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Testimony of Sarita Subramanian
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To the New York City Council Committee on Education
Regarding DOE's Academic Recovery Plans & Intro. 2374 In Relation to Classroom Capacity

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Good morning Chair Treyger and members of the City Council. My name is Sarita Subramanian and I am the assistant director for education at the New York City Independent Budget Office. Thank you for the opportunity to testify at this hearing on the Department of Education's Academic Recovery Plans in response to Covid-19 and Intro. 2374, which would amend New York City's administrative health code regarding classroom capacity. In my testimony, I will discuss the programs and funding dedicated to academic recovery that we see so far in two areas—school budgets and central office budgets. The bulk of my testimony will be devoted to IBO's analysis of the potential impact of Intro. 2374 on schools, which is based upon historical data on the usage of space in city schools. We estimate that almost half of the city's 1,600 schools that would be subject to the local law would not be able to guarantee 35 square feet per student, potentially affecting more than 100,000 students.

IBO receives monthly snapshots of school budgets and central office budgets on the first of each month. As of October 1, over \$353 million has been budgeted for programs funded specifically by "ARPA Academic Recovery" directly in school budgets, and another \$9 million was budgeted centrally, for a total of \$362 million so far, and it is possible that total has increased over the past month.¹ In school budgets, almost half (\$153 million or 43 percent) was budgeted for "Academic Recovery" to fund programs such as enrichment, professional learning and planning, increased instructional time, interventions, and individualized and small group personalized tutoring. Another 24 percent (\$86 million) was for Summer Rising to cover costs for school programs, assistant principal support, community-based organizations, and other aspects of summer programming. More than \$64 million (18 percent) was budgeted for social workers and \$36 million (10 percent) for arts programs. The remaining \$14 million, as of October 1, funded school psychologists for school-based support teams and administration costs for the New York State Identification Test for English Language Learners. The \$9 million budgeted centrally was split almost evenly between arts programs and counseling.

Turning to Intro. 2374, while the current building code requires classrooms have 20 square feet per student (and 30 square feet for kindergarten and pre-K students), the health code only requires a minimum of 15 square feet per student. The City Council is proposing to increase that requirement to 35 square feet per student. Under the legislation, these schools would be required to provide more space for their students no later than September 1, 2024. Using data on the size and use of school spaces from the 2019-2020 school year—the most recent available—IBO estimated how many schools would have been out of compliance had the local law been in effect then.

Based on the Council's proposal, IBO divided the square footage of each regular classroom and specialty instruction room reported in the Principal Annual Space Survey (PASS) by 35 square feet. Out of 1,598 schools in districts 1-32 and 75 (citywide special education), 672 or 42 percent of schools, would be out of compliance given their 2019-2020 enrollment numbers. In total, there would have been a shortage of space for about 103,400 students across the 672 schools in the 2019-2020 school year. About 80 percent of those schools (538 schools) were able to accommodate three quarters or more of their students. On average, each of these 538 schools would have to find space for 94 students. Elementary schools comprise the largest share of schools that would be out of compliance (40 percent), which is roughly in line with their share of all schools. Looking across different types of schools, however, almost half of the 397 high schools would have been out of compliance—needing space for approximately 43,700 high school students in 2019-2020.

These estimates, and the legislation as currently written, assume that the total area of a classroom is used to accommodate 35 square feet of space for each student. In reality, most classrooms have a portion of their space dedicated to classroom supplies, furniture (such as bookcases), and a teacher's area. Once this space is accounted for, the remaining space in each classroom will likely accommodate fewer students if each is allocated 35 square feet. This means that there are likely to be even more schools out of compliance with the proposed law, and that the schools that would be out of compliance according to our current estimates, would have to find room for an even greater number of students.

Assuming the full area of the classroom is usable, however, we estimate the DOE may need to construct or lease approximately 3.6 million square feet of space across these 672 schools. Schools may instead opt to convert administrative rooms, rooms used by outside organizations, or large assembly spaces to classrooms. However, this strategy may affect school operations and the availability of educational, after school, and community programming. Many of these schools will also need to hire teaching staff or adjust their programming to accommodate the smaller class sizes. Some high schools already operate with alternative schedules to reduce overcrowding, and would need to do so to a greater degree.

Because our analysis is based on school space and usage data from the 2019-2020 school year—and the proposed legislation allows for a gradual phase in for schools to comply by the start of the 2024-2025 school year—IBO also looked at how much school capacity has been added last year and this year (2020-2021 and 2021-2022), as well as what is planned to be added in the near future. It should be noted that these capacity estimates were calculated using the current building code allowances and thus may represent fewer seats if the required student square footage was increased from 20 square feet (or 30 for kindergarten or pre-K) to 35 square feet.

Based on the previous five-year education capital plan, 16,300 seats were added or are expected to be added by September 2023. Over 5,400 seats were added last school year and 3,500 seats were added this school year. An additional 7,400 seats from the prior plan are scheduled to be completed either by September 2022 or 2023. The 7,400 seats include high school seats for Academy of American Studies (969 seats), Francis Lewis High School (555 seats) and Cardozo High school (795 seats). These are schools that are currently classified as overcrowded. The latter two would still be out of compliance with the proposed legislation even with the additional seats unless they stagger student scheduling or find other ways to alleviate overcrowding. In the current five-year capital plan, over 55,000 new seats are planned across 93 buildings, additions and annexes. However, only 14,300 of these seats are projected to be completed by the legislation's deadline of September, 1, 2024. When combining these seats with

planned new seats from the prior plan, the total of 30,600 new seats would still fall short of the 103,400 students that we estimate could not be accommodated in schools if the requirement is raised to 35 square feet per student. Although considerable new capacity is expected by the deadline of September 1, 2024, the proposed legislation is likely to pose a significant challenge for many schools in the city.

Thank you again for the opportunity to testify and I am happy to answer any questions.

ⁱ ARPA is the American Rescue Plan Act signed into law in March 2021 and provides federal funds to states and localities to aid in the recovery from the impacts of the Covid-19 pandemic.