Testimony of Mindy Tarlow on the Preliminary Mayor's Management Report (PMMR)
In front of the Committee on Governmental Operations
April 6, 2016

Good afternoon, Chair Kallos and other members of the Governmental Operations Committee. My name is Mindy Tarlow and I am the Director of the Mayor's Office of Operations. I am joined by Tina Chiu, the Deputy Director for Performance Management. Thank you for this opportunity to discuss the Preliminary Mayor's Management Report with you.

As you know, since 1977 the Mayor's Management Report (or MMR) and the Preliminary Mayor's Management Report (or PMMR) have served as a public account of the performance of City agencies, measuring whether they are delivering vital services efficiently, effectively and expeditiously. As mandated by Section 12 of the New York City Charter, the Mayor reports to the public and the City Council twice a year on the performance of each City agency: an annual MMR is released every September; a PMMR, covering the first four months of the fiscal year, is published two weeks after the release of the January financial plan.

The MMR and PMMR cover the operations of City agencies that report directly to the Mayor. Three additional non-Mayoral agencies are included, for a total of 44 agencies and organizations. Activities that have direct impact on New Yorkers—including the provision of support services to other agencies—are the focus of the report. The report is organized by agency around a set of services listed at the beginning of each agency chapter. Within service areas, goal statements articulate the agency's aspirations. Each goal statement is accompanied by performance indicators that speak to whether or not the agency is achieving that goal and how much progress has been made. The services and goals are developed through collaboration between the Office of Operations and the senior managers of each agency. Every time we publish the MMR and PMMR, the content of each agency chapter is approved by the head of that agency and the relevant Deputy Mayor.

The MMR and PMMR are available via an interactive website and as PDF documents. In addition, MMR and PMMR performance indicators, targets and agency resources data are all available online in a downloadable form on the City's Open Data portal. The data for the 2016 PMMR has been available on the Open Data site since the release of the PMMR on February 5, 2016. I'd also like to draw your attention to the online Citywide Performance Reporting system (or CPR), which can be accessed at www.nyc.gov/cpr. Throughout the year, agencies routinely report on all critical indicators contained in the MMR/PMMR through the CPR portal. CPR, which is updated on the first of every month, is publicly available and allows users to easily sort information by agency and by time period. CPR also provides opportunities to view five-year trends as well as mapping information for select indicators.

The MMR/PMMR has been historically, and continues to be, a collection of key metrics taken from individual City agencies, so the public can evaluate the efficacy of City government in areas like education, safety, housing, health and human services, public infrastructure and administrative services. More recently, in addition to reporting on performance indicators for individual agencies, the MMR has highlighted initiatives that cross multiple agencies and disciplines. We continue to emphasize multi-agency collaborations, including signature City

initiatives like Vision Zero, Housing New York, the Mayor's Action Plan for Neighborhood Safety, Small Business First, and Career Pathways.

Each agency in the MMR also presents a Focus on Equity statement. These statements highlight this administration's belief that effective government performance must take into account the fair delivery and quality of services across the locations and populations of our city. This focus on equity continues to evolve as agencies advance their work and launch new programs and initiatives that create a New York that is fair and accessible to all who live here.

The main production process of each MMR/PMMR is six to eight weeks long and requires the efforts of over 10 Operations staff members, as well as roughly 150 senior staff in the 44 agencies and organizations included in the report, as well as Deputy Mayors and staff, who all contribute to the document. Agencies are responsible for timely submissions of draft report chapters; for responding quickly to questions and suggestions; and for verifying the final version of their report sections. Operations is responsible for formatting, analyzing and circulating draft sections; for ensuring that narrative explanations are informative; for collecting and responding to reviews of the draft sections; for preparing and producing the published report; and for coordinating with senior City Hall staff on the public release and transmittal to the Speaker of the City Council of the MMR and PMMR.

The process by which changes are made to an agency's services, goals, indicators or targets is collaborative and ongoing between the agencies and the Mayor's Office, including staff from Operations and Deputy Mayors' offices. The impetus for changes may originate at the agencies or come from within the Mayor's Office. Operations staff also routinely ask agencies if they expect to make any substantive changes before each production process and agencies put forth proposals. Operations reviews the proposals and there is usually a substantial amount of back and forth, depending on how extensive the changes are or how well-developed the proposals.

The MMR provides multiple data points and several options to evaluate performance. For each indicator in the MMR, we have three or four elements that provide context. The ways in which the MMR helps the reader evaluate performance include: 1) comparisons between the current year and the previous year (year-over-year change); 2) comparisons between the desired direction and the year-over-year change; 3) comparisons between the desired direction and the five year trend; and finally, where available, 4) we can compare the current year's actual to that year's numeric or directional target. Generally, we evaluate performance by comparing the current year-to-date to the previous year-to-date, the same comparison that forms the basis of the continuous improvement model used in CPR (the Citywide Performance Reporting system). We believe, and the document reflects, that this year-over-year performance is best evaluated in context with narrative that presents statements about the agency's goals and explanations of changes from year to year. The narrative portion of the MMR and PMMR appears on the first page of every agency section. It is here that the agency's goal statements clearly spell out the specifics of what the agency is working to achieve. Each goal statement is repeated on the pages that follow with specific measurements listed under each statement so the reader can clearly see if the stated goal is being met.

After our discussion about targets at the hearing in front of this Committee in December 2015, the Office of Operations refined and clarified the explanation of the term "target" that appears in the PMMR User's Guide. In the PMMR for 2016, "target" was described as: "Desired levels of performance for the current fiscal year and the next fiscal year. Targets can be numeric or directional. Numeric targets can set an **expected** level of performance, a **maximum** level not to be exceeded, or a **minimum** level to be met. Directional targets are represented by up or down arrows. An **asterisk** means no numeric or directional target was set." This clarified explanation can be found in the User's Guide on page 301 of the PDF version of the PMMR at www.nyc.gov/mmr. This explanation will also appear in the Fiscal 2016 MMR when it is released in September.

Each indicator has attributes, or a set of standard characteristics, such as whether or not it is expressed as a percentage or a whole number, and whether or not it has a desired direction, and if so, if that direction is up or down. It is important to point out that in the MMR/PMMR, a target—like a desired direction—is an attribute of an indicator. Targets do not have their own attributes, and so targets do not have desired direction. Targets are generally stable and should not change much from year to year unless there has been a shift in priorities, budget or operations.

Although we do not require agencies to set targets for every indicator, generally we prefer that every critical indicator with a desired direction of up or down have a target, either a numeric target or an arrow showing the direction in which we want the trend to go (that is, a directional target). Generally we do not recommend setting a numeric target for the number of injuries or number of fatalities unless that target is set at zero. Generally we prefer directional targets for injury and fatality indicators.

Thank you for the opportunity to testify today on the work the Mayor's Office of Operations performs in putting together the MMR and PMMR. The reports are a product of ongoing collaboration between the Office of Operations and 44 City agencies and partners and we are very proud of the work we do. We look forward to answering any questions you may have at this time.

Testimony of the New York City Independent Budget Office
On the Mayor's Management Report
To the New York City Council Committee on Governmental Operations

April 6, 2016

Good afternoon Chairman Kallos and members of the committee. I am Lisa Neary, general counsel at the Independent Budget Office. Thank you for the opportunity to speak today on the Mayor's Preliminary Management Report (PMMR).

IBO last offered testimony on the Mayor's Management Report (MMR) in December 2015. We focused our comments then on the content of the MMR, specifically on legislation requiring that citizen surveys become part of the annual MMR—an important step towards creating an MMR that more accurately reflects how the city's communities experience and perceive the delivery of city services. Today, I would like to focus on the MMR process—specifically the timing of the publication of the MMR, an issue that has come up in prior Council hearings over the years, and in prior IBO testimony as well.

One of the initial intentions in issuing the first Mayor's Management Report, back in the mid-1970s, was to inform the city's budget resource decisions. A report that allows decision makers in the city's budget process to link the allocation of scarce resources to an assessment of city service delivery is certainly a reasonable, laudable goal. Over the years, IBO and others have pointed out that the timing of the release of the report, both the preliminary and final versions, hamper its usefulness in achieving this goal.

Although the Preliminary Mayor's Management Report is released prior to the Council's hearings on the Mayor's preliminary budget, which could arguably make the report a useful tool in discussing resource allocations during Council budget hearings, the timing of the report's release limits the amount of information that the report can contain.

As you are well aware, the performance indicators contained in the PMMR reflect only the first four months of the city's fiscal year. With only this partial picture in hand, the Council lacks crucial information that would allow you to link objectives to resources, and to link resources to outcomes. Without these tools the Council's ability to gauge the effectiveness of city programs put forward in the Mayor's preliminary budget is limited. For example, in the most recent PMMR, there are many indicators related to the Department of Education's efforts to improve academic achievement that are listed as "not available"—including over one dozen that have been identified as critical to achieving this goal. Though identified as critical information, because the PMMR is issued so early in the fiscal year, the information cannot be collected and reported.

The September release of the MMR is even more poorly timed. As you know, budget decisions are typically the focus of attention from January through June. For the MMR to have maximum influence on these decisions, its release date would need to be within this period. One suggestion IBO has made in the past would be to release a version of the MMR in conjunction with the release of the Mayor's executive budget. With this change in the timing, the Council would have crucial performance related information available as the budget negotiations took shape for the upcoming fiscal year. In addition, the Council would be in a better position to suggest additional MMR indicators related to the Mayor's budget initiatives going forward.

To take one small example, one of the new spending proposals the Mayor highlighted in his press release for the preliminary budget for fiscal year 2017 was an additional $12.1 million in expense funds for 327 new traffic enforcement agents to improve traffic flow and safety. If the MMR accompanied the executive budget containing this proposal, Council Members could better assess, using indicators related to the goals of improving traffic congestion and pedestrian safety, whether this measure was a good use of the city's resources.

While the PMMR and MMR contain a plethora of information, the timing of the release of these reports critically limits the usefulness of the information they contain. In the case of the PMMR, the timing restricts the value of the information because coming so early in the budget adoption cycle, the report contains only a fraction of the whole picture. The MMR is issued outside the budget deliberation cycle, making it difficult to link the important information it contains with decisions about how to allocate the city's scarce resources.

Thank you and I would be pleased to answer any questions.
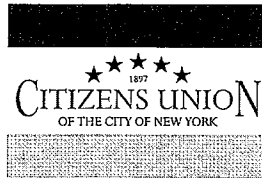
CITIZENS UNION OF THE CITY OF NEW YORK
Testimony to the NYC Council Governmental Operations Committee
on the Structure and Content of the Mayor's Management Report
April 6, 2016

Good afternoon Chair Kallos and members of the City Council Governmental Operations Committee. My name is Dick Dadey, and I am the Executive Director of Citizens Union of the City of New York. Citizens Union is a nonpartisan good government group dedicated to making democracy work for all New Yorkers. Citizens Union serves as a civic watchdog, combating corruption and fighting for political reform.

Thank you for the invitation to testify today about the 2016 Preliminary Mayor's Management Report (PMMR). Citizens Union has been previously engaged on this issue, having testified before the Governmental Operations Committee over the past five years at similar oversight hearings, and served on the Mayor's Management Report (MMR) Roundtable convened by the Mayor's Office of Operations in 2012. The Roundtable's goal was to redesign the MMR to make it more user-friendly to the public and more effective as a measurement of agency performance; we have been pleased to see that several recommendations from that discussion have been implemented.

Yet, we believe that improvements could be made to both the substance and presentation of the reports that would allow for a better understanding of city government's performance of and plans for service delivery, and which would strengthen accountability and transparency. These recommendations include:

1. **Set targets for over half of the city's performance indicators.**

As Citizens Union has noted in testimony over the years, much information is needed to present a comprehensive view of the city's performance targets. We have conducted analysis of the PMMR, and found that: targets are specified for less than half of the 1,964 performance indicators examined within the text of the report; while some targets are given direction (e.g. to reduce or increase the number), still more indicators do not have articulated targets; and more indicators are without targets for FY 2017 than FY 2016. Our data show:

1,964 Performance Indicators	FY 2016	FY 2017
Specified Targets	907	873
Directional Target	94	94
No Target	948	961

(Please see the affixed spreadsheet for more supporting data)

This is disconcerting because a critical aspect of these management reports is to publicly disclose the goals that agencies have established to improve on their performance. The lack of targets indicates one of two troubling possibilities: either that agencies experience difficulty setting goals in coordination with the Office of the Mayor, or that these goals have been established but are being concealed from the public. Neither is satisfactory.

2. Provide more detailed budgetary information.

More detailed budget information should be included in the MMR to accurately measure the effectiveness of each agency. While general budget information is provided for each agency - including expenditures, revenues, personnel costs, capital and overtime expenditures - there is no way to tell if service delivery reflects dollars well spent. The MMR and PMMR should provide detailed budget information for each agency service delivery goal established. This would enable the Mayor and Council during its budget hearings to determine the levels of funding appropriate for each service delivery goal agencies are trying to achieve.

Citizens Union understands that other budget documents produced by the Council and Office of Management and Budget (OMB) contain more detailed financial information for agencies. However, those documents do not measure performance. We cannot stress enough the need for OMB to make detailed agency spending that is linked to actual program performance more transparent and accessible to the public, and the MMR is one important way to deliver this information.

3. Expand reporting on cross-agency initiatives to include data on transparency and voting programs.

The PMMR currently is structured to share information not just about agency performance, but also cross-agency programs such as Hurricane Sandy Recovery and Vision Zero. We believe this feature is valuable for assessing key projects initiated by the Office of the Mayor, and would like to see it expand to include additional programs that are crucial for good government in New York City.

The city currently engages in several transparency and accountability initiatives, and it is important to track progress and set targets for growth, both within agencies and throughout the administration. These include:
   a. Complying with the Pro-Voter Law requiring certain agencies to provide voter registration opportunities.
   b. Responding to Freedom of Information Law (FOIL) requests.
   c. Webcasting or recording and publishing public meetings and hearings.
   d. Including data on the Open Data Portal.

We note that qhile there is one performance indicator addressing datasets on the Open Data Portal within the Department of Information Technology and Communications' portion of the PMMR, more information about the implementation of the Open Data Law that should be shared within the report. For example, the report could track the number of datasets published to the Open Data Portal by agency and within each agencies' section of the report – as it could do for all four of these cross-agency programs.

Thank you again for providing the opportunity for Citizens Union to share our findings and thoughts regarding the Preliminary Mayor's Management Report. I am happy to answer any questions you might have.

Agency or Initiative	Indicators	Specified Target		No Target		Directional Target	
		FY 2016	FY 2017	FY 2016	FY 2017	FY 2016	FY 2017
Housing New York	34	5	5	29	29	0	0
Hurricane Sandy Recovery	0	0	0	0	0	0	0
Vision Zero	7	6	1	1	6	0	0
Young Men's Initiative	33	22	22	11	11	0	0
Mayor's Action Plan for Neighborhood Safety	18	17	0	1	0	0	0
Mayor's Task Force on Behavioral Health and the Criminal Justice System	4	4	4	0	0	0	0
Career Pathways	7	0	0	0	0	0	0
Small Business First	11	3	0	0	0	0	0
TOTAL	114	57	32	42	46	0	0
New York City Police Department	75	6	6	55	55	14	14
Fire Department	57	12	12	36	36	9	9
New York City Emergency Management	22	8	8	14	14	0	0
Department of Correction	46	10	10	29	29	7	7
Department of Probation	25	9	9	16	16	0	0
Civilian Complaint Review Board	19	7	7	12	12	0	0
Law Department	23	16	16	6	6	1	1
Department of Investigation	26	12	12	12	12	2	2
City Commission on Human Rights	25	10	10	15	15	0	0
Office of Administrative Trials and Hearings	27	9	9	18	18	0	0
Business Integrity Commission	29	7	7	19	19	3	3
TOTAL	374	106	106	232	232	36	36
Department of Sanitation	54	17	17	37	37	0	0
Department of Parks and Recreation	69	33	31	31	33	5	5
Department of Cultural Affairs	16	11	11	5	5	0	0
Department of Consumer Affairs	45	26	26	19	19	0	0
311 Customer Service Center	15	5	5	9	9	1	1
Taxi and Limousine Commission	55	19	19	36	36	0	0
TOTAL	254	111	109	137	139	6	6
Department of Health and Mental Hygiene	55	34	34	12	12	9	9
Office of Chief Medical Examiner	24	14	14	10	10	0	0
NYC Health + Hospitals	23	18	18	2	2	3	3
Human Resources Administration	86	57	57	25	25	4	4
Administration for Children's Services	91	36	36	55	55	0	0
Department of Homeless Services	43	16	16	16	16	11	11
Department for the Aging	23	11	11	12	12	0	0
TOTAL	345	186	186	132	132	27	27
Department of Education	106	53	53	45	45	8	8
School Construction Authority	14	9	9	5	5	0	0
Department of Youth and Community Development	46	28	28	18	18	0	0
Public Libraries	55	49	49	6	6	0	0
City University of New York	29	10	10	19	19	0	0
Department of Small Business Services	35	14	14	19	19	2	2
TOTAL	285	163	163	112	112	10	10
Department of Environmental Protection	64	39	39	25	25	0	0
Department of Transportation	75	30	30	42	42	3	3
Department of Buildings	55	25	25	28	28	2	2
Department of Design and Construction	35	31	24	3	10	1	1
TOTAL	229	125	118	98	105	6	6
Department of City Planning	19	11	11	8	8	0	0
New York City Economic Development Corporation	21	5	5	13	13	3	3
Department of Housing Preservation and Development	67	27	27	39	39	1	1
New York City Housing Authority	52	25	25	24	24	3	3
Landmarks Preservation Commission	19	8	8	11	11	0	0
TOTAL	178	76	76	95	95	7	7
Department of Citywide Administrative Services	54	25	25	29	29	0	0
Department of Records and Information Services	23	12	12	11	11	0	0
Department of Finance	42	21	21	21	21	0	0
Department of Information Technology and Telecommunications	43	21	21	20	20	2	2
Board of Elections	23	4	4	19	19	0	0
TOTAL	185	83	83	100	100	2	2
TOTAL	1964	907	873	948	961	94	94

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Testimony of Class Size Matters on the Mayor's Management Report
To the New York City Council Committee on Governmental Operations

April 8, 2016

Good afternoon Chair Kallos and members of the Committee. My name is Leonie Haimson, and I am Executive Director of Class Size Matters, an organization that advocates for smaller classes and more transparency and parent empowerment citywide.

I have several suggestions for how the Mayor's Management Report could be made more informative and useful when it comes to education.

Improvement in reporting class sizes:

- In earlier years, the MMR reported on what percent of students in grades 1-3 were in classes of 29 or more.[1] Yet in FY 2008 this statistic was removed, without any mention. We recommend that this statistic be re-added. Even as average class sizes have been stable the last two years, the number and percent of student in classes of 30 or more in grades K-3 continues to sharply increase, nearly doubling since 2011. It would be helpful for the city to report on the total number of students in classes of 30 or more for other grades as well, especially as averages are often deceptive given very uneven distributions of class size across schools and districts.

- For the first time, in the 2015 MMR, the DOE said they were now substituting average class sizes from the January 31 audited register rather than the October 31 audited register.[2] It is unclear why this change was made. Class sizes by January are generally lower, especially in high schools, because thousands of students have left their schools since the fall.

In 2012, the DOE proposed eliminating the agency's legal requirements to report on class sizes each year by Nov. 15, based on the October 31 register data. In our testimony before the Report & Advisory Board Review Commission that considered and ultimately rejected this proposal, we pointed out how high school general education class sizes on average fall by 4% and 11% in high school special education classes between October 31

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[1] FY 2007 is the last known MMR with this data, p. 21;
http://www1.nyc.gov/assets/operations/downloads/pdf/mmr/0907_mmr.pdf

[2] Change noted in 2015 MMR, p.212; http://www1.nyc.gov/assets/operations/downloads/pdf/mmr2015/2015_mmr.pdf

and January 31 each year -- not because the DOE has hired more teachers but because thousands of student have dropped out or been discharged from their schools.[3]

We strongly recommend that the October 31 averages should be reported in the MMR, to indicate the opportunities that students have to learn in classes that allow for sustained feedback and interaction with their teachers, rather than reporting on the lower class sizes that result in part from excessive class sizes and inadequate classroom conditions during the first five months of the school year. 3

The reality is that the Oct. 31 audited register figures provide the basis for the DOE's Blue Book enrollment and utilization figures, and also help determine each school's funding level. If these figures are accurate enough for these purposes, they are certainly accurate enough to use for reporting class sizes to the public.
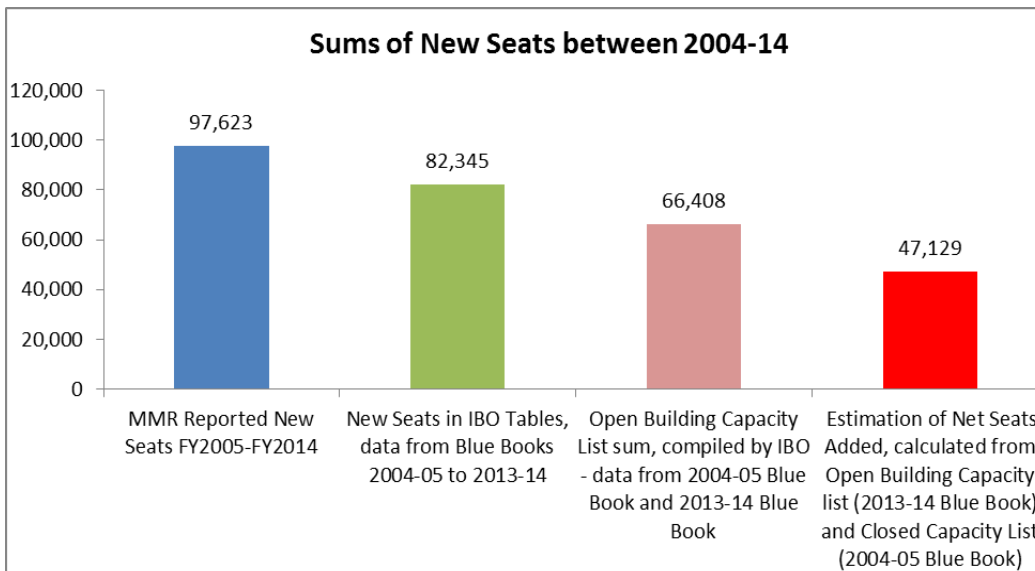
On Enrollment figures:

- This year, in the preliminary MMR FY 16 for the first time, the Noteworthy Changes, Additions or Deletions section says the following: "the Department revised previously reported figures for student enrollment to include charter school enrollment."[4] It is important to report enrollment data in a disaggregated manner, with the number of charter school students listed separately from the number of district public school students. The reality is that the growing number of charter school students whose schools are not governed by DOE have major fiscal and operational implications for the system as a whole. It would also be useful to have an accounting of how many charter school students are being educated in DOE buildings.

On School Capacity figures:

- The DOE should report on how many school seats are lost each year, as well as seats gained, because of expired leases, school closings, removals of Transportable Classroom Units (TCUs) or other reasons, as the total number of lost seats have a significant effect on school overcrowding and overall school capacity.

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[3] Leonie Haimson, "Testimony Before the Report & Advisory Board Review Commission on why the DOE should continue to be obligated to report on class size and TCUs," May 2012; http://www.classsizematters.org/wp-content/uploads/2012/10/Testimony-Class-Size-Reporting-5-11-12.pdf

[4] Preliminary 2016 MMR report, page 187: http://www1.nyc.gov/assets/operations/downloads/pdf/pmmr2016/2016_pmmr.pdf

Sums of New Seats between 2004-14

	MMR Reported New Seats FY2005-FY2014	New Seats in IBO Tables, data from Blue Books 2004-05 to 2013-14	Open Building Capacity List sum, compiled by IBO - data from 2004-05 Blue Book and 2013-14 Blue Book	Estimation of Net Seats Added, calculated from Open Building Capacity list (2013-14 Blue Book) and Closed Capacity List (2004-05 Blue Book)
Seats	97,623	82,345	66,408	47,129

As can be seen in the above chart, there are many different ways of calculating new school seats, which result in widely discrepant figures. The first column above, showing nearly 100,000 seats added between FY 2005-2014, was derived from simply adding the total number of new seats as reported in the MMR from these years.

The second column, showing 82,345 seats added, is taken from the Independent Budget Office annual Public School Indicator reports.[5] The IBO figure was in turn derived from adding the total capacity of new school buildings listed at the back of each annual School Capacity and Utilization reports (or the "Blue Book)" over the same period of time, while omitting seats gained through classroom conversions.[6]

The third figure of 66,408 seats is derived from calculating the capacity of new school buildings listed in the 2013-14 Blue Book that did not appear in the 2004-5 Blue Book. Thus, like the IBO report it does not count classroom conversions in school buildings that existed before 2004-5. A major difference from the IBO figures, however, is that this sum does not include the capacity of schools added after 2004-5 but lost by the 2013—2014 school year.

The final column, showing the 47,129 total of new seats, reflects the net seats added, by subtracting the total capacity of school buildings that were listed in the 2004-5 Blue Book but that are no longer included the 2013-2014 edition. This number is less than half of the total that would be assumed by looking at the MMR alone.   If each year the MMR reported on lost seats as well as new seats, we would have a better sense of what net additional school capacity has been achieved, and how much additional capacity will be needed in the future.

This is very important for planning purposes, even as it is unclear if the DOE includes projected lost seats in its needs assessments. It is especially important to include the number of lost seats from TCUs, as the DOE is committed to removing all TCUS with thousands of seats, without allocating any specific funding to create

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[5] This is the sum of the new seats as reported in NYC Independent Budget Office, *New York City Public School Indicators: Demographics, Resources, Outcomes,* Sept. 2011, Table 3.21, p. 24 http://tinyurl.com/zfs9t3n See also the same IBO report from Sept. 2015, Table 3.20, page 31 http://tinyurl.com/hctv28q

[6] Sarita Subramanian, Education Budget and Policy Analyst, IBO, personal communication, March 29, 2016

replacements seats at the same or nearby schools.[7] Already 70 TCUs have been removed, according to the Jan. 2016 capital plan, with an estimated seat capacity 3,057 seats. One hundred more TCUs have been identified for removal, with an estimated capacity of 4,077 seats.[8]

- It would also be helpful to have disaggregated figures for how many seats are gained (and lost) each year in the following categories: classroom conversions, new buildings or additions, new leases, and new TCUs, with this data reported as well by borough, district and type of school (preschool, elementary, middle and high school seats.) The School Construction Authority section of the MMR reports occasionally on seats added through classroom conversions vs. leases vs. new buildings, additions, and TCUs, but not consistently. [9]

- From one year to the next there are also major inconsistencies in the number of new seats reported for the same year, sometimes by more than a thousand. For example, between the MMRs of FY 2011 and FY 2012, the reported number of new seats created in FY 2011 differed by nearly 2000. See the chart below. Whenever there is a discrepancy of many hundreds of seats, the new MMR should contain an explanation of why these figures differ significantly from the previous year.

	New Seats Created During the Fiscal Year									
	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
MMR Reports										
MMR FY2007	8,723	4,903	5,556	-	-	-	-	-	-	-
MMR FY2008	8,723	4,903	5,556	11,471	-	-	-	-	-	-
MMR FY2009	9,045	5,436	5,556	12,932	14,329	-	-	-	-	-
MMR FY2010	-	5,436	5,556	12,932	14,329	18,525	-	-	-	-
MMR FY2011	-	-	5,556	12,932	14,329	18,525	3,684	-	-	-
MMR FY2012	-	-	-	12,932	14,329	18,525	5,593	10,766	-	-
MMR FY2013	-	-	-	-	14,329	18,525	5,593	10,766	9,356	-
MMR FY2014	-	-	-	-	-	18,525	5,593	10,766	10,061	5,380

Improved reporting on school capacity and utilization rates:

- It is unclear if the MMR reported percentage of schools that exceed capacity and the percentage of students in schools that exceed capacity reflect the "historic" or the "target" figures in the Blue Book. It appears that the MMR cites the "historic" figures, even though the SCA has said they will no longer report "historic" data in the Blue Book.

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[7] NYC DOE, FY 2015-2019 Five Year Capital Plan, Proposed Amendment January 2016, p. 34
http://www.nycsca.org/Community/CapitalPlanManagementReportsData/CapPlan/01212016_15_19_CapitalPlan.pdf

[8] We gathered capacity information from the annual TCU reports for 2012-13 and 2013-14, DOE reports to the New York City Council pursuant to the requirements in Local Law 122 of 2005. If a TCU's capacity data was missing from these reports, we looked at the square footage of the TCU as reported in the school's Principal Annual Space Survey and used the formula in the building code to estimate the number of students that these trailers should legally hold.

[9] These charts are available in the School Construction Authority chapter of the MMR for FY 2006, FY 2009, FY 2013 and FY 2014, but not in FY 2015 or the prelim MMR for FY 2016.

- We recommend that both target and historic figures be reported, as the historic figures better reflects trends over time, as the formula the DOE uses for calculating a building's target capacity changes frequently. Yet the target capacity figures are also useful as they are a somewhat more accurate reflection of overcrowding, and better reflect how school buildings are currently used and conceived of by DOE.

- The percent of students in both elementary and middle schools that exceed capacity is currently lumped together; it would be more useful to report on these figures separately. It would also be useful to have the actual numbers of students in overcrowded buildings along with percentages.

On Staffing:

- According to the figures in the MMR, the city has lost thousands of teachers since 2008, with the number falling steadily until FY 2013. Yet most of the teachers gained over the past two years have been at the preschool level, as a result of the expansion of preschool classes. It would be helpful to break out how many of these teachers are assigned to preschool classes vs. K12 classes, as well as how many are classroom teachers as opposed to literacy "coaches" and/or intervention specialists. It would also be useful to have these figures separately for classroom teachers assigned to general education and ICT classes, vs. self-contained or D75 special education classes.

Parent Engagement:

- The section entitled "Promote parental involvement in education" needs to be strengthened. Data that would be useful to report here would be the number of functioning School Leadership Teams and PTAs throughout the city.

- Another useful statistic would be the number of Community Education Council resolutions that DOE has responded to, as well as how many times they have addressed the concerns expressed by those resolutions by changing their policies accordingly.

- Finally, much of the data in this section appears to be faulty, for example, reporting that only 1910 parents attended fall and spring Parent-teacher conferences in FY 2015. This must be wrong, considering that this is only a tiny percentage of more than 1.1 million NYC public school parents. This data should either be reported accurately or omitted.

Transparency:

- The DOE is notoriously slow in responding to Freedom of Information Law requests.[10] It would be very helpful to report on the number of FOIL requests made, and how many were responded to substantively within one month, three months, and six months. This reporting might also help speed their responses.

Thank you for the opportunity to testify today.

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[10] There are many examples of FOIL requests that take over a year for the DOE to respond to. One example: In February 2012, I FOILed for the performance evaluations of DOE's leadership team. Sixteen months later I received notice that no such evaluations existed. See http://nycpublicschoolparents.blogspot.com/2013/06/theres-no-accountability-for-anyone-at.html

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