



Public Comment Analysis

Date: April 19, 2016

Topic: Smart Schools Bond Act Investment Plan

Date of PEP Vote: April 20, 2016

Summary of Proposed Item

The Smart Schools Bond Act (“SSBA”) authorized the issuance of \$2 billion of general obligations bonds to finance improved educational technology and infrastructure and to improve learning and opportunity for students in New York State. The New York State legislature has allocated \$783,141,339 for New York City. The SSBA requires that the New York State Education Department (“SED”) review and approve each school district’s Smart School Investment Plan (“SSIP”) before any funds are made available for the program. Before submitting its SSIP to SED for approval, each school district is required to have a public comment process and to submit the proposed SSIP to its board of education for approval.

On March 4, 2016, the DOE posted the proposed SSIP for approval by the Panel for Educational Policy (“PEP”) at its meeting scheduled for April 20, 2016. On March 21 & 22, 2016, the DOE posted revised public notices regarding the proposed SSIP. The most current public notice (Second Revised Public Notice) regarding the proposed SSIP can be accessed on the DOE’s website at: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2015-2016/NYCSSBAApril202016PEP>.

Below is a summary and analysis of the public comments received during the public comment process.

Summary of Issues Raised and Significant Alternatives Suggested

The public comments received since the New York City Department of Education (“DOE”) posted the SSIP are summarized as follows:

1. The Manhattan Borough President, Gale Brewer, submitted written testimony for the public hearing held on March 31, 2016 regarding the SSIP, expressing and asking the following:
 - a. She expressed concerns about lack of public engagement, transparency, and strategic planning regarding the SSIP, stating that her office did not receive responses to its inquiries regarding the SSIP, that there was no opportunity for input prior to the SSIP’s posting on March 4, 2016, and that the DOE held just one public



**Department of
Education**

Carmen Fariña, Chancellor

- hearing on March 31, 2016, which she feels may be too late in the process to result in changes to the plan based on public feedback.
- b. The SSIP provides for \$300M for removal of Transportable Classroom Units (“TCUs”), so she would like information about the DOE’s plans for classroom space to serve students once the TCUs have been removed, expressing concerns that school buildings may be crowded without the availability of TCU space.
 - c. She asked what type of tablets and computers will be purchased with SSBA funds and why the prices listed in the SSIP are so expensive (reflecting market rate, rather than bulk quantities).
 - d. She inquired about whether schools would be able to purchase tablets with SSBA funds in a timely manner, pointing to concerns about DOE purchasing guidelines and delays in the 2015-2016 school year associated with Reso A funds.
 - e. She inquired about what will happen with old equipment and whether older computers could be repurposed so they can continue being used.
 - f. She emphasized the importance of faster internet connections in classrooms and expressed concern that some of her schools have slower bandwidth connections than are listed in the SSIP, meaning they will not receive needed infrastructure upgrades. Along those lines, she inquired about how Blue Coat caching devices (aimed at improving connection speed) will be distributed to schools.
 - g. She expressed disappointment that 80% of funds made available through the SSIP will fund a previously approved technology contract valued at \$472M.
2. One commenter asked via email whether the DOE or PEP had reviewed the testimony of Manhattan Borough President Gale Brewer and whether the DOE or PEP had any response to the concerns and questions she raised.
 3. One commenter sent a memorandum by email, expressing the following:
 - a. The SSIP is not equitable because nonpublic school children represent approximately 20% of students citywide, but the SSIP allocates to them less than 3% of funds available.
 - b. The proposed SSIP yields this result because it allocates approximately 76% of the funds available to “infrastructure,” a category that the DOE says is not eligible for nonpublic school participation. The commenter states that this violates the SSBA.
 - c. Many of the items included in the SSIP as “capital infrastructure” are more akin to portable, loanable hardware (for example, Wireless Access Points and wireless controllers), and these expenditures should be categorized as expenditures on devices and nonpublic students are entitled to an equitable share of these funds.
 - d. Because technology is a critical part of the educational experience, particularly in the age of mandated computer-based testing, it is important that nonpublic school students receive their equitable share of funds available.



**Department of
Education**

Carmen Fariña, Chancellor

4. One commenter sent questions by email,¹ asking the following:
 - a. How was the \$500k estimate calculated for each TCU removal?
 - b. Have contractors been selected yet to remove the TCUs? If so, who are they? If not, will there be a bidding process for the contracts?
 - c. Is there a target computer-to-student ratio that the SSBA is helping the DOE reach? If so, what is it?
 - d. Is there an estimate of how many computers each school will receive?
 - e. Will schools be able to use their technology as they see fit or will the hardware be dedicated to the CS4All (Computer Science for All) initiative?
 - f. Will the new professional development to accompany the increased technology be focused solely on computer science or will technology be integrated across all subject areas?
 - g. Will SSBA funds be dedicated to such professional development? If so, in what amounts?

5. At the public hearing held on March 31, 2016, one commenter asked how public comment regarding the SSIP could be submitted and whether there was a deadline for submission of such comment.

6. At the public hearing held on March 31, 2016, Laura Zingmond, the Manhattan Borough President Appointee, asked and stated:
 - a. How many pre-kindergarten seats or classrooms are anticipated to be created by the SSBA funds?
 - b. Does the \$500k estimate for each TCU removal account for the money needed to create new classroom capacity for student in lieu of TCU space?
 - c. Is portable technology intended for computer science programs exclusively?
 - d. Will the SSBA funds be allocated to schools, in addition to the large technology contracts that had previously been approved, or will the SSBA funds cover the costs of those previously-approved contracts?
 - e. She emphasized the importance of dedicating funds to expanding classroom and building capacity for students in grades K-12, not just pre-kindergarten.

7. At the March 31st public hearing, Isaac Camignani, PEP Member, asked the following:
 - a. He sought clarity about how SSBA money can be spent, summarizing his understanding that it could be spent on building pre-kindergarten capacity, replacement capacity where TCUs are removed, and on technology.

¹ This commenter also left two voicemail messages, but submitted his questions in writing by email, as reflected below.



**Department of
Education**

Carmen Fariña, Chancellor

- b. Will the SSBA funds that are spent pursuant to the SSIP result in all schools being up to standards as to broadband connectivity or is this just an effort to improve the situation?
8. At the public hearing, a commenter asked about the discrepancy between the relatively small amount of money nonpublic school children will receive under the proposed SSIP compared to their proportion of the overall student population and inquired about why there is a distinction between mobile devices and access points for purposes of SSBA.

**Analysis of Issues Raised, Significant Alternatives Proposed
and Changes Made to the Proposal**

Comments 1(a), 2, and 5 concern the DOE's public engagement process as to the SSIP.

The DOE has been committed to engaging with the public regarding the proposed SSIP. Toward that end, the following opportunities have been provided to discuss and collect feedback regarding the proposed SSIP:

- From February 1 through March 18, 2016, Community Education Council Annual Capital Plan hearings were held in all five boroughs, during which the proposed SSIP was discussed.
- On February 9, 2016, a consultation was held with the Non-Public Schools Standing Committee.
- On March 3, 2016, there was a presentation at the EdTech meeting at the Manhattan Borough President's Office.
- On March 4, 2016, the proposed SSIP was posted and information was provided regarding submission of public comment by mail, email, and phone.
- On March 8, 2016, the DOE had a consultation meeting with the Council of School Supervisors and Administrators.
- On March 14, 2016, the DOE had a consultation meeting with the United Federation of Teachers.
- On March 15, 2016, the DOE held a consultation meeting with the Independent Schools.
- On March 21 & 22, 2016, revised public notices were issued for the SSIP, which reiterated the information for submitting public comment by mail, email, and phone.
- On March 28, 2016, the PEP was briefed by phone.
- On March 31, 2016, a public hearing was held at Art & Design High School.
- On April 15, 2016, a consultation was held with the Non-Public Schools Standing Committee.
- On April 18, 2016, a consultation was held with the Non-Public Schools Standing Committee.



**Department of
Education**

Carmen Fariña, Chancellor

- On April 19, 2016, the DOE will post this Analysis of Public Comment, which summarizes and addresses feedback and questions received during the public comment period, to be considered by the PEP in advance of its vote.
- On April 20, 2016, the PEP will convene and vote upon the proposed SSIP. This meeting is open to the public, and attendees have an opportunity to provide public comment before the PEP members and Chancellor.

As described above, and in response to comment 5, throughout the public comment period, comments have been accepted by mail (attn: Aloysee H. Jarmoszuk, 52 Chambers Street, Room 320, New York, NY 10007), email (NYCSSBA@schools.nyc.gov), and phone ((212) 374-6678). All comments received by 6:00 p.m. by the day before the PEP vote are addressed in this Analysis of Public Comment. In response to comment 2, this Analysis of Public Comment includes consideration of the testimony of Manhattan Borough President Gale Brewer.

Comments 1(b), 4(a)-(b), 6(b), and 7(a) concern various aspects of TCU removal: including cost estimates, whether those estimates provide for creating replacement classroom capacity, and logistics associated with contractors.

The \$500,000 per unit estimate includes the physical removal of the TCU, removal of the utilities and repair of the asphalt area where the TCU was placed. The remainder of the TCU allocation will be applied to replacing some TCUs with permanent construction as supported by enrollment growth, per the SSBA guidelines. With respect to questions regarding contractors for TCU removal, once the SSIP is approved and the State provides an approval letter for SSBA funds to be spent, the School Construction Authority will conduct its normal process for procuring contractors, including bidding.

Comments 1(c)-(d) and 4(c)-(d) concern logistics associated with school purchases, including: school procurement of technology, the number of computers each school will receive, whether a particular student to computer ratio is intended, and how the DOE reached its pricing estimates.

The SSBA does not set a target for computer-to-student ratio. It does have a pre-requisite that all public school buildings have sufficient infrastructure that meets the Federal Communications Commission's broadband speed standard of 100 Mbps per 1,000 students before new devices purchased with SSBA funds can be deployed. The DOE does not have an established target or recommended computer-to-student ratio. Procurement of computing devices in general is at the discretion of school leaders. The expectation is that schools will have choice in selecting specific devices to purchase, taking into account the existing technology in each school and their selected approaches to implementing computer science instruction under Computer Science For ALL (CS4ALL).



With respect to questions about the DOE's pricing estimates, the DOE notes that device prices are estimated based on the averages of items currently available for purchase under existing DOE contracts. If the DOE is able to negotiate prices below the currently contracted prices, the DOE will be pleased to do so.

Comment 1(e) asks what will happen to old equipment and asks whether it will be repurposed so it can continue to be used.

The DOE will continue to use old equipment and repurpose as and when needed.

Comments 1(f) and 7(b) raise questions regarding internet connection speeds, including whether all schools will be brought up to connectivity standards.

The DOE will invest in the expansion and upgrade of schools' digital networks and will ensure their ability to have consistent broadband connectivity, including wired or wireless technology. Every school building will eventually meet the Federal Communications Commission's broadband speed standard of 100 Mbps per 1000 students.

Comments 1(g) and 6(d) ask whether SSBA funds will be used to finance previously approved technology contracts or whether this represents a new, additional source of funding for schools?

SSBA funds will be used for projects anticipated and outlined in the technology section of the Capital Plan. Executed contracts will be used for the work and where there is no existing contract, the DOE will conduct a solicitation process.

Comments 3(a-d) and 8 concern the impact of the SSIP on nonpublic school students and question whether the SSIP is equitable.

The NYC DOE's proposed SSIP demonstrates that nonpublic schools will have the opportunity to participate in technology loans, consistent with the SSBA implementation guidance. The DOE intends to loan, at no charge, classroom technology devices for student use obtained as part of the SSBA to students attending nonpublic schools located in New York City. No school district may be required by the SSBA to loan technology in amounts greater than that obtained under the SSBA. (Pre-existing requirements to loan instructional materials, including hardware, remain in effect.)

Comments 4(e) and 6(c) ask whether the technology purchases will be designated for computer science programs specifically or whether it will be integrated across multiple subject areas.

Schools will be expected to use their technology to further their computer science instruction. However, it is not expected that these devices would be used exclusively for computer science



**Department of
Education**

Carmen Fariña, Chancellor

instruction; they may be used for instructional technology purposes based on the school's needs and instructional priorities.

Comments 4(f)-(g) ask about professional development for staff to incorporate the new technologies and whether funding for such professional development is provided in the SSIP.

Per SED guidelines, SSBA funds may not be used for professional development. Accordingly, SSBA dollars will not be used for professional development. Instead, the DOE will leverage CS4ALL, an \$81M, 10-year initiative to provide professional development for up to 5,000 teachers concerning computer science education. CS4ALL includes a 1:1 public private partnership.

Comment 6(a) asks how many pre-kindergarten seats or classrooms are expected to be created with the SSBA funds?

The DOE anticipates creating approximately 1,000 pre-kindergarten seats with the SSBA funds, depending on site availability.

Comments 6(e) and 7(a) relate to questions about how SSBA funds can be spent, with comment 6(e) expressing interest in using funds to expand classroom capacity for students in grades K-12.

The goal of expanding classroom capacity will be accomplished as the DOE removes select TCUs and additions are built in their place, per the guidelines of the SSBA.

Proposed Smart Schools Bond Act Investment Plan

The proposed Smart Schools Bond Act Investment Plan that was posted on the DOE website on March 4, 21 and 22, 2016 will be presented to the Panel for Educational Policy on April 20, 2016.

The proposed SSBA Investment Plan is available at:

<http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2015-2016/NYCSSBAApril202016PEP>

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