

While [Cora Liu of the SCA testified](#) at the preliminary budget hearing on March 13 that 70,000 more school seats would be needed to comply with the class size law, passed by the State Legislature in June of 2022, there are only about 33,000 seats funded in the five-year capital plan and fewer than 20,000 are expected to be completed by September 2028, the deadline in law.

According to the DOE, there are [nearly 500 schools](#) without the space currently lower class sizes to the mandated levels that enroll nearly half of all students, but no apparent plan on how they will be provided with the space to comply.

- Moreover, nearly half of all the new seats that are funded in the five-year plan are still unspecified as to district, subdistrict or grade level. Under no previous administration has the SCA capital plan refused to specify where schools are planned by district and grade level. Not only is this lack of transparency unfortunate, given the need to accelerate school construction to meet the timeline in the class size law, but it also appears to violate two laws.
- First, the [state class size law](#) itself requires DOE to submit an **“annual capital plan for school construction and leasing to show how many classrooms will be added in each year and in which schools and districts to achieve the class size targets”**
- Second, the lack of transparency also violates [Local Law 167](#), passed by the Council in 2018, requiring the SCA to explain where seats are needed by district, subdistrict and grade level, as well as the demographic data and methodology used to make these projections. Yet Instead of becoming more transparent after this law was passed, the capital plan became even more opaque.
- We also have ongoing concerns with the School Construction Authority’s lax governance. As reported in the [NY Post](#) in September, the SCA Board has been comprised of only two members since August 2023, though three members are required at all times by the [state law](#) that established the SCA in 1998: **“The authority shall be governed by and its powers shall be exercised by a board of trustees consisting of three members....Each appointed member shall continue in office until a successor has been appointed and qualifies.”**
- According to the latest report of the [NY State Authorities Budget Office](#), the SCA Board also lacks a Governance Committee, a Finance Committee, as well as official policies for salary and compensation, time and attendance. Nor does it have a Whistleblower Protection policy. According to this NYS Authorities Budget Office, all of these are required by the NYS Public Authorities Law.

We urge you to reform the Board’s structure and policies according to the requirements in the law, and to revamp the capital plan, so that it clearly shows where and when school seats will be created to allow the city to meet the Sept. 2028 deadline in the class size law.

Thank you for listening; I will email you a copy of these comments and hope for a point by point response.

