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Testimony before the City Council Education Committee

On the January 2016 five-year capital plan

March 8, 2016

Dear Chair Dromm and members of the Education Committee:

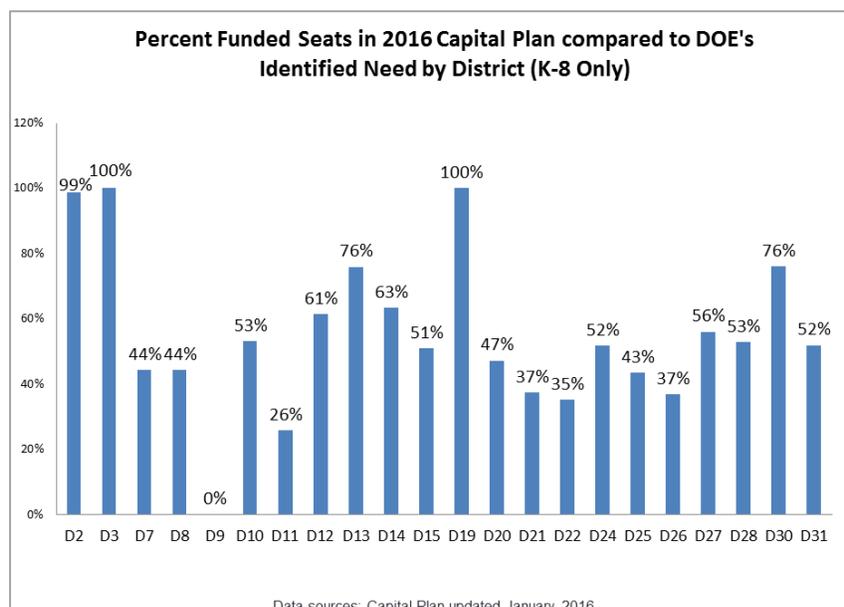
Thank you for holding these important hearings today. My name is Leonie Haimson, and I am the Executive Director of Class Size Matters, a citywide parent and public interest group that advocates for better schools and smaller classes in New York City.

The January five year capital plan has good news and bad news. The good news is that the Mayor has allocated nearly a billion dollars more for school capacity projects, adding about 11,000 new seats. The DOE has also increased its needs estimate to a more realistic 83,000 seats. Part of their increased estimate is based upon a revised capacity formula, and also mostly likely that the May 2015 plan was based upon enrollment projections last made in November 2013. Although we project the real need for space is more than 100,000 seats, the DOE has significantly moved forward on both fronts.

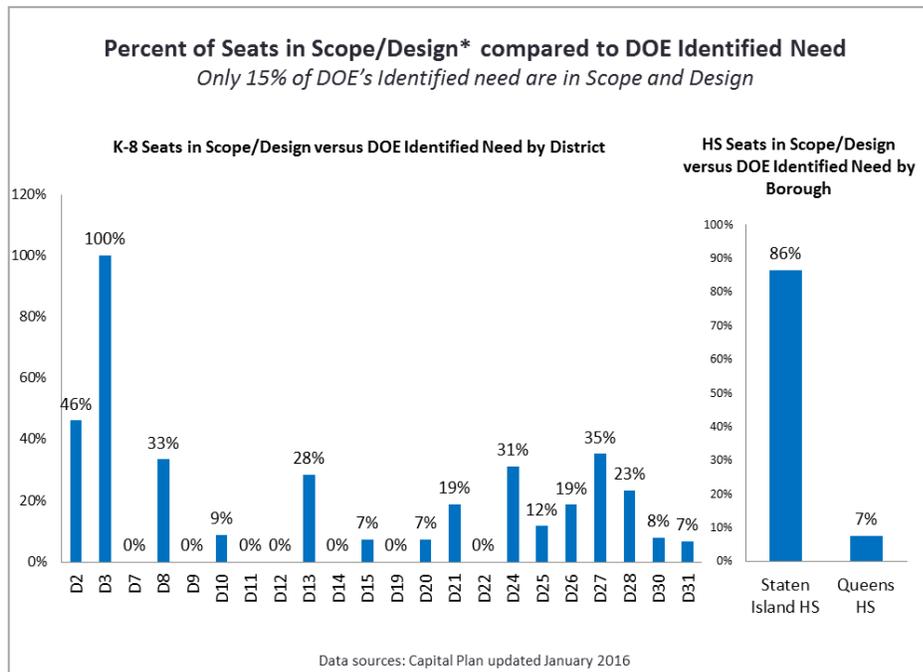
The bad news is that the funding in the plan will only provide 59% of the need, based on DOE's own estimates, and even less if the Mayor's rezoning proposals are adopted to encourage the creation of hundreds of thousands of new affordable and market rate housing units.

According to the city's own data, over 556,000 students are crammed into overcrowded public schools, and our elementary schools are at an astonishing 104% capacity.

The number of seats funded compared to the need, according to the DOE's own estimates, vary widely from 0% in District 9 and 26% in District 11 in the Bronx, to 99% in



District 2 and 100% in District 3 in Manhattan. There is no explanation for these huge funding disparities in the capital plan or anywhere else that I can find.



There is even larger variation in the number of seats and schools that have sites already identified and are in the process of being designed. There are four overcrowded districts in the Bronx and three in Brooklyn (Districts 7, 9, 11, 12, 14, 19, and 22) with not a single school already in scope and design, despite the need for thousands of new seats in these neighborhoods.

Indeed, there are many overcrowded neighborhoods throughout the city in which schools have been funded in the capital plan for a decade or more without any being built. Part of the problem is that the School Construction Authority has only three people on staff looking for sites, never cold calls, and won't use the power of eminent domain unless the property has recently been on the market.

More evidence of a lack of capacity on the part of DOE is the fact that there have been 4,900 seats in the class size reduction category for two years – and yet only three specific projects have been identified as to grade level or district, without even reporting how many seats they will create, and none of the supposed criteria for selecting these projects has much to do with class size. Meanwhile, more than 350,000 students are crammed into classes of 30 or more, in every borough and district, so there is no excuse for a two year lag in getting those projects identified and in construction.

The school planning process is broken, and we need a better one, including reforms to ensure that school capacity keeps up with development rather than lagging decades behind. The Environmental Quality Review (CEQR) formula that City Planning uses to estimate the impact of new construction on school enrollment is obsolete -- based upon census data twenty years old. And even when new development is projected to create thousands of new students, as in the case of the East New York rezoning proposal, which is slated to cause Brooklyn high schools to go from 108 percent to 109 percent, there is no need to even consider building a new high school in the borough because the increased utilization rate is not at least 5 percent higher.¹

¹ http://www1.nyc.gov/assets/planning/download/pdf/applicants/env-review/zoning-qa/05_feis.pdf, p.2.

The consultants who wrote the East NY rezoning EIS also point out that Brooklyn high schools are slated to lose 8,000 seats in the decade ahead, due to charter expansions, co-locations, grade truncations and phase outs. Yet there is no new Brooklyn high school proposed in the capital plan, and I can find no information in any DOE document about the number of seats we are expected to lose in future years.

We urge the Council to fund the full needs estimate of the DOE, that is 83,000 seats, which according to the Independent Budget Office would cost approximately \$130 million per year, given that the state provides matching funds for every dollar New York City spends on school construction and repair. We also urge the Council to create a Commission or Task Force to develop proposals to ensure that schools are built along with housing, and not years later.

Last spring, the Public Advocate wrote a letter to the Chancellor and the Mayor, along with twenty two Councilmembers, many parent leaders and Community Education Council members, urging an immediate expansion of the school capital plan and a Commission to fix the broken school planning process.²

Fundamental reforms to the planning process are needed, including improvements in the DOE's enrollment projections, a utilization formula aligned to smaller classes, a more transparent needs assessment that takes account of seats that are lost as well as those gained, a far lower threshold to require the building of schools in overcrowded neighborhoods when rezoning occurs, and a more responsive public process that includes input from Community Education Councils along with Community Boards when new developments are proposed.

Impact fees should also be considered , as currently exist in more than 83 percent of cities and counties, so that developers might be obligated to pay into a fund for schools and other infrastructure improvements. A Commission or Task Force could consider these reforms and more, so that any zoning changes that would accelerate the rate of residential development would not further outpace the need for space of our public school students.

City officials have often said that their goal is not merely to build more housing, but also to create better neighborhoods. There cannot be better neighborhoods without a concurrent strategy to build sufficient new schools, to ensure that current and future generations of NYC children are not subjected to even more overcrowded conditions.

² <http://www.classsizematters.org/wp-content/uploads/2015/06/061515-PA-Ltr-to-Chancellor-Farina-re-Capital-Plan-final.pdf>