



**Public Comment Analysis**

Date: May 17, 2016

Topic: Proposed Amendment to 2015-19 Five Year Capital Plan

Date of Panel Vote: May 18, 2016

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**Summary of Proposal**

The Department of Education’s Five Year Capital Plan (the “Plan”) sets forth the funds allocated for the creation of new school buildings, major renovations to existing school buildings, and mandated programs. The FY2015 – 2019 Plan was approved by the City Council in June 2014, with a total budget of \$12.8 billion. The Department of Education (“DOE”) committed to amending the Plan annually. The DOE has now issued a proposed 2016 annual amendment (the “Proposed Amendment”) to the Plan. The following chart summarizes the highlights of the current Plan and the Proposed Amendment:

	<b>Current Adopted</b>	<b>Proposed Amended</b>
<b>Total Budget</b>	<b>13.5 billion</b>	<b>14.9 billion</b>
<b>Capacity</b>	4.8 billion	5.7 billion
<b>Capital Investment</b>	5.0 billion	5.5 billion
<b>Mandated Program</b>	3.7 billion	3.7 billion
<b>Number of seats</b>	32,629*	44,348**

\*Includes 806 seats identified for design only in this plan and construction in the next plan.  
 \*\* Includes 2,641 seats identified for design only in this plan and construction in the next plan.

**Summary of Public Comments Received**

The following is a summary of the comments received during the public comment period:

## **1. Enrollment Projections**

One comment stated that the methodology used to generate enrollment projections needs to be improved. The comment further stated that the planning sub-districts used by the SCA are not the right geographical units and the application of borough-wide coefficients (whether CEQR coefficient or birth yield) is not appropriate in many of our neighborhoods. In addition, the Proposed Amendment is based on the Enrollment Projections for 2012 to 2021 for the NYC Public Schools made by the Statistical Forecasting and the Grier Partnership. These reports were submitted in early 2013 and there have been no updates to these projections since that time.

This comment also expressed that, while the SCA has done a commendable job forging public-private partnerships in creating capacity, they would like a more systematic way to engage the private developers in providing resources for public infrastructure. In some neighborhoods in District 2 and elsewhere it is the cumulative effects of as-of-right development projects that have led to overcrowded schools.

The comment also supported the idea of creating a commission or a task force to bring together educators, parents, advocates and experts to develop a better capital planning process including enrollment projections, impact fees, reviewing CEQR formulas and more.

## **2. Campaign for Fiscal Equity Class Size for the Blue Book**

One comment expressed gratitude that the Mayor accepted most of the recommendations made by the Blue Book Working Group to create a Blue Book that more accurately portrays the utilization of our schools, and expressed appreciation of the sincere collaboration by the SCA to improve the Blue Book. However, the comment expressed concern that the Campaign for Fiscal Equity class sizes were not adopted.

## **3. ADA Accessibility**

One comment expressed concern that so many of the schools in District 2 are not ADA compliant. The comment suggested that more funding for the Capital Plan be found in order to meet the goal of all our schools being fully accessible before another generation of children move through the public school system without equal access to all schools.

## **4. More resources for the Capital Plan**

One comment stated that every year District 2 schools submit capital improvement requests as part of the Capital Plan amendment process, and although many of the requests address aging infrastructure issues as opposed to cosmetic improvements, many of them are declined by the SCA for lack of funding. The comment opined that the City should consider an impact fee for development. The commenter believes that the burden of ensuring adequate capacity should be shared by the private sector, and hopes that the City can develop a mechanism – beyond the current model of public-private partnership – to begin securing resources for children.

## **5. Expansion of Pre-Kindergarten**

A comment expressed support of Pre-Kindergarten for every child and the administration's belief that Pre-K builds in children a strong foundation for academic success and socio-emotional development. However, the comment expressed concern about the scale of the expansion in District 2, particularly given the limited resources. The comment urged the SCA and the DOE to

conduct a more thorough examination of Pre-K demand and supply in District 2, particularly standalone Pre-K centers, so that resources are allocated efficiently in the Capital Plan.

#### **6. Gymnasium as a last resort design standard**

One comment expressed the belief that the SCA design standard calls for a gymnasium in all new schools. However, the commenter has heard from principals who have a separate auditorium and gymnasium that they are in constant use with only a few periods a week of unscheduled time. Therefore, this commenter urges that when a school is built from the ground up, SCA should design the building with a gymnasium and an auditorium as separate facilities, at least until a thorough review of gymnasium and auditorium usage proves otherwise. The comment opined that gymnasiums should be the last resort when there is no way to separate the two facilities without significantly reducing the overall capacity of the building.

#### **7. Number of Seats**

A comment expressed that, although the number of new seats and spending on new capacity in the proposed amendment has increased since last year's amendment, the new capacity funded by the plan will fulfill only 59% of the estimated need for new seats, based on existing overcrowding and future enrollment increases. The commenter asserted that the unmet need for seats is actually greater than that claimed by the DOE.

#### **8. Class Size Reduction**

One comment stated that there is inadequate information about how many new seats will be funded in the Class Size Reduction category. The commenter asserted that the Plan only identifies three projects and does not give information as to how many seats these projects include or how they will lower class size.

#### **9. Seats Lost Through TCU Removal**

One commenter stated that the amendment to the capital plan outlines no strategies for replacing the seats lost by TCU removal, nor does it allocate funds for this purpose.

#### **10. Pre-K Facility Spending**

One comment expressed the view that the cost of pre-k renovations is extremely high.

### **Analysis of Issues Raised, Significant Alternatives Proposed**

#### **1. Enrollment Projections**

The DOE works closely with other City agencies, such as the Department of Buildings, Department of Housing Preservation and Development, and the Department of City Planning to monitor housing projects and other major land use changes occurring in NYC. New housing information is provided to us regularly, and we also monitor rezoning initiatives to ensure that our planning remains as accurate as possible.

We also use the professional services of two demographers who perform projections independently. These projections help us ensure that we are accurately monitoring birth and enrollment rates to estimate our demand.

The Proposed Amendment is based on the enrollment projections 2015-2024, which were recently posted on the SCA website together with the corresponding housing pipeline data. The updated projections and the changes adopted as a result of the Blue Book Working Group form the basis of identification of additional need.

## **2. Campaign for Fiscal Equity Class Size for Blue Book**

The Blue Book Working Group has made great strides in improving the experience for users of the Blue Book. While many recommendations have been adopted, adoption of additional recommendations requires additional planning, coordination, and analysis before adoption may be considered. The DOE is committed to continuing its work with members of the Blue Book Working Group and will continue meeting with members to develop and consider recommendations that will ensure the use of instructional space in our buildings is accurately reported.

## **3. ADA Accessibility**

We are pleased that all buildings constructed since 1992 are ADA compliant, so students in these buildings are able to benefit from fully accessible facilities. Additionally, many Capital Improvement Projects undertaken in our buildings require that alterations are made such that those building components become ADA compliant. Additionally, the Capital Plan includes \$100 million to initiate projects in areas of the city that have the lowest percentage of accessible buildings. We are committed to ensuring that accessible buildings are distributed equitably across the city given the limited resources we have available.

## **4. More Resources for the Capital Plan**

Every year, the DOE sends each Community Education Council (CEC) and each City Council (CC) office a form to list the top project requests deemed to be a prioritization within the schools of their district. CECs and CCs send the completed lists to the SCA and the Capital Planning team vets the lists. Part of the vetting includes looking at Building Condition Assessment Surveys (BCAS).

The BCAS assess all major systems in our buildings and rate them a 1-5 (1 being good and 5 being poor). Our responsibility is to ensure that city funding is allocated to systems with the poorest ratings first.

If the BCAS rates the conditions of the items in the project request a 5, we consider including the request in our Capital Plan. Last year, we received approximately 700 requests, of which we are considering or moving forward with 20% of the requests.

## **5. Expansion of Pre-Kindergarten**

We are committed to providing pre-K seats across the city and will continue working closely with the Deputy Chancellor of Strategy and Policy. Our goal is to ensure that the limited funding we have in the Capital Plan is allocated as efficiently and equitably as possible across the city.

## **6. Gymnasium as a Last Resort Design Standard**

In order to balance our need to maximize seats and simultaneously provide physical education space for our students in constrained sites, we must design our spaces such that rooms may be

used for multiple purposes. While combined spaces are not ideal, our goal is to ensure that as many of our students in the city have access to the broadest range of facilities in our schools. Given the space constraints we face in New York City, we aim to build as efficiently as possible. Where land and space allow, we may provide separate facilities. Where land and space do not allow, we must maximize the space based on the site constraints.

## **7. Number of Seats**

When looking at the need for seats in the city, we must also take into consideration our current and future supply of seats. Once we understand the gap between the demand and our supply of seats, cross-departmental conferences occur across the DOE to develop strategies that will allow us to align the demand for seats with the existing seat inventory. The portion of raw need that cannot be mitigated using non-capacity solutions results in the identified need published in the Capital Plan.

We work closely with Department of City Planning on rezoning initiatives. As an example, we worked very closely with DCP on the East New York housing initiative and as a result, included a 1,000 seat project in our Capital Plan.

## **8. Class Size Reduction**

Identifying projects for which funds may be used requires coordination and input from many stakeholders. Not only must stakeholders provide feedback on the feasibility of the plans, but we must consider site viability and ensure plans are in place for the students to be relocated while projects are under construction. We cannot move forward with projects until all moving pieces are thoughtfully considered and planned.

## **9. TCUs**

Some TCU removal strategies require more planning and time, such as a change to enrollment/admissions policies in a future school year to ensure that there is sufficient space for students in the TCUs to move into the main building, or potentially the construction of a new building. As these strategies are identified, projects are created to remove the TCUs.

TCU seats are not counted in our capacity analysis. To date, we have employed many strategies to enable the removal of TCUs. Some TCUs were simply not being used and therefore are being removed. For other TCUs, we have identified space in the main building to relocate the students, enabling removal of the TCUs. In other cases, we have identified new addition projects that allow us to remove the TCUs and house students in new capacity.

## **10. Pre-K Facility Spending**

The cost of pre-K facilities varies project to project. Many factors are considered in the selection of a pre-K site. We are committed to providing pre-K seats across the city and will continue working closely with the Deputy Chancellor of Strategy and Policy.

**Information regarding where the full text of the revised proposed item may be obtained:**

The proposed amendment to the FY2015 – 2019 Capital Plan can be found at:

[http://www.nycsca.org/Community/CapitalPlanManagementReportsData/CapPlan/03312016\\_15\\_19\\_CapitalPlan.pdf](http://www.nycsca.org/Community/CapitalPlanManagementReportsData/CapPlan/03312016_15_19_CapitalPlan.pdf)

**Changes Made to the Proposal**

No changes have been made to this proposal. The proposed FY 2015-2019 Five Year Capital Plan Amendment as posted above will be presented to the Panel for Educational Policy for a vote at the May 18<sup>th</sup> Panel meeting.