

September 29, 2008

Roser Salavert, Ed. D.
Community Superintendent, District 3
154 West 93rd Street
New York, New York 10025-7530

Ms. Elizabeth Shell
President
Community Education Council, District 3
154 West 93rd Street
New York, New York 10025-7530

Dear Dr. Salavert and Ms. Shell:

We write on behalf of the Administration, the PTA, and the School Leadership Team of PS 199 to respond to the proposals presented by the DOE at a public meeting of the CEC3 on September 17, 2008. We would like to thank the DOE for its thoughtful effort in attempting to address the critical space issues that affect the children of District 3. We do not for a moment lose sight of the fact that we are facing overcrowding in large part because public schools have become more and more desirable to families across the demographic spectrum. That is a tremendous accomplishment and should be lauded. However, we believe it is essential to respond to that increasing demand for seats in facilities that have no more room in a fair and transparent manner.

At the September 17th CEC3 meeting, the DOE presented two preliminary proposals, Plan A and Plan B, to address overcrowding in the part of District 3 that spans from 59th Street to Morningside Park, which DOE called the Upper West Side ("UWS"). Plan A calls for zoning out a portion of PS 199's catchment and including it in the zone for PS 87. Plan B requires the DOE to relocate the Center School and does not change PS 199's zone. PS 199 expresses no opinion on the rezoning of other parts of the UWS, as it believes that is best addressed by the affected schools, except for noting its concern that Plan A will result in severe overcrowding at its neighbor school, PS 87, which is also experiencing significant residential development in its catchment.

Tragically, our successful neighborhood school has reached a crisis point and needs immediate relief by 2009. This year, our population increased 13.4%, from 587 to 665 children. Our kindergarten class has doubled in five years, from 81 kindergarteners in four classes in 2003 to 160 kindergarteners in seven classes today. We have one cluster room today, 32 and 34 children in fifth grade classes, 30 students in fourth grade classes, and 27 in first grade classes. Next year we will need at least four additional classrooms (in the first, second, fourth and fifth grades), yet the only room left for us to give up is our single cluster room. This means that without any additional space in 2009, we would have no choice but to continue to increase class sizes beyond acceptable limits.

We are heartened that DOE has acknowledged on various occasions, including in its letter to the CEC at the end of April, that PS 199 has a space crisis, and appreciate that DOE has proposed methods to address that issue. We are gravely concerned, however, that neither of the proposals presented to CEC3 address PS 199's overcrowding problem for the medium and long term. **We, therefore, propose an alternative that accepts Plan B, as it affects PS 199, as a solution to our immediate crisis, coupled with a solution that would also address our longer-term space needs by providing more seats to students in our catchment and the southern end of District 3.**

Inadequacy of Plan A

Plan A is inadequate for PS 199 for several reasons, including the following:

1. The area in Plan A that would zone out a piece of PS 199's catchment -- "Block A" on the proposal -- has 98 students across the grades at PS 199 today, including 25 kindergarteners. Plan A therefore has minimal impact on PS 199, resulting in a reduction of just 25 kindergarteners per year, ultimately accomplishing a total reduction of only about 100 students, and even that minimal reduction will take about five to six years to have its full effect, as the DOE admitted at the Sept. 17th CEC3 meeting.
2. Block A of Plan A completely excludes the new construction in the PS 199 catchment.¹ This is despite the fact that construction in the PS 199 catchment since 1999 has already resulted in the enrollment of 128 students -- or 19% of our total current population -- which is an increase of 40 students from last year's total of 88 students living in new construction. (See Attachment B.)
3. A policy of excluding zoned-out siblings is untenable and unfair, particularly in light of DOE's longstanding practice of accommodating siblings of families who move out of catchment.
4. With only one cluster room left, the quality of PS 199's arts education is compromised. Nevertheless, Plan A would not likely provide the additional two cluster rooms to which PS 199 is entitled and which, in January 2008, DOE promised to restore to PS 199 by 2009 (along with the faculty workroom which was also relinquished to accommodate the school's classroom space needs).

Capping is Problematic

Capping enrollment, which we recognize is outside of the purview of the CEC, is implied in Plan A for PS 199 and raises several concerns:

1. Even though Plan A does not mention capping (i.e., turning away zoned students), given the minimal impact on PS 199 of the rezoning of Block A, for PS 199, it is in actuality a capping plan for the foreseeable future. Marty Barr, of DOE's Office of Student Enrollment and Planning Operations, acknowledged as much at the CEC meeting on September 17, 2008 when he responded to a question by saying that "it is probably true" that capping enrollment at PS 199 would also be necessary under Plan A.
2. Assuming current entry levels continue, to reduce PS 199's enrollment sufficiently for PS 199 to fit in its current 28 classrooms, a capping plan would have to be drastic, capping out 75 to 100 students zoned for the school and doing so indefinitely. (See Attachment C.)
3. The DOE has stated at meetings and in writing that capping is a last resort and that schools are asked to give up cluster rooms and increase class sizes before capping would be implemented.²

¹ By "new construction," we mean construction available for occupancy since 1999 as well as the construction yet to be occupied, and projected for the next couple of years. (See Attachment A.) This includes two buildings only recently available for occupancy and not yet fully occupied, 200 West End Avenue and 100 Riverside Boulevard. There are also three new big buildings anticipated, two of which are under construction and anticipated for occupancy between 2009 and 2010, 200 West 72nd Street and 150 Amsterdam Avenue. These two buildings will yield a total of almost 500 rental units.

² DOE's June 30, 2008 letter to Matthew Levey, President of CEC2, leaves us skeptical as to whether the DOE would carry out capping sufficiently to address PS 199's space needs. The letter states, "While we understand that

Moreover, any capping plan would have to be transparent to the community at large, include siblings, limit enrollment in all grades, include seats for the capped out students in other schools, and be binding for the foreseeable future, even in the face of political pressure and/or lawsuits. This is even more problematic given the number of PS 199 siblings projected for 2009 and beyond. In fact, in the next couple of years, siblings account for two to three kindergarten classes, even without any new enrollment. (See Attachment E, showing PS 199 family survey results to date.)

Relocation of the Center School is Necessary to Meet PS 199's Urgent Space Needs

PS 199 has been a successful small school. However, lack of planning for school space during the ongoing residential explosion of the last decade has resulted in today's crisis. As recently as last year, at just about the breaking point of an enrollment of 587, our principal suggested capping and that request was ignored. Now we have 160 kindergarteners and 130 first graders moving through our building. To have room for them to move into their future grades, and to have cluster rooms back, we must have additional space. **Because there is no feasible, fair, and effective alternative solution to PS 199's space crisis, the relocation of the Center School is therefore necessary to provide the space that PS 199 needs to accommodate its growing population.**

Because relocation of the Center School is part of "Plan B," we accept Plan B, but even if that plan does not pass, relocation of the Center School is still necessary to address PS 199's immediate space needs. Nevertheless, relocation of the Center School would not be sufficient for PS 199 to accommodate the students currently in the school for more than a few years and, thus, the relocation must be the first step of a long-term solution for PS 199. (See Attachment E.) DOE has acknowledged this fact and thus must plan for that growth now, and not adopt a "wait and see" attitude and then play "catch up" when the continuing growth of PS 199's population inevitably occurs. There must be a medium- and long-term solution for PS 199's space needs that includes the creation of new seats to accommodate this inevitable growth of PS 199's population. The relocation would have to be done in 2009, not just because of the urgency of PS 199's space crisis, but also because there might not be enough space to relocate entire schools in the future.

PS 199 and the Southern End of District 3 Need Additional Seats

DOE must provide new school seats for District 3, especially in the southern end of the district, and it should seize the opportunity to require the developer to build a new school building in Riverside South, or an alternate suitable location, now.³ We also recognize that, even in the event of the

overcrowding adversely affects students attending a school, turning zoned students away deprives them of the school entirely. Students have the right to attend their zoned schools and their parents have often invested significant time and money to find a residence in the zone. We only turn students away from their zoned schools as a last resort. Under these circumstances, we will sometimes ask a school to give up a cluster room or increase class sizes rather than force zoned students to attend another school. . . ." (See <http://www.cecd2.net/www/cecd2/site/hosting/DOE%20Reply%20to%20Blueprint.pdf>.)

³ In about 1992, the Trump development organization negotiated a restrictive declaration with the City as part of the ULURP process pursuant to which the company would provide a grade school of 600 seats for lease or sale at market value to the City. This school was sited as part of the Riverside South plans and was required to be offered to the City once a specified percentage of development had occurred. When the option was offered to the City just two years ago, in 2006, the City declined, without any input from the school, the Community Board or the community as a whole. (See Attachment F.) The City missed a golden opportunity at that time – albeit at the market value price that the City had permitted to be included in the Restrictive Declaration in 1992. If the offer had been accepted in 2006, a school of this number of seats would have already been under way and would have helped alleviate the problem of overcrowding in the southern end of the district in the long term. The decline of the offer just two years ago reflects fatally flawed planning and decision-making on the part of the City.

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construction of a new school, it would likely be necessary to lease school space in the interim.

As the DOE has acknowledged, it must consider pocket overcrowding as it plans for new school seats.⁴ Therefore, as DOE prepares its new five-year capital plan, it must fund new school space in the "pocket overcrowded" parts of District 3, particularly where there has been, and will be, new construction.

Thank you for the opportunity to express our position on the preliminary proposals presented to CEC3. We are prepared to evaluate alternative proposals that may be forthcoming. In the meantime, we look forward to continuing to work with CEC, DOE, elected officials, and the District 3 community to resolve the problem of overcrowding at PS 199 in the short-, medium- and long-term, and in District 3 as a whole.

Sincerely yours,

/signed

Katy Rosen
Principal, PS 199

/signed

Sharon Lustig
Co-President, PS 199 PTA

/signed

Valerie Watnick
Co-President, PS 199 PTA

/signed

Sandra Levy
Chair, PS 199 School Leadership Team; Co-Chair, PS 199 PTA Political Action Committee/

/signed

Julie Mallin
Co-Chair, PS 199 PTA Political Action Committee; Parent-at-Large, PS 199 PTA Executive Board

Attachments (A-F)

Cc: John White, Chief Operating Officer, Office of Portfolio Development and Instructional Services
Marty Barr, Executive Director, Elementary School Enrollment, Office of Student Enrollment
Planning and Operations
Veronica Conforme, Deputy CEO/Chief Operating Officer, Empowerment Support Organization
Yuet Chu, Network Leader, Empowerment Support Organization
Manhattan Borough President Scott Stringer
Assemblymember Linda B. Rosenthal
State Senator Thomas K. Duane
Council Member Gale A. Brewer
Helen Rosenthal, Chairperson, Community Board 7

⁴ In a recent DOE press release dated July 29, 2008 that announced a plan to build an annex at PS 8 in Brooklyn, School Construction Authority President Sharon Greenberger echoed this sentiment by stating, "In past years, we focused our school construction on a district-wide level, and now we are looking at pockets of overcrowding in neighborhoods and this is one school that fits the bill. We see a seat need in the area and we are addressing it." PS 199 is another catchment that fits the definition of "pocket overcrowding." (See http://schools.nyc.gov/Offices/mediarelations/NewsandSpeeches/2008-2009/20080729_ps8_annex.htm.)