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

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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 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]