

Maxed Out

New York City School Overcrowding Crisis

EXECUTIVE SUMMARY



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Overcrowding is a chronic problem in New York City's public schools. Since the consolidated school system was created at the turn of the twentieth century, New York City schools have faced waves and cycles of overcrowding. The most recent cycle of overcrowding began in 1988 when enrollment began to increase and then accelerated in the 1990's. "From 1990 to 1996, enrollment grew by over 16,000 students annually. The peak increase occurred in 1995, when more than 24,000 additional students entered New York's public schools."¹ Total enrollment peaked in 2000 with 1,105,030 students attending public schools in New York City. In 2006, even after a decrease of 62,952 students over 6 years, enrollment remained above one million at 1,042,078 students². Enrollment for the current 2008/09 school year is 1,029,459, a further decline of 12,619 over the last two years.

Overcrowded school buildings shortchange students in multiple ways:

- Class sizes remain unacceptably large in many schools;
- Specialized spaces, such as art and science rooms and libraries are taken over for general education classrooms, robbing many thousands of students of essential educational opportunities;
- Space planning for special education students is not systematic and is often treated as an afterthought;
- Lunch periods can begin as early as 10 AM;
- Some students, particularly at the high school level, attend school in double sessions; and
- Ability to expand state funded programs, such as pre-kindergarten or early grade class size reduction is non-existent or limited.

Overcrowding is a particular problem for schools with struggling students and was cited as one of the facilities' deficiencies in the Court of Appeals' decisions in *CFE v. State of New York*. The Court of Appeals specifically cited overcrowding and excessive class size as inseparable and further stated as fact that: "One symptom of an overcrowded school system is the encroachment of ordinary classroom activities into what would otherwise be specialized spaces: libraries, laboratories, auditoriums and the like. There was considerable evidence of a shortage of such spaces."³ After the Appellate Division, First Department ordered the state to provide New York City

¹ "Five-Year Capital Plan Fiscal Years 2000-2004," New York City Board of Education, May 1999, p. II-45.

² Eunice and George Grier, "Enrollment Projections 2007 to 2016 New York City Public Schools", January 2008, p. 2.

³ CFE II, 100 N.Y. 2d, p. 18, footnote 4. [http://www.cfequity.org/CFEII decision.pdf](http://www.cfequity.org/CFEII%20decision.pdf)

schools with the CFE proposal of \$9.2 billion in capital funding by April 1, 2006, the legislature and the Governor provided \$11.2 billion in funding for facilities' conditions in 2006 in its settlement of the CFE lawsuit.

Major Findings

1. Overcrowding is an enormous problem Citywide at all school levels.

There are 391 school buildings with a total enrollment of 381,582 students that are overcrowded with utilization rates greater than 100% in the 2006/07 Utilization Report. In 2006, the total enrollment in the public schools was 1,042,078. Approximately 37% of all students enrolled in the public schools in 2006/07 attended school in an overcrowded school building.

- The 391 overcrowded school buildings include:
 - 299 elementary school buildings with 209,948 students,
 - 20 middle school buildings with 25,030 students, and
 - 72 high school buildings with 146,604 students.
- Queens has the worst overcrowding at all 3 school levels: the highest number of buildings – 131 - and the greatest number of students over-all – 139,912.

There are 215 buildings with 252 temporary structures with a total enrollment of 207,236 students: 174,519 students in the 215 school buildings and 32,717 students in the 252 temporary spaces. 91 of these buildings are overcrowded and also appear on the list of 391 overcrowded buildings.

- The 215 school buildings and temporary structures include:
 - 191 elementary school buildings with 154,380 students,
 - 13 middle school buildings with 17,170 students, and
 - 11 high school buildings with 35,686 students.
- Queens has the greatest number of school buildings with temporary structures; there are 76 buildings with 94 temporary spaces and a total enrollment of 81,314.

- Thirty-one of the 215 school buildings have more than 1 temporary structure: 27 buildings each have 2 temporary structures and 4 buildings each have 3 temporary structures.

There are a total of 515 buildings (391 overcrowded buildings plus 124 buildings with temporary spaces or structures) that are either overcrowded or have temporary structures associated with a total enrollment of 501,632 students in the 2006/07 school year. This represents approximately 48% of the total number of the 1,042,078 students enrolled in the public schools that year.

There are 9 community school districts – District 2 in Manhattan, Districts 10 and 11 in the Bronx, Districts 20 and 22 in Brooklyn, Districts 24, 27 and 30 in Queens and District 31 in Staten Island – where more than 10,000 elementary students in each district attend overcrowded school buildings.

Queens has 57,545 students and Brooklyn has 41,813 students enrolled in overcrowded high school buildings, the highest numbers Citywide.

There are 129 school buildings that have been overcrowded for each year between 1997 and 2006. The 129 buildings include 74 elementary, 11 middle school and 44 high school buildings.

- There are 33 overcrowded school buildings that have become more overcrowded over this ten-year period.
- There are 42 overcrowded school buildings that have become less overcrowded over this ten-year period.

There are 85 school buildings with utilization rates between 125% and 150%. Sixty-two elementary school buildings have this level of overcrowding. There are also 3 middle school buildings in this category and 20 high school buildings. There are 94,511 students enrolled in these buildings which have a targeted capacity, as defined by the Department of Education, of only 70,878. Included in this list of 85 school buildings are 19 buildings – 15 elementary and 4 high school buildings - with temporary structures.

There are 28 school buildings with utilization rates over 150%: 18 elementary school buildings, 1 middle school and 9 high school buildings. There are 32,794 students enrolled in these building, which have a targeted capacity of only 20,131. Four of these 28 school buildings – 2 elementary and 2 high school buildings - have temporary structures.

There are 179 temporary structures out of a total of 252, or 71% of the total that are at least 10 years old.

2. Serious overcrowding affects hundreds of thousands of high need students in low performing schools.

105 low performing schools attended by 162,274 students that are on the 2007/08 list of Schools In Need of Improvement (SINI) SINI/SRAP and Schools Requiring Academic Progress (SRAP) are located in overcrowded school buildings based on the 2006/07 utilization report. There are 92 low performing schools with 155,013 students on the 2006/07 SINI/SRAP list located in overcrowded school buildings.

75 low performing schools with a total enrollment of 95,089 students that are on the 2007/08 SINI/SRAP list are located in 75 school buildings with a total of 86 temporary structures based on the 2006/07 utilization report. There are 52 low performing schools on the 2006/07 SINI/SRAP list located in 52 school buildings with 57 temporary structures with a total enrollment of 72,927 students.

3. Current strategies are not sufficient to combat overcrowding.

The Department of Education employs three primary strategies to combat school overcrowding: new school construction, reallocation of underutilized space, and projected declines in enrollment (that may or may not occur).

NEW SCHOOL CONSTRUCTION

The New York City Department of Education has relied on new schools as its most important strategy in relieving overcrowding. Construction of new schools is funded through their New Capacity Program included in the 5-year capital plan that identifies projects to expand capacity over a 5-year period. The 5-year capital plan does not provide a specific blueprint to eliminate overcrowding; rather the plan contains a broad overview of the DOE's capital construction goals and identifies the number of proposed new school buildings and new seats, the school level, their general locations and estimated costs.

DOE's current 5 year plan began July 1, 2004 and ends this June. When it was adopted the plan called for the construction of approximately 63,000 new seats. Of those approximately 21,000 have come on line, 34,239 seats are underway but not yet complete and 8,000 of the original 63,000 seats have been rolled into the next proposed capital plan. The proposed new 5-year plan, which will be funded beginning July 1, 2009, proposes to build approximately 25,194 new seats - including the approximately 8,000 seats rolled over from the current plan.

Together the two plans have the potential to add 80,000 new seats to New York City's public school system. It is important to note though that not all or even a majority of these new seats will go to relieve overcrowding. The capital plan seeks to advance a number of DOE goals including accommodating projected enrollment increases, reducing class size, and other educational initiatives such as creating classroom space to implement universal pre-kindergarten.

An increased emphasis on combating overcrowding in the capital plan has the potential to reduce school overcrowding. For example, if the new seats over these two plans were dedicated solely to eliminating overcrowding and enrollment remains at the 2006 and 2007 levels 14 school districts would no longer have overcrowded school buildings: District 2 in Manhattan, Districts 9, 10 and 11 in the Bronx, Districts 13, 14, 15, 18 and 20 in Brooklyn, Districts 24, 25, 28 and 30 in Queens and District 31 in Staten Island.

If enrollment declines in certain districts according to DOE enrollment projections and the new seats in both plans were dedicated solely to eliminating overcrowding, 19 districts would no longer have overcrowded school buildings: Districts 2 and 6 in Manhattan, Districts 9, 10 and 11 in the Bronx, Districts 13, 14, 15, 18, 19, 22 and 32 in Brooklyn, Districts 24, 25, 27, 28, 29 and 30 in Queens, District 31 in Staten Island and high school buildings in the Bronx, Brooklyn, Queens and Staten Island.

In addition, if both the enrollment projections are accurate and the capital plan was dedicated solely to combating overcrowding there would, in addition to the gains noted above, be additional capacity available to also remove temporary structures in 4 districts – District 6 in Manhattan, District 32 in Brooklyn, and Districts 24 and 25 in Queens.

REALLOCATION OF UNDERUTILIZED SPACE

Underutilized school buildings have available capacity to reduce overcrowding. There are 308 school buildings identified in the DOE Utilization Report with utilization rates below 75%. These buildings have a cumulative excess capacity of 128,618 seats. Not all of this excess capacity will be available to mitigate the overcrowding problem. Some school buildings may now house multiple schools that could be phasing enrollments in or out. The location of some of these schools and their proximity to overcrowded schools will be another key factor in the ability to utilize this available capacity.

“NATURAL” DECLINES IN ENROLLMENT

Declining enrollments will not be significant enough to reduce overcrowding in most areas of New York City

If DOE enrollment projections prove correct in the future, Districts 17, 18 and 19 in Brooklyn and District 6 in Manhattan may see significant reductions in school overcrowding. Declines in enrollment will not have a significant impact on mitigating school overcrowding in other parts of both of these boroughs and in Bronx, Queens and Staten Island.

Summary of Recommendations

1. The DOE Capital Plan must prioritize eliminating school overcrowding in the 51 highest priority schools identified in this report.

DOE must re-position the new capital plan to focus on eliminating the most egregious overcrowding—particularly for high need students. The proposed capital plan for FY2010 to 2014 contains broad goals with no specific plan to eliminate the worst conditions through either the building of new schools or other strategies.

In line with the Court's finding in the CFE case, a re-focused capital plan must set as its highest priority combating overcrowding in:

- School buildings with utilization rates greater than 150%;
- SINI/SRAP schools - low performing schools identified annually by the State – that are overcrowded with utilization rates greater than 125%;
- SINI/SRAP schools that are both overcrowded and have temporary structures⁴.
- These conditions are found in 51 school buildings (Table 92):
 - 20 schools with utilization rates greater than 150%. These 20 schools include:
 - 16 schools that were on the original list of 28 schools with utilization rates greater than 150% based on the 2006/07 utilization data;
 - ◊ 6 of these 16 schools are also SINI-SRAP schools;
 - 4 SINI/SRAP schools that have utilization rates greater than 150% using the 2007/08 utilization data; 2 of these 4 SINI/SRAP schools also have a temporary structure.
 - 13 SINI/SRAP schools with utilization rates between 125% and 150%.
 - 18 SINI/SRAP schools that have utilization rates between 100% and 150% and also have temporary structures.

In addition to these high priority schools, DOE must next prioritize the schools with the following overcrowded conditions:

⁴ The various reports produced by CFE that were used to identify these priority schools are based on information for the 2006/07 school years. The schools on these 2 priority lists were identified using the 2006/07 data. As the analysis for this report was being completed, the utilization report for the 2007/08 school year was made public. There was not sufficient time to re-do the analysis in this report using the 2007/08 data, however, an examination of the two categories of priority schools was completed using the 2007/08 data. As a result, conditions changed at some schools. What is reported in this section are the conditions in the priority schools using the 2007/08 report. Because no other analysis of the 2007/08 data was done, there could also be other buildings that were not on the 2006/07 priority lists that would be included using the 2007/08 data.

- All other overcrowded SINI/SRAP schools;
- All other SINI/SRAP schools with temporary structures;
- School buildings that have been overcrowded for 11 years;
- Overcrowded school buildings with utilization rates greater than 125%;
- Overcrowded school buildings with temporary structures; and
- School buildings with multiple temporary structures.

These conditions exist in 226 school buildings that meet at least one of these conditions; the following summary demonstrates that many of these schools suffer from multiple overcrowding conditions (Table 93). There are:

- 152 school buildings that include:
 - 28 overcrowded SINI/SRAP schools;
 - 43 SINI/SRAP schools with temporary structures;
 - 27 school buildings that have been overcrowded for 11 years;
 - 19 overcrowded school buildings with utilization rates between 125% and 150%;
 - 23 overcrowded school buildings with temporary structures; and
 - 12 school buildings with multiple temporary structures,
- 62 school buildings that include:
 - 53 overcrowded school buildings that have been overcrowded for 11 years that meet multiple criteria for inclusion on this priority list:
 - 18 are also overcrowded SINI/SRAP schools;
 - 25 are also overcrowded school buildings with utilization rates between 125% and 150%;
 - 6 are also overcrowded school buildings with temporary structures;
 - 3 overcrowded school buildings now have utilization rates greater than 150%; and
 - 1 school building has multiple temporary structures;
 - 2 SINI/SRAP schools with multiple temporary structures;

- 2 overcrowded SINI/SRAP schools that also have temporary structures;
- 5 overcrowded school buildings with temporary structures:
 - 4 have utilization rates between 125% and 150%; and
 - 1 has a utilization rate greater than 150%.
- Twelve remaining priority school buildings that have 3 serious overcrowding conditions:
 - 11 schools that have been overcrowded for 11 years , of which:
 - 5 are also overcrowded SINI/SRAP schools, 4 of which have utilization rates between 125% and 150% and 1 has a temporary structure; and
 - 6 are overcrowded school buildings with utilization rates between 125% and 150% and temporary structures and 1 of these schools has multiple temporary structures;
 - 1 overcrowded SINI/SRAP school has multiple temporary structures.

2. Plans for new schools must target urgent overcrowding problems.

DOE should prioritize building new seats to eliminate overcrowding in the highest priority schools identified in Recommendation 1.

As DOE/SCA develops and executes its new capacity program, it should prioritize new schools to eliminate overcrowding as follows:

- Target the highest priority schools identified in this report;
- Re-evaluate the overcrowding conditions City-wide annually and adjust the priorities and goals, if needed.

3. Capital plan timelines should be re-examined to prevent backloading of urgently needed projects.

Of the 63,000 new seats funded in the current capital plan, 34,239 seats – over 50% of the funded total – will not begin to come on line until September 2009. Another 8,000 of the 63,000 seats will be “rolled over” and funded in the new capital plan. This backloading has an adverse impact on seriously overcrowded districts such as District 20 in Brooklyn where none of the new schools funded under the current capital plan have yet to be completed.

DOE plans 44 new school buildings in its proposed new capital. DOE/SCA must take steps to complete these projects in a timely manner to prevent “roll-over” projects. SCA should seek to expedite the site identification and design phases of its new construction program to:

- Advance the development of new schools aggressively so that the capacity program is not back loaded and there are no “roll-over” projects;
- Identify issues that may affect siting decisions and have the potential to delay construction;
- Provide updates for the capacity program in more detail than the Annual Amendment that detail: why individual projects have changed in terms of location, number of seats, cost and schedule.

4. Projected declines in enrollment should not be relied upon to solve overcrowding.

DOE enrollment projections predict significant declines in many neighborhoods. These enrollment shifts will only have a significant effect on overcrowded schools in some parts of the City. It should also be noted that if declines fail to materialize as projected or do not occur uniformly in every school building their impact will be even more limited than the data currently suggests.

Many districts will have continuing overcrowding even if enrollment changes exactly as projected. These include Districts 2 and 3 in Manhattan, all 6 districts in the Bronx, Districts 15, 20, 21, 22 and 75 in Brooklyn, all of the districts in Queens, Staten Island and high schools in Queens and Staten Island.

5. The DOE must do a better job targeting under-utilized space to combat overcrowding.

There is existing capacity in school buildings throughout the City to ameliorate overcrowding. In the proposed new capital plan DOE states that it has identified approximately 100,000 available seats. DOE further states that it is developing facilities realignment strategies to plan for the use of this capacity. The school system has long struggled to use its excess capacity and the plans to use this space have perennially come up short. DOE has stated that it has begun to locate new programs and/or schools in under-utilized buildings; this is important work that should continue.

DOE should develop a systematic plan that:

- Identifies all of the school buildings with significant available space or space that will become available because of school phase-outs;
- Identifies all of the overcrowded school buildings that are proximate to the seriously underutilized buildings;

- Establishes re-zoning strategies to eliminate overcrowding;
- Establishes new schools or programs in underutilized school buildings and prioritizes students from nearby overcrowded school buildings;
- Contains specific goals and timelines;
- Provides annual updates until overcrowding is eliminated.

6. Plans to combat overcrowding must address temporary structures.

A building that requires a temporary structure is overcrowded and suffers from the same problems as an overcrowded school building. Temporary structures create logistical problems for schools; students are isolated from the main building; and open space is often reduced or eliminated. Common shared spaces, such as cafeterias and gymnasiums, generally don't have the capacity to handle additional students; the result is students not having adequate access to the gym and lunch periods beginning in mid-morning.

DOE should immediately provide the following and incorporate it into its plan to eliminate overcrowding:

- A list of all school buildings with temporary structures and how they are currently being utilized;
- Under the current capital plan, DOE committed to remove all transportables and mini-schools older than 20 years old by 2012. Before approving a new capital plan, DOE should provide an update on the progress it has made in meeting this goal and its targets with a timeline between now and 2012.

7. The DOE must develop a long-term strategy to eliminate overcrowding.

The DOE must develop and clearly articulate an ongoing, long-term strategy to eliminate chronic school overcrowding.

CFE recommends DOE produce an annual written plan for public review that:

- Develops specific targets with clear priorities;
- Identifies the needed resources;
- Establishes a timeline for meeting these targets; and
- Provides regular reporting to parents, elected officials and the public on how DOE is meeting its targets.

This plan should include the specifics for reducing enrollment in every overcrowded school building by identifying the strategy that would be used, the resources needed and the timeframe for executing the solution.

The plan should also contain an inventory of the temporary educational spaces now existing in these overcrowded and other school buildings. The plan should provide a strategy and schedule for restoring school buildings so that all classrooms are appropriately sized and designed. There should be a sufficient number of specialized rooms to support the school's program, resource rooms, common spaces and offices and other spaces necessary to support a school.

Methodology

This report examines the extent of overcrowding in public school buildings in the 2006/07 school year. This report identifies where the overcrowding is, whether these buildings are elementary, middle or high schools and the number of students enrolled in these overcrowded buildings. It also investigates the degree of overcrowding in these buildings. Many school buildings house a single school organization, the traditional school model. The small school movement has resulted in multiple school organizations occupying a single building; this new model is growing. The decision to focus on school buildings in this report reflects a goal to provide a clear discussion on the overcrowding issue. It was decided that this could best be analyzed at the school building level. The one exception to this is the examination of the schools on New York State's list of Schools In Need of Improvement (SINI) and Schools Requiring Academic Progress (SRAP).

The report also examines the school buildings with temporary structures, which include trailers, mini-schools and temporary classroom buildings, generally located in schoolyards, as well as annexes that may have remote locations. A school building that required a temporary structure is an overcrowding problem. Because of increased enrollment, there was insufficient space in the main building to accommodate all of a school's students; a temporary structure was determined to be the best solution to providing additional classrooms. Many of these temporary structures are well over ten years old and appear more permanent than they should be. This report provides extensive analysis of the school buildings with temporary structures.

The list of overcrowded Schools In Need of Improvement (SINI) and Schools Requiring Academic Progress (SRAP) identified by the state in 2006/07 and 2007/08 are examined in this report because of the high need students attending these schools.

CFE has a library of ten years of Enrollment –Capacity – Utilization Reports that are published by the Department of Education. Using this information, CFE created profiles of each of the overcrowded school buildings and buildings with temporary spaces spanning the last ten years. This data affords a look at how overcrowding has changed over the decade – how it has improved or worsened.

Each year the school system updates its enrollment projections for the following ten

years. Enrollment projections are used for the analysis of the potential future extent of overcrowding. If enrollment is projected to decline, the decrease may provide capacity to meet some of the space needs of overcrowded schools. In some neighborhoods enrollment may be increasing and this may worsen the existing overcrowding.

The analysis in this report utilized a district-based projection in 2011 and 2016 at the elementary and middle school grade levels to provide a snapshot of what could be the future profile of the overcrowded school buildings. For high school buildings enrollment projections were examined on a borough-wide analysis in 2011 and 2016. This analysis makes the assumption that enrollment changes will be uniform in all of the buildings examined; in reality, enrollment will not change so neatly. However, potential enrollment shifts can signal patterns of change that are important for planning purposes.

This report looks at the conditions in the new school buildings built since 1990 and examines the current and proposed plans to build new school buildings that are contained in the DOE's current and proposed 5 year capital plans. The information on new schools underway or planned is used to analyze the possible effect of new seats on existing overcrowding. The analysis does not investigate any other space needs that may require a new school, such as class size reduction or other educational enhancements.

The data in the enrollment-capacity-utilization reports, however, do not provide a complete picture of the extent of the overcrowding problem. Because of continued enrollment growth, many specialized and support spaces have been converted into classrooms. There is no publicly available database that lists whether there are still gymnasiums converted to classrooms or how many art rooms, other specialized spaces and offices are now classrooms. Overcrowding remains a problem until every school has appropriate and sufficient educational rooms with all of the specialized and support spaces necessary for its educational program.