

**CFE Evaluation of Newburgh School District**

**Final Report In Lieu of Direct Testimony**

**Maisto v. State of New York**

**Dr. Stephen Uebbing**

**December 2014**

I am Dr. Stephen Uebbing, a Professor of Educational Leadership at the Warner School of Education at the University of Rochester. I am also the designated superintendent of the University's Educational Partnership Organization (EPO) with the Rochester City School District's East High School. An EPO is a New York State Education Department option for turnaround schools in lieu of closing or phasing out the school. I served as a superintendent for schools for twenty three years, and as a high school principal for almost three years. For two of those years I served concurrently as a superintendent and a high school principal. I was a high school teacher for over ten years.

**Purpose of the Final Report**

This final report presents the findings and conclusions from my assessment and evaluation of whether the Newburgh School District is currently providing the resources determined to be necessary to provide the District's students a sound basic education under the New York Constitution by the New York Court of Appeals in the Campaign for Fiscal Equity (CFE) rulings. This final report is based upon an initial report completed in 2013 - attached to this report -- and updated to reflect current - 2014-15 -- conditions in the district. This Final Report is presented to the Court in lieu of direct expert testimony on behalf of Plaintiffs at trial of this matter.

**The CFE Evaluation Framework**

I am familiar with the Court of Appeals rulings in the Campaign for Fiscal Equity (CFE) case, most importantly Campaign for Fiscal Equity v. State, 86 N.Y.2<sup>nd</sup> 307 (1995) (CFE I), which established the basic standards and requirements for a sound basic education; the decision of Judge Leland DeGrasse applying those standards to the evidence presented in the trial concerning the deficiencies in funding and resources for New York City students, 187 Misc. 2d, 1 (2001); and Campaign for

Fiscal Equity v. State, 100 N.Y.2<sup>nd</sup> 893 (2003), the Court of Appeals ruling upholding and affirming Judge DeGrasse's findings and conclusions of the failure of the State to provide the funding and resources necessary for a sound basic education for New York City students.

I have used the constitutional standard and essential elements established by the Court of Appeals in the CFE rulings as the basis for my evaluation of whether the Newburgh School District (NSD) is providing students a sound basic education. Specifically, I examined the educational opportunities available to students in NSD against the elements of the evaluation framework established by the CFE rulings, as follows:

- 1) Constitutional Standard: CFE defines a sound basic education as an education that provides all students with the opportunity for a "meaningful high school education."
- 2) Essential Inputs: CFE identifies a "template" of essential resources that the State must ensure are available in districts to provide a meaningful high school education, specifically
  - a) sufficient numbers of qualified teachers, principals and other personnel;
  - b) appropriate class sizes;
  - c) adequate and accessible school buildings, with sufficient space for appropriate class size and sound curriculum;
  - d) sufficient, up-to-date books, supplies, libraries, technology and laboratories;
  - e) suitable curriculum, including an expanded platform of programs for at-risk students;
  - f) adequate resources for students with extraordinary needs;
  - and (g) a safe orderly environment.
- 3) Outputs: CFE identifies State assessment results, high school graduation rates, drop-out rates and other performance measures to determine whether districts are providing students a meaningful high school education.
- 4) Causation: CFE requires demonstration of a causal connection or link between the deprivation of essential inputs and sub-standard outputs and inadequate school funding, resulting in a failure to provide students the opportunity for a meaningful high school education.

My evaluation of Newburgh School District focused mainly on the availability of essential CFE inputs in district schools and recent performance outputs of district students. However, I also examined relevant factors related to the district's

community, school and student profile and fiscal capacity and funding levels.

My evaluation consisted of the following: 1) review of data; 2) visits and interviews with district officials; 3) follow-up with district personnel; and 4) review of appropriate literature on New York school finance and educational research and policy, as set forth in the Appendix of my initial report.

### **Key Findings**

The following are my key findings based on my initial 2013 report, updated, where appropriate, for the current school year.

#### Community, District and Student Profile:

1. Newburgh is a "small city" located in Orange County, with a population of approximately 28,651 residents. It is an Enlarged City district meaning it takes in much of the countryside surrounding the city which gives it a total population of approximately 67,000 residents. Newburgh, although small in size, has many of the same attributes as New York's larger cities: high poverty, low per capita income, low property wealth and high property tax rates. Newburgh's largest employer is the 105<sup>th</sup> Airlift Wing located at Stewart Field. Its per capita income is \$25,704, well below the county and state averages, and only 20.54% of adults have a bachelor's degree or higher.

2. For my evaluation, I compared the Newburgh School District with seven neighboring school districts, which I refer to as the "comparison group." I chose a diverse group of neighboring districts to compare with Newburgh. They are all either Orange County school districts or school districts almost directly across the Hudson River. I did not seek wealthy schools for the comparison group. Indeed, the Combined Wealth Index of each of the comparison districts is below average for the state, with the exception of Wappingers, which is very slightly above average. The comparison reveals the stark reality school officials face in Newburgh within this comparison group. It is the poorest as measured by Combined Wealth Ratio (CWR), percentage of students receiving free and reduced price lunch (FRL) as well as number and percent of children living in poverty, average home value and per capita income. Its adult members are the least well educated. Its students are the

neediest as measured by the Pupil Need Index (PNI), explained below.

3. The rate of poverty among children attending Newburgh's Schools according to the latest census is approximately 24.85%, more than double each of the other districts in the comparison group.

4. The Newburgh School District (NSD) provides free public education to children residing in Newburgh. NSD has an enrollment of 11,028 students, kindergarten through grade 12, in the 2014-15 school year. Of these students, 71.2% are low income as measured by eligibility for the federal free and reduced priced lunch program (FRL). Of those students, 62.1% receive free meals and 9.1% receive reduced price meals according to the March 2014 NYSED School Nutrition Enrollment to Eligible report. FRL eligibility is used by the State Education Department to measure student poverty in New York school districts from year-to-year. To qualify for Free Lunch, a family of four must have an income less than 130% of the federal poverty level, or approximately \$28,665, and to qualify for reduced priced lunch, a family of four must have an income less than 185% of the federal poverty level, or approximately \$40,793.

5. Compared to several neighboring districts, most with below average wealth, Newburgh has the highest student poverty rate as measured by eligibility for FRL. Its FRL rate is more than double, and often more than triple, that of each of the other districts in the comparison group.

6. 14% of NSD students are classified as students with disabilities under the federal Individuals with Disabilities Education Act (IDEA), thus having special needs requiring special education programs and services. The average statewide classification rate is 13.1%.

7. 24% of NSD students are white, 26% are African American, and 45% are Latino. 14% of NSD students are English Language Learners (ELLs).

8. NSD is classified by the State Education Department as a "high need/resource capacity urban-suburban school district." This classification is based on a need/resource index over 70%. The index is a ratio of the estimated poverty percentage to the Combined Wealth Ratio (CWR). SED defines this as follows: The need/resource capacity index, a measure of a district's ability

to meet the needs of its students with local resources, is the ratio of the estimated poverty percentage 1 (expressed in standard score form) to the Combined Wealth Ratio (expressed in standard score form). A district with both estimated poverty and CWR equal to the state average would have a need/resource capacity index of 1.0. The SED classification of district need includes measures of student poverty, limited English proficiency (LEP) and sparcity.

9. NSD measures as a very low wealth school district, utilizing the SED's "Combined Wealth Ratio" (CWR). The CWR is an index of the total property wealth and income wealth behind each of the district's students. NSD has a CWR of .58 according to the SED's 2013-14 State Aid Output Reports data, far below the state average of 1.00. This would suggest that Newburgh is about 58% as wealthy as the average district in New York State

10. NSD measures especially high on the SED's Pupil Need Index (PNI). Newburgh's PNI according to the NY State Education Department 2013-14 Output Report is 1.651. The index starts at 1.0 and can climb as high as 2.0. The PNI is used in the calculation of Foundation Aid by the New York State Education Department. It is a measure of student need that includes poverty, percentage of limited English proficient students and sparcity, or pupils per square mile. Compared to the other districts in the comparison group, this is especially high.

11. According to the most recent NYS School Report card, NSD operates thirteen schools for 11,028 students. What follows is individual enrollment for each:

12. NSD operates nine elementary schools, two of which include middle schools. According to the 2012-13 NYS School Report Card, Fostertown Elementary School served 592 students, K through 5; Meadow Hill School served 1064 students, K through 8; Temple Hill Elementary served 1001 students, K through 8; New Windsor School served 572 students, K through 5; Balmville School served 450 students, K through 5; Vails Gate High Tech Magnet Elementary School served 561 students, K through 5; Gidney Ave School (GAMs Tech) served 649 students, K through 6; Horizons on Hudson School served 382 students, K through 5; and Gardnertown School served 604 students, K through 5.

13. NSD operates two additional middle schools. In 2012-13, South Middle School served 867 students, grades 6 through 8, and Heritage Middle School served 901 students, grades 6 through

8. NSD also operates Newburgh Free Academy which served 3385 students, grades 9 through 12.

### Essential Inputs

#### A. School Buildings:

14. On March 27, 2007, the voters of the school district approved a comprehensive capital project which included \$76.5 million in additions and alterations and grounds improvements. Most of that work has been completed, and so facilities are generally acceptable, with several glaring exceptions. This project puts the district at 48.6% of its constitutional debt limit. (Official Statement, June 27, 2012) This is notable because a major new project, such as replacement of Newburgh Free Academy, would probably exceed the debt limit.

15. District wide, the buildings, although recently renovated, are generally old and worn. There are many ADA issues, outdated windows, and inoperable temperature controls. Facilities issues include:

- a) Newburgh Free Academy Main Building: Several ADA non-compliant bathrooms, non-compliant elevators. Inadequate athletic facilities. The Planetarium is in a state of disrepair.
- b) Newburgh Free Academy North Campus: HVAC controls are not operating, needs window and interior door replacement.
- c) South Middle School: The main entrance is non-ADA compliant; some bathrooms are non-ADA compliant. The athletic facilities are too small for the building size. Needs window replacement. There are cracks in the building foundation.
- d) Fostertown Elementary School: Building windows are in need of replacement. Boilers are over 25 years old.
- e) Meadow Hill School: Sidewalks need to be replaced in the rear of the School Building. The tennis courts are unusable.
- f) Temple Hill Elementary: Sidewalks need to be replaced in the rear of the school. Window and doors need to be replaced. Cafeteria needs renovations.

- g) Heritage Middle School: Outdated windows. Bus parking lot is too small. Gym and cafeteria are undersized.
- h) New Windsor School: The original 1910 school building is still in use. Major issues with ADA compliance including stairwell that is not accessible, no elevator, bathrooms. Still has a fire escape to exit the building in case of emergency. Electrical power is inadequate.
- i) HVAC controls should be replaced in all NSD schools. I was told there is another phase of the capital project planned to replace all HVAC controls.

16. There are a number of facility issues that are serious. The New Windsor School is over 100 years old and lacks an elevator. There are numerous issues in this building with electrical capacity, which limits technology applications. The building still depends on a fire escape for evacuation purposes. There are also numerous issues of ADA access in this building. South Middle School is 76 years old and shows its age. There are worrisome cracks in the foundation.

17. The age of facilities in Newburgh is a particular concern. Although the district recently renovated its facilities, they are still very old, and prone to all the issues of older structures. On average, the school buildings in Newburgh are 68.5 years old. More concerning is that their six oldest buildings average 85.7 years old, one of which is their high school at 87 years old. For a district that is at almost half its constitutional debt limit with little hope of rising tax valuation, this is a serious concern.

#### B. Appropriate Class Size

18. Class size for kindergarten is large. School officials reported that kindergarten class size averaged 25. This is well above the 20 student size noted by the Court of Appeals and especially large for districts with high numbers of students with disabilities and children from economically disadvantaged families like Newburgh. In 2004, researchers from the American Institutes for Research and Management Analysis and Planning projected that Newburgh would need to lower average elementary class size to 14.81 to achieve a sound basic education for its students.

19. Planned class size for 2014-15 at the elementary level was approximately 22 students per general education classroom. Average class sizes for 2014-15 in grades 1 through 4 were 23, 23, 21, and 20, respectively. The recommendations from the American Institutes for Research and Management Analysis and Planning indicated class size in Newburgh needed to be at 14.81 on average if they were to have any chance of a sound basic education for all their children. I recommend an aggressive attempt to lower class size.

### C. Qualified Teachers and Other Personnel

20. The superintendent told me that almost 300 positions have been eliminated since 2010 as a function of budget cuts. There have been numerous reductions that affect classroom instruction. Specific concerns were raised regarding the loss of social workers and counselors and increasing class sizes.

21. In my interactions with Newburgh school and district leaders, one of the most consistent concerns was for a shortage of qualified school social workers, counselors and psychologists in the district. There are only 6 certified school social workers in the district. Meadow Hill, a K-8 school with 1047 pupils, was serviced by a half time school social worker. There are no elementary school counselors and ratios of counselor to student at the middle school level approach 450:1. Given the shortfall in school social workers, counselors and a very thin administrative structure overly stressed by new APPR regulations, Newburgh cannot meet the requirements for sufficient family outreach and communication identified in the CFE decision. The National Association of School Social Workers suggests a ratio of 1:250, and 1:50 for students with intensive needs. (NASSW, 2012). The Newburgh City School district currently has a social worker ratio of 1:1575. An additional 38 social workers would be required to meet the basic ratio, or 214 additional social workers to meet the national standards for high poverty populations. An additional 21 counselors are necessary to provide elementary school counseling and bring ratios down to a workable level at the secondary grades based on a secondary ratio of 180:1.

22. Despite a very high percentage of ELLs, and many poor families, there are no parent liaisons within the district.

23. Currently, the district only provides pre-K to about 50% of the children, half time. In order to provide a high-quality, full-day pre-K program for all of Newburgh's 4-year-old children, NSD would require additional staffing of approximately



72 pre-K teachers and teaching assistants, along with social workers, psychologists, nurses, wrap around support and special area teachers.

24. NSD lacks sufficient numbers of elementary school teachers to staff classes at appropriate class sizes. There is a need for 56 additional elementary teachers and aides to reduce class size, especially given the high numbers of students in poverty and at-risk of academic failure.

25. Middle school principals noted a need for at least 16 core content area and two administrators to assist students with behavioral difficulties. Each middle school also needs two additional Academic Intervention Service (AIS) specialists in each of the content areas, ELA, social studies, science and mathematics for a total of 8 additional teachers. That results in a total of 24 academic area teachers at the middle school level.

26. In order to reduce core content area class sizes at the high school level, NSD needs approximately 28 additional core content area teachers. The district also requires 2 additional AIS specialists in each of the content areas—ELA, social studies, science and mathematics—for a total of 16 additional teachers. That results in a total of 44 academic area teachers at the high school level.

27. Currently there are 27 certified reading teachers assigned to teach the 11,000 children in the Newburgh City School District, the vast majority of whom are reading below state standards. An adequate system of support in such a high needs district would provide at least one reading specialist for every four sections of elementary students, equaling 36 additional reading specialists for grades K-5. Given the very low scores found in ELA, I recommend no less than one specialist per 300 secondary students or 16 reading specialists spread among the middle schools and high schools.

28. Improved practice cannot be realized without improved building and district supervision. I suggest an additional twelve school administrators with clerical support.

29. A common theme I heard from almost every administrator I interviewed was that the district did not have the capacity to provide the level of professional development necessary to fully implement Response to Intervention (RtI), a systematic process designed to provide appropriate services to children at the most

inclusive level, the Common Core State Standards or any of the reform initiatives that are part of the Regents Reform Agenda with the level of fidelity necessary to insure success. Interestingly, every School Quality Review and Joint Intervention Team report on various Newburgh schools suggested additional professional development. Newburgh Principals proposed an immediate addition of 15 teacher leaders with expertise in literacy to support the general education classroom teachers. It was also proposed that teacher time be extended by at least 10% to accommodate professional development, whether this extension is after school or during the summer or some other time would be a subject of collective bargaining. Additionally, two PD specialists should be added.

#### D. Platform of Expanded Services for At-Risk Students

30. NSD has a significant number of students at-risk of academic failure due to family and community poverty, disability, emotional or behavioral problems and other issues. These students require additional instructional time and other supports to improve their academic performance.

31. Students in Newburgh, despite extraordinary needs caused by poverty, do not receive an adequate expanded platform in academic services primarily as a function of budget restraints and cuts resulting from the loss of state aid in recent years.

32. NSD is not providing sufficient services to at-risk students who fail to meet proficiency benchmarks on mandated State assessments. Between 79-89% of elementary and middle school students failed to meet state benchmarks on ELA and Math in 2013.

33. School leaders in Newburgh reported that they had, at best, a minimum program to provide Academic Intervention Services and Response to Intervention support to their students. Prior to the 2013 tests, AIS were required for all students who scored below the designated performance levels on elementary, intermediate, and commencement-level New York State assessments in English Language Arts, mathematics, social studies, and science; students who are at-risk of not meeting state standards as indicated through district adopted procedures; students in grades K-2 who lack reading readiness; and Limited English Proficient (LEP)/English Language Learners (ELL) who do not

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achieve the annual performance standards. The AIS standards have been modified since the 2013 test. Even with smaller classes, it is imperative that Newburgh improve Academic Intervention Services. It is not realistic to expect the core instructional program to provide the remediation necessary to overcome the effects of poverty on young children.

34. In my interviews with district officials, they were adamant that one of the programs affected by budget cuts was their AIS plan. I reviewed the School Quality Review Reports for several of the district's schools including Gardnertown, GAMS High Tech School, Horizons on the Hudson, Meadow Hill Global Expectations and Vails Gate High Tech School. In general, the reports raised questions regarding the depth and breadth of the AIS plans and implementation of RtI. My assessment is that there is a general shortage of qualified AIS providers in the district.

35. Newburgh depends on a combination of school based and outside providers for a prekindergarten program that is not in any sense universal. Currently, approximately only 40% of Newburgh children receive a structured pre-kindergarten experience. There are currently 22 pre-k classes, with no wrap around services, half time. Only about half the students get transportation. About 25% of the students access Head Start.

36. Elementary class sizes in Newburgh at the kindergarten level are as high as 25, higher than typically found in suburban districts. Class sizes of 25 are not aligned with developmentally appropriate practice, especially for children with intense needs as we find in Newburgh. It is critical to realize that given the number of economically disadvantaged children in Newburgh, class sizes and academic supports cannot be at the levels of other schools with much lower numbers of economically disadvantaged children.

37. One administrator I interviewed at Newburgh Free Academy noted that the extreme economic issues some of her students face and the tendency for many of them to be behind their graduation cohort makes it difficult to remain in school and more difficult to enroll in the Career and Technical Education (CTE) that would benefit them upon graduation. The principal envisioned extensive wrap around services for these students giving them access to course recovery, child care and CTE. She indicated there are many students who would benefit from CTE but cannot access it due to credit recovery issues and personal issues.

38. Newburgh has an immediate need to implement a robust system of credit recovery for its underperforming secondary students along with non-traditional opportunities for students who have children of their own, need to work and other exceptional cases. I envision this program starting later in the day and including classes in ELA, social studies, science and mathematics along with counseling support, support for SWD and social worker support. In total, I see approximately 12 faculty and support faculty and one clerical support staff plus a portion of an administrator.

39. Students with disabilities also experienced the impact of budget cuts. To be sure, the district appears to be meeting its requirements under Part 200 of the Commissioners Regulations, but its service options are limited, and too often students are placed in programs outside of the regular classroom because the in-class supports necessary to make inclusion a success are not always available. State wide, 57.8% of SWD are placed in regular classroom settings for at least 80% of the time. In Newburgh, only 49% of students are placed in regular classroom settings at least 80% of the time. School officials reported that the number of pupils entering more restrictive placements appears to be on the rise. In an interview conducted on May 12, 2014, district officials told me that the rate of students classified as Students with Disabilities has climbed to 17.3% of the district, and that total numbers of SWD had increased from approximately 1700 at the start of the year to 1844 as of May 12. Of that number, 250, or 14.7%, are in separate settings.

40. School officials lamented the limitations they faced in providing services to students short of special education. There are, I was told, not enough AIS providers to meet the remedial needs of all students within the general education setting. I was told that there are severe limitations in instituting the Response to Intervention model, used to provide supports in regular education. In other words, there are not enough pre-special education options available resulting in more children being classified as students with disabilities.

41. NSD has 1502 English Language Learners including 799 students who receive English as a second language instruction, meaning they receive special classes to support learning the content taught in the general education classes in addition to their language acquisition. When these students reenter their general education classrooms, they need additional support, yet the superintendent told me that the teaching assistants and aids that could provide that support have been the victims of budget

cuts. Another 799 students are in bilingual education programs, meaning that the students are taught the general education content in their native language. It is always the goal to gradually move children to all English classes, which again, would require additional in-class support that is not available. According to the superintendent, over 60 teaching assistants have been cut from the budget in recent years.

### C. Outputs

42. The State administers assessments for all New York students in ELA and mathematics at grades 4 and 8 and commencement level assessments for high school. The state attempts to set the standard for proficiency on these assessments to be consistent with the National Assessment of Educational Progress (NAEP) standards 3-8 and college and career readiness at the high school level.

43. I examined ELA and mathematics assessment results for NSD elementary, middle and high school students from different data sets, 2012 testing and 2013 testing. I examined the assessment results for low income (at-risk) students, English language learners (ELL), African American and Latino students, and students with disabilities to evaluate the performance of important subgroups of NSD students.

44. According to 2011-12 data from the SED report cards, a significant portion of NSD students are not meeting State academic standards, as measured by performance on State English Language Arts (ELA) and mathematics assessments.

45. On the 2011-12 State assessments, 60% of all NSD elementary and middle school students scored below Level 3 in ELA, the State standard for proficiency.

46. On the 2011-12 State assessments, 53% of all NSD elementary and middle school students scored below Level 3 in mathematics, the State standard for proficiency.

47. Among economically disadvantaged elementary and middle school students, 68% scored below level 3 in ELA, and 61% scored below level 3 in mathematics.

48. Among African American elementary and middle school students, 71% scored below level 3 in ELA, and 66% scored below level 3 in mathematics. Among Latino elementary and middle

school students, 66% scored below level 3 in ELA, and 55% scored below level 3 in mathematics.

49. 88% of elementary and middle school students with disabilities scored below level 3 in ELA, and 82% scored below level 3 in mathematics.

50. 80% of elementary and middle school ELL students scored below level 3 in ELA, and 65% scored below level 3 in mathematics.

51. In 2013, 79% of NSD fourth graders failed to meet state benchmarks in ELA and 80% failed to meet state benchmarks in mathematics. 79% of eighth graders failed to meet the benchmark in ELA, 89% failed to do so in mathematics, and 43% did not meet the benchmark in science. The 2013 tests were based on the new Common Core Curriculum.

52. On the 2011-12 State assessments, 41% of all NSD secondary (high school) students scored below level 3 in ELA, and 79% of all NSD secondary students scored below level 3 in mathematics, the State standard for proficiency.

53. Throughout all grade levels, but particularly in high school, low-income (at-risk) students, students with disabilities, and ELLs achieved proficiency at much lower levels than the overall student population. On the 2011-12 assessment, 53% of economically disadvantaged secondary students scored below level 3 in ELA, and 89% scored below level 3 in mathematics. Among students with disabilities, 89% scored below level 3 in ELA and 92% scored below level 3 in mathematics. Among ELLs, 89% scored below level 3 in ELA and 87% scored below level 3 in mathematics.

54. Large portions of each Newburgh high school graduation cohort fail to pass the necessary assessments for a high school diploma. This includes a 27% cohort failure rate on the required Global History Regents, and an average failure rate in excess of 20% on the remaining examinations in US History, ELA, Science and Math.

55. New York State is focusing on the concept of "college and career readiness" which they define, in part, as a grade of at least 80% on the Algebra Regents Examination and 75% on the English Regents. The stark reality is that a very small percentage of Newburgh students who start a graduation cohort in grade 9 are, by the State's definition, college or career ready

in mathematics or English. If the students of Newburgh School District are to realize a sound basic education and a meaningful high school education, as the New York State Constitution mandates, they must have an expanded platform of services to provide remediation in both English and, especially, in mathematics. On average, less than 20% of Newburgh graduates met the ELA standard and only 5% met the Mathematics standard over the past four graduating cohorts.

56. In 2012-13, 5% of high school students dropped out. That is an "event" dropout rate, which actually translates into a much higher actual dropout rate, probably closer to 18% on a cohort basis.

57. The 2013 four-year graduation rate for all NSD students was 66%. Economically disadvantaged students graduated at a rate of 53%. The graduation rate for African American students was 57% and the rate for Latino students was 60%. The rate for students with disabilities was 40%. The rate for LEP students was 6%. The rates in 2014 were: 67% of all students, 59% of economically disadvantaged students, 57% of African American students, 60% of Latino students, 33% of students with disabilities, and 24% of LEP students. All of these graduation rates are well below the NYS standard of 80%.

#### D. Budget and Funding (Causation)

58. The 2013-14 True Value Tax Rate for Newburgh was \$26.54 per \$1000 of assessed property valuation. This is 12.28% above the county property tax average and approximately 49% above the statewide average.

59. Against that obviously excessive local effort, Newburgh is among the lower wealth school districts in Orange County and New York State. Newburgh has a combined wealth ratio of .58. (CWR dropped from .632 in 2012, indicating that Newburgh is becoming increasingly less wealthy than the rest of the state.) Generally, the CWR of downstate school districts is well above 1.0. Although Orange is not as wealthy as other downstate area counties, the average CWR in the county is currently .794, over 25% higher than Newburgh. CWR is not regionally adjusted, and a CWR of .58 in the lower Hudson Valley is very low.

60. Among the comparison group, Newburgh has the highest percentage of children eligible for Free and Reduced Meals, has

the highest percentages of children living in poverty, and has the highest Pupil Need Indexes.

61. NSD spends \$20,806 per pupil. At face value, Newburgh already spends more per pupil than all but one of the schools in the comparison group and more per pupil than NYS similar group districts. However, when poverty is factored in, Newburgh spends less per pupil than any of the comparison schools. I factor in poverty by adding the FRL rate to each pupil unit to determine per pupil expenditures.

62. In the 2013-14 year state budget, Newburgh lost \$8,920,768 in state aid due to the "gap elimination adjustment" (GEA) provision. That was \$647 per enrolled pupil in 2014-15 alone.

63. According to the New York State Council of Superintendents, the enacted state budget for the 2014-15 school year will include a GEA adjustment of \$7,134,367. Since 2010-11, when the state first started reducing school aid to solve its budget issues, the Newburgh City School District has lost \$48,985,657. This amount represents a loss of \$4442 per pupil using current enrollment.

64. NSD has experienced significant reductions in state aid in resulting in cuts to essential staff and programs and services needed to provide a meaningful high school education, particularly for the district's large proportion of low income (at-risk) students.

## CONCLUSIONS

Based on my assessment of NSD under the CFE evaluation framework, I conclude:

1. NSD serves a lower income community, with low property wealth and high local tax rates. Despite these factors, NSD makes a substantial local effort to support its students and schools and lacks the local fiscal capacity to make needed improvements to its school buildings and educational program or to support the district's significant number of at-risk students.

2. A significant portion of NSD students are low income and academically at risk. These students need an expanded platform of essential services to provide the opportunity for a meaningful high school education.



3. NSD urgently needs to repair and replace aging school buildings but lacks the local fiscal capacity to undertake this, or other, major capital projects.

4. NSD has significant deficits in essential CFE inputs, as follows: qualified teachers supported with necessary professional development and training; sufficient social workers and guidance counselors; class sizes at appropriate levels, especially in kindergarten; and an expanded platform of services for low-income, academically at-risk students, including AIS and RTI services, instructional before and after school and summer school, and drop-out prevention counseling.

5. NSD students are, at all grade levels, performing well below State proficiency standards. The significant portion of low-income (at risk) students are performing even further below State standards than NSD students overall.

6. NSD graduation rate is well below the State standard.

7. NSD has experienced significant reductions in state aid under the GEA mechanism, resulting in cuts to necessary programs, staff and services.

8. NSD is not providing students with the essential CFE inputs, nor is the district meeting State-established proficiency levels and graduation rates.

9. NSD is not providing its students, particularly its sizeable population of students at-risk of academic failure, with the opportunity for a meaningful high school education, the standard for a sound basic education.

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**Maisto v. New York State: The Case for Newburgh**

This document was prepared to support the expert witness testimony of Dr. Stephen J. Uebbing regarding the capacity of the Newburgh City School District to provide a sound basic education for its students. It focuses only on capacity and is not intended to be an evaluation of the current Newburgh educational program, or the faculty, staff, administrators and governance team that provide and oversee that program.

**About Newburgh City School District**

Newburgh is one of fifty-seven small city school districts in New York State. A small city school district is one which, according to the latest federal census, has fewer than one hundred twenty-five thousand inhabitants. Approximately 250,000 children attend New York State small city school districts in communities totaling over 1.5 million residents (NYSASCSD). According to the New York State Association of Small City School districts, small cities often have similar demographic characteristics as the five large city school districts in New York State, including “higher percentages of disadvantaged students, limited English proficient students, dropouts and students with special educational needs. Small city school districts are also typically characterized by higher percentages of families living on incomes below 200% of the poverty level, minority children, unemployment and single parent families” (NYSASCSD). However, characteristics of NYS small city districts vary greatly. For example, the Rye City School District in Westchester County is a low need school district with substantial wealth per pupil while Mt. Vernon, Newburgh and Utica are high need urban districts much closer to the “big five” in their demographic characteristics.

There are three small city school districts in Orange County: Middletown, Port Jervis and Newburgh. With over 11,000 students, Newburgh is the largest of the three by far. The student population of the district is very diverse, with 26% of the students reporting as African American, 45% as Latino and 24% as white. It is also a very poor district, with 71.2% of its students eligible for the Free and Reduced Meals program. (NYSED Child Nutrition Management System, March 2014)

Public education in Newburgh dates to 1752 with the opening of Glebe School. Secondary instruction began in 1796 with the first building to bear the name Newburgh Academy on Montgomery Street, on a site still occupied by a district school. The present high school was built on Fullerton Avenue with the Class of 1928 the first to graduate. A junior high school was

1 added with the assistance of the PWA in the mid-1930s. A third junior high school was added in  
2 the 1990s. The boom in population and elementary school construction occurred primarily in the  
3 1950s with two additional schools opened in the 1970s. Additions have been made to many of  
4 the buildings over the years.

5 The district recently completed a \$50 million capital project resulting in renovations to existing  
6 buildings and several program based changes including a dual language program and the creation  
7 of two K-8 programs. The high school program is now two programs, but one school: North  
8 Campus and Newburgh Free Academy Main Campus. (Source: District Web Site)

9 The largest taxpayers in the Newburgh district include Central Hudson Railroad, which has  
10 approximately \$96.5 million in assets located in the district, Newburgh Mall, with approximately  
11 \$39.9 million in assets, Northeast Business Center, with approximately \$30.6 million, Mid  
12 Valley Redux with over \$30 million, and WVR Real Estate with \$25.4 million. The largest  
13 employer in the district is the 105<sup>th</sup> Airlift Wing located at Stewart Field, followed by St. Luke's  
14 Hospital, C&S Wholesale Grocers, the Orange County AHRC and Mt. St. Mary's College.  
15 (Source: NCSD Official Statement, June 27, 2012 )

16 One way to better understand a community is by the educational attainment among adults.  
17 Again using Census data, 20.54% of adults in Newburgh have attained a bachelor's degree or  
18 higher. In Cornwall, which borders Newburgh, that number is 40.43%; Monroe-Woodbury just  
19 a short distance away, has an adult educational attainment rate in excess of 42%. Some districts  
20 in Westchester are in excess of 75%. Understanding the educational attainment of adults in a  
21 community is useful in understanding the need of children when they first come to school.  
22 Children from families with higher levels of income and parent education tend to experience a  
23 very different language acquisition process than do children from families with lower income  
24 and parent educational levels. I explore these issues later in this analysis.

25 Municipal Overburden No discussion of the problems facing any city, including small cities, is  
26 complete without some discussion of the issue of municipal overburden. In simple terms,  
27 municipal overburden refers to the additional costs associated with being a city. For example,  
28 New York City needs to provide security for the United Nations, traffic control around airports  
29 and crowd management for the Macy's Thanksgiving Parade. Sparkman (1976) noted almost 40  
30 years ago that it is more expensive to provide services in cities due to the more needy  
31 populations that tend to reside in cities. Additionally, small city tax bases are often shrinking.  
32 City infrastructure tends to be older, and cities often find themselves providing additional  
33 services for non-city residents who use or visit the city. For example, Newburgh contains a  
34 hospital used by the surrounding community. That hospital requires the support of municipal  
35 services. Knickman and Reschovsky (1987) argued that there should be some adjustment in  
36 state aid formulas to make up for the impact of municipal overburden on city school districts.

1 Another example of municipal overburden is the need for additional school security. City school  
2 districts serve a more needy population as they often include higher crime areas. This is  
3 especially true of Newburgh which spent approximately \$4,134,434 during the 2012-13 school  
4 year on school security, mostly for personnel costs which includes 51 security officers (source:  
5 district officials). This is money that could have provided 40+ additional teachers. In  
6 comparison, there are no full time security personnel in the Canandaigua City School District.

7 In Newburgh, the school district is required to use the City of Newburgh Civil Service Office  
8 and to pay fees in excess of \$100,000 to process tests and applications. Non-city districts do not  
9 have this added financial burden.

10 Another issue Newburgh faces as a small city is the 5% cap on debt limit. Whereas many non-  
11 city districts have realized total assessed value increase in recent years, many small cities are  
12 faced with stagnation or even declines in assessed valuation. When debt limit is tied to declining  
13 assessed valuation, the district is limited in its ability to bond for capital expenses. Non-city  
14 districts have a debt limit cap of 10% of an increasing assessed valuation. Moreover, Newburgh  
15 is unable to deduct building aid from the debt computation as non-cities can, thereby effectively  
16 lessening the debt ceiling by at least another 50%.

17 What follows is comparison data that includes Newburgh and several neighboring districts.  
18 These districts are typical for the area and serve primarily middle class, mostly white students.  
19 All, except Newburgh, have poverty levels under 10%, free meal rates under 30% and per capita  
20 income over \$28,000. The comparison districts include more college educated adults, and have  
21 Pupil Needs Index numbers well below Newburgh's.

22 The purpose of the comparison group is not to show the disparity between Newburgh and  
23 wealthy districts, but to demonstrate the disparity between Newburgh and its average wealth  
24 neighbors with much fewer numbers of economically disadvantaged children, especially children  
25 of color.

26 None of the districts in the group have a Combined Wealth Ratio that is well above the state  
27 average of 1.0. I discuss the Comparison Group in greater depth when we introduce student  
28 achievement gaps, but introduce it here to properly frame the Newburgh City School District

29

## Newburgh and Comparison Group Demographics

	Newburgh	Arlington	Cornwall	Goshen	Monroe-Woodbury	Pine Bush	Valley	Wappingers
Enrollment (1)	11028	9179	3368	2853	7034	5589	4566	11872
N in Poverty (2)	2741	844	293	262	549	580	449	914
% in poverty	24.85	9.19	8.7	9.18	7.8	10.37	9.83	7.7
% Economically Disadvantaged (1)	71	18	14	23	17	35	35	22
% Free/Reduced Lunch (3)	71.2	19.5	15.5	20.5	19.4	36.6	29.5	20.5
% Limited English Proficient (1)	14	1	1	3	3	1	1	1
% Students with Disabilities (1)	14	13	10	12	13	13	16	15
% Af Am (1)	26	7	6	5	7	11	10	6
% Latino (1)	45	10	13	16	19	16	18	12
% White (1)	24	78	74	75	67	68	69	76
% All others (1)	5	5	6	4	7	5	2	6
Avg Attendance (1)	95	95	95	96	95	95	95	95
Suspension Rate (1)	7	3	3	4	3	17	7	4
Per Capita Income (9)	25704	31835	36178	31586	38303	28783	28033	34350
% Adults w/ Bachelors (2)	20.54	34.11	42.43	30.68	42.2	24.91	22.7	33.74
Avg home value (\$1000s) (4)	272.1	346.2	361.3	365	362	306.3	286.7	339.5
CWR (5)	.58	.897	.803	.974	.872	.635	.691	1.034
PNI (5)	1.651	1.158	1.115	1.163	1.138	1.287	1.253	1.164

2 Sources: (1) 2012-13 SRC; (2) US Census, SAIPE, 2011 (3) NYSED Child Nutrition Report, 3/14 (4) 2009 ACS; (5) NYSED  
3 2013-14 Output Report

4 I chose a diverse group of neighboring districts to compare with Newburgh. They are all either  
5 Orange County school districts or school districts almost directly across the Hudson River. I did  
6 not seek wealthy schools for the comparison group. Indeed, the Combined Wealth Index of each  
7 of the comparison districts is below average for the state, with the exception of Wappingers,  
8 which is very slightly above average. The comparison reveals the stark reality school officials  
9 face in Newburgh within this comparison group. It is the poorest as measured by CWR, FRL  
10 percent and number and percent of children living in poverty, average home value and per capita  
11 income. Its adult members are the least well educated. Its students are the neediest as measured  
12 by PNI.

13 It is notable that in Newburgh the total percentage of students eligible for the National School  
14 Lunch Program (FRL) is 71.2%. To qualify for free meals status, a family must be within 130%  
15 of the Federal Poverty Guidelines. To qualify at the reduced level, a family must be between  
16 131% and 185% of the Federal Poverty Guidelines. For a family of four (4), the poverty level  
17 was recently an annual income of \$22,050, so a family income up to \$28,665 would qualify at

1 the free level. At the reduced level, a family income of up to \$40,793 would qualify. Students  
2 are considered economically disadvantaged if they are eligible for the National School Lunch  
3 Program. There is, however, considerable variation among those students.

4 It is my experience that FRL is often underestimated as not all eligible students enroll.  
5 Therefore, it is reasonable to estimate that at least 75-80% of Newburgh students are  
6 economically disadvantaged. Furthermore, it is reasonable to estimate that a number of the  
7 remaining portion of the student body live in families that are just above the FRL level.  
8 According to latest Census figures, per capita income in Newburgh is only \$25,704 against a  
9 county average of almost \$29,000 and a state average over \$40,000. Rockland County, one of  
10 Orange County's closest neighbors, has a per capita income of almost \$35,000. In other words,  
11 Newburgh is one of the poorer communities in a county that is less wealthy than the state  
12 average.

13 As is often the case in American cities, Newburgh has experienced a high rate of crime,  
14 including violent crime. A September 2011 New York Magazine article labeled Newburgh as  
15 the "Murder Capital of New York State" detailing large scale efforts led by the FBI to curb gang  
16 violence. According to the article, Newburgh had a higher rate of violent crime per capita than  
17 the South Bronx. (Keefe, 2011) Newburgh was once a lovely river town with a thriving  
18 downtown centered around a wide and bustling Broadway. Side streets were filled with the  
19 homes of industrialists and the business people who made their fortunes along the Hudson.  
20 Newburgh bears little resemblance to its past. As Keefe writes in *New York*, "It feels almost  
21 spooky to walk today among the Gilded Age mansions of long-dead industrialists on  
22 Montgomery Street, some of them boarded up, others carved into low-income apartments.  
23 Abandoned buildings abound, many of them gone to rot... These days, roughly a quarter of  
24 Newburgh residents live below the poverty line. The city has few jobs, little retail, no grocery  
25 store, no public transportation, and not much in the way of wholesome recreational opportunities  
26 for kids. What it does have is an astonishing variety of street gangs."

27 To make the situation worse, the City of Newburgh has undergone severe budget cuts. The  
28 number of police officers, for example, had fallen by over 20% by 2011. The superintendent  
29 remarked to me that Newburgh was the only school district he knew of where the local city true  
30 value tax rate was higher than the school district true value rate. That was primarily because the  
31 value of property within the city had fallen so precipitously. According to Sauter and Frohlich  
32 (2013), 16.9% of households in Newburgh earned less than \$10,000 per year in 2011-12, close to  
33 twice the rate in the years before the recession. This was the 14th-highest rate in the country of  
34 households with incomes less than \$10,000 a year. They go on to say, "During that same time,  
35 Newburgh homes lost 22% of their value, compared to the 9% decline nationwide. The  
36 unemployment rate also jumped from 4.2% in 2007 to 8.5% in 2012. (and)... the city is  
37 continuing to shed jobs. Between October 2012 and October 2013, Poughkeepsie-Newburgh-

1 Middletown lost 4,400 jobs, more than any U.S. metro area except for the greater Cleveland  
2 area.”

3 Newburgh is classified as a High Need/Resource Capacity Urban-Suburban School District by  
4 the New York State Education Department. This classification is based on a need/resource  
5 index, over 70%. The index is a ratio of the estimated poverty percentage to the CWR.

6 The effects of growing up in an economically disadvantaged family, which I suspect  
7 characterizes over 80% of the Newburgh student body, can have detrimental effects on a child’s  
8 readiness to be successful in school. A good beginning is fundamental to school success. We  
9 know that a child who is still not reading by third grade is likely to fail to graduate from high  
10 school. The effects of poverty begin to accumulate as early as conception. Pregnant woman  
11 living in families of poverty are more likely to be exposed to chemical contamination, especially  
12 lead poisoning, tobacco, alcohol, various drugs, both legal and illegal, as well as physical hardships  
13 (Jenson, 2009, Rauh et. al. 2004). Woman in poverty are more likely to suffer from poor  
14 nutrition, smoke, and use alcohol and drugs (Jensen, 2009, Ertam et. al., 2008). According to  
15 Demchuk, (2009), the National Institute of Health claims that tobacco use during pregnancy can  
16 result in low birth weight and severe complications for a newborn baby. A disproportionately  
17 large percentage of women in poverty reportedly smoked during pregnancy, as high as 40%.  
18 Pregnant woman living in families of poverty are more likely to give birth prematurely. The  
19 United States ranks 131<sup>st</sup> of 184 countries in preterm births. This leads to less healthy babies  
20 who are more likely to be referred as a student with a disability, a disability that could often be  
21 avoided with appropriate prenatal care. (Ravitch, 2013)

22 Infants and toddlers living in families of poverty are exposed to higher levels of pollutants and  
23 disease than their middle class peers. In one study, Schell, et al. (2006) found that 58% of  
24 children living in inner city poverty lived in homes with cockroaches. The droppings from these  
25 insects have been demonstrated to contribute to asthma, a disease which attacks urban children at  
26 epidemic proportions ([www.epa.gov/asthma/pests.html](http://www.epa.gov/asthma/pests.html)).

27 Lead poisoning is an insidious disease shown to affect economically disadvantaged children at a  
28 greater rate than their middle class peers. Spezio (2009) has documented studies linking lead  
29 poisoning to cognitive development. Strikingly, Spezio asserts that lead poisoning often presents  
30 in a manner similar to ADHD and, in fact, may be mistaken for an attention deficit disorder.  
31 Recently, in a study published in the Journal of Pediatrics, kindergarten readiness scores for  
32 children in Providence, Rhode Island were linked to public health records of blood levels using  
33 individual identifiers. The study population of 3406 was made up of a majority (59%) of Latino  
34 children. Reading readiness scores decreased sharply as the blood lead level increased (McLaine  
35 et. al. 2013). According to Demchuk (2009), nearly 80% of children classified as learning  
36 disabled fail to master basic reading skills by fourth grade, and the dropout rate for LD children  
37 is more than two and one half times the rate than for children who are not learning disabled.

1 Since the 1970s lead poisoning in the general population has declined due to the removal of lead  
2 from gasoline. However, children growing up in older homes, often as renters, are much more  
3 likely to come in contact with lead due to its presence in building materials, especially paint.  
4 The City of Newburgh has over three times the number of identified lead poisoned children as  
5 the state average. According to the NYS Department of Health, zip code 12550, which is  
6 Newburgh, NY, continues to exhibit alarming levels of lead poisoning in its children. Newburgh  
7 is listed among the 36 zip codes in New York State with the highest percentage of new cases of  
8 lead poisoning outside of New York City. Among the 1998 and 1999 birth cohort, the statewide  
9 average of new cases of lead poisoning discovered through required screening was 2.0% and  
10 1.7% respectively. In the 12550 zip code, that number is 6.8% and 5.6% respectively.  
11 Newburgh is listed 30<sup>th</sup> among New York zip codes outside of New York City for reported new  
12 cases of lead poisoning. The overall Orange County percentages are much closer to the state  
13 averages, 3.2% and 2% and clearly skewed by the Newburgh numbers. Notably, the 1998 and  
14 1999 birth cohorts, assuming normal progression through grades, are now in high school.  
15 (Promoting Lead Free Children in New York State: A Report of Lead Exposure Status among  
16 New York Children, 2000-2001, Table 5)

17 Part of this is explained by the housing stock in Newburgh. According to the Census data,  
18 within the 12550 zip code, nearly half of the housing (41.2%) was built prior to 1950 against a  
19 county average (again skewed by Newburgh and the two other small cities) of 30.4%. Among  
20 rental units, half were built prior to 1950 and of that amount, 31.5% are inhabited by families  
21 living under the poverty level. Both lead poisoning and poverty are associated with low student  
22 performance in schools, requiring an expanded platform of academic support services, not  
23 currently available, if the school district is to provide a sound basic education for their children.

24 The impact of poverty on child development is most obvious when examining parenting and  
25 child care. Sanders-Philips (1989) and others have documented the very different life  
26 experienced by an economically disadvantaged toddler than a middle class toddler. Wachs  
27 (1982) and others have reported that positive interaction between children and parents in  
28 economically disadvantaged homes is strikingly less than such interaction in middle class homes.  
29 Hart and Risley (1995, 2004) have demonstrated the vast difference in vocabulary development  
30 experienced by children living in poverty compared to their middle class and upper middle class  
31 peers. In a study of utterances which varied from single words to full conversations, middle class  
32 toddlers heard about 487 utterances on average every hour, while their economically deprived  
33 peers heard only 178 utterances per hour. Hart and Risley go beyond their utterance study to  
34 count total words reporting that high income children hear approximately 30 million more words  
35 than their poverty stricken peers by age five. Not only is there a total word gap, but the type of  
36 language varies. Believing that words matter, by age 4, children from professional homes are  
37 likely to hear about 560,000 words of encouragement and 80,000 words of discouragement  
38 compared to 75,000 words of encouragement and 200,000 words of discouragement in  
39 economically disadvantaged homes. They estimate that 86-98% of vocabulary development by



1 age 3 is derived from the parents' vocabulary. Making up lost ground to their middle and upper  
2 class peers is a daunting task.

3 Ravitch (2013) sums up the lot of economically disadvantaged children as follows:

4 *Children born to poor mothers are less likely to receive regular medical care...to see a*  
5 *dentist...to have educated parents...to have books in their home...to be read to each day by a*  
6 *parent...to be enrolled in a prekindergarten program...to have their own bedroom...to hear a*  
7 *large and complex vocabulary...to get three nutritious meals a day...live in sound housing (or) a*  
8 *safe neighborhood...to take family trips to the library or a museum.*

9 *Children of the poor are more likely to be born preterm or with low birth weight and*  
10 *suffer cognitive impairments, learning disabilities and attention deficits...to suffer fetal alcohol*  
11 *syndrome, severe cognitive, physical and behavioral problems...live in a dwelling infested with*  
12 *rats and roaches...to have a parent who is incarcerated or unemployed...to be homeless...move*  
13 *frequently and change schools frequently because their parents couldn't pay the rent...to have*  
14 *asthma...to be hungry...to have toothaches and cavities...to be exposed to lead...to be*  
15 *chronically absent.” (pp96-7)*

16 Jenson (2009) Ruby Payne (2005) and others write about the tremendous challenges schools  
17 have in educating children from poverty. These challenges imply not only different pedagogical  
18 approaches but greater expenses if we are to actually provide a sound basic education to children  
19 from poverty.

20 Small cities often have large populations of students who are speakers of English as a second  
21 language. The Center for Applied Linguistics has documented the challenges of English  
22 language learners (ELL). Not only do they need specialized instruction, but they need additional  
23 support in the general education setting. ELL are very often economically disadvantaged. In  
24 addition to limited knowledge and skills in English, they are often sub-literate in their own  
25 language. Sometimes these students are political refugees or undocumented, living in fear of  
26 deportation. According to district officials, In Newburgh, there are 1502 English Language  
27 Learners including 799 students who receive English as a second language instruction, meaning  
28 they receive special classes to support learning the content taught in the general education classes  
29 in addition to their language acquisition. When these students reenter their general education  
30 classrooms, they need additional support, yet the superintendent told me that the teaching  
31 assistants and aids that could provide that support have been the victims of budget cuts.

32 Another 799 students are in bilingual education programs, meaning that the students are taught  
33 the general education content in their native language. It is always the goal to gradually move  
34 children to all English classes, which again, would require additional in-class support that is not  
35 available. According to the superintendent, over 60 teaching assistants have been cut from the  
36 budget in recent years.

1 All this should inform policy makers because economically disadvantaged students are more  
2 expensive to educate than their “school ready” peers from affluent suburbs. Although some  
3 studies have shown no relationship between expenditures per pupil and student achievement, that  
4 is due in part to the fact that economically disadvantaged children do not simply need the same  
5 educational services as their middle class peers, they need much more intensive services. I know  
6 of no place where a school district serving a preponderance of economically disadvantaged  
7 children actually has the numbers of additional teachers, supervisors and intensive professional  
8 development necessary to help these children catch up from their educationally deprived  
9 preschool years. Wenglinsky (1997) takes issue with the “money doesn’t matter” arguments  
10 simply because if there were enough money to dramatically reduce class size, provide all  
11 teachers high quality professional development, and further provide the support faculty in  
12 speech, reading and math that economically disadvantaged children need, then indeed, student  
13 achievement would increase. Ronald G. Ehrenberg, Dominic J. Brewer, Adam Gamoran, and J.  
14 Douglas Willms support the class size argument with quantitative analysis that suggests that class  
15 size is one among other variables that can impact student achievement (2001). They point to results  
16 from several studies including the Tennessee Star Study that suggest that lowering class sizes at the  
17 earliest grades can have long term positive effects, especially on disadvantaged minority students. In  
18 2004, researchers from the American Institutes for Research and Management Analysis and Planning  
19 projected that Newburgh would need to lower average elementary class size to 14.81 to achieve a  
20 sound basic education for its students. Ravitch (2013) notes the Scholastic/Gates survey of  
21 teachers found that 90% of teachers believe having smaller classes would have a positive effect  
22 on student achievement. She further notes the work of researchers that found that smaller class  
23 size also helps to develop other skills and attributes that support success later in life, such as  
24 persistence, motivation and a sense of personal worth.(p 245)

25 Hedges and Greenwald argued as early as 1989 that the lower levels of social capital students  
26 found in economically disadvantaged students demanded much higher levels of funding. In fact  
27 in 2004, they along with Lane wrote that “school resources are systematically related to  
28 achievement and that these relationships are large enough to be educationally important.” (In  
29 Lukemeyer, Courts as Policymakers, School Finance and Reform Litigation.) Furthermore,  
30 Ferguson and Ladd (1995) argued that studies are finding evidence that “money affects the  
31 quality of schooling and that the quality of schooling influences not only test scores, but later  
32 earnings as well” (Ferguson, 1991, 470). Without a doubt, poverty matters and overcoming the  
33 effects of poverty on school readiness and school performance requires an “expanded platform”  
34 of school services to achieve a sound basic education. This expanded platform requires  
35 additional expenditures.

36 **Impressions:** I visited Newburgh on Thursday, April 18, in the late afternoon and on Friday,  
37 April 19, 2013, for most of the day. My first impression of Newburgh was, in fact, the high  
38 school, Newburgh Free Academy. From the roadway, this is an impressive looking building  
39 surrounded by athletic fields. When I drove by, the spring sports teams were actively practicing,

1 and in fact, Newburgh Free Academy looked like any large central high school in New York  
2 State. I then took some time to drive around the city, up and down Broadway and along several  
3 of the side streets that Keefe had called “almost spooky” with their once gilded mansions now  
4 converted to low income housing. During my visit, I talked with a number of people who could  
5 recall a Newburgh of earlier times when it was still a very impressive small city. Today, with  
6 the exception of the riverfront, it is generally unkempt, too often boarded up, and anything but  
7 thriving.

8 The city proper is depressed.

9

1 **Facilities:**

2 To what extent do school facilities impact learning? The impact of inadequate school  
3 facilities on learning is clear. John Lyons, who helped establish the National Clearinghouse for  
4 Educational Facilities and worked at the U.S. Department of Education, writes “There are  
5 adverse yet solvable environmental conditions in many school facilities that are particularly  
6 troublesome because of their very real and negative impact on learning.” He goes on to list the  
7 most serious as asthma, which is at epidemic proportions in poor urban communities and is  
8 linked to poor indoor air quality. Indeed, he points out that the U.S. Environmental Protection  
9 Agency (EPA) lists asthma as the leading cause of school absenteeism due to chronic illness.  
10 Schools, he writes, have four times as many occupants as offices per square foot. Particularly  
11 suspect in asthma related issues in schools is outdated and faulty heating and ventilation systems.  
12 *(JB Lyons: CEFPI Brief, Issue Trak, 2001 - igreenbuild.com)*

13 In addition to proper air quality, good acoustics are vital for learning, according to Lyons.  
14 Recalling the research from Hart and Risley and others that I noted earlier on language  
15 acquisition issues among children growing up in poverty, acoustic quality is particularly  
16 important in their schools. Reasonable sized classrooms, schools designed to be easily  
17 supervised, proper lighting, appropriate spaces for the arts, sciences, physical education, social  
18 and emotional needs and even lunch all contribute to a sound and basic education.

19 Finally, schools are required by law to meet the requirements of the Americans with  
20 Disabilities Act for access to all programs and services. When access is denied due to building  
21 shortcomings, not only is the quality of education programming available to SWD affected, but the  
22 civil rights of those individuals are also compromised. School leaders were able to point out  
23 numerous ADA issues within the Newburgh City School District.

24

25 I toured several buildings in the Newburgh City School District and received reports from the  
26 Director of Facilities on all buildings. On March 27, 2007, the voters of the school district  
27 approved a comprehensive capital project which included \$76.5 million in additions and  
28 alterations and grounds improvements. Most of that work has been completed, and so facilities  
29 are generally acceptable, with several glaring exceptions. This project puts the district at 48.6%  
30 of its constitutional debt limit. (Official Statement, June 27, 2012) This is notable because a  
31 major new project, such as replacement of Newburgh Free Academy, would probably exceed the  
32 debt limit. Generally, Newburgh’s schools are under capacity (capacity is listed on page 10 of  
33 the official statement). A school’s capacity is usually outdated as such calculations predate some  
34 of the requirements for special education and English language learner programs that are  
35 common today. However, they offer a guideline and with only a few exceptions, Newburgh’s  
36 enrollments are less than capacity. Those exceptions include Newburgh Free Academy, Main  
37 Campus and Vails Gate High Tech Magnet Elementary School.

38 District wide, the buildings, although recently renovated, are generally old and worn. There are  
39 many ADA issues, outdated windows and inoperable temperature controls. I was told there is

- 1 another phase of the project planned to replace all the HVAC controls. In the chart below, I
- 2 present a summary of facility issues.

School Name and Grade Levels	Year Constructed	Most Recent Addition	Capacity/ Current enrollment	Major issues.
Newburgh Free Academy Main Building 9 to 12	1926	2001	2721/2800	Several ADA non-compliant bathrooms, non-compliant elevators. Inadequate athletic facilities.  The Planetarium is in state of disrepair. HVAC controls have to be replaced
Newburgh Free Academy North Campus 9 - 12	1936	2008	981/925	HVAC controls are not operating , need window and interior door replacement
South Middle School 6 - 8	1937	1987	887/975	The main entrance is non-ADA compliant; some bathrooms are non-ADA compliant; the athletic facilities are too small for the building size. Need window replacement. There are cracks in the building foundation. HVCA controls need replacement.
Fostertown Elementary School K - 5	1927	1988	684/600	Building windows are in need of replacement, Boilers are over 25 years old. HVAC controls should be replaced.
Meadow Hill School K - 8	1970	none	1152/1060	Sidewalks need to be replaced in the rear of the School Building, The tennis courts are unusable. HVAC controls need to be replaced.
Temple Hill Elementary K - 8	1970	none	1079/964	Sidewalks need to be replaced in the rear of the School Building HVAC controls need to be replaced. Window and doors need to be replaced Cafeteria needs renovations.
Heritage Middle School. 6 - 8	1926	1996	1005/1000	HVAC controls need to be replaced; outdated windows; bus parking lot is too small; gym and cafeteria are undersized.

New Windsor School K - 5	1910	2007	716/672	The original 1910 school building is still in use. Major issues with ADA-compliance including, stairwell that is not accessible, no elevator, bathrooms; still has a fire escape to exit the building in case of emergency; electrical power is inadequate.
Balmville School Pre K - 5	1954	2007	578/593	Generally good repair with replacement of HVAC controls.
Vails Gate School K - 5	1958	1998	627/580	Generally good repair with replacement of HVAC controls.
Gidney Ave Schools. K - 6	1957	1992	1074/661	Generally good repair with replacement of HVAC controls.
Horizons on Hudson School Pre – K - 5	1961	1998	567/550	Generally good repair with replacement of HVAC controls.
Gardnertown School Pre k – 5	1951	1998	793/610	Generally good repair with replacement of HVAC controls.

1 *Source: District Officials*

2 There are a number of facility issues that are serious. The New Windsor School is still using its  
3 main facility which is over 100 years old and lacks an elevator. There are numerous issues in  
4 this building with electrical capacity, which limits technology applications. The building still  
5 depends on a fire escape for evacuation purposes. There are also numerous issues of ADA  
6 access in this building. South Middle School is 76 years old and shows its age. There are  
7 worrisome cracks in the foundation.

8 The age of facilities in Newburgh is a particular concern. Although the district recently  
9 renovated its facilities, they are still very old, and prone to all the issues of older structures. On  
10 average, the school buildings in Newburgh are 68.5 years old. More concerning is that their six  
11 oldest buildings average 85.7 years old, one of which is their high school at 87 years old. For a  
12 district that is at almost at half its constitutional debt limit with little hope of rising tax valuation,  
13 this is a serious concern.

1 In the Campaign for Fiscal Equity case, Judge De Grasse ruled that the State had an obligation to  
2 provide sufficient resources to allow all students access to a sound and basic education. He  
3 outlined seven categories of resources that contribute to this obligation. Two elements of that  
4 sound and basic education involve adequate facilities including “adequate and accessible school  
5 buildings with sufficient space to ensure appropriate class size and implementation of a sound  
6 curriculum and sufficient and up-to-date books, supplies, libraries, educational technology and  
7 laboratories.” Some of Newburgh’s facilities meet these criteria, others, such as South Middle  
8 School, do not. Regardless, the age of district facilities suggest that its ability to meet this basic  
9 requirement in the long term is in jeopardy. Newburgh has a high building aid ratio, and expects  
10 to receive state aid on its current projects in excess of 86%, in part due to various aid incentives  
11 available to the district. Thus the State has supported capital projects at a high level. The larger  
12 concern is for the future. The small city debt limit does not take into consideration the State’s  
13 share of the debt, only the full obligation. Thus, even with state aid, Newburgh is in a difficult  
14 position.  
15

16 **Program:**

17 There are several questions to be considered in addressing the program adequacy of a school  
18 district. First, does the program meet the mandates of the Commissioners’ Regulations? Second  
19 are there adequate opportunities to meet the special needs of advanced students, students with  
20 disabilities and students that struggle to achieve academic success? Finally, what do the  
21 educational outcomes of the program tell us about program adequacy?

22 I based my analysis of the first issue, mandates, on a review of district materials and interviews  
23 with the superintendent, several other central office administrators and several principals. It is  
24 my judgment, based on this evaluation, that the district is meeting the minimal requirements of  
25 Part 100 and 200 of the Commissioners Regulations.

26 The second question, however, regarding adequate opportunities to meet the special needs of  
27 advanced students, students with disabilities, English language learners and students that struggle  
28 to achieve academic success, generates a different conclusion. In my interview with school  
29 officials, all were able to speak in depth about areas where they were falling short in offering a  
30 comprehensive program that met the needs of all students, especially the neediest students. Judge  
31 De Grasse, in the CFE case, specifically called out two elements of school programming that are  
32 included under the State’s obligation to provide a sound basic education as it relates to the most  
33 needy students in the state. They are as follows:

- 34 1. suitable curricula, including an expanded platform of programs to help at-risk students by  
35 giving them “more time on task”;
- 36 2. adequate resources for students with extraordinary needs

1 When I asked about program deficiencies, there was almost unanimous agreement that the  
2 district has suffered greatly as a function of budget cuts of recent years. The superintendent told  
3 me that almost 300 positions have been eliminated. There have been numerous reductions that  
4 effect classroom instruction. Specific concerns were raised regarding the loss of social workers  
5 and counselors and increasing class sizes. Planned class size for 2014-45 at the elementary level  
6 is approximately 22 students per general education classroom. It bears repeating that the data  
7 from Chambers et. al. (2004) indicate that elementary class sizes needed to be at 14.81 on  
8 average if they were to have any chance of a sound basic education for all their children.

9  
10 In addition to class size issues, school leaders expressed concern about the district's ability to  
11 fully implement Academic Intervention Services (AIS) and the Response to Intervention (RtI)  
12 Model. Generally, Academic Intervention Services (AIS) are required for all students who score  
13 below the designated performance levels on elementary, intermediate, and commencement-level  
14 New York State assessments in English Language Arts, mathematics, social studies, and science;  
15 students who are at-risk of not meeting New York State standards as indicated through district-  
16 adopted procedures; students in grades K-2 who lack reading readiness; and Limited English  
17 Proficient (LEP)/English Language Learners (ELL) who do not achieve the annual performance  
18 standards. These services may be provided in a number of ways including but not limited to:

- 19 • Extra period(s)/time during the regular school day
- 20 • Within-class staff that reduces student-teacher ratio
- 21 • Before and after-school sessions
- 22 • Summer school

23 Districts should use multiple measures to determine student eligibility for Academic Intervention  
24 Services. These multiple sources may include but are not limited to:

- 25 • Early reading assessments/literacy profiles
- 26 • Early assessment through literacy profile tools
- 27 • Elementary math assessments
- 28 • Performance on New York State assessments
- 29 • Performance on teacher created assessments
- 30 • Classroom performance
- 31 • Report card grades
- 32 • Observation and anecdotal records

33 Additionally a student may be referred through recommendation by a teacher, counselor,  
34 administrator, or other school staff and other measures identified by the district.



1 An AIS plan that is robust and implemented with fidelity can have a dramatic effect on students  
2 who are struggling to make progress. In my interviews with district officials, they were adamant  
3 that one of the programs affected by budget cuts was their AIS plan. I reviewed the School  
4 Quality Review Reports for several of the district's schools including Gardnertown, GAMS High  
5 Tech School, Horizons on the Hudson, Meadow Hill Global Expectations and Vails Gate High  
6 Tech School. In general, the plans raised questions regarding the depth and breadth of the AIS  
7 plans and implementation of RtI. My assessment is that there is a general shortage of qualified  
8 AIS providers in the district.

9 One administrator I interviewed at Newburgh Free Academy had a well-articulated vision for  
10 increasing graduation rates. She noted that the extreme economic issues some of her students  
11 face and the tendency for many of them to be behind their graduation cohort makes it difficult to  
12 remain in school and more difficult to enroll in the Career and Technical Education (CTE) that  
13 would benefit them upon graduation. The principal envisioned extensive wrap around services  
14 for these students giving them access to course recovery, child care and CTE. She indicated  
15 there are many students who would benefit from CTE but cannot access it due to credit recovery  
16 issues and personal issues.

17 Students with disabilities also experienced the impact of budget cuts. To be sure, the district  
18 appears to be meeting its requirements under Part 200 of the Commissioners Regulations, but its  
19 service options are limited, and too often students are placed in programs outside of the regular  
20 classroom because the in class supports necessary to make inclusion a success are not always  
21 available. State wide, 57.8% of SWD are placed in regular classroom settings for at least 80% of  
22 the time. In Newburgh, only 49% of students are placed in regular classroom settings at least  
23 80% of the time. School officials reported that the number of pupils entering more restrictive  
24 placements appears to be on the rise. In an interview conducted on May 12, 2014, district  
25 officials told me that the rate of students classified as Students with Disabilities has climbed to  
26 17.3% of the district, and that total numbers of SWD had increased from approximately 1700 at  
27 the start of the year to 1844 as of May 12. Of that number, 250, or 14.7%, are in separate  
28 settings.

29 School officials lamented the limitations they faced in providing services to students short of  
30 special education. There are, I was told, not enough AIS providers to meet the remedial needs of  
31 all students within the general education setting. I was told that there are severe limitations in  
32 instituting the Response to Intervention model, used to provide supports in regular education. In  
33 other words, there are not enough pre-special education options available resulting in more  
34 children being classified as students with disabilities.

35 The third aspect of program analysis is student achievement. How effective is the school  
36 program in offering a sound basic education and a meaningful high school education? To  
37 evaluate student achievement in the Newburgh City School District, I examined the school report  
38 card and compared results with those of districts in the comparison group.

1 As noted in the demographic description presented earlier, Newburgh has the highest percentage  
 2 of children living in poverty, the highest Free and Reduced Meals Rates and the lowest per capita  
 3 income in the sample.

4 In comparing district wealth, I use a measurement developed by the New York State Education  
 5 Department called “Combined Wealth Ratio” (CWR). This is an index of the *total property*  
 6 *wealth* and *total income wealth* behind each student. The average Combined Wealth Ratio  
 7 throughout the state is 1.00. The Newburgh City School District has a CWR of .58. This  
 8 would suggest that Newburgh is a very low-wealth District, especially compared to downstate  
 9 districts in general and other districts in the comparison group specifically. Wappinger, the  
 10 wealthiest district in the comparison group, has a CWR of 1.034.

11 A second measure we used is an index designed by the New York State Education Department to  
 12 measure pupil need. The Pupil Need Index (PNI) is a measurement that includes FRL, students  
 13 with Limited English Proficiency, and density. The PNI is part of the Foundation Aid  
 14 calculation. Newburgh has a PNI of 1.651. This is an especially high index number. The PNI  
 15 for the Rochester City School District, with the highest rate of childhood poverty among the “big  
 16 five” is 1.898. Within the comparison group, the lowest PNI is in Cornwall at 1.115. The actual  
 17 formula for PNI is available in the NYSED State Aid Handbook. (All statistics come from the  
 18 2013 Output Reports, NYSED State Aid Site)

19 Student outputs are presented as results on the NYS testing program. In the first comparison of  
 20 student outputs, I present selected cohort data from the 2012-13 NYSSRC for each of the  
 21 comparison districts.

22  
 23 **Comparison Group- Student Outcomes, Selected Cohort Data-2013 SRC**  
 24

Assessment % Proficient	Newburgh (rank of 8)	Arlington	Cornwall	Goshen	Monroe- Woodbury	Pine Bush	Valley	Wappgrs	NYS Average
ELA 4	21 (8)	33	45	35	37	34	40	35	30
ELA 8	21 (8)	37	57	42	50	29	25	41	34
Math 4	20 (7)	34	45	14	48	30	43	36	36
Math 8	11 (7)	27	46	35	51	11	22	30	28
Science 4	85 (8)	94	96	92	97	97	98	96	90
Science 8	57 (8)	84	88	85	88	74	85	83	73
Sec ELA	78 (8)	89	92	87	91	85	88	89	81
Sec Math	81 (8)	92	96	85	93	86	90	91	84

25 *Source: 2013 SRC*

26  
 27 In this analysis, Newburgh ranks lowest or is tied for lowest in all of the comparisons except one,  
 28 where it is next to last. Between 79-89% of students in Newburgh failed to meet state  
 29 benchmarks in English Language Arts and math grades 4 and 8, portending serious issues in high

1 school. **Based on these data, Newburgh children require a highly effective program of**  
 2 **academic intervention services and a fully implemented Response to Intervention (RtI)**  
 3 **model to support struggling students. They also require much smaller class sizes,**  
 4 **expanded pupil personnel support programs and wrap around services that recognize their**  
 5 **unique needs.**

6  
 7 This analysis uses the new cohort tests introduced in New York State aligned to the Common  
 8 Core State Standards. There has been concern raised that many school districts had not  
 9 implemented much of the common core curriculum and thus the tests would not be reflective of  
 10 actual student performance based on the curriculum taught up to that time. To that end, I now  
 11 turn to the **2012** School Report Card data to further document the low performance of students in  
 12 the Newburgh City School District. In this analysis, I provide student performance by subgroup.  
 13 With level 3 as proficiency, about **68% of economically disadvantaged children failed to**  
 14 **reach proficiency in ELA and 61% in mathematics** as elementary/middle school students in  
 15 Newburgh. **The percentage of Students with Disabilities failing to reach proficiency was**  
 16 **88% in ELA and 82% in mathematics.** Again, these are pre-CCSS tests, aligned to the NYS  
 17 Learning Standards in place prior to 2013.

18 **Again, I conclude that these children are not receiving a sound basic education as required**  
 19 **by the New York State Constitution due primarily to inadequate resources to meet their**  
 20 **unique educational challenges.**

21  
 22 **Elementary and Middle School ELA Summary Performance of Newburgh Cohort Groups**  
 23 **by Subgroup-2012 Testing**

Group	N	% Level 1	% Level 2	% Level 3	% Level 4	% Level 3+4
All	5013	16	42	38	2	40
Black	1453	23	48	28	1	29
Latino	2156	17	49	33	1	34
Asian	118	2	19	68	11	79
White	1253	9	31	56	4	60
SWD	851	51	37	8	4	12
LEP	999	24	56	20	0	20
Eco Dis	3451	21	50	31	1	32

24 *Source: 2012 SRC <https://reportcards.nysed.gov/files/2011-12/ACC-2012-441600010000.pdf>*

1 **Elementary and Middle School Math Summary Performance of Newburgh Cohort Groups**  
 2 **by Subgroup-2012 Testing**

Group	N	% Level 1	% Level 2	% Level 3	% Level 4	% Level 3+4
All	5016	14	39	35	12	47
Black	1451	21	45	28	6	34
Latino	2156	13	42	36	9	45
Asian	118	2	14	37	47	85
White	1253	8	30	40	23	63
SWD	851	44	38	14	4	18
LEP	1010	18	47	30	5	35
Eco Dis	3545	17	44	32	7	39

3 *Source: 2012 SRC <https://reportcards.nysed.gov/files/2011-12/ACC-2012-441600010000.pdf>*

4 The secondary cohort results from the 2012 data are also concerning and that is hardly a surprise.  
 5 When students do not receive a sound basic education at the K-8 level that prepares them for a  
 6 meaningful high school education, it is unlikely they will be successful. **With level 3 as**  
 7 **proficiency, less than half of economically disadvantaged children are successful in ELA**  
 8 **and only 11% demonstrated proficiency in mathematics as secondary students in**  
 9 **Newburgh.** The very low percentage of every sub group of students demonstrating proficiency  
 10 in mathematics is particularly disturbing. **Only 8% of SWD, 11% of African American, and**  
 11 **disadvantaged students, and 12% of Latino and 13% ELP students showed proficiency in**  
 12 **mathematics.**

13 **Again, I conclude that these children are not receiving a sound basic education or a**  
 14 **meaningful high school education as required by the New York State Constitution due**  
 15 **primarily to inadequate resources to meet their unique educational requirements.**

16  
 17 **Secondary ELA Summary Performance of Newburgh Cohort Groups**  
 18 **by Subgroup-2012 Testing**

Group	N	% Level 1	% Level 2	% Level 3	% Level 4	% Level 3+4
All	778	14	27	43	16	59
Black	213	20	33	40	7	47
Latino	293	17	31	43	9	52
White	246	7	19	48	27	74
SWD	93	55	34	6	4	11
LEP	38	47	42	11	0	11
Eco Dis	457	21	32	40	7	47

19 *Source: 2012 SRC <https://reportcards.nysed.gov/files/2011-12/ACC-2012-441600010000.pdf>*

1

2 **Secondary Math Summary Performance of Newburgh Cohort Groups**

3 **by Subgroup-2012 Testing**

Group	N	% Level 1	% Level 2	% Level 3	% Level 4	% Level 3+4
All	778	13	66	16	5	21
Black	213	21	68	9	2	11
Latino	293	14	74	10	2	12
White	246	5	57	29	9	38
SWD	93	57	35	6	1	8
LEP	38	16	71	11	3	13
Eco Dis	457	18	71	9	2	11

4 *Source: 2012 SRC <https://reportcards.nysed.gov/files/2011-12/ACC-2012-441600010000.pdf>*

5

6 To further study the effect of economic status on student outputs, I return to the **2013 data** and

7 examine cohort scores with a focus on economic disadvantaged vs. non-economic disadvantaged

8 students in the Newburgh City School District. I compare scores to the NYS average and the NYS

9 average grade level scores on NAEP for grades 4 and 8. I further disaggregate the data to show both

10 the percentage of students who are proficient and the percent below basic.

11

12 **Newburgh Elementary and Middle School Performance by Economic Status-2013 NYS SRC**

Exam	Newburgh All Level 3-4	Newburgh All Level 1	Newburgh Eco-Dis Level 3-4	Newburgh Non ED Level 3-4	Newburgh Eco-Dis Level 1	Newburgh Non ED Level 1	NYS Level 1	NYS Level 3-4	NYS NAEP Proficient
ELA 4	21	42	14	37	50	23	30	30	37
ELA 6	14	48	8	32	56	26	29	30	
ELA 8	21	37	13	44	44	15	30	34	35
Math 4	20	44	13	37	51	26	29	36	40
Math 6	12	47	7	24	52	31	29	31	
Math 8	11	52	6	24	59	33	31	28	32

13 *Source: 2013 SRC*

14 The results are remarkable. Newburgh students who are not economically disadvantaged scored at

15 Levels 3 and 4 (“Proficiency”) at a higher rate than the state average in 4 of 7 comparisons. In other

16 words, Newburgh students who are not economically disadvantaged did about as well, or slightly

1 better than all students in New York. In one of the comparisons, ELA 8, performance was much  
 2 higher than both the NYS ELA average and the NYS NAEP average scores. In all cases, NYS  
 3 average proficiency on the NAEP tests was higher than it was on the state tests.

4 In the case of students falling below “Basic”, the effects of being economically disadvantaged were  
 5 clear. In every comparison, there was a much higher percentage of students falling below basic  
 6 performance in Newburgh than the state average for Level 1, and that is because the Newburgh City  
 7 School District has a much larger proportion of students who are economically disadvantaged than  
 8 the state average.

9 An analysis of secondary cohort results provides further evidence that students in the Newburgh City  
 10 School District are not receiving a sound basic education. In every case, large portions of the  
 11 Newburgh high school graduation cohort fail to pass the necessary assessments for a high school  
 12 diploma. In the case of Global History and Geography, typically given in tenth grade, 27% of  
 13 Newburgh students are unsuccessful.

14 **Comparison Group Secondary Cohort Performance -2013 NYS SRC**

Assessment % Proficient	Newburgh (rank of 8)	Arlington	Cornwall	Goshen	Monroe- Woodbury	Pine Bush	Valley	Wappingers
Sec ELA	78 (8)	89	92	87	91	85	88	89
Sec Math	81 (8)	92	96	85	93	86	90	91
Global His	73 (8)	88	94	85	90	83	84	89
US History	75 (8)	88	94	87	92	84	82	89
Science	79 (8)	92	94	87	92	88	91	91

15 *Source: 2013 SRC*

16 Again, Newburgh’s students are well behind the cohort group. **In my opinion, this is a function of**  
 17 **students failing to receive a sound basic education throughout their school experience.**

18 New York State is focusing on the concept of “college and career readiness” which they define,  
 19 in part, as a grade of at least 80% on the Algebra Regents Examination and 75% on the English  
 20 Regents. These are also known as Aspirational Performance Measures (APM). I inquired of the  
 21 Newburgh Office of the Assistant Superintendent for Instruction regarding these numbers. They  
 22 are illustrated in the chart below.

	2009-10 n/% goal	2010-11 n/% goal	2011-2012 n/% goal	2012-2013 n/% goal
English	799 35%	851 25%	932 28%	932 28%
Algebra	1184 5%	1357 5%	1527 5%	1527 5%

23 *Source: District Officials*

1

2 NYSED has recently released APM for the two most recent graduation cohorts in comparison  
3 with state averages. According to NYSED, 37% and 38% of NYS students reached the APM in  
4 2013 and 2014 respectively. In Newburgh, only 15% and 17% of graduates reached those goals.  
5 The stark reality is that a very small percentage of Newburgh students who start a graduation  
6 cohort in grade 9 are, by the State’s definition, college or career ready in mathematics or English.  
7 If the students or Newburgh School District are to realize a sound basic education and a  
8 meaningful high school education, as the New York State Constitution mandates, they must have  
9 an expanded platform of services to provide remediation in both English and, especially, in  
10 mathematics.

11 The charts below detail the low cohort graduation rates, especially for disadvantaged children,  
12 students with disabilities and children of color. These low graduation rates, in my judgment, are  
13 caused by inadequate resources to meet the unique needs of these students, and are a clear  
14 indication of the failure of the New York State system of public education to provide a sound  
15 basic education and a meaningful high school experience to these students.

16 **Four Year Graduation Rates of Newburgh Students by Subgroup-2013-14**

Group	2013 (%)	2014 (%)	State Std
All	66	67	80
Black	57	56	80
Latino	60	63	80
White	81	86	80
SWD	40	33	80
LEP	6	24	80
Eco Dis	53	59	80

17 *Source: NYSED <http://data.nysed.gov/gradrate.php?year=2014&instid=800000040250>*

18 **Deficient Resources**

19 What adjustment in resources could impact this pattern of lower student outputs?  
20 The CFE decision gives clear direction to the state in this regard. The following excerpt is from  
21 “*Essential Resources: The Constitutional Requirements for Providing All Students in New York a*  
22 *Sound Basic Education*”, a publication of the Campaign for Fiscal Equity of Teachers College.

23 **III. An Expanded Platform of Services for At-Risk Students**

24 Each school must provide an expanded platform of services, including “more time on task” for  
25 students at risk of low academic achievement. Specifically, each school and/or school district  
26 must provide at least the following:

- 27 **A. Sufficient and Appropriate Academic Intervention Services (AIS), and/or Response to**
- 28 **Intervention (RTI), and Other Nonacademic Support Services**

- 1 1. Sufficient and appropriate additional instruction during the regular school day or  
2 extended day, as well as through afterschool and/or Saturday, extended year or  
3 summer programs to improve the performance of all students failing to achieve  
4 grade-level performance in English language arts, mathematics, science, or social  
5 studies.
  - 6 a) For English language learners, these services must be in addition to, and not in  
7 place of, the bilingual and English as a Second Language (ESL) instructional  
8 program requirements.
  - 9 b) For students with disabilities, AIS must be provided on the same basis as for  
10 nondisabled students and must be provided in addition to, and not in place of,  
11 special education services; accommodations and supports consistent with the  
12 students' individualized educational plan (IEP) must be provided when AIS  
13 are delivered.
- 14 2. Sufficient and appropriate response to intervention procedures to implement a  
15 multilevel intervention and prevention system, including screening, academic and  
16 behavioral interventions adjusted based on response, and progress monitoring.
- 17 3. Sufficient and appropriate nonacademic support services, including guidance and  
18 counseling, coordination with services from other agencies, services to improve  
19 attendance, and study skills to address barriers to academic progress.

20 **Comment:** In the CFE decision, Judge De Grasse indicated that at-risk students were entitled to  
21 an expanded platform of academic services as necessary to meet their needs. This notion of  
22 “expanded platform” requires additional funding. This would suggest a robust system of supports  
23 that attack underperformance in an effective manner. School leaders in Newburgh reported that  
24 they had, at best, a minimum program to provide Academic Intervention Services and Response  
25 to Intervention support to their students. Class sizes are too large; school officials report that  
26 kindergarten class size averaged 25. This is a severely financially stressed district. During my  
27 2013 visit, the district was considering going from full day to half day kindergarten to reduce a  
28 budget gap. Teacher aides and assistants have been cut since the budget crisis, so ELL may not  
29 receive the in class additional support they require in the general education setting. Class sizes  
30 have increased. Supports have decreased. Students in Newburgh, despite extraordinary needs  
31 caused by poverty, do not receive an adequate expanded platform in academic services primarily  
32 as a function of budget restraints and cuts resulting from the loss of state aid in recent years.

### 33 34 **B. Sufficient Pre-kindergarten and Kindergarten Programs to Meet the Needs of** 35 **Students at Risk of Low Academic Achievement**

36 **Comment:** Newburgh depends on a combination of school based and outside providers for a  
37 prekindergarten program that is not in any sense universal. Currently, approximately only 40%

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1 of Newburgh children receive a structured pre-kindergarten experience. About 25% of the  
2 students access Head Start.

3 Early interventions are the best way to begin to ameliorate the effects of poverty on school  
4 performance. Elementary class sizes in Newburgh at the kindergarten level are as high as **25**,  
5 much higher than typically found in suburban districts. In Canandaigua, for example, the district  
6 attempted to limit kindergarten classes to 17. Class sizes of 25 are not aligned with  
7 developmentally appropriate practice, especially for children with intense needs as we find in  
8 Newburgh. **It is critical to realize that given the number of economically disadvantaged**  
9 **children in Newburgh, class sizes and academic supports cannot be at the levels of other**  
10 **schools with much lower numbers of economically disadvantaged children.**

### 11 C. Sufficient Family Outreach and Communication

- 12 1. Sufficient family engagement, including translation services as needed, to ensure that  
13 parents play an integral role in assisting their child’s learning and that parents are  
14 encouraged to be actively involved in their child’s education at school.<sup>83</sup>
  - 15 a) Parents of “students receiving academic intervention services must be provided  
16 with an opportunity to consult with the student’s regular classroom teacher(s),  
17 and other professional staff providing academic intervention services,” receive  
18 quarterly reports on the student’s progress and “information on ways to work  
19 with their child to improve achievement; monitor their child’s progress; and  
20 work with educators to improve their child’s achievement.”
  - 21 b) Each Title I school must “develop, with parents for all children ... a school-  
22 parent compact that outlines how parents, the entire school staff, and students  
23 will share the responsibility for improv[ing] student academic achievement and  
24 the means by which the school and parents will build and develop a partnership  
25 to help children achieve the State’s high standards.”
  - 26 c) Each Title I school must also:
    - 27 i. “provide assistance to parents ...in understanding such topics as the State’s  
28 academic content standards and state student academic achievement  
29 standards, State and local academic assessments ...and how to monitor a  
30 child’s progress and work with educators to improve the achievement of  
31 their children;” and
    - 32 ii. “Provide materials and training to help parents to work with their children to  
33 improve their children’s achievement, such as literacy training and using  
34 technology, as appropriate, to foster parental involvement.”

35 Comment: In my interactions with Newburgh school and district leaders, one of the most  
36 consistent concerns was for a shortage of qualified school social workers and psychologists in  
37 the district. There are only 6 certified school social workers in the district. Meadow Hill, a K-8

1 school with 1047 pupils is serviced by a half time school social worker. If the district were to  
 2 meet the standards of the National Association of School Social Works, they have to increase the  
 3 total number of school social workers by more than 4000%. Given the shortfall in school social  
 4 workers, counselors and a very thin administrative structure overly stressed by new APPR  
 5 regulations, Newburgh cannot meet the requirements for sufficient family outreach and  
 6 communication identified in the CFE decision. Additionally, despite the fact that there is a very  
 7 high percentage of ELL, and many poor families, there are no parent liaisons within the district.

8 **Fiscal Challenges**

9 Newburgh is a low wealth district with very limited resources. The district enjoys community  
 10 support despite a disproportionately high local tax effort. On May 21, 2013, the district passed its  
 11 budget referendum with better than 60% approval along with a proposition to improve security,  
 12 again a factor more common in small cities than their suburban counterparts. In the following  
 13 chart, I illustrate true value tax rates for each of the school districts in Orange County for the  
 14 2012-13 school year.

15 **True Value Tax Rates-Orange County, NY 2013-14**

District	2013-2014 TV Rate
Chester	23.68
Cornwall	26.56
Florida	26.58
Goshen	22.57
Greenwood Lake	23.62
Highland Falls	18.49
Middletown	25.32
Minisink	22.41
Monroe-Woodbury	26.06
Newburgh	26.54
Pine Bush	22.98
Port Jervis	27.75
Tuxedo	13.55
Valley Central	23.29
Warwick	22.94
Washingtonville	25.85
Average	<b>23.64</b>
Newburgh % above average	<b>12.28%</b>

16 *Source: Orange Countygov.com*

17 The rate for the Newburgh City School District was \$26.54 per \$1000 of True Assessed Value.  
 18 The average for all school districts in Orange County is \$23.64. Newburgh is 12.28% above the

1 average for the county . A TVTR of \$26.54 was approximately 49.18% higher than the 2012-  
2 13 average True Value Tax Rate for all school districts in New York State. (\$17.79 )

3 Against that obviously excessive local effort, Newburgh is among the lower wealth school  
4 districts in New York State. As noted earlier, NYSED uses an index to measure wealth for state  
5 aid purposes known as Combined Wealth Ratio (CWR). This is an index of total property value  
6 per student and total income per student where the average for the state is 1.0. Newburgh has a  
7 CWR of .58. (CWR dropped from .632 in 2012, indicating that Newburgh is becoming  
8 increasingly less wealthy than the rest of the state.) Generally, the CWR of downstate school  
9 districts is well above 1.0. CWR in Rockland County is generally above 1.5. In Westchester it is  
10 even higher. Scarsdale, for example is 3.67. Although Orange is not as wealthy as other  
11 downstate area counties, the average CWR in the county is currently .794, over 25% higher than  
12 Newburgh.

13 I indeed recognize that many districts in New York State have CWR well below .5. In the  
14 Genesee-Wyoming BOCES there are only two districts that have CWR as high as Newburgh's.  
15 However, CWR is not regionally adjusted, and a CWR of .58 in the lower Hudson Valley is very  
16 low. Additionally, the cost of living in the area is higher than it is in other parts of the state.

1  
2

**Combined Wealth Ratios Orange County NY-2012-13**

District	CWR
Chester	.907
Cornwall	.803
Eldred	1.214
Florida	.929
Goshen	.974
Middletown	.553
Minisink	.648
Monroe-Woodbury	.872
<b>Newburgh</b>	<b>.58</b>
Pine Bush	.635
Port Jervis	.499
Valley	.691
Warwick	.986
Washingtonville	.806
County Average	.793
<b>% Above Newburgh</b>	<b>36.7%</b>
State Average	1.0
<b>% Above Newburgh</b>	<b>72.4%</b>

3 *Source: NYSED Output Reports*

4 Newburgh makes one of the largest local tax efforts in Orange County yet the district is among  
5 the poorest districts in Orange County. Only the two other districts, both small cities, are poorer.

6 I now turn back to the comparison group for further analysis. Start with the fact that Newburgh  
7 is one of the poorest districts in Orange County as a function of CWR, and makes among the  
8 greatest local tax effort as a function of TV Tax Rate. Among the comparison group, Newburgh  
9 has the highest percentage of children eligible for Free and Reduced Meals, has the highest  
10 percentages of children living in poverty and has one, the highest Pupil Need Indexes in the  
11 group.

12

### Comparison Group-Economic Factors

	Newburgh	Arlington	Cornwall	Goshen	Monroe-Woodbry	Pine Bush	Valley	Wappingers
<sup>1</sup> Expend Per Pupil \$	20,806	18,895	16,791	19,648	21,287	16,952	18,553	17,001
<sup>1</sup> Similar District \$	20,045	19,290	19,290	19,290	19,290	19,290	19,290	19,290
Expend Per Pupil \$ w/poverty	12153	15812	14538	16238	17828	12410	14327	16728
<sup>2</sup> Prop Value Per TWPU \$	339,602	532,560	461,822	595,314	521,907	371,564	429,869	651,508
<sup>2</sup> Income Per TWPU \$	94,308	143,232	132,799	150,597	138,299	103,424	104,815	154,001
<sup>2</sup> CWR	.58	.897	.8030	.974	.872	.635	.691	1.034
<sup>2</sup> PNI (5)	1.651	1.158	1.115	1.163	1.138	1.287	1.253	1.164
<sup>1</sup> Enrollment	11028	9179	3368	2853	7034	5589	4566	11872
<sup>3</sup> N in Poverty	2741	844	293	262	549	580	449	914
% in poverty	24.85	9.19	8.7	9.18	7.8	10.37	9.83	7.7
<sup>1</sup> % Eco Dis	71	18	14	23	17	35	35	22
<sup>4</sup> % FRL	71.2	19.5	15.5	20.5	19.4	36.6	29.5	20.5
<sup>5</sup> GEA 2014 \$	7,134,367	32639485	1,097,398	1,571,509	3,675,256	5,033,329	3,536,958	6,488,226
<sup>1</sup> Enrollment	11028	9179	3368	2853	7034	5589	4566	11872
Gap/pp \$ current yr	647	591	326	551	522	901	775	547
<sup>5</sup> GEA total \$	48,985,657	5,427,551	8,135,772	9,381,491	23,161,363	32,033,432	22,601,789	38,954,522
Gap/pp \$ total	4442	3556	2416	3288	3293	5732	4950	3281

<sup>2</sup> Sources: 1, 2013 SRC; 2, 2013-14, Output Reports; 3, US Census; 4, SED School Nutrition Portal; 5, NYSCOSS

3 There are a number of conclusions that can be drawn from these data as follows:

- 4
- Based on Combined Wealth Ratio, Newburgh has the least capacity to fund its
  - 5 educational program and is the “poorest” district in the group.
  - 6 • At face value, Newburgh already spends more per pupil than all but one of the schools in
  - 7 the comparison group and more per pupil than NYS similar group districts.
  - 8 • However, when poverty is factored in, Newburgh spends less per pupil than any of the
  - 9 comparison schools. This is a district making an enormous local effort to serve a

1        population of children who come to school with significant challenges caused by  
2        economic disadvantage.

- 3        • Newburgh has the highest number of children living in families in poverty and children  
4        eligible for free and reduced meals. Children from economically disadvantaged  
5        backgrounds require more expansive programs, or as Judge De Grasse noted, “an  
6        expanded platform” of services. Yet the actual per pupil expenditure difference between  
7        Newburgh and Monroe Woodbury, a district approaching average wealth, is small.
- 8        • In the 2013-14 year state budget, Newburgh lost \$8,920,768 in state aid due to the “gap  
9        elimination” provision. That was over \$800 per enrolled pupil this year alone. Two years  
10       earlier, it was \$1150 per pupil. The year before that it was over \$1200 per pupil.
- 11       • According to the New York State Council of Superintendents, the enacted state budget  
12       for the 2014-15 school year will include a GEA adjustment of \$7,134,367. Since 2010-  
13       11 when the state first started reducing school aid to solve its budget issues, the  
14       Newburgh City School District has lost \$48,985,657. This amount represents a loss of  
15       \$4442 per pupil using current enrollment. School districts had no choice but to cut  
16       services to students to make up for this loss as they also had to confront increases in  
17       mandated expenses.
- 18       • According to the NYSASCSD, when GEA is added to the shortfall caused by freezing  
19       foundation aid, (in direct contradiction to the intent of *CFE*) Newburgh suffers a total  
20       shortfall of **\$56,076,211 for the 2013-14 school year alone.**

1 **Additional Resources Necessary**

2 I asked officials at the Newburgh City School District what additional resources they believed  
3 were necessary to provide a sound basic education for their students. This means resources that  
4 would allow students to be reading at grade level by third grade and graduate from high school  
5 having experienced a meaningful high school education. . The superintendent told me that the  
6 district has lost over 300 different positions since 2010. Against these estimates, I applied my  
7 own professional judgment, based on my experience as a principal, superintendent and professor.

8 In my interviews with principals, they were quick to document their needs. Class sizes were, in  
9 their estimation, much too large for children so severely economically distressed. The district  
10 currently does not provide pre-kindergarten services beyond the “universal” pre-k grant and so it  
11 only serves about 50% of the children half of the time. Of that group, only about half get  
12 transportation.

13 There are currently 22 pre-k classes, with no wrap around services, half time. For severely  
14 disadvantaged children, full day pre-K with wrap around services for children age 3-4 that  
15 enhance the child’s experience would create a stronger readiness for kindergarten. Assuming an  
16 average total cost of \$100,000 per teacher and \$44,000 per teacher assistant, or \$144,000 in  
17 personal cost per class, and further assuming classes go from current 22 half time to 88 full time  
18 with classes of 16 rather than 18, that would require additional staffing of approximately 72 pre-  
19 k teachers and teaching assistants at a cost of \$10.56 million, plus supplies, equipment, facilities  
20 and transportation, which would total easily \$2 million. Making sure that these children are  
21 supported by social workers, psychologists, nurses, wrap around support and special area  
22 teachers would push the estimate to approximately **\$15.06 million** to provide a high quality full  
23 day pre-K program for all of Newburgh’s 4 year old children.

24 Earlier in this report, I suggested an aggressive attempt to lower class size, so that kindergarten  
25 children experienced class sizes of 16, progressing each year until the number was 20 in grade 4.  
26 Note, I recommend UPK classes of 16, not 18 for economically disadvantaged children.  
27 Currently, average class sizes are too large, up to 25 in kindergarten, 23, 23, 21, 20 and 22 in  
28 grades 1-4 respectively. Currently there are 223 sections of common branch classes k-5 in  
29 Newburgh. Given very high numbers at kindergarten and grades 1 and 2, I estimate there would  
30 have to be approximately 25% more total sections to bring class sizes down, especially at the  
31 critical k-2 grade levels.

32 Therefore, approximately 279 sections would be required to meet these class size targets, or an  
33 addition of 56 teachers and aides. Given the \$144,000 estimate for a teacher/aid combination,  
34 and approximately 37% additional for special area teachers, facilities, supplies and equipment, I  
35 project to right size elementary class sizes in Newburgh would cost approximately **\$11million** in  
36 additional expenditures. These estimates are all based on a higher class size number than the  
37 14.81 that the American Institute for Research and Management Analysis and Planning Inc.

1 study suggested. That standard would push estimates to over 100 new elementary teachers.  
2 Middle school principals indicated that class size was an issue at their levels because of the  
3 increased needs of their students. They noted a need for at least 16 core content area and two  
4 administrators to assist students with behavioral difficulties. Each middle school also needs two  
5 additional AIS specialists in each of the content areas, ELA, social studies, science and  
6 mathematics for a total of 8 additional teachers. That results in a total of 24 academic area  
7 teachers at the middle school level, none of whom is also assigned a teaching assistant or  
8 generates additional costs for special area sections. Assuming a salary/ benefit cost of \$100,000  
9 plus supplies, equipment and contractual costs of \$10,000, results in an additional cost of **\$2.64**  
10 **million.**

11 Social studies classes at Newburgh Free Academy average 27 pupils. In my opinion, this is a  
12 recipe for drop out disaster. At the Harlem Children's Zone initial class sizes in high schools  
13 were 15 students. In order to avert a very serious situation at the high school level core content  
14 area class sizes should be reduced to approximate teacher loads of 75 in ELA and no more than  
15 100 in other core areas. This would result in approximately 28 core content area teachers.  
16 Additionally there needs to be 2 additional AIS specialist in each of the content areas, ELA,  
17 social studies, science and mathematics for a total of 16 additional teachers. That results in a total  
18 of 44 academic area teachers at the high school level, none of whom is also assigned a teaching  
19 assistant or generates additional costs for special area sections. Assuming a salary/ benefit cost  
20 of \$100,000 plus supplies, equipment and contractual costs of \$10,000, results in an additional  
21 cost of **\$4.84 million.**

22 Even with smaller classes, it is imperative that Newburgh improve Academic Intervention  
23 Services. It is not realistic to expect the core instructional program to provide the remediation  
24 necessary to overcome the effects of poverty on young children. A robust system of academic  
25 intervention does not rely on the core instructional program to overcome deficits caused by the  
26 effects of poverty. In a school with high numbers of economically disadvantaged children, a  
27 single reading specialist can be expected to support up to three to four classes, assuming that the  
28 class sizes in those classes are reasonable. Currently there are 27 certified reading teachers  
29 assigned to teach the 11000 children in the Newburgh City School District, the vast majority of  
30 whom are reading below state standards. An adequate system of support in such a high needs  
31 district would provide at least one reading specialist for every four sections of students, or  
32 approximately 64 reading teachers spread among Newburgh's nine elementary schools. In  
33 Newburgh, this would mean the addition of **36** reading specialists for grades K-5. In addition,  
34 middle school and high school students would continue to require reading specialists. Given the  
35 very low scores found in ELA, I recommend no less than one specialist per 300 secondary  
36 students or **16** reading specialists spread among the middle schools and high schools. Assuming  
37 a cost of \$100,000 per teacher with benefits, and professional development, a total first year  
38 investment of **\$ \$5.2 million** would be required to provide the appropriate level of support in  
39 reading.



1

2 In the NYSED Diagnostic Tool for School and District Effectiveness (DTSDE), six tenants are  
3 presented which together create a framework of a K-12 school operation. Tenant Five is Student  
4 Social Emotional and Developmental Health. According to best practice, as per the DTSDE, an  
5 effective school district identifies, promotes, and supports social and emotional development by  
6 designing systems and experiences that lead to healthy relationships and a safe effective  
7 environment that is conducive to learning for all students. Newburgh has the highest dropout rate  
8 and lowest graduation rate for the comparison group. In 2012-13, 5% of high school students  
9 dropped out. That is an “event” dropout rate, which actually translates into a much higher actual  
10 dropout rate, probably closer to 18% on a cohort basis. Officials at Newburgh believe they can  
11 begin to address these issues with a more vibrant system of student-family support, which would  
12 require additional counselors, social workers, psychologists and attendance teachers district  
13 wide. There are only 6 social workers currently employed in the district. The National  
14 Association of School Social Workers suggests a ratio of one school social worker to each school  
15 building serving up to 250 general education students, or a ratio of 1:250 students. When a  
16 school social worker is providing services to students with intensive needs, a lower ratio, such as  
17 1:50, is suggested. (NASSW, 2012).

18 The Newburgh City School district currently has a social worker ratio of 1:1575. To meet the  
19 national standards for high poverty populations, 214 additional social workers would have to be  
20 hired. Assuming that Newburgh, once called the murder capital of New York State, does not  
21 have quite the level of intensity as some large urban areas, we can chose to assume the basic  
22 level of service or a ratio of 1:250 would give the district a fighting chance. That would require  
23 38 additional social workers to be hired. This would cost approximately **\$4.4 million**, based on  
24 a per staff cost \$110,000 plus \$225,000 for additional supervision.

25 In addition, Newburgh is seriously understaffed in counseling. I asked the Director of Pupil  
26 Personnel Services how many counselors would need to be added to assure that all elementary  
27 schools had a full time school counselor and that secondary school had a counselor-student ration  
28 of 1:180. This is a ratio common in high performing districts and essential, in my view, in  
29 schools where serving high numbers of economically disadvantaged students. There are  
30 currently no elementary school counselors in Newburgh and ratios at the secondary level are as  
31 high as 1:437 at Heritage Middle School. In total, the Director of Pupil Personnel Services  
32 estimated 21 school counselor would need to be added to meet this benchmark. I estimate this  
33 would cost approximately **\$2.3 million**.

34 Newburgh has an immediate need to implement a robust system of credit recovery for its  
35 underperforming secondary students along with non-traditional opportunities for students who  
36 have children of their own, need to work and other exceptional cases . I envision this program  
37 starting later in the day and including classes in ELA, social studies, science and mathematics  
38 along with counseling support, support for SWD and social worker support. In total, I see

1 approximately 12 faculty and support faculty and one clerical support staff plus a small portion  
2 of an administrator. Total cost would be approximately **\$1.4 million.**

3 Every administrator I talked with pointed out that the extreme time commitments associated with  
4 dealing with economically disadvantaged youth added to the statutory requirements of the State's  
5 new Annual Professional Performance Review, were absolutely overwhelming. Improved  
6 practice cannot be realized without improved building and district supervision. Although I am  
7 particularly sensitive to the political rhetoric suggesting there are too many school administrators  
8 all ready, I reject those arguments as pandering to the traditional division between labor and  
9 management and the resentment regarding governmental salaries and benefits. If the State is to  
10 commit itself to providing a sound basic education for all Newburgh's children, then not only do  
11 we need to provide the right number of faculty, but also appropriate numbers of supervisors. For  
12 general building administration, I suggest an additional twelve school administrators with  
13 clerical support which would cost approximately \$2.4 million plus an elementary reading subject  
14 area supervisor for an additional \$200,000 or **\$2.6 million.**

15 A common theme I heard from almost every administrator I interviewed was that the district did  
16 not have the capacity to provide the level of professional development necessary to fully  
17 implement RtI, the common core state standards or any of the reform initiatives that are part of  
18 the Regents Reform Agenda with the level of fidelity necessary to insure success. Interestingly,  
19 every School Quality Review and Joint Intervention Team report on various Newburgh schools  
20 suggested additional professional development. Newburgh Principals proposed an immediate  
21 addition of **15 teacher leaders** with expertise in literacy to support the general education  
22 classroom teachers. It was also proposed that teacher time be extended by at least 10% to  
23 accommodate professional development, whether this extension is after school or during the  
24 summer or some other time would be a subject of collective bargaining. What we do know is  
25 that extended time usually does not require the same costs as regular time, as this is often an  
26 hourly supplement. Assuming 120 additional hours of PD for every teacher and administrator in  
27 the district, at a cost of \$50 per hour inclusive of outside support, I project a rough estimate of  
28 \$9.4 million in professional development costs. Additionally, two PD specialists should be  
29 added. This along with the 15 teacher leader coaches would add approximately \$2 million to the  
30 PD initiative resulting in a total investment of approximately **\$11.4 million**, a small slice of the  
31 total cost of faculty and administration. Just adding people will not work. Increased capacity and  
32 a commitment to best practice must both exist in order to provide a sound basic education to all  
33 children in the Newburgh City School District. Professional development that is ongoing,  
34 embedded, relevant, and rigorous is key to establishing and maintaining best practice. The  
35 Regents have clearly defined what best practice looks like in the Diagnostic Tool for School and  
36 District Effectiveness (DTSDE). Without increased capacity including a commitment to  
37 professional development, Newburgh has no chance to meet the higher levels identified in the  
38 DTSDE document.

1 In total, I estimate that the basic investment in human capital to make it possible for Newburgh  
2 to provide a sound basic education for all students and provide a meaningful high school  
3 education is approximately **\$60.93** million in the initial year. This includes a wrap-around full  
4 day pre-kindergarten program for all students, an aggressive effort to lower class size k-12, an  
5 aggressive effort to improve reading, a full commitment to the social emotional development of  
6 children coming from severe economically disadvantage, a full commitment to professional  
7 development for all staff and an alternative school program to meet the needs of students who  
8 cannot access the regular school program. The 2014-15 school budget is \$244.8 million. The  
9 additional \$60.93 million in human capital investment is about 20% more than the total loss in  
10 aid sustained by Newburgh since 2010 (\$49 million). It is reasonable to believe that this  
11 investment in human capital would ultimately improve initial teaching and learning. Improved  
12 initial teaching and learning could lower the future costs for special education, academic  
13 intervention and alternative schooling, thus allowing reductions in future years in these areas.  
14 Improvement in initial teaching and learning could also lower the societal costs for school failure  
15 which includes improved economic performance of graduates, lower costs for incarceration and  
16 social network supports.

17 Bruce Baker of Rutgers University provides a detailed statistical analysis of the costs to raise  
18 student achievement in Newburgh to the target achievement levels established by the Board of  
19 Regents. Using 2006-7 as a base year, his analysis suggests that per pupil expenditure would  
20 need to increase by **50%** to raise Newburgh student achievement from the current levels of  
21 achievement to the Regents goal of 80% of students achieving at Level 4 on state assessments  
22 and **78%** to move to 90%. Since that time, the rigor of state assessments has increased  
23 dramatically. Using current enrollment and next year's school budget, the Newburgh City School  
24 District will spend about \$22,200 per pupil next year. Using the Baker analysis, which is very  
25 sophisticated, Newburgh would have to spend \$33,297 per pupil to reach the 80% benchmark  
26 and \$39,512 to reach the 90% benchmark. Again, these estimates are based on the older less  
27 rigorous pre common core standards. My estimates are more modest, raising per pupil spending  
28 by about 25% and imposing the DTSDE as the base model for school improvement.

29 Without doubt, if the Newburgh City School District is to meet the criteria of a sound basic  
30 education and a meaningful high school education as required by New York State Constitution,  
31 substantial increases in state support are imperative.

32 Respectfully submitted,

33 

34 Stephen J. Uebbing, Ed. D., October 25, 2014

35

1  
2  
3 **Resumé**

4 **STEPHEN J. UEBBING**

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6 Canandaigua, New York 14424

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7  
8  
9 **PROFESSIONAL PREPARATION**

10 *Doctor of Education*

11 State University of New York at Buffalo, 1987

12 *Master of Science, Bachelor of Arts*

13 State University of New York, College of Arts and Science at Geneseo, 1980, 1972  
14  
15

16 **PROFESSIONAL EXPERIENCES, K-12 SCHOOL ADMINISTRATION**

17  
18 1988-2006- Superintendent of Schools, Canandaigua City Schools, Canandaigua, New York  
19 (enrollment 4,251). *Accomplishments:* The development and implementation of four five-year  
20 strategic "Plans for Excellence;" participation in planning and implementation of nearly \$80 million  
21 in capital improvements; reconfiguration of district; incorporation of organization-wide participatory  
22 decision making and planning; development of nationally recognized technology model;  
23 incorporation of principled collective bargaining; development and implementation of instructional  
24 improvement models; development of partnerships with area and national corporations; introduction  
25 and implementation of total quality principles; development of nationally cited character education  
26 initiative; focused improvement resulting in high levels of student performance; and extensive work  
27 in regional ventures.  
28

29 1983-1988 - Superintendent of Schools, Fort Plain Central School, Fort Plain, New York (enrollment  
30 1,050). *Accomplishments:* Completion of a comprehensive study of district reorganization;  
31 implementation of school and district improvement plans focused on needs of high poverty student  
32 population resulting in the elementary school winning the *National Blue Ribbon School Award*.  
33

34 1982-1983 - High School Principal, Fort Plain Central School. Provided leadership in various  
35 school improvement initiatives, including team-based drug prevention and in-school dropout  
36 prevention programs.  
37  
38

39 **PROFESSIONAL EXPERIENCES, TEACHING AND SCHOLARSHIP**

40  
41 Current- Professor, The Warner Graduate School of Education and Human Development, the  
42 University of Rochester. Teach courses in leadership, human resources, school law and decision  
43 making. Develop outreach programs to area schools. Research issues involving leadership and  
44 school improvement.  
45

1 1997-2006– Adjunct Professor, University of Rochester, SUNY Brockport and SUNY Oswego.  
2 Teach courses in Organizational Leadership and Legal Basis in Education; advise students during  
3 practicum.  
4

5 1972-1982 - Teacher, Letchworth Central School, Gainesville, New York. Taught high school social  
6 studies; coached various levels of football, basketball and baseball; served as advisor to school  
7 newspaper and various student government groups; served as Teachers' Association President.  
8

## 9 10 **CLINICAL SCHOLARSHIP**

11  
12 Comprehensive Strategic Planning: Gananda Central School District (2008), Geneva City School  
13 District (2009-10), Byron Bergen Central School District (2010-11), Gates-Chili Central School  
14 District (2011-12), Homer Central School District, (2012-13) Canandaigua City School District  
15 (2013).  
16

17 Efficiency Studies: Wheatland-Chili Central School District, 2008. Update, 2011. Genesee Valley  
18 BOCES (19 districts), 2012, Geneseo and York Central Schools, 2012, Wyoming Central School,  
19 2013.  
20

21 School Improvement: Led NYSED Joint Intervention Team, Geneva High School, 2010. NYSED  
22 approved Outside Education Expert, Served as Outside Educational Expert for NYSED Focus  
23 School Reviews in Geneva City School and Medina Central Schools; current superintendent  
24 designee of pending East High School-University of Rochester EPO agreement.  
25

26 Leadership Development: Created and oversee comprehensive leadership coaching program in  
27 conjunction with the WFL BOCES. Principal Investigator of TQLP clinically rich leadership  
28 training model in conjunction with the Rochester City School District.  
29  
30

## 31 **SELECT PUBLICATIONS**

32  
33 “Lengthening the Race: A Look at Increasing Graduation Requirements and the Effect Upon  
34 Dropout Rates,” (with James Conway). The Journal of the NYSCOSS, January, 1989.  
35 “The School Boards' Role in Planning and Overseeing a Capital Project,” (with Caroline Shipley).  
36 The Journal of the NYSSBA, November, 1990.  
37 “Information Processing and Technology at Canandaigua Academy,” (with John Cooper & James  
38 Lynch). Case Study for the Association for Supervision and Curriculum Development, 1991.  
39 “What Do Parents Really Want from Their Middle Schools?” (with John Cooper). Middle School  
40 Journal, September, 1992.  
41 “Ten Survival Tips for Capital Projects.” The School Administrator, June, 1993.  
42 “Planning for Technology”, The Executive Educator, November, 1993.  
43 “Better Than the Good Old Days”, NYSSBA Journal, February, 1995.  
44 “The Role of the School Business Official on the Education Leadership Team,” The Journal of  
45 School Business Officials International, December, 1997.  
46 *The LifeCycle of Leadership*, with Mike Ford, Learning Forward, 2011.  
47

1 **SELECT PRESENTATIONS & WORKSHOPS**

- 2  
3 “Implementing Technology in the High School Curriculum,” New York State School Boards  
4 Association Annual Convention, 1991.  
5 “Networking for Success,” IBM National Education Technology Conference, 1992, 1993, 1994.  
6 “Technology in New School Construction,” IBM Minnesota, 1992.  
7 “The Superintendent's Perspective,” New York State School Boards Association New School Board  
8 Member Seminar, Keynote, 1993, 1994, 1995, 1999.  
9 “Planning School Buildings for 2010,” National School Boards Association Annual Convention, 1994.  
10 “How Do U.S. Kids Really Compare?,” NYSSBA Annual Convention, 1995.  
11 “Optimizing Building Design for Higher Academic Standards,” New York State School Boards  
12 Association Annual Convention, 1997.  
13 “Connecting Administrators, Schools, and Students in a Virtual Learning Community,” The National  
14 Conference on Education, American Association of School Administrators, February, 1999  
15 “Preventing Students from Falling through the Cracks,” New York State Association of Small City  
16 School Districts, March 1999.  
17 “Character Education That Works,” NYSED Regional Conference on Violence Prevention,  
18 Rochester, NY, February 2000 and NYSASCSD Annual Conference, August 2000.  
19 “The LifeCycle of Leadership” National Learning Forward Conference, 2012, NYSSBA, 2012,  
20 Alberta Principals Association, 2013.

21  
22 Numerous other speaking presentations.

23  
24 **ORGANIZATIONAL HONORS AND AWARDS**

- 25  
26 National Blue Ribbon School Award, Harry Hoag School, 1987.  
27 Regents Challenge Middle School Recognition, 1991-1992.  
28 Regents Citation as Exemplary Excellence & Accountability Program Participant, 1992.  
29 National Blue Ribbon School, Canandaigua Academy, 1995-1996.  
30 American School Board Journal’s Pinnacle Award, 1995; Magna Award, 1996, 1998, 2006

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32 **PERSONAL HONORS**

- 33  
34 Yearbook Dedication (Fort Plain, 1984)  
35 William J. Mitchell Award (Canandaigua Chamber of Commerce, 1995)  
36 Four-Way Test Vocational Award (Canandaigua Rotary Club, 1999)  
37 New York State Superintendent of the Year (American Association of School Administrators, 1999)  
38 Paul Harris Fellow (Canandaigua Rotary Club, 2000)  
39 Chapter V Distinguished Service Award, NYSPHSAA, 2006  
40 NYSCOSS Distinguished Service Award, 2009.

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42 **PROFESSIONAL ASSOCIATIONS**

- 43  
44 New York State Council of School Superintendents, Executive Committee  
45 Horace Mann Association  
46 Association for Supervision and Curriculum Development

1 American Association of School Administrators  
2 Learning Forward

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4 **ASSOCIATED PROFESSIONAL ACTIVITIES**

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6 Completed Xerox Total Quality Management Training  
7 Senior Examiner, Governor's Excelsior Award Program  
8 Certified Trainer, Seven Habits of Highly Effective People, Four Roles of Leadership  
9 Member, Commissioner's Advisory Council

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11 **COMMUNITY INTERESTS**

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13 Board Member: Rochester Museum and Science Center (Executive Board) Ontario United Way,  
14 F. F. Thompson Continuing Care Center, Canandaigua Civic Center, Big Brothers Big Sisters,  
15 Canandaigua Rotary Club, Ontario County Commission on Total Quality, Community Character  
16 Coalition, Canandaigua Churches in Action, Canandaigua Area Development Committee

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18 Officer: President Fort Plain Rotary Club; Chairman of the Board, Canandaigua Chamber of  
19 Commerce; Co-Chair, F. F. Thompson Capital Fund Drive; President, Canandaigua Rotary Club

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3 manuscript).
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5 school education for children attending small city school districts. (Unpublished  
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- 10 Chambers, J.et.al. (2004 March). et. al. The New York Adequacy Study: determining the cost of  
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25 matters. *Harv. J. on Legis.*, 28, 465.
- 26 Ferguson, R. F., & Ladd, H. F. (1995). *Additional evidence on how and why money matters: A*  
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- 7 Knickman, J. R., & Reschovsky, A. (1980). The implementation of school finance reform. *Policy*  
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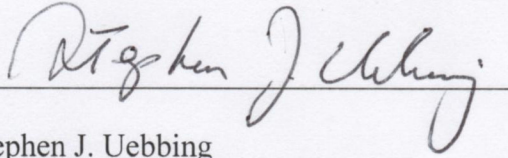
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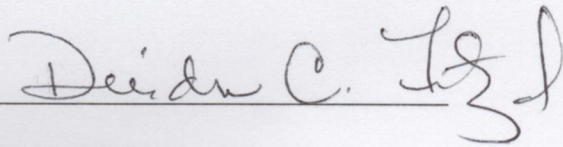
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I hereby affirm that the foregoing report is true and accurate to the best of my knowledge.



Stephen J. Uebbing

Sworn to and subscribed before me on this  
19 day of December 2014



Notary Public

**DEIRDRE C. FITZGERALD**  
Notary Public, State of New York  
Ontario County No. 01FI6199143  
Commission Expires January 12, 2016