

## RECOMMENDATIONS

### 1. The DOE Capital Plan must prioritize eliminating school overcrowding in the highest priority schools.

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 FY2020 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 structures<sup>63</sup>.

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.

<sup>63</sup> 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.

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

- 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%.
- 12 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.

DOE's draft capital plan for FY2010-2014 states that it analyzed space needs on a neighborhood basis – the first time it has done this – and it identifies neighborhoods that need new capacity. DOE should evaluate the schools in these targeted neighborhoods to determine if this is where the worst overcrowding is located. DOE states its goals in building new schools – meeting local enrollment needs, accommodating future growth and reducing the use of temporary structures - but it does not give specifics on what the 25,194 new seats proposed to be built with funds from the new capital plan will accomplish.

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

- Target the highest priority schools identified in this report; and
- 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 back loading of urgently needed projects.**

Of the 63,000 new seats funded in the current capital plan, 34,239 seats – over 50% of the funded seats – 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 back loading has an impact on seriously overcrowded districts such as District 20 in Brooklyn, one of the most overcrowded districts in the City. It has the highest number of students – 19,346 - attending overcrowded elementary and middle school buildings Citywide. In recognition of that need, DOE funded 5,448 new seats in the 2005/09 Capital Plan. None have been completed according to DOE’s documents. The first new seats in District 20 that were funded in the 2005-09 Capital Plan will not be ready for occupancy until September 2009.

As part of a targeted attack on eradicating overcrowding, SCA must re-examine its plan and processes to identify sites and start the design process more quickly. Acquiring sites for new schools is very challenging in New York City and it is a significant cause of delay in developing a new school. A capital plan that has a back-loaded schedule for many of the new capacity projects is bound to slip and a significant number of new seats will likely be rolled over further into the future.

DOE plans 44 new school buildings with 25,194 seats in its proposed new capital plan. DOE/SCA must take steps to complete these projects in a timely manner to prevent “roll-over” projects. SCA should seek to expedite its site identification and design phases 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 currently does on what the specific changes are: 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 enrollment in many neighborhoods. These enrollment shifts will only have a significant effect on overcrowded schools in some parts of the City. It should 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.

DOE commissions two demographers to provide annual enrollment projections for the following 10 years. The demographers generally are in agreement in predicting an over-all contraction in enrollment particularly at the high school level. Over the 10 year period one demographer predicts that there will be enrollment increases in 2 community school districts – Districts 2 in Manhattan and 20 in Brooklyn - and that there will be declines in enrollment in 30 community school districts. The second demographer predicts that there will be growth in 8 community school districts – Districts 2 and 3 in Manhattan, District 8 in the Bronx, Districts 15 and 20 in Brooklyn, Districts 24 and 26 in Queens and District 31 in Staten Island and there will be enrollment declines elsewhere. All of these districts currently have significant overcrowding.

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. DOE must do a better job to target 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. Now is the time to develop a plan to use this capacity and to follow through on a plan.

This report identifies 308 buildings with utilizations at 75% or lower. Of these 308 buildings, 42 have utilization rates less than 50%. The cumulative excess capacity in all 308 buildings is 128,618 seats. The 391 overcrowded school buildings identified in this report are short 59,909 seats and the temporary structures identified in this report housed 32,717 students in the 2006/07 school year for a total of 92,626 seats.

In a public school system as complex as New York City's, the solution is not a simple

mathematical exercise nor have all of the space needs been quantified to eliminate overcrowding and to restore all necessary spaces to schools to support their educational programs. However, the available seats in underutilized buildings and the new seats to be built under the capital plans should provide the foundation for a clear strategy to eliminate overcrowding.

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; and
- 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 serious educational and management problems:

- There are often logistical problems in managing students in an off-site annex: how to transport them, feed them, provide them with specialized services, and integrate them within the school community so they do not feel isolated;
- Even with on-site temporary structures there is potential for similar isolation although it is easier to provide services and integrate the students into school life;
- Common shared spaces, such as cafeterias and gymnasiums, generally do not have the capacity to handle additional students; the result is students may not have adequate access to the gym and lunch periods beginning in mid-morning. Similar problems extend to all specialized rooms, such as the library and art room, if the specialized rooms exist; and
- On-site temporary spaces rob students of open space, minimizing or eliminating outdoor space for physical fitness.

This report identifies 215 school buildings with a total of 252 temporary structures; the enrollment in both the main buildings and temporary structures is 207,236. Of these 215 buildings 91 are overcrowded. Thirty-one of these 215 school buildings have more than 1 temporary structure associated with the main school building. The use of temporary structures has been a common response to overcrowding for over 20 years.

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. DOE must develop a long-term strategy to eliminate all overcrowding.**

There is universal recognition within the school system and outside that overcrowding is a serious problem and must be eliminated. DOE must first develop and implement a plan to eliminate overcrowding in the priority schools identified in the previous recommendation. However, there must be a goal to eliminate overcrowding in all school buildings and to remove all temporary structures. This will take time.

This report identified 391 overcrowded school buildings. There are also 215 school buildings with 252 temporary structures. Of the 391 buildings 91 have temporary structures. Therefore, there are a total of 515 buildings (391 overcrowded buildings plus 124 buildings with temporary structures) that are either overcrowded or have temporary structures associated with them that housed 501,632 students in the 2006-07 school year. This represents approximately 48% of the total number of 1,042,078 students enrolled in the city's public schools in 2006-07.

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.

Many schools have temporary educational spaces now existing in these overcrowded and other school buildings. Because DOE calculates capacity only on how spaces are currently being utilized, it does not identify whether there are classrooms in temporary spaces, such as gymnasiums, or if specialized spaces, such as art rooms, are being used for regular classrooms. Because there is no publicly available data base on these uses, an analysis of these spaces was not possible.

The plan should also contain an inventory of the temporary educational spaces now existing in these overcrowded and other 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, offices and other spaces necessary to support a school.