buildable square foot, and failure to exercise this option would be a loss of \$65 million to NYC taxpayers;¹

¹ "The Performance of the Manhattan Land Market in 2016" *Commercial Observer*, January 25, 2017.

6. The 2025 date is fair, just and needed because:
 - a. 181 Mercer construction may impact the phasing of construction for the Bleecker School,
 - b. The Trinity Place and Duarte Square Schools are delayed, and
 - c. There is no funding for the Bleecker School in the School Construction Authority's Capital Plan for FY 2015-2019, updated February 2017;
7. The Bleecker School would benefit NYU as well as our children because:
 - a. A public school on NYU's core campus would be attractive to its faculty, staff and their families and,
 - b. NYU Steinhardt School of Culture, Education and Human Development and its student teachers could benefit from a public school on the NYU campus;
8. In June 2016, CB 2 updated its 2014 analysis of the current and projected need for the Bleecker School, based on the following assumptions:
 - a. The 100,000 square foot Bleecker School would provide 600 school seats,
 - b. The Study Area consists of the current elementary school zones for PS 3, PS 11, PS 41, PS 130 and PS 340 based on the assumption that new construction and population growth in Chelsea will reduce capacity for Greenwich Village families currently zoned for PS 340, and,
 - c. Flaws in the City Environmental Quality Review Process (CEQR) as detailed in a CB 2's resolution passed unanimously in February 2017, whereby:
 - i. Most new construction falls well below the 310 units required to trigger an analysis,
 - ii. CEQR does not take into account the significant increase in family-sized apartments – increasing from 7% to 27% of the downtown condo market from 2007 to 2016, and,
 - iii. Use of a CEQR multiplier of only 0.12 even though actual data from 2002 to 2016 show a multiplier of 0.16 for the Study Area; and;
9. The updated demographic analysis continues to demonstrate the need for the Bleecker School based upon:
 - a. The need for more than 600 public elementary school seats today, due to:
 - i. 148 to 337 seat shortfall from overcrowding at all three CB 2 elementary schools for 2015-2016, based on outdated Blue Book figures that underestimate overcrowding, at 112% at PS 3, 109% at PS 41 and 109% at PS 130 as well as 114% at PS 11,
 - ii. 88 seat shortfall at the Duarte Square School, based on a CEQR multiplier of 0.16,
 - iii. 169 to 225 seat shortfall resulting from the 550 Washington rezoning, based on a CEQR multipliers of 0.12 and 0.16 respectively,
 - iv. 100+ seats to reduce kindergarten class size to comply with Contract for Excellence class size reductions (and 650+ seats for grades K-5),
 - v. 69 seats to expand pre-kindergarten seats to 50% of the kindergarten cohort,
 - vi. 131 seats to expand 3K programs to 25% of the kindergarten cohort,
 - vii. 44 seats for District 75 students at Duarte Square,
 - viii. 60 seats for District 75 students at Bleecker, and,
 - ix. Additional square footage and seats to comply with physical education requirements,
 - b. The need for additional public elementary school seats based on projected population growth, due to:
 - i. 31% growth in the under-five population from 2000 to 2010 vs. less than 1% in Manhattan,
 - ii. 26% growth in births from 2000 to 2010, a stark contrast to a drop of nearly 2% in Manhattan, which the DOE mistakenly has used to predict the continued growth in our under-five population,
 - iii. Mid-range population projections for 2022 showing a need for a 600+ seat school,

Therefore be it resolved that CB 2 recognizes the need for 600 public school seats at the Bleecker School;

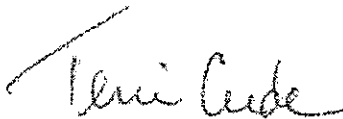
Be it further resolved that CB 2 urges NYU to reinstate the School Election Notice to 2025 and to extend the requirement to commence construction from July 1, 2020 to 2025, that was NYU's original proposal and will allow the Bleecker School to be funded in the SCA's next five year capital plan; and,

Be it further resolved that CB 2 urges the School Construction Authority and the Department of Education to take into account the demographic analysis and projections developed by CB 2 and fund the Bleecker School in the SCA's next five year Capital Plan.

VOTE: Unanimous, with 37 Board Members in favor.

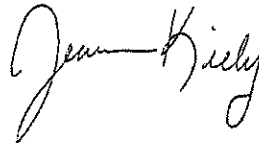
Please advise us of any decision or action taken in response to this resolution.

Sincerely,



Terri Cude, Chair
Community Board #2, Manhattan

TC/EM



Jeannine Kiely, Chair
Schools and Education Committee
Community Board #2, Manhattan

- c: Hon. Jerrold L. Nadler, Congressman
Hon. Deborah Glick, State Assembly Member
Hon. Brad Hoylman, NY State Senator
Hon. Margaret Chin, Council Member
Hon. Gale Brewer, Manhattan Borough President
Robin Broshi, President, CECD2
Andrew Hamilton, President of NYU
Lynne Brown, Senior Vice President for University Relations and Public Affairs

FOR THE RECORD



Bleecker School

Updated Timing and Demographic Analysis

CB 2 Schools & Education Committee

June 12, 2017

Table of Contents

- Executive Summary
- History of Bleecker School Commitment
- Updated Demographic Analysis
- Conclusions and Recommendations

Executive Summary:

Action Needed to Extend Option

- Action Needed: Reinstate the “School Election Notice” *back* to 2025
 - Otherwise, the NYC School Construction Authority and our community lose the option to build a 100,000 SF school in the heart of Greenwich Village
 - In a real estate market where the Manhattan price per buildable square foot averages more than \$650, this option is worth in excess of \$65 million ¹
 - Inaction transfers \$65+ million from NYC taxpayers to NYU
- There is a strong demographic case to build the Bleecker School now:
 - Need for school seats now, due to:
 - Overcrowding at our existing schools
 - CEQR flaws and growth of family-sized apartments
 - Rezoning in Hudson Square and 550 Washington
 - Reduction in class size to comply with Contract for Excellence laws
 - Expansion of Pre-K and 3K programs
 - District 75 seats
 - Physical Education space needs
 - Plus projected growth in under-five population

Executive Summary:

NYU's Shrinking Public School Commitment

- In the 1960s, NYU first promised a “new public school” at the former Coles site (now 181 Mercer), but they reneged¹
- In 2010, NYU promised to build the “core and shell” for a new 600-seat public elementary school on one of the three superblocs, but they reneged²
- In the 2012, NYU offered the SCA the “option” to build a 100,000 SF school on NYU land at Bleecker and LaGuardia Place
 - NYU initially proposed that the option would expire in 2025³
 - In the final rezoning, the option expired on Dec. 31, 2014⁴
 - In 2014, CB 2 passed a resolution in support of extending the option to the original 2025 date. Instead, NYU extended the option to Dec. 31, 2018⁵

Sources:

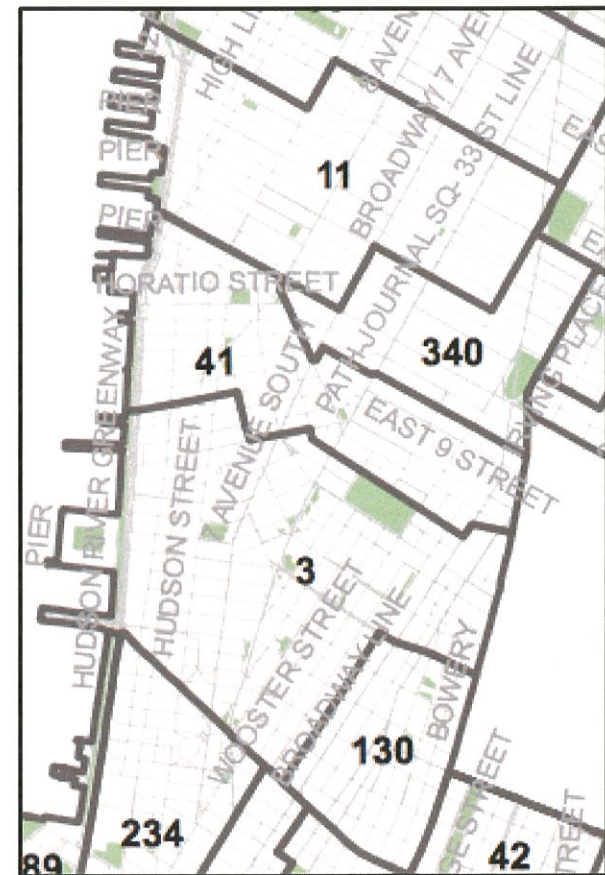
1. 1960s, <http://thevillager.com/2012/01/26/n-y-u-promised-an-elementary-school-back-in-1960/>
2. 2010: <http://ny.chalkbeat.org/2010/03/25/new-elementary-school-planned-as-part-of-nyu-expansion/#.VEAK4b6zDzI>
3. 2012, http://www1.nyc.gov/assets/planning/download/pdf/applicants/env-review/nyu_core/00_feis.pdf
4. Restrictive Declaration for the NYU Core Project, Section 5.3, July 24, 2012. <http://www.nyu.edu/content/dam/nyu/govCommunAffairs/documents/nyu-in-nyc/core-plan-commitments/2012-7-24-NYU-Core-Restrictive-Declaration-FINAL.pdf>
5. Letter from Lynne P. Brown, NYU to Lorraine Grillo, SCA, December 16, 2014.

Executive Summary: Why Extend Option

- 2025 Makes More Sense
 - 181 Mercer construction may impact construction phasing for the Bleecker School and timing for NYU to build below grade space at Bleecker
 - Bleecker School remains unfunded in the DOE Capital Plan for FY 2015-2019
 - Construction is delayed at other downtown schools at Trinity Place and Duarte Square
 - Both new schools are funded in the DOE Capital Plan, but construction start dates depend on developer schedules
 - Trinity Place School delayed 18 months and will not open until Fall 2022 and, currently, there is no construction timeline for the Duarte Square School
- Bleecker School will benefit NYU and our children
 - A public school on NYU's core campus would be attractive to its faculty, staff and their families
 - NYU Steinhardt and its student teachers could benefit from a public school on the NYU campus

Assumptions

- 100,000 SF Bleecker School would provide 600 school seats
 - 10% or 60 seats would be set aside for District 75
 - 90% or 540 seats would remain for District 2
- Study Area: Greenwich Village & Chelsea
 - Elementary school zones for PS 3, 11, 41, 130 and 340
 - New construction and population growth in Chelsea reduce capacity for Greenwich Village families zoned for PS 340
 - Duarte Square School is excluded from the analysis because enrollment is expected to come from new residential construction in Hudson Square



Drivers of Demand for Additional School Seats

1. Current elementary schools are over capacity and overcrowded
2. CEQR flaws and growth of family-sized apartments
3. Rezoning produce shortfall in school seats
 - In Hudson Square, the Duarte Square School will be overcrowded
 - 550 Washington rezoning included no school
4. Reduction in class size to comply with Contract for Excellence laws
5. Expansion of Pre-K and 3K programs
6. Inclusion of District 75 seats
7. Physical Education Space needs

2. CEQR Flaws

- CEQR undercounts impact of development on school seats
 - Most new construction falls well below the 310 units required to trigger a City Environmental Quality Review (CEQR) even though all residential construction and conversions will add children to our schools
- CEQR multiplier of 0.12 for Manhattan elementary students is too low
 - CEQR ignores increase of family-sized apartments
 - From 2007 to 2016, the share of three bedroom apartments and larger shifted from 7% to 27% of the downtown condo market (vs. a rise from 6% to 23% in all of Manhattan¹)
 - Increase in share of family-sized apartments suggests its time to revise the Manhattan multiplier
 - The actual multiplier is 0.16 for the Study Area
 - From 2002 to 2016, total residential units in the Study Area increased by 5,078 and elementary school enrollment increased 799²
 - Using a multiplier of 0.12 would project only 609 elementary students

Sources:

1. Elliman Report, *Manhattan Decade, 2007-2016*. <https://www.elliman.com/pdf/27a266e0e4181c44d8c6008e63121404a368d077>
2. Research Alliance for New York City Schools (2016). *School-Level Master File 1996-2016 and NYC DOE 2016-17 Final Class Size Report*. Assumed 2016-17 enrollment for 153 equal to 2015-16 enrollment. PLUTO for residential units in Study Area.



3: Recent Rezonings

- Hudson Square: Planned School Too Small
 - Using a CEQR multiplier of 0.16, the 444-seat Duarte Square School will be short 88 seats once the planned development is complete
 - If 10% of seats are reserved for District 75 students, elementary school capacity will be reduced by an additional 44 seats
 - If the Duarte Square School eases overcrowding in North TriBeCa, capacity will be further constrained

- 550 Washington: New Development But No School Seats
 - 169 new elementary students using a CEQR multiplier of 0.12
 - 225 new elementary students using a CEQR multiplier of 0.16

550 Washington

Calculation of Elementary Seats	EIS	CB Analysis
Total Residential Units	1,586	
Less: Senior Units	<u>178</u>	
Units for School Analysis	1,408	
CEQR Multiplier	0.12	0.16
Seats Needed	169	225

4. Significant Additional Seats Needed To Achieve Contract For Excellence Class Size Reductions

- Class sizes surpass Contract for Excellence (C4E) laws and the DOE's plan to reduce class size to no more than 20 students per class for K-3 and 23 students for 4-8
- Capacity would need to increase by 20% to reduce class size from 25 to 20
 - 2015-2016 enrollment in the Study Area is 3,355 for grades K-5, requiring an additional 671 seats to achieve C4E standards
 - If C4E were implemented solely at the kindergarten level, more than 100 additional seats would be needed to achieve C4E standards

Sources: Class Size Matters, 11/15/11, Contracts For Excellence: NYC's Failure and Violations of Law as Regards to Class Size and Research Alliance for New York City Schools (2016). School-Level Master File 1996-2016.

5. Expansion of Pre-K and 3K Programs

- Continued expansion of Pre-K will require 69 seats
 - Study Area schools offer 193 full-day Pre-K seats in 11 classrooms or 37% of the kindergarten cohort
 - Increasing Pre-K seats to 50% of the kindergarten cohort will require 69 additional seats or 4 classrooms
- The addition of 3K programs will require additional classroom space
 - 131 seats or 8 classrooms to serve 25% of the kindergarten cohort
 - 262 seats or 16 classrooms to serve 50% of the kindergarten cohort

Study Area: 2015-16 K, PK and 3K Seats

Kindergarten Seats	524
Current PK Seats	193
PK as % of K	37%
Current 3K Seats	0

Pre-K Seats Needed in Study Area

PK Goal as % K	50%
Pre-K Seats Needed	69
PK Class Size	<u>18</u>
Rooms Needed	3.83

3K Seats Needed in Study Area

3K Goal as % of K	25%	50%
3K Seats Needed	131	262
3K Class Size	<u>16</u>	<u>16</u>
Rooms Needed	8.19	16.38

Source: 2015-2016 School Year, Research Alliance for New York City Schools (2016). School-Level Master File 1996-2016.

Need for Bleecker School Today

Summary of Drivers of Demand for Bleecker School Seats

Description	Seats Needed	
	Low	High
Overcrowding at existing elementary schools	148	337
Duarte Square School shortfall in capacity	0	88
550 Washington rezoning	169	225
Reduction in kindergarten class size to comply with Contract for Excellence laws (650+ seats for all grades)	100	100
Expansion of Pre-K (to serve 50% of students)	69	69
Expansion of 3K (to serve 25% of students)	131	131
Addition of District 75 at Duarte Square	0	44
Addition of District 75 at Bleecker	0	60
Physical education space needs	TBD	TBD
Total	617	1,054

Population Projections Further Demonstrate Need for Additional Schools

- Continued growth in under five population
- Births continue to increase
- CB 2 updated the 2014 population projections

Data Sources

- Limited Census Data at Study Area Level
 - Under five population
 - Study area data available only for 2000 and 2010 (data at block level)
 - Manhattan data available for 2001-2009 and 2011-2015
 - Cohort survival data only available for Manhattan
 - Use of Manhattan data requires assumption that ratio of Study Area to Manhattan remains constant
- Birth Data
 - Available at census tract level for 2000-2011
 - Used census tract area that most closely coincides with but is slightly larger than Study Area
- Future analysis should include decennial census data from 2020 and updated birth data by census tract

Under Five Population Increased 31% in Study Area

- From 2000 to 2010, the under five population grew 31% in the Study Area vs. less than 1% in Manhattan
- From 2010 to 2015, the under five population grew 11% in Manhattan. Comparable data for the Study Area is not available

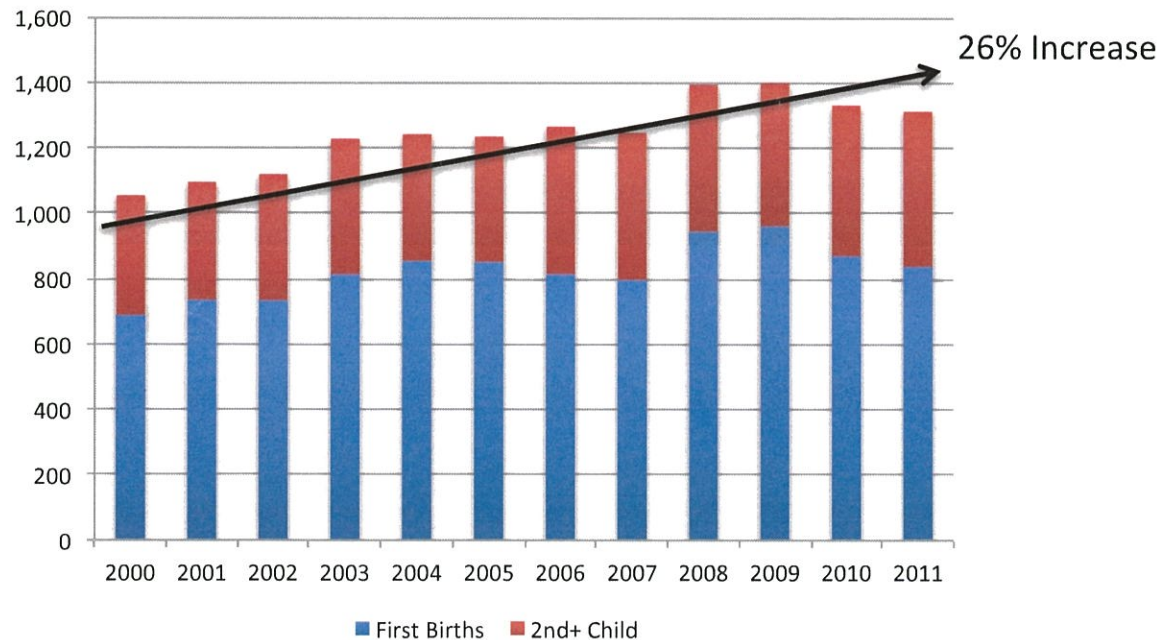
Under Five Population

Year	Manhattan	Study Area
2000	76,048	3,545
2010	76,579	4,644
% Change	0.7%	31.0%
2015	84,763	n/a
% Change	10.7%	n/a

Births Continue to Increase

- Increasing births and birth rates suggest that under-five population will continue to grow in the Study Area
 - Births increased 26% vs. a drop of nearly 2% in Manhattan from 2000 to 2010
 - Birth rate increased 20% vs. a decline of 5% in Manhattan from 2000 to 2010
 - Approximately 65% of births are first births, signifying more to come

Total Births in Study Area



Population Projection

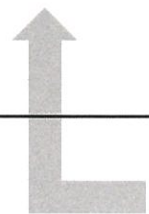
- Demographic analysis projects population of under five-year olds in 2019 using trend and cohort survival analysis
 - Trend Analysis
 - Long-Term Trend: Uses Study Area data for 2000 and 2010
 - Slow Growth: Uses Manhattan data for 2000 – 2015, factoring in declines in population after 9/11 and great recession
 - High Growth: Uses Manhattan data for 2010 – 2015
 - Cohort Survival Based on Manhattan Data through 2015

Population Projections: Comparison of Results

- Higher under-five population growth and birth rates in Study Area compared to Manhattan suggest that use of Manhattan data may under estimate growth in Study Area and could justify higher population projections
- Trend analysis 1A is most reasonable and demonstrates need for 600 school seats

Projected Under Five Population in Study Area

Year	Trend Analysis			
	1A Long Term	1B Slow Growth	1C High Growth	2 Cohort Survival
2000	3,545	3,545	3,545	3,545
2010	4,644	4,644	4,644	4,644
2017	5,413	5,075	5,395	4,841
2022	5,963	5,177	5,866	4,931
New Students				
2017	1,083	1,015	1,079	968
2022	<u>1,193</u>	<u>1,035</u>	<u>1,173</u>	<u>986</u>
Change	110	20	94	18
Seats Needed	660	120	564	108
Limitation	Update in 2020	Relies on Manhattan Data	Relies on Manhattan Data and high growth from 2011-2015	Relies on Manhattan Data



Most Reasonable

Conclusion: The Case for Bleecker School

- Assume 100,000 SF seats 600 students
- Demonstrated need for Bleecker School now!

Summary of Drivers of Demand for Bleecker School Seats

Description	Seats Needed	
	Low	High
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Physical education space needs	TBD	TBD
Total	617	1,054

- Mid-range population projections for under-five population demonstrate need for an additional 600+ seats

Recommendations

- Reinstate School Election Notice from December 31, 2018 to 2025
- Work with Steinhardt School of Culture, Education, and Human Development on development of Bleecker School
- Collaborate with the DOE and SCA to:
 1. Fund Bleecker School in next five year capital plan
 2. Include incremental development in school planning
 3. Revise CEQR ratio to accurately reflect our community
 4. Ensure that our hard won school remains a public school

Testimony submitted regarding the DOE's current proposal to merge schools at building K458 and re-site Uncommon Charter Brooklyn East Middle School into the same building from PS 9. The space for the merged transfer schools would be cut in half even though:

- We serve children that charter schools would never keep in their schools because they are not interested and are ill-equipped to help ELL and SPED students. Over 80 percent receive free and reduced lunch, they are overwhelmingly Black and Hispanic (95%) and some of them are homeless.
- We would not have enough space to provide private counseling, space for IEP meetings, tutoring, or to house the CAMBA Learning to Work program.
- We serve 12 District 75 students who participate in inclusion classes and in the new plan they would be assigned to a room that is 350 square feet with one window instead of their current space that is 950 square feet. This is an inhumane arrangement, and disregards a population of students requiring the most assistance toward quality education and whom charter schools are not created to service.
- The proposed middle school includes 5th Grade students who cannot be scanned and would be forced to be in the building with students as old as 21 years of age. This could create a safety issue for the entire building if there is at least one entrance that is not scanned.
- The proposed Building Utilization Plan indicates that over-aged under credited students will only have gym one period a day. These students who may need multiple gym credits to graduate and have to be enrolled in school for more years since the BUP only allocates 1 hr of gym for our students after the proposed merger. This would negatively impact the 70 percent graduation rate of our cohort students.
- It is unfortunate that Deputy Chancellor Rose who leads space planning at DOE has no background in education and yet as a Bloomberg holdover gets to make decisions about public schools, but caters to the charter schools
<https://www.linkedin.com/in/elizabeth-rose-7631721/>
<https://www.chalkbeat.org/posts/ny/2017/09/20/heres-what-carmen-farinas-top-deputies-have-on-their-plates-this-school-year/>

My name is Marcia Osgood, and I have been a guidance counselor for 14 years at Brooklyn Academy High School. I hear a strong and clear message over and over again from transfer students entering our school: the small, individualized attention they receive with us gives them what they need academically and emotionally.

We need to continue our success with transfer students! To do this, they need time and space to receive academic interventions and for their emotional concerns to be heard. They need to know that their problems matter to us! This change in space at our school, merging Brooklyn Academy and Bedford-Stuyvesant Preparatory High School, would seriously limit our ability to meet their needs.

As guidance counselor, I can see exactly any conflicts for space as we work every day to meet their individual needs. With 170 students currently on the 3rd floor at Brooklyn Academy, I am frequently trying to locate an open space for students to meet with a caseworker from preventive services or a child protective specialist from ACS. Finding a space is already a problem with our current number of rooms.

Students also voice crises that must be addressed in the moment -- problems that cannot wait! These crises include reproductive health matters that are time sensitive, as well as thoughts or plans of suicide that obviously must be helped immediately. Our social worker from CAMBA, our school psychology interns, and I need private space and enough time in that space to unravel the anxieties and fears that students are harboring, and then ensure that the students are safe. The counselors from Teen Choice also need the private space and time to address our students' reproductive health concerns.

With the proposed increase in student enrollment to nearly 300 on the 3rd floor, the result will be only greater tension to find space. The outcome will be a reduction in crisis and reproductive health counseling.

We must send the message to these students that they matter. Please help protect the space and time that these students deserve.

Support Us! Don't squeeze us out!

I am Marcia Osgood, the gc from BK Academy High School. Our school building will receive the Uncommon Charter middle school, if that proposal is approved.

I want to thank the PS 9 parents who attended the public hearing at our school building on Monday, and for their very thoughtful words and support of our students' efforts to protect their education. These parents were obviously moved by our students' plea that they have enough space for classes and other essential support services.

Our students move us every day to work extra hard to meet their individual needs. These are essentials like individual and group counseling, reproductive health counseling, special ed evaluations and speech therapy.

The current proposals to merge other schools in our building with us, and to move Uncommon' middle school into our building, will reduce these vital support services. I am requesting that the PEP and all weighing these proposals to seriously factor the impact that they will have on the health and well-being of students already present in our school at 832 Marcy Avenue.

Thank you.

Good morning, City Council,

My name is Anita Wah, and I am a teacher at Brooklyn Academy High School, a transfer school, in Bedford-Stuyvesant Brooklyn, located in building K458 at [832 Marcy Avenue](#). I would like to comment on the DOE's process of space planning as it pertains to my school and three of the other schools that are co-located in the building.

The DOE's Space Planning Division plans to merge ours and another transfer high school, which are currently located on two separate floors, while allotting the space of only one school. This means Space Planning has proposed that two schools with students of exceptional academic and socio-emotional needs be given half the space they currently have. My transfer school serves students who are 16 to 21 years old, with 28% of our students currently having IEPs. Transfer schools were designed by the DOE to be small, personalized learning environments; however, DOE's current proposal for our building combines two schools into one and squeezes **300 high school students onto one single floor**. All four schools affected by this proposal wondered why Space Planning would do this, but it is clear judging by a concurrent proposal that the driving force is to yield space for an Uncommon Charter middle school (feeder school for the UCC high school already in the building) to enter the building.

It is incredibly unfair to our students who were unsuccessful in large, traditional high schools to be disregarded again. Our students are not numbers and desk-occupants; the needs of our students should come before square footage. Moreover, regarding the UCC middle school students, I cannot imagine how it is appropriate for 5th graders (10-year-olds) to be in the same building as 21- and 22-year-old high school students.

I believe the City Council should also further investigate the priorities of charter schools versus public schools in terms of space planning. Our school was offered a different proposal in terms of space, which was quickly rescinded because the charter school did not like it. Clearly, the charter school had first say in this proposal, and our students' needs are the last ones to be taken into account. We need space for counseling, IEP meetings, evaluations, tutoring, small class sizes, and a positive learning environment. The way that we use our space has been a great factor towards our school ranking among the top five transfer schools in terms of graduation rates.

Our school is in Councilman Cornegy's district and we are asking him to visit our school and to bring our concerns to DOE.

Very respectfully,

Anita Wah
Math Teacher
Brooklyn Academy High School

My name is Miari Roberts and I'm a teacher at Brooklyn Academy High School, a transfer school, in Bedford-Stuyvesant Brooklyn, located in building K458 at 832 Marcy Avenue. I'm speaking on behalf of our stakeholders who are opposed to the current proposal that DOE has to cut our space in half without considering the needs of our students. We believe that DOE has allowed space planning to take priority over the high social/emotional and academic needs of our students. My school serves students who are 16 to 21 years old, and 28% of those students have IEPs. Transfer schools were designed by the DOE to be small, personalized learning environments. However, DOE's current proposal for our building will combine two schools into one school and squeeze 300 kids onto one floor, just so that they can squeeze an Uncommon Charter middle school into the building. It's unfair to our students who were unsuccessful in large traditional high schools to be disregarded again. The needs of our students should come before square footage. The City Council should also further investigated how the DOE allows charter schools to have priority over public schools when decisions are made around space. We were offered a proposal, but it was rescinded because the charter school turned it down. It's unfair and shameful that the DOE allows space planning to take priority of students and staff who need space for counseling, IEP meetings, evaluations, tutoring, and small class sizes. Our school is in Councilman Cornegy's district and we are asking him to visit our school and to bring our concerns to DOE.

Thank you.

Respectfully submitted,

Students, staff and parents

Brooklyn Academy High School



Advocates for Children of New York
Protecting every child's right to learn

FOR THE RECORD

**Testimony to be delivered to the New York City Council
Committees on Education, Finance, and Land Use**

Re: City Council Report – Planning to Learn: The School Building Challenge

April 18, 2018

Thank you for the opportunity to speak with you. My name is Randi Levine, and I am Policy Director at Advocates for Children of New York. For more than 45 years, Advocates for Children has worked to ensure a high-quality education for New York students who face barriers to academic success, focusing on students from low-income backgrounds.

Advocates for Children is concerned about overcrowding and appropriate school planning for all children across the City. We were pleased to participate in meetings of the City Council's School Planning and Siting Working Group and appreciate the City Council's attention to these areas. It is important to ensure that the City is identifying adequate school space in order to expand 3-K for All to every district, lower class size, ensure that schools have appropriate space for students with disabilities to receive the classes and services they need, and reduce travel time for students who attend District 75 specialized schools and other specialized programs. Given our limited time today, we will focus our testimony on the issue of school accessibility.

No conversation about the "school building challenge" would be complete without discussion of the severe shortage of schools that are accessible to students, families, and staff with physical disabilities. In December 2015, the U.S. Department of Justice found that only 17% of the City's elementary schools were fully accessible. Two years later, the numbers are still unacceptably low. Three of the 32 community school districts have no fully accessible elementary school buildings (Districts 12, 16 and 21), 4 districts have no fully accessible middle schools (7, 14, 16, and 32), and 6 districts have no fully accessible high schools (14, 16, 18, 20, 21 and 32). As a result, families have limited options, and students often must travel longer distances to attend schools that can meet their needs. Additionally, families are required to make difficult compromises regarding curriculum and programming for their students.

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Because full accessibility is so limited, the DOE places many students with accessibility needs in schools that are only “partially accessible.” Unfortunately, families find significant variation in these partially accessible schools. Students who use wheelchairs or walkers may be required to enter their buildings through separate entrances and may not have access to key spaces within the building.

We are pleased that the DOE’s Office of Space Planning is working to complete surveys of the accessibility of public school buildings. These surveys, known as Building Accessibility Profiles, confirm the need for the City to improve the accessibility of partially accessible buildings and can help the City identify the most effective, efficient, and necessary projects to improve accessibility for students, families, and staff with mobility, hearing, and vision needs.

The 2015-2019 Capital Plan allocates \$100 million for improving school accessibility and \$28 million for ensuring that a number of schools can serve as accessible emergency shelters. Together, that represents *less than one percent* of the total funding in the Plan. Furthermore, the City has already spent the vast majority of this funding, leaving little, if any, funding for accessibility projects in the coming year. If the City does not increase funding for accessibility projects in this year’s budget, we will not see additional progress over the next year.

New York City should no longer tolerate a system where students, parents, and teachers who use wheelchairs are effectively barred from most schools. We are pleased that the City Council’s “Planning to Learn” report states that the DOE should address the shortage of barrier-free programs so that all students have equitable access to schools and that the City Council’s Response to the FY 19 Preliminary Budget recommends the allocation of \$125 million in additional funding to increase the number of accessible schools.

We encourage the City Council to stand firm on this recommendation and work with the Administration to ensure that the final budget includes additional resources for school accessibility. We also encourage the City Council to hold a hearing on school accessibility to hear about the challenges students are facing and focus more attention on this issue. To address the school building challenge, the City must ensure that all students, families, and staff can get in the front door.

Thank you for the opportunity to testify. I would be happy to answer any questions.

**THE COUNCIL
THE CITY OF NEW YORK**

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Name: M Rebecca Kostuchenko

Address: 140 86 Ave Brooklyn NY 11211

I represent: ARISE, myself

Address: _____

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Name: Mari Provencal

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I represent: TRUCKERS NYC

Address: 116 E 116 St NY NY 10013

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Name: Michael Friedman

Address: 845 University Ave, #20 Rm 20

I represent: Pathways to Graduation + Marcy High School

Address: 832 Marcy Ave Brooklyn NY

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Name: Michelle Norris

Address: 21-37 23rd St, Astoria, NY

I represent: _____

Address: _____

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Date: 4/13/18

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Name: Christine Appah, New York Lawyers for the Public Interest

Address: 151 W 30th St, NY, NY 10001

I represent: New York Lawyers for the Public Interest

Address: _____

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Name: Robert Rindgerthman

Address: _____

I represent: Deputy Commissioner, DCAS, Real Estate

Address: _____

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Name: Jaelyn O'Kin Barney

Address: 300 Riverside Drive

I represent: Parents for Inclusive Education

Address: _____

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Name: Katrina Klawnsman

Address: _____

I represent: Chief Operating Officer, DCP

Address: _____

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in favor in opposition

Date: 4/18/18

(PLEASE PRINT)

Name: Cristina Furlong

Address: 37-35 85th #21 JH.MY 11372

I represent: P.S. 89 G - DISTRICT 24

Address: _____

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Name: Leome Harmon
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I represent: Class Size Matters
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(PLEASE PRINT)
Name: Randi Levine
Address: _____
I represent: Advocates for Children of New York
Address: I'm running across the street for mtg from 12:30-1:00-
will come back if hearing is still going!

Please complete this card and return to the Sergeant-at-Arms

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Name: Lorraine Guillo

Address: _____

I represent: President, SCA

Address: _____

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Date: 4/18/18

(PLEASE PRINT)

Name: Elizabeth Rose

Address: Deputy Chancellor

I represent: Division of Operations

Address: DOB

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