



Reforming the School Construction Authority

An Action Plan for Efficient Use of Public School Space



Bronx Borough President Ruben Diaz Jr.
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Introduction

By any measure, public schools in New York City are overcrowded. Of the 1,754 schools operating in Department of Education (DOE) buildings, 675 are operating at greater than capacity.ⁱ There are 95,984 more students enrolled in overcrowded schools than capacity – an unacceptable situation. At the same time, there are 169,421 available seats in schools that are operating under capacity.ⁱⁱ This imbalance shows that there is serious room for improvement when it comes to building new schools and utilizing existing space.

Students see greater academic performance when they are in smaller classes. Smaller class sizes are correlated with higher high school graduation rates, higher rates of college test-taking, a smaller racial achievement gap and improved student behavior, among other benefits.ⁱⁱⁱ In FY2018 the average class size in a New York City public school was approximately 25 students per class in elementary school and 27 students per class in middle school.^{iv} While these numbers are similar to Department of Education targets, there are still many schools where the average class size is well above this number. Over 300,000 city students are in classes of 30 children or more,^v significantly impacting those students' ability to learn and get the teacher attention that they deserve. The actual average far exceeds the target for grades one through three.^{vi} Those years are when overcrowded classrooms have the greatest negative effects on young children.^{vii}

The most basic way that overcrowding arises is when there are more students in a zoned area than the schools in that zone can seat. Therefore, the simplest way to address the problem of overcrowded public schools and classrooms is to build more schools in the areas that need it the most. In New York City, the responsibility for new school development falls to the School Construction Authority (SCA), an agency established under state law to be responsible for the construction of new school buildings. While the Department of Education is responsible for the upkeep of existing buildings and the determination of need for new buildings, the SCA is the agency responsible for the siting, design, construction and renovation of buildings that will meet established need, in addition to capital improvements to existing buildings. Between 2005 and 2018, the SCA spent \$9.1 billion to construct new capacity of 98,302 seats.^{viii}

The way that the School Construction Authority currently conducts its contracting and new school siting leaves much to be desired. The current system for school siting has left many neighborhoods with overcrowded schools and no immediate plans to fund new construction in those areas. In the instances when that construction does happen, there is little information available to the public on why decisions were made. The SCA must change the way that new schools are built and it should become more transparent so that New Yorkers can better understand how and why school construction decisions are happening.

There are numerous inefficiencies in how the SCA operates, particularly in the way that they determine where to site new schools and in the contracting process that occurs prior to design and construction. Changes can and must be made to the way that the SCA and DOE operate in order to more quickly reduce the overcrowding in New York City public school classrooms and to more quickly and cost efficiently site, design and build new schools.

The administration – including the Department of Education – and the SCA must take this problem more seriously. Last year, the City Council created a School Siting Task Force to examine the process on how schools are sited, identify sites for purchase or transfer, and more quickly purchase sites for schools. However, it is clear that the Department and the SCA were not taking this seriously enough. The Task Force met only twice over its six months in existence, the first meeting was not open to the public, the SCA identified only two sites among city properties suitable for school construction, the

SCA refused to provide its data to the public, and the report that the Task Force issued was less than two pages long, not available to the public and not even reviewed by all members of the Task Force before it was submitted.^{ix} If the way that the city and SCA behaved regarding this Task Force is indicative of the way that they treat the building of new schools, then children in this city are facing a serious problem. Much more concern needs to be paid to the severe and pervasive problem of overcrowding and what is happening now clearly is not cutting it.

In November 2004, the SCA released its initial capital plan for the following five years. The SCA had three major goals for that five-year plan: having no schools at over 100 percent utilization, removing all transportable classroom units, and having no K-3 classes with more than 20 students.^x Now, 15 years later, none of these goals have been met. Business as usual is not working at the SCA or the Department of Education. These agencies must make drastic changes to better serve our public school students.

Because of this, Bronx Borough President Ruben Diaz Jr. believes that there must be several changes in the way that the Department of Education and the School Construction Authority plan for, site, design, and construct new schools. Enacting the following recommendations will help get New York City's students the schools that they deserve.

Recommendation #1: The School Construction Authority and the Department of Education must eliminate all Transportable Classroom Units as soon as possible. Forcing students to learn in trailers harms their education and that it has continued for so long is unacceptable. If there is a single TCU remaining at the end of this five-year capital plan, there must be real consequences for leaders at the DOE and SCA.

Recommendation #2: A more detailed analysis of the effect of new housing development on schools should be required as a part of the ULURP process and the general environmental review process.

Recommendation #3: The SCA must be prepared for how the population of school children will look in the future. Their population and enrollment estimates must become more focused in order to better plan for the new school projects that they will need to construct in decades to come.

Recommendation #4: The DOE must identify the optimal buildings to locate additional district and citywide gifted and talented programs. The DOE must locate these programs in every district—especially underserved districts—to help pull students from overcrowded schools into underutilized buildings.

Recommendation #5: The SCA should adopt a new RFP process for school siting. There needs to be a broader look at finding potential sites for new schools that goes beyond the current use of a smaller number of brokers.

Recommendation #6: The SCA should pilot a privately-managed RFP process for the design and construction phase of new school building. A privately-managed process could provide more analysis and oversight of bids, helping to prevent unrealistic cost estimates leading to overruns.

Recommendation #7: The SCA should consider leasing more space for schools in order to immediately alleviate overcrowding in the highest-need areas. New school construction is a multi-year process from the beginning of finding a site to the school opening. Leasing a space can get a school open in areas that need the reduction in overcrowding much more quickly.

Recommendation #8: The SCA must increase transparency and provide information to all stakeholders including elected officials, parents and communities. This increased transparency will result in the public being able to hold the SCA to account.

Recommendation #9: The SCA should engage with the public in more meaningful ways when it comes to school construction. The SCA should hold public hearings sooner in the process and better take into consideration public feedback.

Recommendation #10: DOE should enforce enrollment caps at the most overcapacity high schools in the city to reduce overcrowding in those classrooms. Because high schools are not zoned, this would result in a quick reduction in school overcrowding.

School Overcrowding

During the 2017–2018 school year, New York City public schools enrolled 1,025,875 students. At the same time, the target capacity for the city’s schools was 1,099,358. This means that only 93 percent of the available seats were filled, which does not suggest on its face that there should be an overcrowding problem.^{xi} However, this overall number obscures the real problem with overcrowding that exists at both the Community School District (CSD) and individual school levels. In 2017–2018, nine of the city’s 32 CSDs had a utilization rate over 100 percent, meaning that there were not enough seats in those districts for all of their students. At the same time, there were 17 CSDs where the utilization rate was under 90 percent, suggesting that those districts have room to spare.

And this disparity becomes even more apparent when looking at the individual school level. Every CSD has at least one school that was operating over capacity – including CSD 16 in Brooklyn, which has the lowest utilization rate at 49 percent. Citywide there were 675 schools and 615 buildings operating over capacity, a majority of which were elementary schools. While overutilization is not equivalent to overcrowding, it is a good proxy measure to determine whether schools suffer from conditions which inhibit student learning.^{xii}

An added difficulty when it comes to overcrowding is the varying level of the school-aged population over time and the projected enrollment. For example, the total enrollment for public schools in the 2017–2018 school year was 916,650, and this number is projected to decline to 852,815 in the 2027–2028 school year.^{xiii} However, at the same time, the school-age population is expected to increase from 1,260,400 in 2010 to 1,342,097 in 2040.^{xiv} These projections will make future planning more difficult because they add uncertainty to where new seats should be created.

The utilization rate for elementary schools is higher than other types of schools. Elementary schools had a citywide utilization rate of 97 percent as compared with 86 percent for middle schools and 91 percent of high schools. Approximately 60,000 of the 96,000 overutilized seats are in elementary schools.^{xv} Despite this, 91 of the 310 high schools in the city are overcrowded, spread all across the five boroughs.^{xvi}

The geographic distribution of crowded versus not crowded schools shows a neighborhood disparity. Areas like South Brooklyn, the East Bronx and most of Queens have largely overcrowded schools. On the other hand, areas like Central Brooklyn and East Harlem have largely non-crowded schools. While this disparity exists at the high school level, the difference is even more apparent at the level of zoned schools – elementary and middle schools.^{xvii} This shows that where schools have been built in the past do not neatly line up with where students live today. Future school construction must take into account the changing home neighborhoods of the student population. Additionally, there must be a plan for how to use underutilized school buildings, particularly in neighborhoods such as CSD 16 where nearly all the school buildings have space to spare.

Citywide last year, there were 336,165 students who had to attend classes with at least 30 students – a number that includes the majority of high school students in the city. This is an unacceptable number of students who are in overcrowded classrooms. And the problem is getting worse, with tens

of thousands more students in these extremely overcrowded classes last year than in 2007. That year there were only about 1,000 1st through 3rd graders in classes of 30 or more. By 2018, that number had ballooned to over 36,000. And New York City schools have consistently had a greater proportion of students in classes with at least 30 students than schools statewide.^{xviii} The Department of Education and the SCA have completely dropped the ball with getting students out of these classrooms. On their watch, the problems of overcrowding have gotten worse over the past ten years and improvements do not appear to be forthcoming.

In The Bronx alone in 2017, there were over 55,000 students in classes of 30 or more students.^{xix} One striking example is Lucero Elementary School (P.S. 64) in CSD 9 in The Bronx, which is at 142 percent capacity – the school’s target capacity was 284 children but they had 402 attending in the 2017-2018 school year. This is a school that is 99 percent children of color in one of the least affluent areas of the city.^{xx} Things have to change to ensure that students are getting a fair shake for their futures.

The research is clear that overcrowded classrooms result in worse outcomes for students in both educational achievement and discipline. Students in overcrowded classes perform worse on standardized tests, are less likely to take college-admission exams, and are more likely to drop out and not complete high school at all.^{xxi} These negative outcomes have adverse effects and result in higher costs that must be borne by society as a whole.

In June 2018, the Division of School Planning and Development was formed within the Department of Education. This Division and the Office of District Planning within it are responsible for achieving the best use of current school buildings to help ensure that New York City students have the best opportunities to learn and thrive.^{xxii} While this is a step in the right direction, the Department of Education must do more to facilitate changes to the way that city addresses current classroom overcrowding.

The overcrowding problem is not improving over time either. Between the 2007-2008 school year and the 2018-2019 school year, class sizes have increased across all grades, remaining well above the targets set in the Contracts for Excellence law in 2007. Last year, the average number of students in classrooms was 23.9 in K-3 classes, 26.6 in 4-8 classes, and 26.4 in 9-12 classes. These were above the targets of 20, 23 and 25 respectively.^{xxiii}

Some schools are so overcrowded that students are forced to learn in “transportable classroom units” – trailers pretending to be classrooms. While it is a stated goal of the administration and the SCA to eliminate these terrible excuses for a school environment, this has been true dating back to the Bloomberg Administration.^{xxiv} The city must take immediate action to get every single student out of these trailers and into real classrooms. The SCA’s most recent capital budget provides for \$180 million to remove TCUs through the construction of new capacity. TCU removal began in 2013 and will continue at least for the next five years because the TCUs cannot be removed until the overcrowding in the adjoining schools is relieved.^{xxv} This delay is unacceptable, and the Department of Education and the SCA must be held accountable for their failure to get this problem under control. It should have been the SCA’s first priority in the previous capital plan to eliminate TCUs, but thousands of the city’s children will have to suffer in appalling classroom conditions even as the city moves into the next capital plan funding cycle. It is shameful that this situation has not yet been solved.

Current School Construction Plans

In the last few years, the city has made some progress towards reducing the overcrowding conditions in many schools, but there is still much work to be done. The number of both overutilized schools and school buildings has fallen in the past three years.^{xxxvi}

Under the Fiscal Year 2020–2024 plan that was adopted earlier in 2019, the number of new funded seats is 56,917,^{xxvii} lower than the 82,811 funded in the 2015–2019 plan.^{xxviii} Additionally, there are 20,488 seats from the previous capital plan that have not yet come into use and will enter into service between this coming school year and September 2022.^{xxix} These over 77,000 seats will help alleviate some of the overcrowding concerns when they come into service over the next decade. This plan calls for the design and construction of 89 new school buildings.^{xxx}

However, these funded seats do not completely cover the identified need. In the 2005–2009 and 2010–2014 capital plans only 73 percent and 68 percent of the K–8 seats identified as needed ended up being funded.^{xxxi} While more recent data for the capital plans as a whole is not complete or available, there is a similar situation among the new plan. The identified need was not included in the amended capital plan released this year – an unfortunate deviation from previous SCA practice. However, looking at the district level, CSD 20 in Brooklyn, which is the most overcrowded district, is 10,377 K–8 seats over capacity^{xxxii} while only 6,353 seats were funded in the most recent plan.^{xxxiii} There is clearly not enough new capacity funded to meet the needs of the student population. This means that even after spending billions of dollars over the next five years, our schools will nonetheless remain overcrowded.

The new capacity that is expected to be built under this new capital plan will come at a cost of \$7.88 billion, of which \$6.93 billion has been allocated to specific projects and site acquisition. This means that each new seat is planned to cost approximately \$121,720. The cost per seat is rising rapidly. In the 2005–2009 capital plan, the cost per seat was only \$78,667, well above the rate of inflation.^{xxxiv} Additionally, the SCA has not allocated nearly \$1 billion of the funds for new capacity that they have received in this capital plan.^{xxxv} The SCA should publically state what they plan to do with these funds, whether that is additional capacity, funding cost overruns or providing for unexpected costs such as environmental remediation of acquired sites. The public has a right to know how their tax funds are spent, and the SCA must be more transparent with the funding that they have received.

School Construction Authority

New York State established the School Construction Authority in 1988 for the purpose of streamlining new school construction and existing school renovations. The SCA is the sole agency responsible for capital projects for the New York City Department of Education. The intent of this was to capture the entire capital construction responsibility in one place, thus making the process more efficient and less costly.^{xxxvi}

The SCA is responsible for developing the Department of Education’s Five-Year Capital Plan, both in its initial form and its amendments each year. This plan is approved at the Panel for Educational Policy in the Department of Education and is included in the overall city budget.^{xxxvii}

The SCA has the responsibility to administer capital funding for all capital projects for the Department of Education. This includes the funding for new school construction as well as upgrades to existing school buildings, such as boiler upgrades and asbestos mitigation, as well as renovations and other improvements to those existing buildings.^{xxxviii}

Despite the fact that 91 of 310 high schools in the city are over capacity, the SCA only plans to construct five new high schools in this upcoming capital plan – all five of which are in Queens despite the high school need occurring through the five boroughs. While Queens has the greatest need for high schools, a majority of the overcrowded high schools are still in the other four boroughs.^{xxxix} This failure to act to reduce overcrowding in high schools is unacceptable and show serious weaknesses in the SCA’s planning process. The SCA needs to provide answers as to why they have barely planned to make a dent in the overcrowding in high schools. There are only about 8,000 new high school seats planned^{xl} while there are nearly 32,000 students in overcrowded high schools.^{xli}

New School Siting

Determining the site selection for new school construction falls under the purview of the Real Estate Services (RES) Division within the SCA. Additionally, that division oversees all lease agreements for the Department of Education.^{xlii}

The RES division contracts with four brokers to identify sites citywide that would be appropriate for new school construction. The brokers each handle one borough, with Brooklyn and Staten Island covered together by one. The brokers are selected through a Request for Proposal process on three-year contracts.^{xliii} The public can also submit potential sites for sale or lease through a form on the SCA’s website.^{xliiv} The SCA can also request transfer of property from the city for the purpose of siting new schools on land that the city already owns.^{xliv}

The SCA is generally exempt from land use review procedures when it comes to the new building and renovation of schools.^{xlvi} However, the SCA must undergo a public and community participation process for new siting, new constructions or additions to current schools. This includes a public hearing held within the Community School Board district affected by the proposed construction. The SCA must consider all comments from affected Community School Boards and Community Boards before moving forward on that plan.^{xlvii} Finally, before construction may begin on any project, the City Council and the Mayor have the opportunity to reject the site plan for the construction. Should such a disapproval occur, the SCA must either choose to amend the project or eliminate it altogether.^{xlviii}

The SCA has certain requirements that must be adhered to when determining whether a site is acceptable for new construction. The SCA looks for sites that are at least 20,000 square feet, which allows for a large enough building, as well as space outside for younger students to play and have recreation time.^{xlix} The SCA will consider smaller spaces on a case-by-case basis, particularly in areas that are identified as high need. Additionally, there are other requirements such as two street frontages, a far enough distance away from major highways and adult-use businesses, that the site is not contaminated, and more.¹

Once a site has been identified and approved, the SCA can go ahead with the purchase of the site or the transfer from another city agency. This purchasing process includes an appraisal of the value of the site and can include the use of eminent domain or condemnation if necessary.^{li}

Design and Construction

After the sites for schools have been selected, the SCA solicits the contractors to design and build the projects through two methods – advertised bids and limited list bids. The advertised bids are used for smaller projects (generally under \$4 million) and the SCA publicly advertises the information about the project as well as sending the information to qualified contractors. Limited list bids are for more expensive projects (over \$4 million) and involve the SCA inviting a group of prequalified contractors to apply for the project.^{lii}

The SCA will receive design-build authority for projects that cost at least \$10 million and have labor agreements for the next three years.^{liii} This is implemented under a bill by Assembly Member Edward Braunstein and State Senator Leroy Comrie that passed in June 2019 and is awaiting the governor's signature.^{liv} This would allow the SCA to use design-build contracting for its new school construction. However, the cost cutoff at \$10 million prevents the SCA from using it for smaller projects such as the renovations and significant maintenance for which it is responsible.^{lv}

The SCA must use this design-build authorization to alter the way that they do contracts for new buildings and renovations. This could help prevent cost overruns through having one contractor having the contract to handle the building of the school from start to finish. This also combines the Request for Proposal (RFP) processes for the two parts into one, which improves efficiency and reduces the amount of work that the SCA must undertake before construction can start.

Currently, the budgeting for the design and construction of new schools is opaque. The SCA's Capital Plan identifies the cost for each project but fails to break down who that money is going to and for what purpose. This information must be made available to the public, so that communities know how their money is being spent and how their children's schools are improving.

Recommendations

The level of overcrowding in many New York City schools is unacceptable and must be addressed. Changes must be made to how the Department of Education and the School Construction Authority work in order to deal with this issue. The following recommendations must be enacted to help alleviate the overcrowding in schools.

Recommendation #1: Eliminate Transportable Classroom Units

Transportable Classroom Units are a disgraceful example of the city's lack of concern when it comes to relieving overcrowding in schools. When there are schools so overcrowded that some students must be relegated to learning in what amounts to little more than trailers which are often dirty and beset by pests and mold,^{lvi} something has gone seriously wrong in the city's school administration. Students in these classrooms often have to walk outside to the main school building go to the gym, cafeteria and sometimes even the bathroom – an unfair imposition on small children especially in the winter months.^{lvii}

It must be the first priority of the SCA and Department of Education to eliminate these TCUs. As of last year, there were about 3,000 students trying to learn in 96 TCUs across the city.^{lviii} The SCA must ensure that this capital plan is the last in which students are forced to learn in such conditions. The \$180 million that the SCA plans to spend over the next five years is more than enough to eliminate these trailers and to get students into real classrooms. If any TCUs persist beyond this timeframe, there must be real consequences for the SCA because it would show them to be incompetent at solving this problem. These consequences should include replace the top officials at the agency, to ensure that they are accountable to the people that they are not serving well enough.

However, the Department of Education must have a way to prevent children from being forced to learn in these environments. The City Council must give the Department the authority and resources to allow for these students to learn in real school buildings – even if those schools are outside of the zone where the students live. It is dangerous and unfair for students to learn in these environments, so immediate solutions must be considered. Sending these children to more distant schools to learn is certainly not ideal, but it is far superior than forcing them to continue to learn in dirty and dangerous trailers.

Recommendation #2: Improve School Overcrowding Considerations in the Development Process

When a proposed redevelopment project that includes new housing units goes through the Uniform Land Use Review Procedure (ULURP), the impact on public schools from the increased number of potential school children in the area must be made more explicit. The City Charter must be amended to include the study of public school enrollment as an explicit part of any rezoning through ULURP. Additionally, whenever a City Environmental Quality Review (CEQR) is required, the impact of the project on nearby public school enrollment should also be examined.

Currently, the CEQR manual suggests that a more detailed analysis of impacts on schools “may be appropriate” for new housing construction of a certain number of units.^{lix} This review should instead be required for all projects. Knowing how new development would affect already nearby public schools is an important factor to consider in the rezoning or permitting process, and the impact on the schools should be examined in order to judge a projects potential effects on local public school enrollment. Through these processes the SCA would have the data needed to regularly update their enrollment projections and identified need projections in order to account for the expected arrival of new students to any area created by new development.

By ensuring that an examination of the impact on schools is included in all environmental reviews and as a part of the ULURP process, the SCA would be prepared to address the changing population in any given neighborhood. They would also be able to direct funding towards the neighborhoods that will be imminently experiencing increased growth in their student-aged population.

In addition, when an environmental review as part of the ULURP process finds that already overcrowded schools will be further burdened with new students, the Community Education Councils should have an official role in the review process. The CECs should have to hold a public hearing and also issue their own comment about the project and whether it should be approved based on school enrollment considerations, similar to how community boards influence the land use process now.^{lx}

Recommendation #3: Be Prepared for a Shifting Population

The DOE and the SCA are not currently prepared for changes to where students will live in the future. For example, the SCA's projections for student population changes conflict wildly with the Department of City Planning's estimates from 2013. While the SCA projects an overall decline in school enrollment between 2017 and 2027,^{lxi} the DCP numbers show an overall increase in the school-age population between 2020 and 2030.^{lxii} This disparity calls into question the accuracy of the SCA's projections and therefore their plans to mitigate future overcrowding. If the SCA does not know how many students will live in every area in the future, it will not be able to plan to build the appropriate number of seats.

According to the SCA's projections, only six of the 32 CSDs are projected to grow over the next 10 years. Among these six are three in East Queens, two in South Brooklyn and the last is Staten Island.^{lxiii} These enrollment projections fail to hold up to reality when closely examined. For example, the SCA projects an enrollment decline of over 30 percent in CSD 6 in Inwood-Washington Heights by 2027.^{lxiv} That such a drop could occur in one of the most heavily-immigrant neighborhoods in the city^{lxv} does not hold up to scrutiny. Additionally, the SCA projects an enrollment decline in every CSD in Manhattan and The Bronx despite the DCP projections showing that those two boroughs will have the greatest growth in school-age children over the next ten years.^{lxvi} The SCA needs to plan for these changes now so they do not need to try to catch up to a changing population later. Their enrollment projections must become more realistic or else they will be completely unprepared for alleviating crowding in the future.

In the new 2020-2024 capital plan, new high school construction is confined to Queens only. There are currently more overcrowded high schools in Queens than there are high schools under capacity. This shows that the SCA was not prepared for the dramatic rise in high school students in Queens that is currently underway. Because the SCA now has to catch up to the current enrollment, this makes it more difficult to plan for the future. It shows a failure in planning that the SCA was not prepared for this influx in high school students in that borough. It is evident to observers of New York City population shifts that Queens has seen an increase in population, including many immigrants moving to the borough. A report from Make the Road New York found that city school districts that have a greater proportion of immigrants are much more overutilized than districts with smaller immigrant populations.^{lxvii} Queens alone has consistently been short tens of thousands of seats for decades, which shows that this situation is not truly improving.^{lxviii} That the SCA had not prepared well enough for this increase, leaving many students in overcrowded classrooms, shows that a better system of planning needs to be in place.

When the SCA determines its plan for new school construction over the following five years, it should do more to take into account the changing population of various neighborhoods across the city. Projections further in advance should be taken into account when determining future siting and construction, not just where the most imminent need is. While relieving immediate overcrowding is a pressing issue that the SCA must address, heading off the problem by beginning the planning process for new schools earlier can help alleviate the issue before it becomes urgent.

The SCA should go beyond their current planning procedure when it comes to taking into account future projections. The SCA only releases information about the projects that are funded under the current five-year capital plan.^{lxix} The SCA should include in its published data the expected new capacity needs going out many years into the future, in five year blocks. For example, it would be helpful to policymakers and the public to know what the SCA expects to need to build by 2025, 2030

and 2035 in every district to best determine how taxpayer funds will have to be spent in the future and to effectively advocate for necessary capital funding. Without this data, the public will not be able to hold government agencies to account for shoddy planning. Elected representatives need to know that proper planning is occurring in order to ensure that taxpayer funds are not being wasted on inefficient and poorly devised projects.

On the other hand, there are districts and schools where there is unused space and where there will be enrollment declines in the future. The SCA's projections claim that there will be a decline in student enrollment at the K-8 level in 26 of 32 districts between now and the 2027-2028 school year.^{lxxx} Even if these estimates are incorrect it is likely that some areas, such as Central Brooklyn, will continue to show enrollment declines. Of the eight districts where the projected decline in K-8 enrollment is expected to be greater than 20 percent, six of those districts are in Central and East Brooklyn.^{lxxxi} There is an urgent need for new school construction now in many of the districts across the city. The SCA needs a plan for how to use these buildings in the future when the need is less.

Furthermore, the SCA must take into account what will happen to districts that are not utilized enough, whether due to changing demographics in a neighborhood, increase use of charter schools or other factors. Because resources allocated to schools are based on enrollment, under-enrolled schools in low-crowding areas might not have enough funding to provide all the services that they need to.^{lxxxii} The Department of Education must pursue a more rigorous policy of rezoning to ensure that no schools are underserved because of a lack of enrollment. It is unfair to students to not get the resources they deserve because the communities around them are changing.

The Department of Education and the SCA have failed to account for the explosive growth in charter schools over the past several years. For example, in CSD 32 in Brooklyn the proportion of children attending charters has increased from six percent to 27 percent since 2010.^{lxxxiii} Overall there are now 119,000 students enrolled in the 235 charter schools across the city – a two-thirds increase since 2014.^{lxxxiv} While the cap on charter schools was not raised in the most recent legislative session, thousands of students who would have otherwise been in public schools now are getting their educations in charters. Many charter schools use Department of Education-owned buildings for their schools, but many other lease their spaces privately. While the DOE has pursued a policy of siting charters within its existing buildings, it should further encourage this co-siting when a school would otherwise be at risk of closure. It was the position of the Bloomberg Administration to encourage co-location. However, the de Blasio Administration has backed off this practice.^{lxxxv}

Because of the lease-assistance program that the city is required to operate, it is cheaper for the city to allow charters to be co-located in underutilized public schools than to help fund rent for charters in private spaces. As of the 2016-2017 school year, there were 72 school buildings with at least 500 seats not being utilized.^{lxxxvi} This space should be used for the benefit of the city's public school children, whether they attend traditional public schools or public charters.

Recommendation #4: Expand Gifted and Talented Programs in Underutilized Schools

The Department of Education must survey schools to determine where to locate new gifted and talented programs in every district across the city, especially in currently underserved districts. Expanding gifted and talented programs to underserved communities and locating these programs in schools that are underutilized can help make better use of available space. Of the five citywide gifted and talented schools, three are operating over capacity.^{lxvii} The city should open new citywide gifted and talented schools, particularly in underserved communities, to alleviate the overcrowding in the existing citywide schools. Having more exceptional students who are zoned for overcrowded schools instead attend gifted and talented programs located in underutilized spaces will help to reduce the burden of overcrowding on those schools and improve the educational experience of the remaining students in those buildings.

Recommendation #5: Adopt a New RFP Process for School Siting

Under current policy, the SCA uses four brokers to identify potential sites for new school construction. The agency also allows the public to submit potential sites through its website. This process is inefficient because it forces the SCA to rely on the brokers who have a three-year contract. The SCA has a low level of staffing when it comes to finding new sites, and it relies on the brokers to get the job done. Additionally, common real estate practices are not always followed when they attempt to find sites for schools including failing to “cold call” owners of potential sites.^{lxxviii} This can drive up costs and time before siting is complete.

The SCA must adopt a new policy by which they put out an RFP for each potential project in a given CSD sub-district. The RFP should specify numerous requirements for the new site including cost constraints for acquiring the property. This new procedure would help reduce inefficiency because more companies and property-owners would be able to get their proposals evaluated without having to go through the brokers. By encouraging a wider range of soliciting proposals, the SCA would be able to find sites more quickly and more cheaply. The SCA must cut costs and get schools up and running faster, and this would be a strong way to get that accomplished.

This idea would need to undergo a pilot to ensure that it works better than the current policy using the brokers. Additionally, the brokers all currently have contracts that they signed with the SCA after an RFP process. The new process would not necessarily need to replace the brokers entirely but would reduce their importance in finding new sites. By allowing the broader public to submit site proposals for schools, it would also allow more points of view and potentially would allow sites to be identified that otherwise would be missed.

The New York City Council made a similar proposal in their 2018 report,^{lxxix} and the SCA should adopt this idea which would save New Yorkers money and help build schools more quickly.

Recommendation #6: Pilot a Privately-Managed RFP Process for Design and Construction

The current system is clearly not working. After sites are selected and purchased, the SCA then contracts out for the design and later the construction of schools. This process is inefficient and is very susceptible to poor estimates when it comes to costs. There needs to be more review of these proposals, including of those that are accepted and selected for contracting. The design-build authorization recently passed will help this situation somewhat for new school construction but more needs to be done.

School construction, renovation and upgrade costs are too high and the estimates often change dramatically between the start and end of the projects.^{lxxx} These cost overruns can often slow down the projects and force a redirection of funds. The approval process for plans at the outset needs to be made more thorough to ensure that cost overruns are as limited as possible. Firms should have to publicly justify any cost overruns and those overruns should be scrutinized before additional funds are appropriated to finish the project.

In 2017, the SCA's biggest projects had cost overruns a majority of the time. Among the 35 largest projects that year, 22 saw cost overruns. All SCA cost overruns that year cost taxpayers \$300 million. And the Department of Education attempted to defend these overruns by saying that the increase over the preliminary estimates was "normal" and due to additional work required and expanded project scope.^{lxxxi} Clearly, if the estimates consistently do not fully take into account the final scope of the project, then there is something wrong with the estimates. The SCA must have greater planning when it comes to making these estimates since hundreds of millions in cost overruns are not an acceptable outcome. In the past, cost overruns have even resulted in cancelled projects.^{lxxxii}

The SCA must pilot a program whereby the agency contracts with a consultant to privately manage the RFP process for design and construction. The SCA is not well-equipped to ensure that the cost estimates that firms are providing for the numerous projects that the SCA is overseeing are all up to high standards. This can lead to raises in the estimates later that the SCA simply has to absorb in order to get the schools built, often to the detriment of other projects. By contracting a private manager for the RFP process there will hopefully be more oversight and analysis of the cost estimates, which could result in higher quality and more realistic bids being accepted for contracting. By weeding out the sub-par bids – even if they claim to be lower in cost – the SCA would be able to save the city time and money in new school construction. Additionally, the introduction of design-build construction for the SCA will further help drive down costs.

Recommendation: #7: Think Outside the Box: Lease More Space

Currently, the SCA prefers to build new schools on city-owned sites rather than leasing space in existing privately-owned buildings. There are numerous reasons for this, including the long-term use of the facilities, the lesser chance of a lease ending and students having to be moved to new schools, and more control about the sites. However, in high need areas, leasing can be an appropriate solution to overcrowding to open new schools as quickly as possible.

The process of building new city-owned school buildings can take many years to accomplish. For example, some of the new schools being constructed under funding from the 2015-2019 capital plan will not come into service until the 2023-2024 school year. Under the 2015-2019 capital plan, the process from the beginning of design to the completion of construction took an average of 41 months, and that's not including the siting process beforehand.^{lxxxiii} This is a long time to wait for the new capacity that is urgently needed. Leasing an already built and operable space could help alleviate the overcrowding concerns immediately – even if it is only until the new construction comes into effect.

Charter schools in the city now often lease space in privately-owned buildings. While most charters operate within DOE owned buildings, there are many that rent private space. This situation can help provide a model for how DOE and the SCA can enter into leases and operate in rented space.

The SCA should consider leasing space in places such as affordable housing developments where there are a large concentration of school-aged children living. Bringing schools as close as possible to the students that need them can only serve to benefit those students.

However, there are drawbacks to leasing that makes the SCA prefer owning. For example, the SCA has better information about whether a site is contaminated when the site is going up for purchase rather than lease. The SCA has rented space in areas formerly used for manufacturing where there was a risk of contamination.^{lxxxiv} Contamination such as this has resulted in the city giving up on leases after testing determines that a site is unsafe. However, in the case of PS 51 in The Bronx this came after two decades of students attending school at the site.^{lxxxv} While leasing can provide a good way of reducing overcrowding, the SCA must ensure that the sites they choose to lease are safe for students. The SCA can help this process by submitting a site plan for leased properties just as they must do for the purchase of property. While they are not required to do so, this transparency would help provide assuage public concerns surrounding leasing.^{lxxxvi}

Recommendation #8: Increase Transparency at the SCA

The SCA does not provide detailed information to the public about its budgeting, costs and other information. Cost overruns are not explained and the line-items for projects are not available. The only information that the SCA provides is the top-line cost of every project at the time of the yearly budget proposal to the City Council in the amended Five-Year Capital Plan.^{lxxxvii}

Stakeholders have difficulties tracking projects and determining where any project is in the siting and construction process. The SCA should be more transparent about each project's costs and timeline and should put all information about projects including all contractors, cost estimates, overruns and delays on its website. The City maintains a "Capital Projects Dashboard" which has some of this information, including cost estimates and expected project completion. However, this database is updated only sporadically, does not include information about contractors or any explanations of changes, and only includes projects that are currently in the "construction" phase of the project and will cost over \$25 million.^{lxxxviii} While not a perfect bill, the City Council should pass Intro 0113 to expand this database to include more information about citywide capital projects.^{lxxxix} Ideally, the bill would also include information about contractors and how individual companies are responsible for overruns and delays to better equip agencies like the SCA with making decisions about who to hire.

Additionally, the SCA should also release information about identified need that has not been funded and their reasons for why they chose not to allocate the funding to that need. While the SCA has released this information in the past, they did not do so for the most recent capital plan.^{xc} This information is vital to determine where communities' needs are not being met. The public cannot hold leaders accountable when they are not provided the information they need.

Increasing transparency will also help prevent cost overruns, particularly on smaller projects which are less well scrutinized. By increasing the public's ability to examine what the SCA is doing and how they are spending taxpayer money, there will be more pushback when cost overruns end up costing the city thousands or millions of dollars.

One example of this lack of transparency is the case of Beacon High School's construction in Manhattan in 2015. In order to open the facility in time for the start of the 2015-2016 school year, the SCA had to pay higher than expected costs to complete construction in time. While the cost overrun in this case might be understandable, what is not understandable is that the SCA did not provide the cost of expediting the project to the public.^{xcii} The SCA must make all of these overruns public so that stakeholders and communities can scrutinize whether they were appropriate.

Additionally, the SCA should make publicly available much more of the data that they have available. For example, they should publish the number of properties each of the brokers have found, to help determine whether the broker-system currently employed is working well. The SCA should also publish much more information about the data that they use to make their decisions regarding capacity and new construction. They should also release more information about their enrollment projections and the changes in seats and identified need over time, disaggregated at the CSD and sub-district levels, as well as more data at the sub-district level as well, so local communities can know the situation in their neighborhoods.

The City Council must pass Intro 0729 which would require the DOE to publish much of the information that they and the SCA have access to but are not currently sharing with the public.^{xciii} That the city is withholding or failing to collect basic information is a detriment to the public being able to hold these agencies accountable for their decisions. Parents and communities need more information to ensure that their children get the education that they deserve.

Recommendation #9: Increase Public Involvement with School Construction

The SCA must have more meaningful interactions with the public during their siting and construction processes. During the siting process, there is a public comment period where the SCA has to get public feedback about their proposed school siting. There must be a public hearing within the CSD and the SCA must consider feedback from the CSD and community board in the area. The SCA has a mixed record of engaging with elected officials and other community institutions such as borough boards. While they do listen to and consider public feedback when that feedback is given, they must be more proactive in soliciting that feedback. They cannot be content with simply holding one hearing and then moving on.

The SCA should be required to hold more public consultations when it comes to school siting, particularly earlier in the process. For example, when the SCA plans to act on an identified need for capacity increases requiring new school construction, they should hold a public hearing through the Community Education Council or community board before the siting process begins in order to get feedback from the public about their ideas, concerns and needs.

Furthermore, the SCA should solicit and consider public feedback with regards to the design of the school buildings. The SCA must be able to balance the need to construct schools quickly with being able to hear and understand the needs of the communities that they are serving. Being more inclusive to community concerns can result in better meeting the community's design and programmatic needs.

The proposal goes hand-in-hand with increasing SCA transparency because the public can only make informed decisions when they have enough information to act upon. By making that information available to the public, members of the community will be able to push back on cost overruns or other spending more effectively.

Additionally, principals and other school officials who need funding for smaller projects are often unaware about the opportunities for capital financing through elected officials. While many schools already take advantage of this funding, the Department of Education should ensure that administrators at the school level are aware of the fact that these funding sources exist and provide the opportunity for improvements to their schools including, for example, new seats in their auditoriums, maintenance to their buildings and upgrades to their recreational and athletic facilities.

Recommendation #10: Enforce Enrollment Caps at High Schools

High schools throughout the cities are not zoned, meaning that any student from across the city can apply to and attend any school. However, students and parents have preferences for schools that are either nearby to where the students live or which are very high quality. For example, there is significant enrollment variation in high schools located just in CSD 2 in Manhattan alone. In the 2017-2018 school year, Millennium High School was at 127 percent capacity and the High School for Health Professions and Human Services was at 156 percent capacity while the overall high school utilization in CSD 2 was only 89 percent.^{xciii}

The overall utilization rate for high schools is at 91 percent, showing that there are enough seats for every student without having to have some schools over capacity.^{xciv} Because high schools are not zoned, enforcing an enrollment cap will limit the number of schools which are overcrowded. While this will force some students into schools which are not their top choice, the benefit for students being in less crowded facilities and class sizes that comport with the DOE standards will make the change worth it.^{xcv}

This change will not automatically solve the overcrowding problem at the high school level, however. Because there is overcrowding at many high schools in some neighborhoods, new high schools will still need to be built to alleviate some of the need. For example, many of the high schools in CSD 30 in northwest Queens are overcrowded so there will need to be new capacity to relieve those overcrowded conditions or else students will have to travel far distances to get to their schools. The SCA will still need to take into account the differences in growth rates between neighborhoods to ensure that new high schools are constructed in areas that will see higher population growth in the future.

Conclusion

The SCA is responsible for the siting, design, construction and renovation of new schools. While the SCA has overseen the construction of tens of thousands of new seats since it was created, there are numerous inefficiencies in the process to build new schools that must be corrected. By enacting the aforementioned recommendations, the SCA will be able to increase the efficiency with which it builds new seats, saving the taxpayers money and getting schools up and running faster. The problem of overcrowding in New York City's classrooms is a challenge that will take a lot of work to solve, and these recommendations are a strong, necessary step towards meeting that challenge.

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