



Class Size Matters
124 Waverly Place, NY, NY 10011
phone: 212- 674- 7320
www.classsizematters.org
email: info@classsizematters.org

On the need for a better Five-year capital plan

Testimony before the NYC Council Education Committee

Leonie Haimson, Executive Director, Class Size Matters

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Thank you, Chair Dromm and the other members of the City Council Education Committee, for the opportunity to provide testimony on the capital plan today. Class Size Matters is a citywide advocacy and research organization, devoted to providing information on the benefits of class size reduction. The chronic and worsening school overcrowding is one of our abiding concerns, as without the space, New York City children will never be able to receive smaller classes, which according to the state's highest court will be necessary for them to be provided with the constitutional right to an adequate education.

Sadly, the proposed five-year capital plan for 2015-2019 will do little to improve the current overcrowding crisis in the city's public schools. In this \$12.8 billion, only \$4.4 billion or 34 percent would be spent on new capacity. This would create 32,560 new seats, with 806 of these for design, which equals 31,754 seats. An estimated 6,600 of these seats have been rolled over from previous plan.¹

The new administration has added 2,100 seats to the plan for pre-K expansion, with the funds re-allocated from charter school construction, and 4,900 seats towards the goal of providing reduced class size, funding for which is dependent on the passage of the Governor's "Smart Schools" bond act.

These two proposals together with the original 31,754 total 38,754 seats. Both the pre-K seats and the additional seats for class size reduction are as yet without sites. Overall, the spending of new capacity, even with this funding added, would decline from the previously

¹ New York City Department of Education, *Proposed Five Year Capital Plan for FY 2015 – 2019*, February 2014; http://www.nycsca.org/Community/CapitalPlanManagementReportsData/CapPlan/02012014_15-19_CapitalPlan.pdf

plan, according to the Independent Budget Office, while spending on capital improvement and school enhancement would increase significantly.²

The figure of 38,754 seats is only about 79 percent of the “overall need” of 49,245 new seats cited by DOE in the Capital Plan.³ According to the DOE, these 49,245 seats will “*help us alleviate existing over-crowding, respond to ongoing pockets of growth in some neighborhoods, and enable us to remove all Transportable Classroom Units (TCUs).*”⁴

Yet there is no explanation of how this figure of 49,245 seats was derived, and no breakdown provided for this estimate.⁵ During City Council hearings last year, Kathleen Grimm admitted that the DOE has never undertaken a complete needs analysis of what would be required for system-wide expansion and repairs, because the dollar figure would be too large.⁶

According to our calculations, using the documents on the School Construction Authority website regarding new Housing Starts, in conjunction with the City Planning ratio used to determine how many additional public school students would be expected from these units, we estimate that more than 51,000 new seats are necessary just to keep up with projected enrollment growth due to additional development.⁷

An even greater need for new seats can be derived from the enrollment projections made by the Grier Partnership and Statistical Forecasting, the two consulting companies hired by DOE, which predict an increase of 60,000 to 70,000 students by 2021.⁸

² New York City Independent Budget Office, “*Spending Increases in New Five-Year Capital Plan for Schools Rely Heavily on Statewide Referendum,*” March 2014, <http://www.ibo.nyc.ny.us/iboreports/2014marchfopb3.pdf>.

³ *Proposed Five Year Capital Plan for FY 2015 – 2019*, p. 19.

⁴ *Proposed Five Year Capital Plan for FY 2015 – 2019*, p.8.

⁵ I have emailed DOE repeatedly, asking for the analysis of how many of these seats are needed to help alleviate existing over-crowding, how many to address enrollment growth and how many to replace the TCUs. They have failed to provide this analysis.

⁶ New York City City Council, “*Transcript of the City Council Committee on Education Hearing on New York City School Facilities,*” p. 88, June 24, 2013, <http://legistar.council.nyc.gov/View.ashx?M=F&ID=2565615&GUID=FBEDC6FD-A63A-4373-A4D6-8207D549416E>.

⁷ City Planning, *Projected public school ratio*, and NYC School Construction Authority, *Projected New Housing Starts Used in 2012-2021 Enrollment Projection*, at <http://www.nycsca.org/Community/CapitalPlanManagementReportsData/Pages/default.aspx>

⁸ Eunice and George Grier, *Enrollment Projections 2012 to 2021 New York City Public Schools, Volume II: Narrative Report*, Maryland: The Grier Partnership, January 2013, <http://www.nysca.org/Community/CapitalPlanManagementReportsData/Demographics/2012-2021GrierPartnershipreport.pdf>; Statistical Forecasting LLC, *Enrollment Projections for the New York City Public Schools 2012-13 to 2021-22, Volume II*, New Jersey: Statistical Forecasting, LLC, February 2013, <http://www.nycsca.org/Community/CapitalPlanManagementReportsData/Demographics/2012-2021StatisticalForecastingReport.pdf>

Using these enrollment projections alone, many districts will have significant shortfalls, as the charts in the accompanying power point reveal. At the elementary and middle school levels, there will be a shortfall of 11,131 – 22, 496 seats, and a shortfall of 15,285 - 16,359 seats at the high school level, due to enrollment growth alone.

To be clear, this estimate does not include the need to alleviate existing overcrowding, provide additional space to expand prekindergarten, reduce class size and/or eliminate the need for trailers or TCUs, as this plan promises to achieve.

According to the latest available figures, there are 352 Temporary Classroom Units or trailers, according to the School Construction Authority.⁹ These units contain 520 classrooms, with a capacity of more than 10,890 seats. Of the 520 classrooms, 44 of them lack reported capacity and enrollment figures, including 32 classrooms housing D75 special needs students. Thus, the number of seats that would likely need replacement if all TCUs were eliminated is actually far larger -- and most probably about 12,000.¹⁰

Yet in the capital plan, there is not a single dollar allocated towards replacing these seats, as far as one can tell, although there is nearly half a billion dollars dedicated to removing them and redeveloping the playgrounds where they sit.

As for current overcrowding, it has reached such a critical level that the average utilization of elementary schools citywide according to the DOE “Blue Book” is now at 96.8 percent, and high schools not far behind at 94.8 percent. This means that any additional enrollment growth would quickly put many schools at or above 100 percent utilization.

There are currently eleven school districts where the elementary school buildings have an average building utilization rate above 100 percent. Additionally, Queens and Staten Island have an average high school utilization rate above percent.

In just these eleven districts, the number of new seats needed just to bring schools to 100 percent utilization would equal another 30,294 seats. Combining both the enrollment projections and the findings from the Blue Book report, the total number of actual seats needed to address overcrowding now and in the future is roughly 90,000 to 100,000 seats.

However, it is important to note that even this figure is likely an underestimate, as these figures only address the need to create seats in the districts whose average utilization is above 100 percent, and not in specific neighborhoods – or as the DOE euphemistically calls it, “pocket overcrowding.”

⁹ New York City School Construction Authority, *List of Transportable Classroom Units With Enrollment as of September 2012*, October 15, 2013.

¹⁰ For more on the omissions, errors, and misleading presentation of data in the DOE’s TCU reports, see Class Size Matters, “*Response to DOE comments on the annual Temporary and NonStandard Classroom (TCU) Report; Submitted to the Report and Advisory Board Review Commission.*” October 10, 2012; <http://www.classsizematters.org/wp-content/uploads/2012/10/Rebuttal-to-DOE-on-TCU-report-10-9-12.pdf>

There are many neighborhoods with severe overcrowding in districts with average utilization below 100 percent, for example in lower Manhattan in District 2. Trailers also continue to exist in many schools and districts where the average utilization rate is considered “underutilized” by official figures. The fact that there is localized school overcrowding that is not reflected in overall district average can also be seen in the proliferation of Kindergarten waiting lists throughout the city.

From 2009 to 2013, the number of Kindergarten children on waiting lists for their zoned elementary school grew from 499 to 2,361, an increase of 373 percent. The problem is most severe in Queens, where 946 Kindergarten students were placed on waiting lists last year, followed by Brooklyn at 622, and Manhattan at 569. A total of 23 school districts had 105 schools with waiting lists in 2013.¹¹

Districts 2 and 3 in Manhattan, Districts 15 and 21 in Brooklyn, and Districts 24, 25, and 30 in Queens, 30 percent or more schools had waiting lists for Kindergarten last year. Five of these districts have no seats in the capital plan.¹²

One particular critical category where there is already a huge shortage of seats that will grow even more severe, according to DOE’s own figures, are high schools in Queens. There is a shortage of 7295 seats now, according to the “Blue Book”, and Grier and Statistical Forecasting project an increase in the borough’s high school student enrollment of 12,567-12,980 by 2021.

Yet there are only 2,802 high school seats for Queens in the five-year plan, a shortage of more than 17,000 seats. And these figures are an underestimate of the actual level of overcrowding, according to most principals.¹³

As pointed out by many independent observers before, the existing “Blue Book” utilization formula does not allow for smaller classes, a full complement of art, music or science rooms, lunch at a reasonable time, regular access to the gym, the existence of trailers in many cases, or the ability of special needs students to receive their mandated services in dedicated spaces rather than hallways or closets.¹⁴

In particular, the “Blue Book” is pegged to class sizes of 28 in grades 4-8 and 30 in high school, which according to DOE statistics are larger than the current averages in these grades and will be expected to force class sizes in these grades even higher – and far larger

¹¹ Ben Fractenberg, “More than 2,300 Children Waitlisted for Kindergarten,” *DNA Info*, April 12, 2013, <http://www.dnainfo.com/new-york/20130412/new-york-city/more-than-2300-children-waitlisted-for-kindergarten>.

¹² Districts 6, 17,18, 23, and 32

¹³ Emily Horowitz and Leonie Haimson, “*How Crowded Are Our Schools? New Results from a Survey of NYC Public School Principals*,” October 3, 2008; http://www.classsizematters.org/wp-content/uploads/2011/04/principal_survey_report_10.08_final1.pdf

¹⁴ Class Size Matters and Campaign for a Better Capital Plan, “*A Better Capital Plan*,” October 2008; http://www.classsizematters.org/wp-content/uploads/2011/04/A_Better_Capital_Plan_final_final.pdf

than recommended by experts in the Campaign for Fiscal equity lawsuit and in the city's original Contracts for Excellence goals approved by the state in 2007.¹⁵

In addition, in recent years the DOE has redefined the size of a full-size classroom down from 750 square feet to only 500 square feet.¹⁶ Given that the building code requires 35 square feet per child in Kindergarten and 20 square feet per student in other grades, classrooms as small as 500 square feet can legally only hold 14 children in Kindergarten and 25 students per class in other grades. We have found that many schools violate the building code, and even more will do so in the future if current trends continue.¹⁷

Grade levels	UFT Contract class size limits	Target class sizes in "blue book"	Current average class sizes	C4E class Size goals	How many students can 500 sq. ft classrooms hold acc to NYC building code
Kindergarten	25	20	23	19.9	14
1st-3rd	32	20	25.5	19.9	25
4th-5th	32	28	26	22.9	25
6th-8th	30 (Title I) or 33 (non-Title I)	28	27.4	22.9	25
HS (core classes)	34	30	26.7	24.5	25

In the "Blue Book", the DOE has also failed to adjust the formula for co-located schools, of which there are hundreds. In the past, the SCA admitted that every co-location diminishes the overall capacity of a school by about 10 percent, because of the need to replicate administrative, cluster and specialty rooms.¹⁸

¹⁵ DOE's class size reporting for high school data is highly unreliable.

¹⁶ For the NYC SCA School Utilization report for 2012-2033, also called the "Blue Book" see http://www.nycsca.org/Community/CapitalPlanManagementReportsData/Enrollment/2012-2013_Classic.pdf. See also the most recent Instructional Footprint, (2011) at http://schools.nyc.gov/NR/rdonlyres/78D715EA-EC50-4AD1-82D1-1CAC544F5D30/0/DOEFOOTPRINTSConsolidatedVersion2011_FINAL.pdf

¹⁷ New York City Building Code: See TABLE 6-2 (listed as p.166, but p.56 of document): http://www.nyc.gov/html/dob/downloads/bldgs_code/amendment_set_1.pdf

¹⁸ Noreen Connell, "Capital promises: why NYC children don't have the school buildings they need," Educational Priorities Panel, April 2007.

Indeed, the DOE has finally admitted that the formula is flawed, and the Chancellor has appointed a “Blue Book” task force to come up with a more accurate utilization formula.¹⁹ Until that taskforce has done its work, and there is a transparent needs assessment, it is impossible to say with certainty how many seats are really required to achieve the goals in the capital plan – and to reduce class size, which is necessary to provide our students with an adequate opportunity to learn.

At this point, however, we know for certainty that the current capital plan should be expanded and more seats created. How should this critical need be addressed? First of all, as the Comptroller’s office pointed out last fall, accelerating the overall city’s capital plan by \$2 billion could save millions of dollars, given historically low interest rates and construction costs, which would create hundreds of new jobs in the process.²⁰ This argument could also be made for expanding the plan.

Secondly, there should be a re-allocation of funding within the plan, with a larger proportion devoted to new capacity. As it is, the DOE will spend fewer dollars on new capacity than in previous years. Most school capital plans invest about half of their spending to creating new capacity, especially in overcrowded areas where future enrollment growth is expected. Devoting only 34 percent of the total towards new capacity is unjustified when such a high level of overcrowding exists with enrollment growth projected in the future.

In particular, spending \$650 million on technology is unwarranted, especially as the capital plan reports that all school buildings and their classrooms have already been provided with broadband connectivity and wireless access. It is evident from the explanation in the technology section of the plan that the DOE’s real goal with this additional spending is to expand online learning, data sharing, and computerized testing for the Common Core.

All of these initiatives are controversial, and none of them have evidence of proven results for student learning. None of them represent as critical a need as alleviating overcrowding, removing trailers and providing space for smaller classes.

Thank you for the opportunity to testify today.

¹⁹ Geoff Decker, “As moratorium lifts, city offers new vision for community role in school space plans,” *Chalkbeat New York*, February 24, 2014, <http://ny.chalkbeat.org/2014/02/24/as-moratorium-lifts-a-new-vision-for-community-engagement-in-school-planning/>.

²⁰ Office of the New York City Comptroller, “*Capital Acceleration Plan*,” May 2012; https://comptroller.nyc.gov/wp-content/uploads/documents/NYC_CapAccelerationPlan_v28.pdf

Summary of Projected Enrollment growth by 2021

Grier Partnership: 70,341

Statistical Forecasting: 60,230

Estimates from Housing Starts: 51,727

Current undersupply of seats in the most overcrowded districts:

D10	1,929
D11	1,237
D15	1,822
D20	3,912
D22	189
D24	5,318
D25	1,637
D26	1,231
D27	1,451
D30	1,476
QUEENS HS	7,295
STATEN ISLAND HS	518
D31	2,279

Total:
30,294