

**CFE Evaluation of Niagara Falls School District
Final Report In Lieu of Direct Testimony**

Maisto v. State of New York

Dr. Bruce Fraser

December 2014

I, Dr. Bruce Fraser, prepared the expert report regarding the Niagara Falls School District, on behalf of the plaintiffs in the above-referenced case. I bring to the task the following background experience:

1. I grew up just outside Niagara Falls and am very familiar with that community and the Niagara Falls City School District (henceforth abbreviated NFCSD).

2. I previously worked in a number of neighboring school districts in both instructional and administrative roles.

3. I served for six years as the Superintendent of another Niagara County Small City School District (Lockport). While serving in that capacity, I was in attendance at several meetings where pursuing a CFE related legal action against the state on behalf of Small City School Districts was discussed/planned.

4. I have a Doctoral degree in Education Leadership with a specialization in School Finance. I was awarded the American Association of Educational Finance's award for Outstanding Doctoral Dissertation in 1988. My research study led to changes in the way that Virginia allocates funding to their school systems.

5. Additionally, I have served as Interim Superintendent in a more affluent, suburban WNY school district. I also served as Superintendent of a rural school district in a neighboring county. These experiences provide me background for comparing the resources and learning opportunities that Niagara Falls can offer their students in relation to those provided by other types of school districts.

6. I recently retired as Executive Director of the NY State Rural Schools Association, a position I held from Nov. 2011 until Sept. 2014. In this capacity I advocated for, and provided support on behalf of over 310 New York School Districts. While serving in this capacity I was a member of the Rural Schools Program that is affiliated with the Cornell University Department of Development Sociology located in Ithaca, New York.

Purpose of the Final Report

This final report presents the findings and conclusions from my assessment and evaluation of whether the Niagara Falls 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.2nd 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.2nd 893 (2003), the Court of Appeals ruling upholding and affirming Judge DeGrasse 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 Niagara Falls School District (NFCSD) is providing students a sound basic education. Specifically, I examined the educational opportunities available to students in NFCSD 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; and 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 Niagara Falls School District focused heavily on the availability of essential CFE inputs in district schools. I also examined recent performance outcomes of district students. However, I also examined relevant factors related to the district's basic community, school and student profile and fiscal capacity and funding levels.

My evaluation consisted of the following: 1) review of NY state and school district enrollment and student performance data; 2) visits and interviews with district central office officials; 3) building inspections and visits with principals; 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; and 5) review of data from NYSED's District Fiscal Profile and the District Fiscal Supplement Reports that are provided annually for each district and must be made a part of every school district's Annual Budget document.

Key Findings

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

Community, District and Student Profile:

1. Niagara Falls (PJ) is a "small city" located in Niagara County, with a population of 49,468 residents. Like many of New York's Small City School Districts the Niagara Falls City School District serves a very challenging population. Niagara Falls' per capita income averaged \$20,658 in 2012, well below NY State's average per capita income of \$32,104 and the lowest compared to its surrounding Western Niagara County communities. Niagara Falls also has the lowest level of adults who have completed high school and earned college degrees when compared with other Niagra County communities. Within the city of Niagara Falls almost one in five housing units were unoccupied based upon the 2010 Federal Census and Niagara Falls has by far the lowest home values among its neighbors in Niagara County. The population of the City of Niagara Falls experienced a population decline during the ten years between the two most recent census reports. The city's population fell from 55,661 in 2000 to 49,468 in 2012.

2. Census Poverty Data indicate that the percentage of households living in poverty with at least one child under age 18 in 2012 was 33.6% in Niagara Falls, while the surrounding communities had the following rates: Niag. Wheat.-8.7%, Lewiston Porter-4.3%, Starpoint 8.3%, Wilson-17.8%, North Tonawanda - XXXXXXXXDelete Spaces 10.9%. By 2012, the percentages of Niagara Falls households living in poverty with at least one child under 18 had risen to 33.6%.

3. The Niagara Falls School District (NFCSD) provides free public education to children residing in Niagara Falls. NFCSD had an enrollment of 7,057 students, kindergarten through grade 12, as the 2014-15 school year opened. The data used by NY State in calculating state aid show that 75.1% of the NFCSD's students are low income as measured by eligibility for the federal free and reduced priced lunch program (FRL). 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 \$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 \$40,793. The current FRL rate is 10% higher than in 2010-11. In 2010-11, of the 65% FRL, 56% qualified for free lunch and 9% qualified for reduced. Although current figures for free vs. reduced lunch are not yet available, one can expect a similar ratio to exist currently.

4. As the student population has fallen since 2000, student need has increased in NFCSD. The percentage of children eligible for Free and Reduced Price Lunch has jumped almost 20% in that time period.

5. Based upon the most recent NY State District Fiscal Supplement 15.75% of NFCSD students are classified as students with disabilities, requiring special education programs and services. This figure had been 16.6% based upon data included in the prior year's (2012-13) District Fiscal Supplement. These rates are well above the state average rate for handicapped students. With approximately one in six NFCSD students requiring additional support and services as a handicapped student a significant additional burden is placed upon the NFCSD.

6. Data provided by the NFCSD based upon the first Five Week Attendance Report for 2014-15 show that 46.85% of NFCSD students are white, 34.35% are African American, 4.46% are Hispanic, 4% are Native American, and 8.7% identify as multi-racial. Based upon opening enrollments for 2014-14 about 1.4% of NFCSD students are classified as English Language Learners.

7. NFCSD is classified by the State Education Department as a "high need/resource capacity school district." This classification is based on a need/resource index over 70%. The need/resource index is a ratio of the estimated poverty percentage to the Combined Wealth Ratio (CWR).

8. NFCSD measures as a very low wealth school district. New York State utilizes a measure of school district wealth called the Combined Wealth Ratio to compare the wealth of school districts. This ratio equally weights a school districts' per pupil income and per pupil property value. The districts wealth in each of these areas is compared to the state average for these measures resulting in an indexed local wealth measure where 1.000 represents the wealth of a school district with state average wealth. Over the decade from 2000 to 2010, the

wealth of the Niagara Falls City School District fell significantly: from .514 to .358. This CWR, well below the state average, signifies that NFSD ranks within the lowest ten percent of school districts in the state in terms of the community's ability to support local education with locally generated revenues.

9. NFCSD measures very high on the SED's Pupil Need Index (PNI). PNI is an index of relative pupil need ranging from 1.0 to 2.0. NFCSD'S PNI for 2013-14 is **1.691**. The PNI for New York City is 1.776. As background for further comparison the PNI for other Western Niagara County school districts are Niagara-Wheatfield-1.249; Lewsiston-Porter-1.130; Starpoint 1.134 and Wilson 1.384.

10. NFCSD operates eleven schools for its 7,057 students. NFCSD houses its central district office in a site previously used as an elementary building.

11. NFCSD operates eight elementary schools: 79th Street Elementary School, serving 473 students, prek-6; Niagara Street Elementary School, serving 616 students, prek-6; Maple Avenue Elementary School, serving 384 students, prek-6; Hyde Park Elementary School, serving 445 students, prek-6; Henry Kalfas Elementary School, serving 449 students, prek-6; Henry Abate Elementary School, serving 657 students, prek-6; Geraldine Mann Elementary School, serving 488 students, prek-6; and Cataract Elementary School serving 510 students, prek-6.

12. NFCSD operates two middle schools, both serving grades 7 and 8. Gaskill Preparatory serves 565 students and LaSalle Preparatory serves 547 students. The district also operates Niagara Falls High School serving 1923 students, grades 9 through 12.

Essential Inputs

A Qualified Teachers, Principals, and Other Personnel

13. The district does not provide a sufficient number of Certified and Adequately Trained Library-Media Specialists. No LMS's are assigned to elementary buildings.

14. While virtually all staff in the district who provide regular classroom instruction are appropriately certified the

district does not employ sufficient numbers of teachers to provide eligible students remedial support from a certified Academic Intervention Services provider. In particular, no certified Math support personnel were provided at the Elementary or Prep level. In addition, insufficient numbers of ELA support staff were available to provide ELA AIS that conformed with expectations set by the state.

15. Beyond "remedial" time built into the Grade 9 schedule, no AIS services are provided at NFHS. Certified staff are not systematically scheduled to provide AIS support for students who failed to achieve proficiency on required Regents examinations. This failure to provide AIS support for students who did not succeed on a required Regents exam contributes directly to the district's low (mid-sixties) Four Year High School completion rate.

16. The district often cannot fill substitute teacher needs. When instructors in high need subject areas (sciences, foreign languages, special education) are absent from school on a long term basis the classes are frequently assigned non-certified substitutes. Short term substitute needs (for day to day absences) are often left uncovered by certified substitute teachers. The lack of day to day sub coverage requires Principals to make staffing adjustments using Teacher Assistants and para-professionals to cover assigned classes. This shifting of assignments means regular education students do not benefit from the support services para-professional staff are hired, scheduled, and trained to provide. Specifically, elementary level AIS support (in ELA) is frequently sacrificed as para-professionals are reassigned to cover where subs are not available.

17. The adjustments of Teacher Assistant and Para-Professional schedule adjustments required due to substitute teacher shortages often result in handicapped students Individual Education Plans not being in full compliance.

18. Guidance counselors are provided at all building levels but they struggle to provide routine services given high student/counselor ratios and the intense needs of the NFCSD

student population. One Guidance counselor is available at each of the elementary sites (where enrollments range from 384-657). This results in student/counselor ratios well above those recommended by the American School Counselors Association (250 students per counselor). At the two Prep sites Student/Counselor ratios also exceed the ASCA's two-hundred fifty students per counselor recommendation (Gaskill Prep-565/2 = 282.5; LaSalle Prep-547/2 = 273.5. The intense needs of the NFCSD's student population in relation to poverty, transience, irregular attendance, low parent educational attainment, high suspension rates, and high percentage of handicapped students places unusually heavy demands upon NFCSD school counselors and would provide support for a student to counselor ratio lower than the one recommended by the American School Counselor Association

19. Elimination of district Social Workers occurred over the past several years due to the financial challenges encountered by the NFCSD. District Social Workers had been supported through a Federal grant for which funding lapsed. These outside the classroom support positions could not be continued even though the school district services an extremely needy student population.

20. Disciplinary and safety personnel are provided only for selected elementary sites (schools in the most dangerous neighborhoods). At the Prep level one City Police Officer provides coverage during the school day. At NFHS, one School Resource Officer remains on staff. Initial staffing levels for NFHS called for three Resource Officers to be assigned to the high school. The reductions in coverage at the high school level occurred due to lack of financial resources experienced by both the City of Niagara Falls Police Department and the Niagara Falls CSD.

21. Despite attendance being identified as a major factor in low student achievement resources were not available to provide certified attendance teachers to address student attendance issues. No certified Attendance teachers are employed by the district. One part-time uncertified employee handles all attendance investigations on behalf of the entire school district.

22. One other concern arises in this area of Certified Staffing. The district utilizes a Teacher on Special Assignment to oversee the Special Education program's operation. That person lacks the School District Administrator certification expected of a person handling district wide administrative responsibilities.

23. While the district does not utilize uncertified instructors it was pointed out by a number of building leaders that top notch teachers frequently take advantage of opportunities to move to other school districts. Cumulatively, the district suffers continued talent losses that occur due to the challenges talented young instructors face working in a demanding, resource scarce urban setting.

B. Suitable, Up to Date Curriculum

24. Like every district in the state, the Niagara Falls CSD is moving to align with the Common Core Standards. That shift was imposed upon all school districts in the state as a requirement when NY accepted Federal Race to The Top funding. Any shift in curricular focus is particularly difficult for resource challenged districts like Niagara Falls to absorb. Multiple district level officials, along with building Principals, observed that resources (funding) that had been available in the past to support the use of substitute teachers while the regular instructor engaged in curriculum work or received training were no longer able to be budgeted. It was also noted that a significant amount of money that had supported the district's summer staff training initiatives in past years had been removed from the budget over recent years. This lack of resources has limited flexibility in proving staff training opportunities and has made conversion to the Core Curriculum Standards a greater burden for the Niagara Fall CSD than prior state mandated curriculum realignments.

25. While Niagara Falls High School continues to provide a range of electives that permits a student to complete 22 units of study a significant number of electives have been reduced over the past five years. The courses that had been reduced included popular elective like Journalism, and AP courses including Sociology and Psychology.

26. Opportunities for career and technical training are now only available through attendance at the local BOCES. In the past students could complete graduation sequences in technology while attending NFHS on a full time basis. As travel time becomes a factor for any student attending BOCES the lack of a school based career technical option contributes to reduced graduation rates. Any student who has not passed required Regents exams by Grade 10 will find it difficult to complete the BOCES half-day vocational program and still earn sufficient credits to graduate in four years.

27. Elementary enrichment programs have been curtailed by the school district. Programs that challenge the district's most capable elementary students have been consolidated at one elementary site to reduce district costs. Low parental enthusiasm for having their children travel to another elementary site to be involved in an elementary enrichment program has greatly reduced participation in the Grade 2-6 enrichment option.

28. Inadequate training opportunities for Special Education staff have resulted in the district placing more students into self-contained Special Education classrooms at NFHS over recent years. District officials acknowledged this change will result in a lower graduation rate for IEP students in the future.

29. Over recent years the Foreign Language study options available at Niagara Falls High School had been reduced due to resource availability issues. Student may now only study Spanish. Latin, French and Italian had been available in the past.

C. An Expanded Platform of Services for At-Risk Students

30. The Principals at Gaskill Prep, LaSalle Prep, and all of the elementary sites pointed out that reduced staffing prevented them from scheduling underachieving students for Academic Intervention Services in Math with certified instructional personnel. By 2014 the certified staff available for ELA Academic Intervention Services at these sites had also been severely curtailed resulting in the district only providing AIS support for students testing furthest from proficiency levels. At the Prep level this instruction was generally

provided in large groups settings (15+) with limited opportunity to diagnose and address individual student's remedial needs

31. No AIS support was provided in the Social Studies and Science curriculum areas for students at the elementary or Prep sites.

32. At Elementary sites ELA AIS was provided by a team headed by a certified staff member. No Math AIS was scheduled for low achieving elementary students during building visitations conducted during 2012, or 2014.

33. Budget cuts had resulted in the discontinuation of after school support programs at all levels. These programs had included remedial, enrichment, nutritional and recreational opportunities for students.

34. Niagara Falls High School recently discontinued summer bridge programs designed to provide pre-teaching and skill development for entering 9th grade students who had academic deficiencies identified at the Prep level.

35. Summer support programs previously available for Elementary and Prep level students had been curtailed due to resource curtailment in recent budget cycles.

36. Due to staffing curtailments Niagara Falls High School scheduled no AIS support for grades 10-12 students in ELA or Math, or in areas where a student had failed a required Regents exam.

37. The Teacher on Special Assignment ("TSA") in charge of placement for IEP students observed that neither handicapped, nor non-handicapped students were being scheduled for small group support in Math at the Elem. And Prep levels. This was due to recent staff reduction.

38. Niagara Falls High School has nine counselors for approximately 2,000 high need students. The American School Counselor Association recommends a ratio of 250 students per counselor. The intense needs of the students served in the NFCSD should result in a smaller student to counselor ratio. Moreover, NF High School has no social workers and the two psychologists' workloads are consumed by CSE meetings. Thus, the counselors must assume duties that would

otherwise be assumed by social workers and psychologists, in addition to the duties of a typical high school counselor.

D. Adequate Resources for Students with Extraordinary Needs

39. Data reported by NYSED in the NFCSD's most recent District Fiscal Supplement Report indicated that the NFCSD spent nearly \$11,877 less per handicapped pupil than similar districts from across the state. This spending gap is stunning and by itself calls into question the adequacy of support being provided on behalf of the district's handicapped students.

40. Four self-contained classrooms exceeded appropriate enrollments for 2012-13 school year. State waivers were applied for to allow the additional students to be enrolled in these classroom settings.

41. It was noted that the lack of sufficient school safety personnel had made it necessary for the school district to place high numbers of Emotionally Disturbed students in very costly out-of-district placements.

42. While students in need of ELL support have increased significantly over the past several years the districts has been forced to reduce one ELL instructor and one ELL para-professional for the 2014-15 school year.

43. A good number of ELL students are also identified as being in need of IEP services. These students' needs are difficult for the district to meet given tight ELL staff schedules.

E. Class Sizes/Instructional Grouping

44. Examination of building master schedule reports for 2012-13 and 2014-15 indicated the following percentage of Secondary Core Subject Area Classes

(ELA, Math, Soc. St., Science, and LOTE) were at, or above upper limits of CFE class size recommendations (23 students per section):

Bldg.	2012-13	2014-15
Gaskill Prep	29.8%	51.5%

LaSalle Prep	NA	42.7%
NFHS	32.3%	47.8%

45. When analyzed by elementary school site examination of the building master schedule indicated that a majority of classrooms exceeded the class size guidelines laid out in the CFE decision (K-3: Below 20; Gr. 4-6 Below 23). Percentage of sections exceeding the CFE standard by site were:

1. Cataract	16/19	84.2%
2. Niagara St.	20/26	76.9%
3. Mann	15/19	78.9%
4. Abate	9/28	32.1%
5. Kalfas	10/20	50.0%
6. Maple Ave.	10/15	66.6%
<u>7. Hyde Park</u>	<u>12/18</u>	<u>66.6%</u>
District	100/166	60.2%

46. When a similar analysis was conducted for the current school year (2014-15) very little change was noted in the percentage of elementary sections across the district that were under the class size recommendations included in the original CFE decision (K-3: Below 20; Gr. 4-6 Below 23). Percentage of 2014-15 elementary sections exceeding the CFE standard by site were:

Bldg.	Over/Tot.	Pct. Over
Cataract	11/20	55.0%
Niagara Street	20/25	80.0%
Mann	10/20	50.0%
Abate	14/24	58.3%
Kalfas	8/18	42.1%
79th Street	15/18	83.3%

Maple Ave. 8/14 57.1%

Hyde Park 7/18 38.8%

District 93/157 59.2%

47. Elementary enrollments analyzed by grade levels are summarized in the following table:

Niagara Falls: 2012-13 Elem. Enrollment-by Grade in Relation to CFE Class Size Recommendations

Grade	Enroll.	Sections	Average	Above	Total	% Above
Kinder	583	26	22.42	18	26	69.23%
1st	504	24	21.00	15	24	62.50%
2nd	493	25	19.72	11	25	44.00%
3rd	537	25	21.48	16	25	64.00%
4th	521	24	21.71	11	24	45.83%
5th	513	21	24.43	14	21	66.67%
6th	494	20	24.70	15	21	71.43%
Total	3645	165	22.09	100	166	60.24%

48. Completing a similar analysis for the current school year (2014-15) it was found that little progress had been made in bringing elementary class sizes into line with the court's CFE recommendations. The chart below summarizes 2014-15 elementary section enrollments by grade.

Grade	Enroll.	Sect.	Ave/Sect	Over	% Over
Kinder.	549	24	22.9	21	87.5%
Grade 1	536	24	22.3	20	83.3%
Grade 2	485	24	20.2	11	45.8%
Grade 3	492	23	21.4	13	56.5%
Grade 4	474	21	22.6	7	33.3%
Grade 5	494	22	22.5	7	31.8%

Grade 6	491	20	24.6	14	70.0%
	3521	157	22.3	93	59.2%

49. The TSA handling placement for Handicapped students indicated that there are several blended classrooms (classrooms that provide instruction on a full day basis for both handicapped and non-handicapped students) at Niagara Street, Abate Elementary, and Hyde Park where the number of IEP students should be much lower.

50. Four classrooms providing services for handicapped students were operated under class size waivers during the 2012-13 school year.

F. Instrumentalities of Learning

51. Conversion to the Common Core Curriculum has placed stress upon the NFCSD’s ability to provide each student with an up to date, appropriate textbook in the areas of ELA and Math.

52. At Gaskill Prep and LaSalle Prep students utilize textbooks in the classroom but are not provided an individual student copy for use at home. This fact greatly diminishes opportunities for assigning homework and advancing learning for NFCSD students.

53. Visits made to NFCSD sites during September and October of 2014 indicated that transition to a new Common Core Curriculum was not being supported by purchase of classroom materials designed for that curriculum.

54. An inspection of the Science sections of the libraries at both Gaskill Prep and LaSalle Prep was conducted. Of twenty science related titles randomly pulled from the shelves at each site no title was located that had a publication date of 2000, or later. The Library Media Specialist at Gaskill reported in 2012-13 that no new books had been purchased for the Gaskill’s LMC

over the past five years.

55. At only one of the elementary libraries did a random inspection of ten science titles result in locating up to date material that could support classroom instruction in that area of study. The Principal at that site (Abate) indicated the newer materials were purchased through funds raised through an annual fundraiser. As no Elementary Library Media Specialist were assigned at the elementary buildings principals were queried about the last year they purchased new library books. All responded (with the one exception previously noted) that it had been more than five years since school district resources had been made available to purchase new titles.

56. The Gaskill Principal and the Librarian at that site could not identify what year the district had last purchased new Library materials.

57. Gaskill, LaSalle Prep and elementary classrooms generally had three, or four, older computers in their classrooms . Adequate space to introduce technology into the classrooms at the districts older school sites would be problematic.

58. How well equipment at Niagara Falls High School supports the instructional needs of the building has become an issue. The school is now thirteen years old and furnishings are wearing out. Over recent years funding for replacement needs (tables, classroom desks, teacher desks, filing cabinets, etc) has not been available.

G. Safe and Orderly Environment

59. The TSA who handles Special Education placement indicated that over 130 Emotionally Disturbed students are forced to be placed in out of district programs due to the lack of sufficient security personnel.

60. Suspension rates for the district are high. Data from the last available State Report Card (2012-13) indicated the NFCSD's

Suspension Rate was 17%. Suspension rates for the same year for Western Niagara County School Districts were reported as follows--Niagara-Wheatfield-5%; Lewiston-Porter-4%; Starpoint-2%; and Wilson-6%. Clearly, conduct issues exist within the NFCS D that impede student learning. The loss of social workers and programs such as the alternative high school programs and "cool down" rooms contributes to NFSD's high suspension rate.

H. Adequate and Accessible Facilities

61. New York State provides school districts with funding for Facility Construction and Renovation utilizing much more equalizing formulas than the formulas used for calculating operating aid. The Niagara Falls City School District has been very creative in initiating a build/lease arrangement that allows the district to provide high school students instruction in a state of the art facility. The following shortcomings have been noted during visits to district sites:

62. Older Elementary and Prep sites fail to offer green space and play areas that can safely be accessed by students.

63. The Library Media Center at Gaskill Prep has water leaks that contribute to a musty smell in that area of the building.

64. Science classrooms at Gaskill Prep are undersized and lack water, gas, and teacher demonstration and student work (lab) space. Storage for instructional materials in the Science classrooms at Gaskill is inadequate.

65. Science classrooms at LaSalle Prep are undersized and lack water, gas, and teacher demonstration and student work (lab) space. Storage for Science materials is inadequate. A combination of mustiness and chemical smells are detected in LaSalle Prep's Science classrooms

66. The Art room at Gaskill Prep and LaSalle Prep have no suitable storage for student projects and rely upon one sink for all water.

68. At Hyde Park Elementary students are crowded into small instructional spaces that lack sufficient storage for the materials needed to instruct.

69. At Hyde Park Elementary, Kalfas Magnet Elementary, G.F. Mann Elementary and Cataract Elementary providers of special services for handicapped students are forced to provide those services (OT, PT, Speech) in hallway areas, under stair wells, or in the entry foyer of the Auditorium.

70. Hyde Park Elementary has lost the use of a basement space due to recurrent flooding created by poor parking lot drainage.

71. The room where Speech services are provided at Gaskill Prep does not have windows or ventilation. Several elementary psychologists work and test individual students in unventilated and windowless spaces that double as their office.

72. Several sites used for delivery of services to handicapped and ELL students at Geraldine F. Mann school have no window or ventilation. Also at G. F. Mann remedial classes are taught at a table under the stairwell, or on the landing of stairwells. The practice of providing remedial instruction to challenged students (easily distractible) in hallway settings was found to exist in a number of elementary sites

73. Hyde Park Elementary, LaSalle Prep and Gaskill Prep have problems balancing temperatures. Several rooms were too cold-and others were uncomfortably warm.

74. Through 2014-15 LaSalle Prep and G. F. Mann only scheduled wheelchair students on the first floor. Work on installation of an elevator at these two sites is scheduled to be completed later this school year and will permit physically handicapped students to access the specialized classrooms (Science, Library and Art) found on the second and third floors as of 2015-16.

C. Outputs-Student Outcomes

75. Upon entry to the Niagara Falls CSD students are provided two assessments. The AIMS-Web screening tool is used to screen for students who might need special services. The district also utilizes the Northwest Educational Inventory-MAP as a second measure of student development. Aggregate performance for students upon entry to the NFCSD indicated that students arrive almost one year behind the performance of age equalized peers from across the nation. Equally problematic is the number of children arriving for Kindergarten poorly prepared for success upon entry based upon these screening measures is growing each school year. In 2011-12, 68% of NFSD's kindergarteners scored at the Tier 1 reading level on the NWEA-MAP assessment. In 2014-15, that number rose to 75%. In addition, 40% of NFSD's kindergartners performed below the 21% national percentile for each of the past two years. This testing at entry level documents serious deficiencies that must be overcome during a child's school career.

76. For 2011 4th grade ELA assessment results for the NFCSD lag behind the performance of the balance of the Western Niagara County School Districts we use as a comparison group (longitudinal data can be viewed in graph/chart found on P. 18 of Addendum). The Mean Scale Score for NFCSD students falls 9 points below the Mean Scale Score for the five other Niagara County districts (using an unweighted average). More than half of the students (53%) tested in Niagara Falls failed to demonstrate proficiency on the Grade 4 ELA Assessment. Performance for the Economically Disadvantaged students from Niagara Falls shows that barely more than one-of-three students in this category demonstrated proficiency. For the Economically Disadvantaged sub-group a wider gap was found to exist in percent achieving proficiency when compared with the performance of Economically Disadvantaged student in the five comparison districts. Economically Disadvantaged students in NFCSD scored 20% lower than the average for Economically Disadvantaged students in the comparison group.

77. Math outcomes for the NFCSD Fourth Grade population in 2011 similarly lag the performance of their peers in other Western Niagara County School Districts group (longitudinal data can be viewed in graph/chart found on P. 19 of Addendum), with a means scale scores falling 8.4 points below the Mean Scale Score for the five other Niagara County districts (using an unweighted average). Economically Disadvantaged students in NFCSD scored

11% lower than the average for Economically Disadvantaged students in the comparison group.

78. On 2011 8th grade assessments, in both core areas tested by NY the percentage of Niagara Falls CSD students demonstrating proficiency falls when compared with Grade 4 student performance. Additionally, wider gaps in student performance are found to occur between NFCSD students and students from other Western Niagara county districts.

79. In 2011-12, only 34.9% of NFSD's 8th graders scored proficient on the ELA assessments, (longitudinal data can be viewed in graph/chart found on P. 20 of Addendum) whereas the state average was 50.2% and the proficiency rates in surrounding districts ranged from 64.1%-88.1%. In 2012-13, only 22.4% of 8th graders scored proficient, as compared to the state average of 33.8% and the range in surrounding districts, which was from 35.7%-53%. In 2013-14, 24.1% of NFSD's 8th graders scored proficient, while proficiency rates for districts surrounding NFSD ranged from 35.1%-56.. The Mean Scale score for NFCSD students lagged 9.4 points below the comparison group in 2010-11, while Economically Disadvantaged students scored 20% lower than Economically Disadvantaged students in the Western Niagara comparison group.

80. In 2011-12, only 45.8% of NFSD's 8th graders scored proficient on the Math assessments, (longitudinal data can be viewed in graph/chart found on P. 21 of Addendum) whereas the state average was 61.3% and the proficiency rates in surrounding districts ranged from 50%-89.3%. In 2012-13, only 8.3% of 8th graders scored proficient, as compared to the state average of 27.5% and the range in surrounding districts, which was from 11.7%-42%. In 2013-14, 3.1% of NFSD's 8th graders scored proficient, while proficiency rates for districts surrounding NFSD ranged from 7%-44.5%. According to New York state metrics, then only 3% of NFSD 8th graders were on track to being college and career ready in 2013-14.

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82. The Grade 3-8 NY State ELA and Math Assessments utilized the last two years (2012-13 and 2013-14) were aligned with the Common Core State Standards. As these new assessments have been phased in, NYSED began to utilize a new approach for reporting school district data. The new data reporting format combines the results for districts into a single table summarizing the student performance for Grades 3-8 (Charts found on P. 22-23 of

Addendum). For 2012-13 data are available disaggregated by sub-group. A comparison of NFSD's results to those of its surrounding districts reveals that in 2012-13, only 18% of all of NFSD's 3-8 graders reached proficiency on ELA tests, while the average for the four surrounding districts was 41%- a gap of 23%. For African Americans, only 11% reached proficiency in NFSD versus the four-district average of 18%-- a 7% gap .Only 10% of Latinos reached proficiency, versus a four-district average of 39%- a 29% gap. Only 12% of Economically Disadvantaged students in NFSD reached proficiency, versus a four-district average of 24%- a 12% gap. Only 3% of NFSD's Students with Disabilities reached proficiency, versus a four-district average of 5%- a 2% gap.

83. In Year 2 of Common Core testing (2013-14) similarly wide performance gaps continued to exist between NFSD and comparison districts. Only 18% of NFSD students, grades 3-8, achieved proficiency on ELA tests, while the four-district average was 39%- a 21% gap. For African-Americans, the gap widened to 17%, with only 11% of NFSD African-American students reaching proficiency, as compared to the four-district average for African-American students of 28%. Only 13% of NFSD's Latino students were proficient, as compared to the four-district average of 33%- a 20% gap. Only 12% of Economically Disadvantaged NFSD students reached proficiency, as compared to the four-district average of 24%- a 12% gap; and only 2% of NFSD students with disabilities reached proficiency, as compared to the four-district average of 4%.

84. During year two of Grade 3-8 Common Core testing (2013-14) the percentage of students in key sub-groups reaching proficiency for the NFSD is less than half of the four districts comparative average for Black Students, Hispanics Students, Economically Disadvantaged Students, and Students with Disabilities. Even more worrisome, no progress is evident in Year 2 of the Common Core tests for the aggregate group, and only one group (Hispanics) showed a higher percentage of students achieving proficiency when comparing Year 1 of Common Core based testing to Year 2. Scores for three critical Sub-groups (Black Students, Economically Disadvantaged Students and Students with Disabilities actually declined in Year 2.

85. In Math, the aggregate scores for Common Core Grades 3-8 also revealed significant performance gaps when compared with other Western Niagara County school districts. A comparison of NFSD's results to those of its surrounding districts reveals that in 2012-13, only 15% of all of NFSD's 3-8 graders reached

proficiency on Math tests, while the average for the four surrounding districts was 34%– a gap of 19%. For African Americans, only 7% reached proficiency in NFSD versus the four-district average of 22%-- a 15% gap. Only 10% of Latinos reached proficiency, versus a four-district average of 32%– a 22% gap. Only 10% of Economically Disadvantaged students in NFSD reached proficiency, versus a four-district average of 19%– a 9% gap. Only 3% of NFSD's Students with Disabilities reached proficiency, versus a four-district average of 5%– a 2% gap.

86. For Year 2 of Common Core testing performance gaps between the NFCSD and the four district Western Niagara County Comparison group widened for the most part. Only 18% of NFSD students, grades 3-8, scored proficient on ELA tests, while the four-district average was 45%– a 27% gap. For African-Americans only 9% of NFSD African-American students reached proficiency, as compared to the four-district average of 27%– a gap of 18%. Only 15% of NFSD's Latino students were proficient, as compared to the four-district average of 36%– a 21% gap. Only 12% of Economically Disadvantaged NFSD students reached proficiency, as compared to the four-district average of 29%– a 17% gap; and only 4% of NFSD students with disabilities reached proficiency, as compared to the four-district average of 9%– a 5% gap.

87. The percentage of NFCSD students demonstrating Proficiency fell well below that of other Western Niagara County during both Year 1 and Year 2 and performance in every subgroup sharply lags the four-district average. Although there was improvement as a whole from Year 1 to Year 2 in NFSD, the growth for NFSD students badly trailed the level of growth shown for the four district averages.

88. In the 2011 Core Regents Exams, NFCSD students lagged behind the comparison group at both the passing and mastery level, at times with rates close to 40% lower than the comparison group.

89. In 2012-13, on the Global History Regents, there was a 37% gap in passing rates when comparing NFSD's 52% to the four-district average of 89%. Only 12% of NFSD students reached mastery on the test (85% score), as compared to the four-district average of 41%. In US history, 66% of NFSD students passed, and 22% reached mastery, as compared to the four-district averages of 94% and 67%. In ELA 82% of NFSD students passed, and 31% reached mastery, as compared to 94% and 45%, the four-district average. In Algebra, only 64% of NFSD students

passed and a shocking 3% reached mastery, while the four-district average for this test was 30% and 28%, respectively. On the Living Environment Regents test, 71% of NFSD students passed, while only 16% reached proficiency, while the four district averages were 94% and 51%, respectively. For Economically Disadvantaged students in NFSD, the scores were noticeably lower and the gaps wider:

2012-13 Regents Exams--Econ. Disadv.						
	Global		US		ELA	
District	% P (65%)	% M(85%)	% P (65%)	% M(85%)	% P (65%)	% M(85%)
Niagara Falls	44%	7%	59%	14%	74%	22%
Niag. Wheat.	71%	34%	85%	54%	90%	36%
Lew-Port	78%	43%	96%	75%	89%	43%
Starpoint	90%	33%	96%	61%	95%	32%
Wilson	82%	21%	82%	35%	83%	31%
Four Dist Ave.	80%	33%	90%	56%	89%	36%
N. Falls Deficit	-36%	-26%	-31%	-42%	-15%	-14%

2012-13 Regents Exams--Econ. Disadv.						
	Algebra		Liv. Envir.			
District	% P (65%)	% M(85%)	% P (65%)	% M(85%)		
Niagara Falls	58%	1%	66%	11%		
Niag. Wheat.	78%	10%	69%	21%		
Lew-Port	94%	29%	74%	30%		
Starpoint	92%	35%	100%	69%		
Wilson	82%	33%	94%	42%		
Four Dist Ave.	87%	27%	84%	41%		
N. Falls Deficit	-29%	-26%	-18%	-30%	0%	0%

90. With very low proficiency rates on Middle School level ELA and Math Assessments and the lack of AIS support beyond Grade 9 at NF High School the low Passing rates on the required High School Algebra Regents exams should not come as a surprise. The performance on this one important exam is likely to contribute to very low Four Year Completion Rates of NFCSD students. The graph shows recent Four Year Completion rates for the NFCSD fall well below those for any of the other groups reflected in the graph.

91. The graduation rates for the Niagara Falls CSD fall markedly below those of all of the other school districts in Western Niagara County, and the state average. In 2010-11, the rates are as follows: N. Falls-64.3%, Niag-Wheat. -89.6%, Lew-Port-97.9%, Starpoint-90.9%, Wilson-88.1%, The state average for 2010-11 was 74%. In 2011-12, the NFSD graduation rate fell to 64.2%, while the other districts were as follows: Niag-Wheat. -87.9%, Lew-Port-95%, Starpoint-85.9%, Wilson-85.2%, No. Ton.-75.6%. The state average was 74%. In 2012-13, NFSD's graduation rate dropped again, to 63.1%, while the other districts had rates as follows: Niag-Wheat. -90%, Lew-Port-90.9%, Starpoint-92.5%, Wilson-80%. The state average was 74.9%. Careful analysis of the graduation rates for WNY school districts indicates that Niagara Falls produced a high percentage of Local Diploma and IEP graduates in relation to other Western Niagara County school districts. These two categories of diplomas have not required students to pass five Regents exams during prior years-and were considered a "softer" path to graduation. Four year comparative rates for Local and IEP graduates for Western Niagara County School Districts were as follows (Niag. Falls-20.2%, Niag.Wheat.-5.5%, Lewiston Porter-1.0%, Starpoint-4.1%, Wilson-1.7%, and No.Tonawanda-5.7 %). For the 4 year completion rate for the 2008 cohort (graduating in 2012), 8.6% of NFSD students received a local diploma, while the four-district average was 1.9% For Economically Disadvantaged students in the same cohort, 10.7% of NFSD students received a local diploma, as compared to the four-district average for Economically Disadvantaged students of 3.2%. 32.7% of NFSD Students with Disabilities received local diplomas (out of 48% total graduates), with the four-district average being 13.5%.

92. High School Non-Completer Rates reported in the most recent NY State Report Card (2012-13) for the NFCSD are much higher than those reported for the Western Niagara County comparison school districts. Non-completer rates were reported as follows: NFCSD-9%; Niagara Wheatfield-2%; Lewiston Porter-1%; Starpoint-1%; Wilson-3%.n group.

93. It was noted that for Cohort 2007 a data comparison based upon the new standards which the State Education Department indicates reflect "college and career readiness," show that the performance of Niagara Falls CSD badly lags the rates of other Western Niagara County school districts (N. Falls = 14.7%, Niag-Wheat =44.9%, Lewiston Porter = 64.9%, Starpoint = 37.7%, Wilson = 44.1%, and No. Tonawanda = 36.8). The "College and Career Ready" standard defined by SED reflects students who achieved a score of 75%+ on the English Language Arts Regents exam and score 80%+ on a Math Regents examination. The most recent Cohort 2009 data (released by NYSED in June 2014) is summarized in the chart below. The comparison shows the NFCSD badly underperforms the comparison group of Western Niagara County School Districts on this "College and Career Ready Measure."

District	All Students	Afric. Amer	Hispanic	Econ. Disadv.
NFCSD	15.5%	6.3%	5.9%	11.4%
Niag-Wheat.	49.8%	33.3%	33.3%	23.4%
Lew-Port	60.6%	NA	NA	53.8%
Starpoint	52.2%	NA	NA	40.0%
Wilson	34.8%	NA	NA	26.1%

94. The latest data on Suspension rates that permits comparison with other Western Niagara County School districts was published in the 2012-13 State Report Cards. That data showed the NFCSD had a Suspension rate of 17%. That rate far exceeds reported Suspension rates for Niagara-Wheatfield-5%; Lewiston-Porter-4%; Starpoint 2%; and Wilson 6%.

D. Budget and Funding (Causation)

95. Several factors diminish the tax base of Niagara Falls. First, large areas of the city remain off the tax rolls due to the continued use of the land by the NY State Power Authority. Second, with the loss of half of the city's population since 1960, Niagara Falls continues to be plagued by a high housing vacancy rate (18.6%) that holds down existing home values. Another factor that has diminished the local property tax base is the presence of a Native- American operated casino on prime land in the city's tourist area. This land was converted to sovereign, non-taxable, Native Territory.

96. NFCSD has a combined wealth ratio of .324, about a third of the state average and far below more affluent suburban school districts in the state.

97. Recognizing the decreasing enrollment and tax base, the NFCSD made a concerted attempt to operate more efficiently by closing and consolidating schools starting in the 1990's. The district now operates only one high school. In 2006-07, NFCSD closed two elementary schools, and reorganized grade configurations. These efforts have been largely offset by the transfer of approximately 350 students to local Charter schools. For 2012-13, the district forwarded \$10,925 per pupil to charter schools for each of these 350 students. The portion (%) of the district's annual budget that is supported by state funding has remained flat over a decade. The need to transfer approximately \$3.83M to local charters greatly reduces the resources that are available to students served within the NFCSD and negates much of the effort made by the district to move to a more efficient operational configuration.

98. The Gap Elimination Adjustment has had a devastating effect on NFSD. For the Niagara Falls City School District, again, among the poorest 10% of districts in the state, the GEA for 2011-12 equaled roughly \$1,162 per pupil (or -\$8,137,599 divided by 7,000 students = \$1,162 per pupil-approx.). Niagara Falls's per pupil reduction under the GEA was more than double the average per pupil GEA amount (\$401 per pupil) deducted from the State Aid paid to the wealthiest 10% of New York's school districts. The cumulative impact of the GEA's (over a five year time frame) imposed upon Niagara Falls have totaled \$25.46M (or approximately \$3,599 per student). An analysis provided by the New York State Council of School Superintendents indicates the Niagara Falls CSD is projected to receive \$1,713,933 less in State Aid (excluding Building Aid) for 2014-15 than they received in 2008-09. Concurrent with the imposition of Gap Elimination Adjustments school districts were hit with unprecedented increases in pension costs over which they had no control.

99. In close proximity with these two challenging developments the legislature passed a Local Property Tax Levy Cap. Like the GEA, the tax cap has a regressive effect, curtailing growth in local revenue more in higher need, lower wealth districts than in wealthier ones. For instance, a 2% levy would only yield \$501,534, or \$64 per pupil in Niagara Falls in 2012-13. By contrast, a 2% levy would yield \$2,904,508, or \$375 per pupil in Massapequa. Niagara Falls and Massapequa serve approximately the

same number of students but had very large gaps in their local tax levy when the tax cap was put into law.

100. NFSCD spends \$9,817 per pupil for general education, while the state average is \$11,615. NFSD spends an average of \$18,330 per pupil for students with disabilities, while the state per pupil average for students with disabilities is \$30,207. NFSCD's per pupil expenditure is well below the state average for both general education and expenditures for students with disabilities.

Increased Costs from 2008-2014

101. From 2008-09 and 2014-15 costly demands have been placed upon local school districts. Those demands challenge the NFSCD's ability to maintain resources in the classroom that assure all students receive a Sound Basic Education. Among those costly new demands include the following:

- a. Districts have been required to convert core instruction to align with national Common Core Standards. At a minimum this has required districts to engage in significant staff training and to identify and purchase costly new materials that support this revised curriculum.
- b. Under threat of loss of State Aid increases, local districts were required to engage in costly negotiations over Annual Professional Performance Reviews. The newly agreed to evaluation regimes needed to be put in place for every instructor and Principal. Significant local costs were incurred providing training to support instituting these new evaluation systems.
- c. New assessments were required to be developed and approved for teachers who did not teach in curriculum covered by a state assessment. Costs related to the development, administration, and reporting of this data have been significant for all NY school districts.
- d.. State mandated retirement costs have increased markedly over this five year period. The NFSCD has no control over these costs as they are mandated by the state and assessed each year based upon actuarial estimates made by the NY State Teacher's Retirement System.

14. In addition to the new demands placed upon school districts it must be noted that inflation has reduced the ability of New York State school districts to provide programs that support delivery of a Sound Basic Education for all students. Utilizing a reliable (month to month) inflation calculator it was determined that between June 2008 and June 2014 the Consumer Price Index rose by 8.92%. The combined impact of costly new mandates imposed upon all school districts by New York State, and the impact inflation has had upon the Niagara Falls CSD's ability to provide services for highly needy students, continues to diminish resources the NFCSD has available to assure all students are provided the opportunity for a sound basic education.

CONCLUSIONS

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

1. NFCSD serves a lower income community, with low property wealth and high local tax rates. Despite these factors, NFCSD 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 NFCSD 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.

4. NFCSD has significant deficits in essential CFE inputs, as follows: qualified teachers supported with necessary professional development and training; sufficient social workers, guidance counselors and other support staff; class sizes at appropriate levels, especially in the elementary grades and for core Regents classes; and an expanded platform of services for low-income, academically at-risk students, including AIS services, instruction before and after school, textbooks, technology and other instrumentalities of learning, a suitable curriculum, and adequate facilities.

5. NFCSD 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 NFCSD students overall.

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

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

8. NFCSD 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.

Expert Witness:
Background Study
**Niagara Falls
City School District**

Addendum

Completed By:
Dr. Bruce Fraser
November 2014

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Introduction

Several postponements of scheduled trial dates created a need to update the Original Expert Witness Report done on behalf of the Niagara Falls City School Districts by Dr. Bruce Fraser (submitted to the Biggerstaff Law Firm as of October 2013). This document will serve as an Addendum to that report specifically focusing upon the following topics:

1. This document will examine the demographic shift that continues to occur within the city of Niagara Falls. That shift involves the continued loss of the city's upper middle class population resulting in greater concentrations of poverty within the student population currently served by the NFCSD. Research cited in Dr. Fraser's initial report supported the idea that high concentrations of poverty require above average resources be made available if all students are to receive a Sound Basic Education.
2. This Addendum will also examine whether changes in NY State's Assessments, new cut scores, and higher statewide standards for student achievement create greater concern about the comparative performance of Niagara Falls City School District students. The state's mandated conversion to the new Common Core Curriculum, along with conversion to new Common Core based assessments has created two additional areas of concern over student performance that needs to be examined. In addition, a change in how the state sets cut scores for assessments based upon higher performance expectations (that all students graduate college and career ready) raises a third concern. This report will review (1) testing data from the NFCSD that documents widening gaps in student readiness upon entry to kindergarten, (2) an updated analysis of Grade 4 and Grade 8 student assessment performance, (3) an analysis of how aggregate performance of NFCSD on the new Common Core based assessments compares with that of other Western Niagara County School Districts, (4) an updating of comparative performance of NFHS student on state Regent's examinations, and, finally (5) comparisons of recent HS Completion rates will be provided. We further note, it is clear that implementing new curriculums, and preparing for more challenging assessments has imposed additional costs upon the NFCSD (one of the state's most demographically and financially challenged school districts).
3. The postponement of the trial has provided an opportunity to examine the impact that the two most recent New York State budget cycles and the State's imposition of Gap Elimination Adjustments has had upon the NFCSD. Further, we will demonstrate how New York State's imposition of a Local Property Tax Cap has had a differential impact on NY State school districts.

The imposition of the Local Property Tax Levy Cap has had a particularly damaging impact upon resources available to support the increasingly demographically challenged student population served within the NFCSD.

4. Finally, postponement of the trial allowed Dr. Fraser to complete additional building visitations, and administrator interviews further documenting specific areas noted in the CFE decision where students within the NFCSD district are shortchanged of programs and services identified as crucial to assuring students are provided a Sound Basic Education. These specific shortcomings are enumerated in the final sections of this document.
5. In the conclusion of this Addendum a summary of the unique demands placed upon a district required to meet the needs of a diverse student population will be provided. Meeting the needs of a diverse student body requires that resources be stretched further than in the typical school district. The demands of assuring all students within a diverse student population are provided a Sound Basic Education can give outsiders a sense that the district is operated inefficiently. Why that perception is erroneous will be discussed in the report's conclusion.

Demographics of the Niagara Falls City School District Community and Student Population

The demographics and economic condition of a local community directly impacts the ability of that community to provide resources for educating school age residents. Additionally, the make-up of the student population served within a school system impacts the resources required for successfully educating students. Given those facts, this section of the addendum will look closely at demographic and economic shifts that continue to occur within the Niagara Falls community and the Niagara Falls student population.

Children Under Eighteen Years Living in Poverty—The American Community Survey Estimates updated for 2012 show the percentage of children under age 18 living in poverty and attending the Niagara Falls CSD had risen from **26.6% based upon the 2010 Federal Census, to 33.6% as of 2012**. With an additional seven percent of district students living below the Federal Poverty guidelines residing in the school district significant additional demands are now being placed upon the Niagara Falls City School District.

Students Eligible for Free Reduced Lunch—Because student in all school districts utilize the same application procedures to become eligible for Federal Free and Reduced Lunch service the rate of student eligibility for these programs are frequently cited when comparing demographic challenges school districts encounter. Please note eligibility for Free and Reduced Lunch is based upon Household Income—and varies with the size of the household. Households can qualify for Free/Reduced Lunch with incomes up to 130% of the threshold for the Federal Poverty standard. The chart that follows updates Free/Reduced Lunch Eligibility for the NFCS D and the four other Western Niagara County School Districts.

District	2010-11	2010-11	2010-11	2012-13	2012-13	2012-13
	Free	Reduced	Total (F&R)	Free	Reduced	Total (F&R)
N. Falls	56%	9%	65%	63%(+7%)	9% (NC)	72% (+7%)
Niag-Wheat.	19%	6%	25%	22%(+3%)	6%(NC)	28%(+3%)
Lew-Port	10%	9%	19%	13%(+3%)	5%(-4%)	18%(-1%)
Starpoint	10%	5%	15%	10%(NC)	5%(NC)	15%(NC)
Wilson	19%	12%	31%	25%(+6%)	9%(-3%)	34%(+3%)

More recent data shared by noted New York State School Finance researcher, Dr. Richard Timbs (and published through the *Statewide School Finance Web-Site*) indicate that New York State now employs a three year average measure for **Free/Reduced Lunch Eligibility of .7512** (75.12%) for the Niagara Falls CSD when calculating State Aid provided the NFCSD. Dr. Timbs further notes that *when compared to all school districts in New York, Niagara Falls would fall in the highest decile (top 10%) of NY State Districts for the percentage of students eligible for Free/Reduced Lunch (FRPL Count).*

Continued Shift to More Diverse Population-Over the past twenty years the NFCSD has experienced a shift in the racial make-up of the district. A factor in that shift has been the “flight” of upper middle class families. That “flight” is one factor contributing to the district’s higher measured Federal Poverty level and Free/Reduced Lunch eligibility.

	% White	% Black	% Hispanic	% Asian
1993	66.90%	28.30%	1.10%	0.50%
1994	65.70%	29.40%	1.20%	0.60%
1995	63.70%	31.00%	1.60%	0.60%
1996	62.90%	31.50%	1.70%	0.80%
1997	62.00%	32.20%	1.90%	0.80%
1998	61.20%	33.00%	1.90%	1.10%
1999	60.70%	33.40%	1.80%	1.20%
2000	60.10%	33.70%	2.00%	1.30%
2001	59.30%	33.90%	2.10%	1.40%

2002	58.90%	34.50%	2.10%	1.30%
2003	57.60%	35.60%	2.10%	1.20%
2004	56.50%	36.30%	2.40%	1.40%
2005	55.30%	37.50%	2.40%	1.30%
2006	55.60%	37.00%	2.40%	1.30%
2007	55.20%	36.60%	2.90%	1.50%
2008	55.30%	36.40%	2.80%	1.50%
2009	54.70%	35.80%	2.90%	1.60%
2010	53.40%	35.50%	3.20%	1.60%
2011	52.50%	35.20%	3.80%	1.70%
2012	50.00%	35.10%	4.70%	1.40%

Data provided by the NFCSD for the first 5-week attendance period for 2014-15 reflect that the percent of Caucasian students served within the district has continued to fall over the past two years (to 46.85%). As of the opening of schools the last two years, the NFCSD enrollment reflects that the district was serving a majority-minority student population. Not reflected in the trend toward increased diversity portrayed in the above chart is the fact that NFCSD currently serves 283 Native American students (4.01%) and 614 students who identify as Multi-racial (8.7%).

Percent Handicapped Students-The percent of School Aged Students with Disabilities for the NFCSD was 15.7% for 2012-13. The rate of classification for the NFCSD exceeded NY State's Average Rate for Students with Disabilities by 2.6% (15.7 vs. 13.1%). The data reported here are from the latest Fiscal Supplement Report, a document updated annually by NYSED and required to be published by each district in conjunction with their Annual Budget.

Local Wealth (or Fiscal Capacity)—New York State employs a measure of local wealth (or Local Fiscal Capacity) known as the Combined Wealth Ratio (henceforth CWR). This measure equally weights Per Pupil Local Income, and Per Pupil Property Values. Measures for each locality are compared to State Averages creating two distinct ratios. When those ratios are weighted at .5 and combined they serve as the State's measure representing the capacity of each local community to support education from local raised revenues. Niagara Falls' CWR currently

stands at .358 (with a 1.000 CWR representing the NY State Average Wealth District). Again, based upon data provided by Dr. Rick Timbs, while Niagara Falls' CWR has risen slightly since 2010-11 it ***ranks within the lowest ten percent of school districts in the state in terms of the local community's ability to support K-12 education with locally generated revenues.***

Conclusion: More Challenging Economics and Demographics

Based upon two regularly updated measures of student need (FRPL Counts and Census Poverty Measures) the Niagara Falls School Districts is facing even greater demographic challenges today than when the district initiated the Maisto action. Succinctly stated, the Niagara Falls CSD faces the challenge of educating a diverse, and economically deprived student population while being recognized by NY State as a community with very low local incomes and local property wealth.

Additional Financial Challenges Encountered By NFCSD Since Initial Expert Witness Report Was Filed

Since the Niagara Falls CSD initiated their legal challenge to New York's School Finance System, and since the initial Expert Witness Report was filed several greater financial challenges have been encountered by the Niagara Falls City School District. The impact of each of these additional challenges will be addressed in the sections that follow.

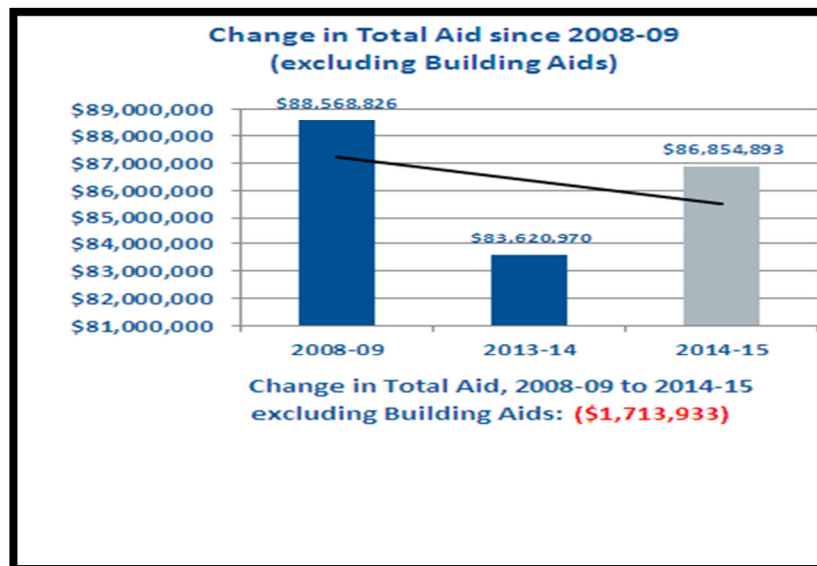
2014-15 State Aid for the Niagara Falls Remains Below Aid Received by the District in 2008-09

From 2008-09 and 2014-15 costly demands have been placed upon local school districts. Those demands challenge the NFCSD's ability to maintain resources in the classroom that assure all students receive a Sound Basic Education. Among those costly new demands include the following:

1. Districts have been required to convert core instruction to align with national Common Core Standards. At a minimum this has required districts to engage in significant staff training and to identify and purchase costly new materials that support this revised curriculum,
2. Under threat of loss of State Aid increases, local districts were required to engage in costly negotiations over Annual Professional Performance Reviews. The newly agreed to evaluation regimes needed to be put in place for every instructor and Principal. Significant local costs were incurred providing training to support instituting these new evaluation systems.
3. New assessments were required to be developed and approved for teachers who did not teach in curriculum covered by a state assessment. Costs related to the development, administration, and reporting of this data have been significant for all NY school districts.
4. State mandated retirement costs have increased markedly over this five year period. The NFCSD has no control over these costs as they are mandated by the state and assessed each year based upon actuarial estimates made by the NY State Teacher's Retirement System.

In addition to the new demands placed upon school districts it must be noted that inflation has reduced the ability of New York State school districts to provide programs that support delivery of a Sound Basic Education for all students. Utilizing a reliable (month to month) inflation calculator it was determined that between June 2008 and June 2014 the Consumer Price Index rose by 8.92%. Despite the combined impact of costly new mandates imposed upon all school districts by New York State, and the impact inflation has had upon the Niagara Falls CSD’s ability to provide services for highly needy students, the Niagara Falls CSD is projected to receive **\$1,713,933** less in State Aid (excluding Building Aid) for 2014-15 than they received in 2008-09. That estimate is graphically presented in the chart that follows. The chart below portrays data on State Aid for the NFCSD prepared by the NY State Council of School Superintendents (chart follows):

**NYSCOSS Graph Portraying the NFCSD’s Reduced State Aid
2008-09 vs. 2014-15 (Building Aid Excluded)**



Districts like Niagara Falls that serve an increasingly more challenging population, while relying very heavily on State Aid, are among those most damaged when State Aid reductions are imposed upon localities. With comparatively low amounts of local property supporting each student, the NFCSD finds it most challenging to offset the loss of State Aid with local taxes. We will discuss the relative inability of the NFCSD to generate additional local revenue in greater

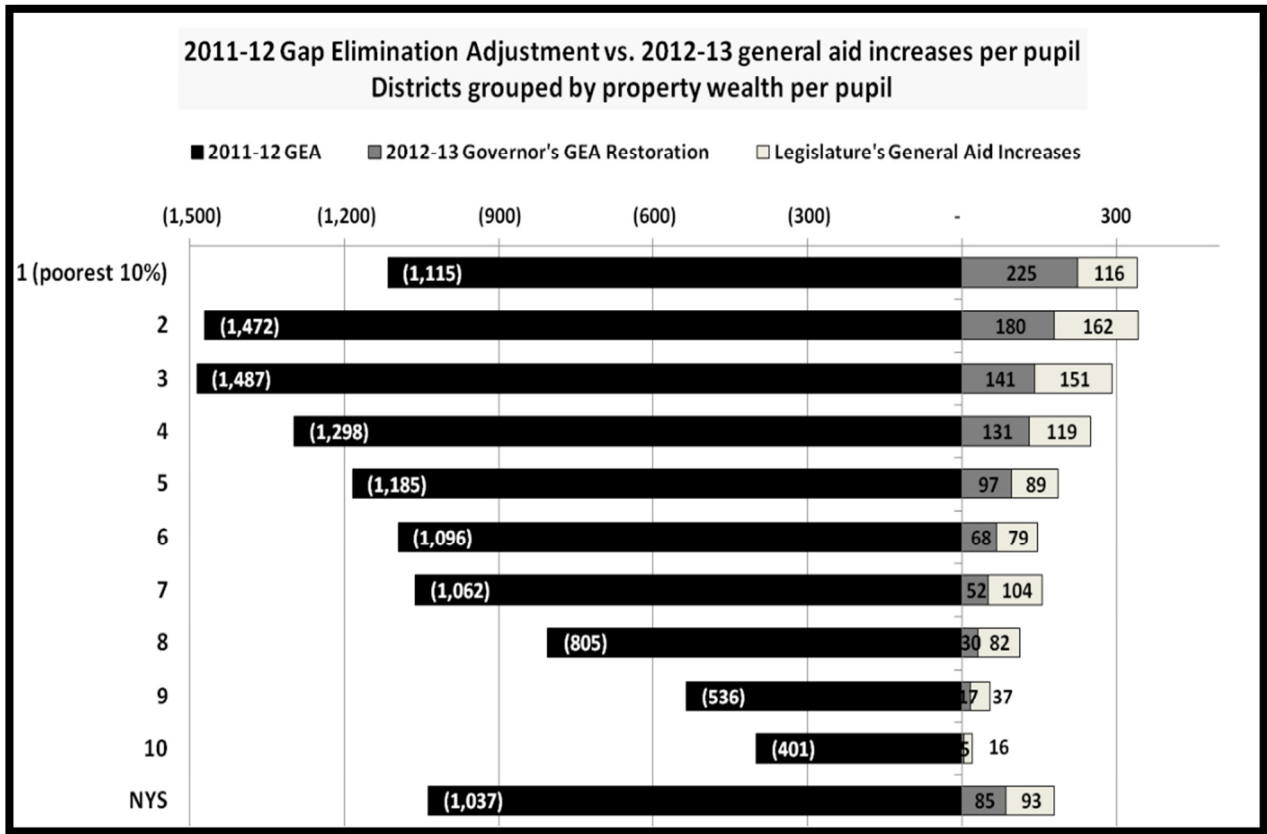
detail in a future section of this Addendum that addresses the differential impact the Local Property Tax Levy Cap has had upon the Niagara Falls CSD.

Damaging Impact of Gap Elimination Adjustments Upon the Niagara Falls CSD

In the face of a national recession, and the approximately ten billion dollar structural budget gap New York State faced in 2010, NY State began to impose Gap Elimination Adjustments (henceforth GEA's) upon local school districts in 2009-10. The GEA's were imposed upon every school district as an adjustment to aid generated under the state's funding formulas to calculate an amount of money pulled back from each district's computed State Aid allocation. At their inception, the GEA's were understood to be a temporary measure that would end when the economy improved and the state had begun to close its budget gap. For the first two years large portions of the GEA's were offset by Federal funding (ARRA funds and JOBS money).

A particularly troubling aspect of the Gap Elimination Adjustments is that they pulled back more dollars per student in low wealth school districts than they pulled back from high wealth districts. As noted previously, the **regressive** impact of the GEA's was not as detrimental during the first year they were imposed when **progressively** allocated Federal funding offset much of their impact. The following chart developed by Robert Lowry (again on behalf of NYSCOSS) demonstrates the regressive impact of the GEA's upon districts:

NYSCOSS Analysis of 2011-12 GEA's and Partial Restorations Made in 2012-13 State Budget



For the Niagara Falls City School District, again, among the poorest 10% of districts in the state, the GEA for 2011-12 equaled roughly \$1,162 per pupil (or $-\$8,137,599$ divided by 7,000 students = \$1,162 per pupil-approx.). Niagara Falls's per pupil reduction under the GEA was more than double the average per pupil GEA amount (\$401 per pupil) deducted from the State Aid paid to the wealthiest 10% of New York's school districts. The cumulative impact of the GEA's (over a five year time frame) imposed upon Niagara Falls have totaled \$25.46M (or approximately \$3,599 per student).

Differential Impact of New York's Tax Levy Cap

On June 24, 2011, Governor Andrew Cuomo signed Local Property Tax Levy Cap legislation intended to hold down increases in the growth of the local property tax. While making some allowances (for retirement cost increases, etc.) the new Tax Cap legislation holds local levy increases to 2%, or, the annual rate of inflation if it is less than 2%. Local communities proposing an increase larger than their school district's calculated cap figure are required to obtain super-majority support (approval of more than 60% of voters) to over-ride their levy cap.

With the Local Tax Levy Cap legislation curtailing the ability of school districts to raise revenue from local sources being imposed almost simultaneously with New York State reducing State Aid (by imposing GEA's) low wealth districts like the NFCSD are deprived revenue sufficient to assure all students are provided a Sound Basic Education. Further, in the next section we will demonstrate the Local Tax Cap Legislation has had a differential impact upon school districts—being particularly damaging to poor districts (with very low tax levies).

Operating 674 local school districts, New York State is characterized as having wide disparities in Per Pupil Expenditures across very diverse local districts. In the chart that follows we compare three similar sized school districts on 2011-12 Per-Pupil Expenditure, and 2011-12 Local Tax Levy. The final two columns of this chart illustrate the disparate impact that a 2% increase in the Local Tax Levy has upon the Local Levy and Projected Per-Pupil Expenditure for the three districts we compare. The chart makes clear the disparate impact of the 2% Levy Cap has upon similar sized school districts cause. Over one year the per pupil expenditures disparities widen. Over a decade the existing per pupil expenditures can be projected to widen into chasms. The small increase in per pupil funding generated in low tax levy districts like the NFCSD assures the district will struggle to provide resources necessary to assure each one of their needy students can be provided a Sound Basic Education.

**The Projected Per Pupil Increase of A 2% Levy Increase on
Similar Enrollment/Disparate Levy School Districts**

District	2011-12			2012-13 Levy	12-13 Per Pupil
	Enroll.	PP Spending	Local Levy	Increase @2%	Increase @ 2%
Niagara Falls	7,860	\$ 15,504	\$ 25,076,688	\$ 501,534	\$ 64
Kenmore	7,817	\$ 18,835	\$ 76,786,468	\$ 1,535,729	\$ 196
Massapequa	7,750	\$ 22,964	\$ 145,225,402	\$ 2,904,508	\$ 375

Summary: Greater Financial Challenges

The NFCSD initiated the Maisto complaint convinced insufficient resources were provided by the state to assure their students received a Sound Basic Education. Since that time, the combined impact on the NFCSD of New York State imposing cuts in State Aid (through GEA's) virtually simultaneously with imposition of the Local Tax Levy Cap has exacerbated the financial challenges that lead to the NFCSD's initial complaint.

Conclusion

The demands placed upon the Niagara Falls City School District present great challenges. As has been pointed out, the NFCSD provides educational services for a population that has a Free/Reduced Lunch eligibility level within the highest 10% of school districts in the state. The State's measure for Local Fiscal Capacity, the Combined Wealth Ratio (CWR), indicates that the NFCSD falls within the lowest wealth decile (10%) for school districts. When a **low wealth school district** is called upon to meet the educational needs of **one of the poorest student populations** in the state one has to conclude the district would need to spend **(at a minimum) at the State Average Per Pupil Expenditure** level. The calculation below utilizes data from the

most recent NYSED Fiscal Supplement to estimate how significant the annual underfunding of the NFCSD has been. This calculation reflects how much additional State Aid the NFCSD would need to be provided to reach the State Average expenditure level for General Education students, and IEP Students. All data for this projection are taken from the most recent NYSED issued District Fiscal Supplement.

NFCSD	Number	PP. Expend	State Ave.PPX	PPX Discrepancy
Genral Ed.	6998	\$ 9,817	\$ 11,615	\$ 1,798
IEP Students	1204	\$ 18,330	\$ 30,207	\$ 11,877

Gen. Ed Discrepancy = 6,998 Students X \$1,798 Per Pupil = **\$12,582,404**

IEP Discrepancy = 1,204 Students X \$11,877 Per Pupil = **\$14,299,908**

Total Discrepancy NFCSD vs. State Average = \$12,582,404 + \$14,299,908 = **\$26,882,816**

Widening Student Performance Gaps

Schools are becoming increasingly driven by student performance data. More testing is taking place with results available that permit the performance of Niagara Falls CSD students to be compared with the performance of students in other districts. This portion of the Addendum will look at a number of very recently reported student performance measures. This section will also look at the district trends for student performance.

NFCSD Kindergarten Students Readiness at Entry

For a number of years the NFCSD has assessed the readiness of incoming Kindergarten students for Kindergarten utilizing the same assessment regime, the Northwest Evaluation Association-Measures of Academic Progress (NWEA-MAP, MAP). NWEA-MAP results for Niagara Falls have documented serious deficiencies have existed for NFCSD incoming Kindergarten (when compared to National Norms) for over a decade. Even greater concern has emerged over the past three years as assessments scores upon Kindergarten entry for NFCSD students continue to fall on this measure—identifying wider divergence from national norms each of the last two school years. The chart that follows provides evidence that increasing numbers of entering NFCSD Kindergarten students demonstrate deficiencies (when compared with national norms).

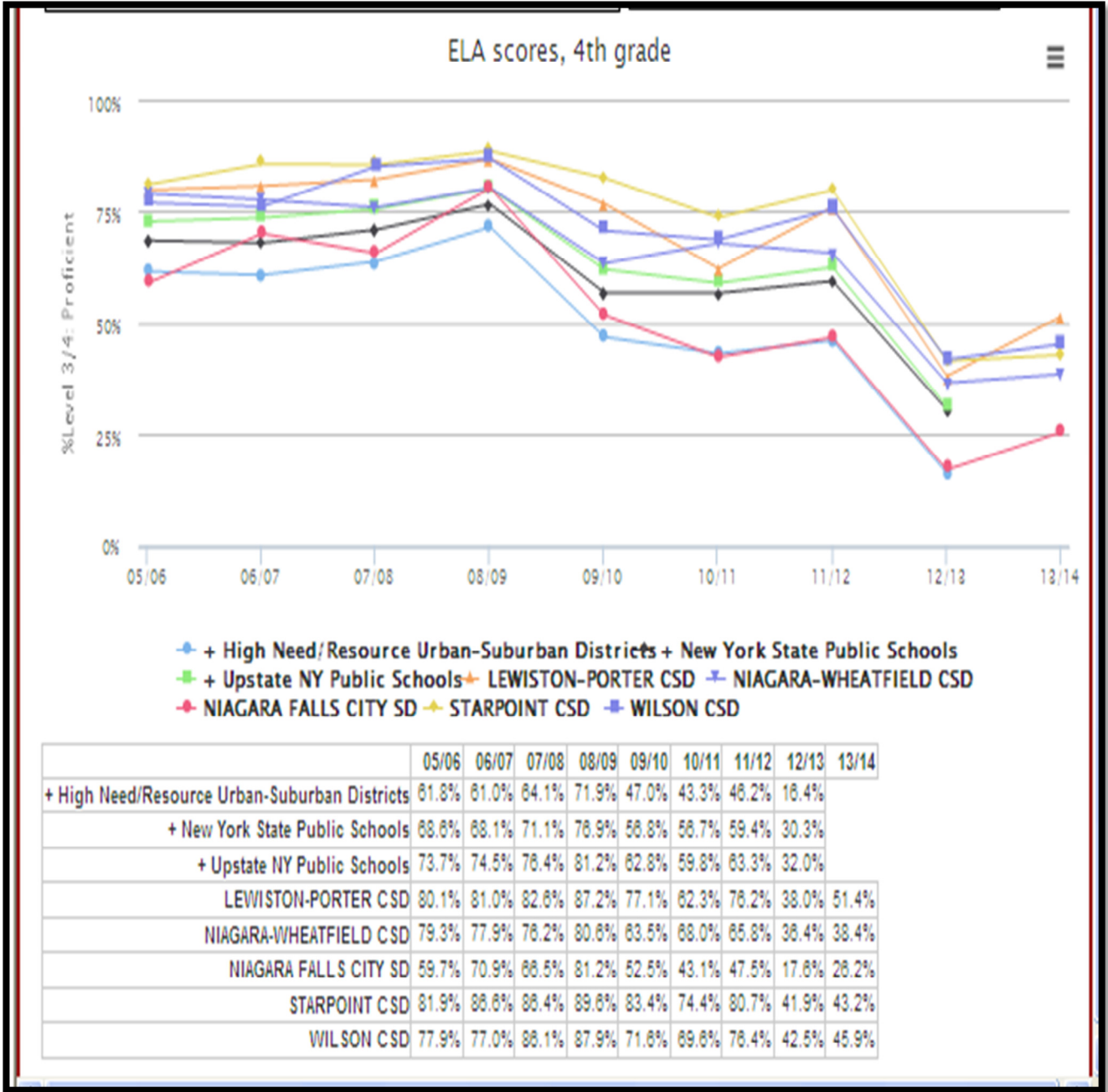
School Year	NFCSD % Kindergarten Students Tested At Tier I Reading
2011-12	68%
2012-13	69%
2013-14	76%
2014-15	75%

Similar deficiencies are evident in results for the initial screening in Math where over 40% of entering students have performed below the 21st percentile each of the past two years.

The widening “readiness” gap between NFCSD incoming Kindergarten students and national norms confirms the deteriorating economic and demographic make-up of the NFCSD presents additional challenges for the NFCSD to overcome each year.

Comparative Performance of NFCSD Students: Grade 4 ELA NY State Assessments

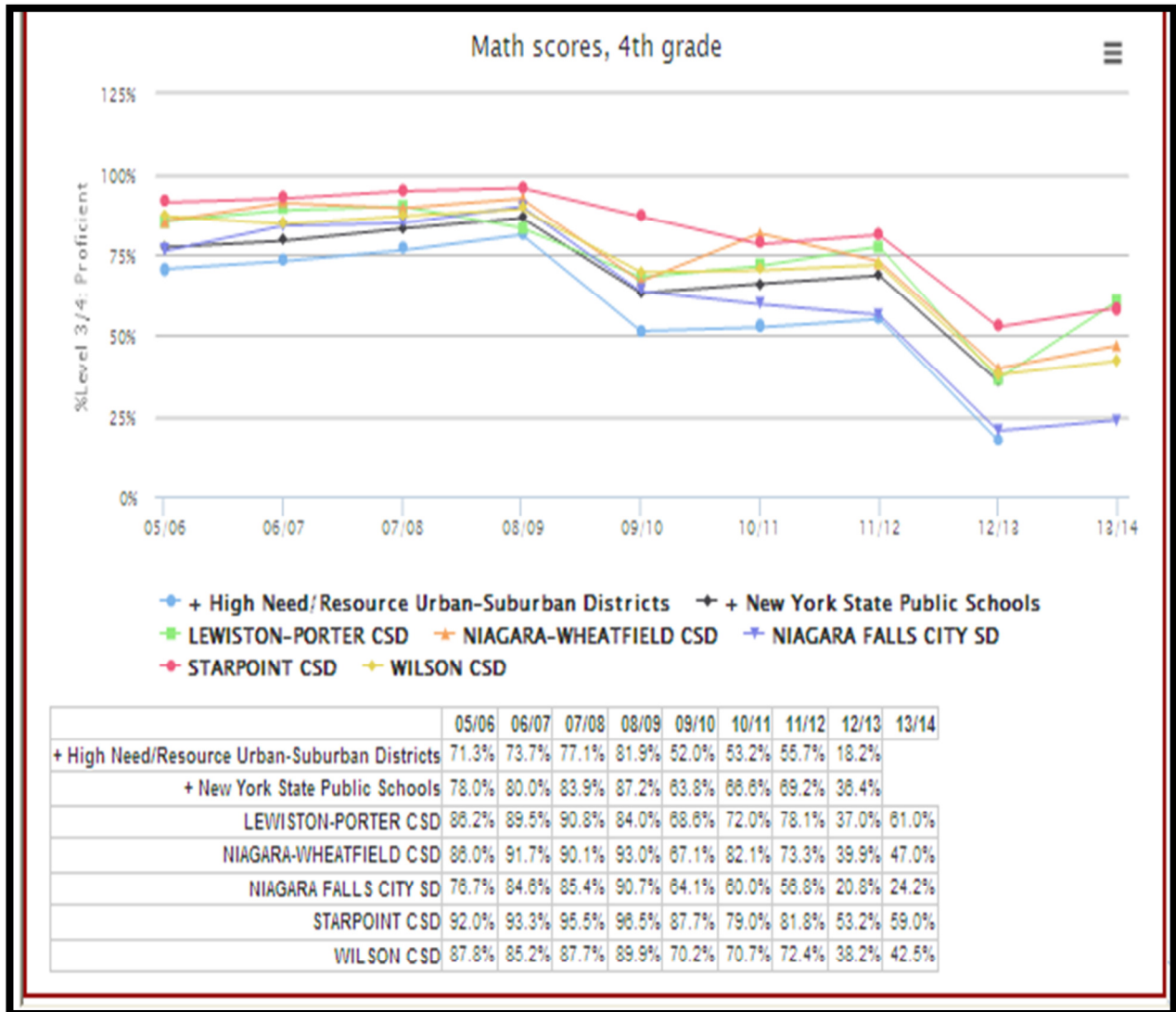
The chart that follows graphs data for NFCSD Grade 4 Students on NY State’s ELA Assessment data reflecting the percent of NFCSD students achieving Proficiency (Level 3 or 4). The chart illustrates a widening divergence between the performance of NFCSD students and NY State Average performance. The graphs that follow also compare performance between NFCSD and students at four other Western Niagara County comparison school districts. The performance of NFCSD student began to diverge sharply from performance of comparison districts in 2009-10. That year coincided with NY State raising “cut scores” used to identify proficiency. Results for the last two data points show a further sharp decline in NFCSD students identified as proficient. Results for the most recent two years reflect introduction of new assessments based upon the recently introduced Common Core Standards. Both the performance gaps illustrated in this graph—and the fact that only 25% of NFCSD students demonstrated proficiency on the most recent results raises great concern.



Comparative Performance of NFCSD Students: Grade 4 Math NY State Assessments

The pattern for the Grade 4 NY State Math Assessment is consistent with those discussed with Grade 4 ELA outcomes (Cuts Score Adjustments 2009-10 and new Common Core Assessments impacting the last two data points). Again, the performance of the NFCSD only resembles the

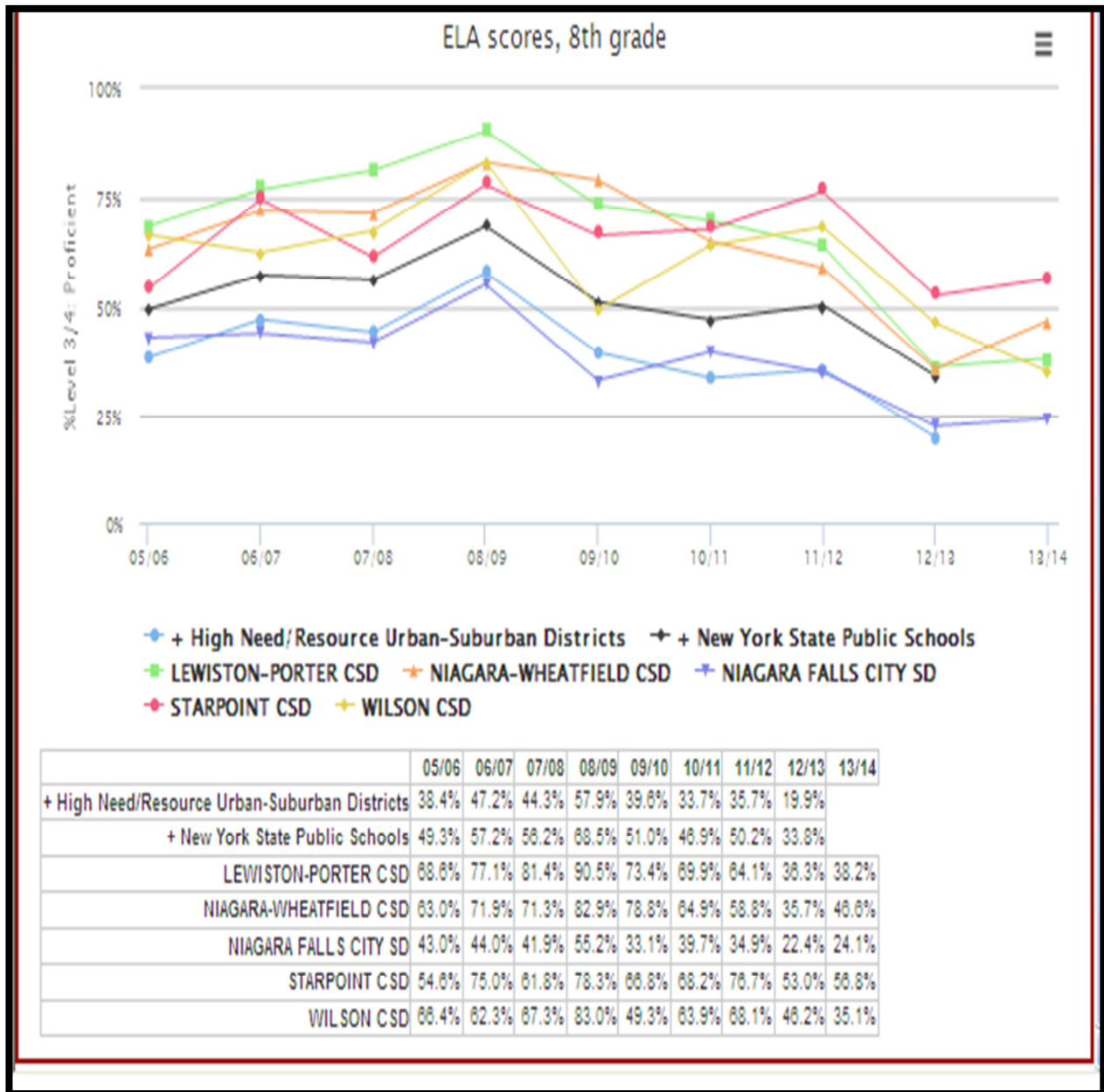
performance of other High Need Urban/Suburban Districts. For the most recent school year less than 25% of NFCSD students reach the State’s standard for “Proficiency.”



Comparative Performance of NFCSD Students: Grade 8 ELA NY State Assessments

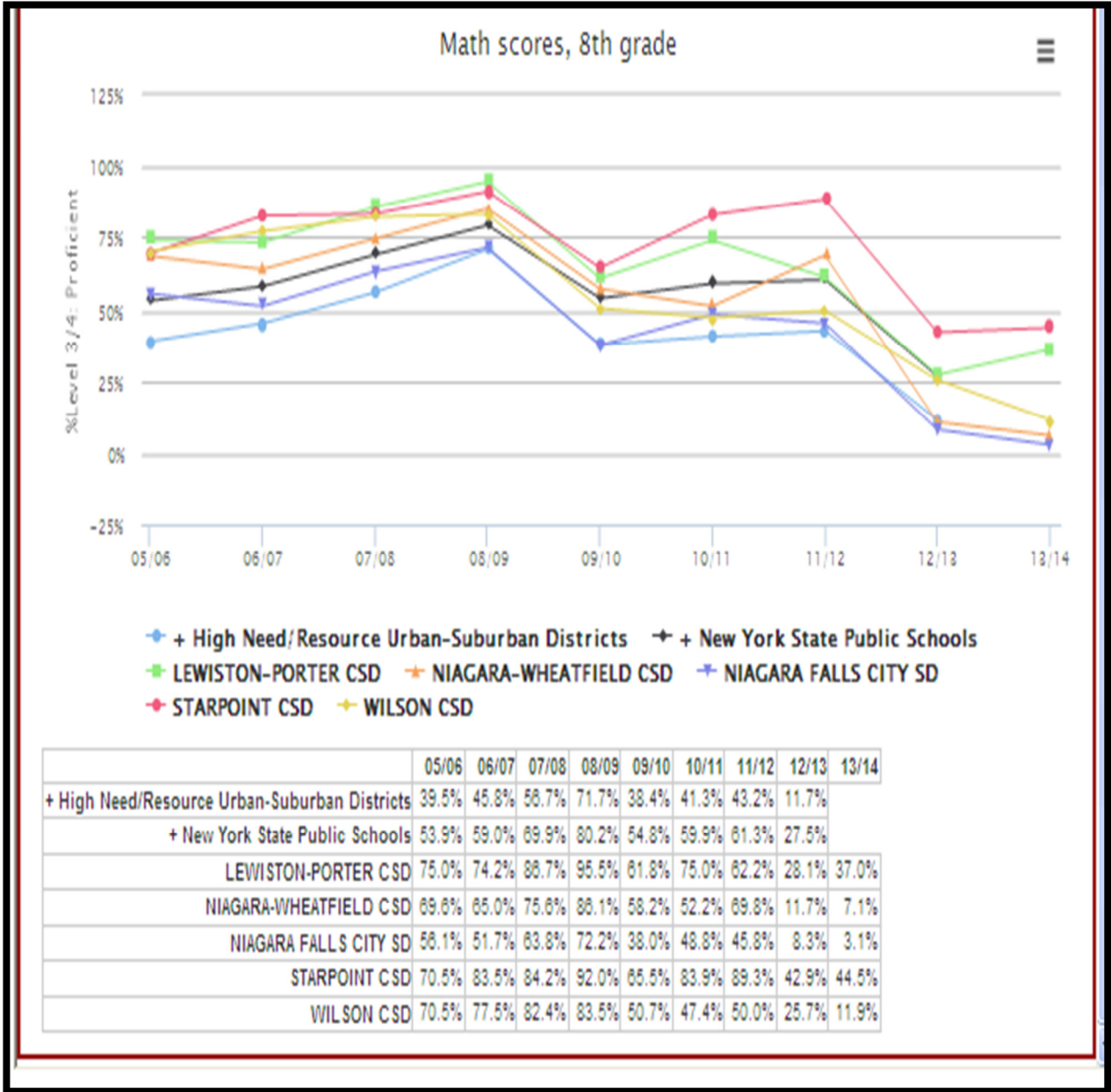
As noted previously, the percent of students achieving Proficiency, Level 3 & 4, dropped in both 2009-10 (new “cut scores”) and again in 2012-13 (first Common Core Assessments). The graph shows (1) NFCSD student performance badly trails Comparison (Western Niagara County districts) and is only paralleled

by the performance of other High Need Districts. Less than 25% of NFCSD demonstrated “Proficiency” on the last two Grade 8 ELA Assessments.



Comparative Performance of NFCSD Students: Grade 8 Math NY State Assessments

While several other Western Niagara County School Districts also have low scores on this assessment it raises great concerns that only 3% of the NFCSD students who entered Niagara Falls High School this year demonstrate they are on track to graduate “college and career ready” four years from now.



Conclusion: Grade 4 and 8 Assessment Trends

The performance of NFCSD students on these four assessments raises grave concerns whether these children will be able to graduate “college and career ready,” or meeting the Sound Basic Education standard defined in the CFE case. One critical point must be made at this time. While only 3% of NFCSD students are demonstrating proficiency on the Grade 8 Math Assessment the district currently lacks the certified staff to provide Math AIS at the Elementary and Middle levels. Further, students at NFHS who

do not initially succeed on the Algebra Regents exam are not provided any small group remedial support to assist them in passing that mandated Regents exam.

Aggregate Success Rates: Grade 3-8 ELA and Math Assessments

It has previously been noted that the Grade 3-8 NY State ELA and Math Assessments utilized the last two years (2012-13 and 2013-14) were aligned with the Common Core State Standards. As these new assessments have been phased in, NYSED began to utilize a new approach for reporting school district data. The new data reporting format combines the results for districts into a single table summarizing the student performance for Grades 3-8. Disaggregated sub-group results for Gr. 3-8 are portrayed in the single table allowing anyone who views the table to quickly determine if performance gaps exist for sub-groups (minorities, economically disadvantaged, disabled, etc.). Critical data from this aggregate performance table has been compiled in the charts that follow. This data permits convenient comparisons on the following three dimensions:

1. How NFCSD student performance compares with other Western Niagara County School Districts (Niagara-Wheatfield, Lewiston-Porter, Starpoint, and Wilson).
2. Where gaps exist between the NFCSD aggregate performance level and the performance level of sub-groups, and
3. Whether NFCSD student performance trends for 2013-14 reflect progress in Year 2 of using Common Core based assessment. Progress for NFCSD students will be examined both in aggregate—and for critical Sub-Groups., or other sub-groups.

Common Core Testing: Grade 3-8 Aggregate ELA Data for 2013 and 2014

2013 Grade 3-8 ELA (Year 1 for Common Core)					
% Level 3&4					
District	Total	Black	Hispanic	Econ. Disadv.	Disabled
Niagara Falls	18%	11%	10%	12%	3%
Niag. Wheat.	38%	17%	38%	21%	1%
Starpoint	46%	11%	43%	25%	5%
Lew-Port	40%	25%	33%	22%	5%
Wilson	38%	NA	42%	26%	7%
Four Dist Ave.	41%	18%	39%	24%	5%

N. Falls Deficit	-23%	-7%	-29%	-12%	-2%
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2014 Grade 3-8 ELA (Year 2 for Common Core)					
% Level 3&4					
District	Total	Black	Hispanic	Econ. Disadv.	Disabled
Niagara Falls	18%	11%	13%	12%	2%
Niag. Wheat.	38%	14%	41%	20%	2%
Starpoint	47%	31%	NA	30%	7%
Lew-Port	39%	38%	36%	22%	7%
Wilson	33%	NA	22%	23%	1%
Four Dist Ave.	39%	28%	33%	24%	4%
N. Falls Deficit	-21%	-17%	-20%	-12%	-2%

Comparison Concerns—Grade 3-8 ELA

1. NCFSD Aggregate performance badly lags the performance of the four other Western Niagara County Districts. 2.
2. The performance of Niagara Falls Black sub-group falls further behind the rest of the comparative group in year #2.
3. During year two the percentage of students in key sub-groups reaching proficiency for the NCFSD is less than half of the four districts comparative average for Black Students, Hispanics Students, Economically Disadvantaged Students, and Students with Disabilities.

Gap Concerns—Grade 3-8 ELA

1. While aggregate scores for the district remain low for both years the disparity between the district score and the score for all Sub-groups raises concerns.

Trend Concerns—Grade 3-8 ELA

1. No progress is evident in Year 2 for the aggregate group.
2. Only one of the four Sub-groups (Hispanic Students) demonstrated higher percentage of students achieving Proficiency when comparing Year 1 to Year 2. Scores for three critical Sub-

groups (Black Students, Economically Disadvantaged Students and Students with Disabilities actually declined in Year 2.

Common Core Testing: Grade 3-8 Aggregate Math Data for 2013 and 2014

2013 Grade 3-8 Math					
% Level 3&4					
District	Total	Black	Hispanic	Econ. Disadv.	Disabled
Niagara Falls	15%	7%	10%	10%	3%
Niag. Wheat.	33%	9%	31%	18%	1%
Starpoint	43%	21%	50%	26%	5%
Lew-Port	34%	35%	33%	16%	5%
Wilson	24%	NA	13%	17%	7%
Four Dist Ave.	34%	22%	32%	19%	5%
N. Falls Deficit	-19%	-15%	-22%	-9%	-2%

2014 Grade 3-8 Math					
% Level 3&4					
District	Total	Black	Hispanic	Econ. Disadv.	Disabled
Niagara Falls	18%	9%	15%	12%	4%
Niag. Wheat.	41%	14%	38%	26%	5%
Starpoint	54%	20%	60%	34%	13%
Lew-Port	49%	47%	36%	27%	11%
Wilson	35%	NA	10%	27%	8%
Four Dist Ave.	45%	27%	36%	29%	9%
N. Falls Deficit	-27%	-18%	-21%	-17%	-5%

Comparison Concerns—Grade 3-8 Math

1. Percentage of NFCSD students demonstrating Proficiency fell well below that of other Western Niagara County during both Year 1 and Year 2.
2. Aggregate Proficiency in Year 2 lagged further behind the Four District Comparative Average in Year 2 vs. Year 1.
3. Performance in every student Sub-group sharply lags that calculated as the Western Niagara County Four District Average.

Gap Concerns—Grade 3-8 Math

1. The overall low performance of the NFCSD students results in “compression” of scores for Sub-groups. Performance Gaps between student Sub-groups are not pronounced—but the low performance of each of the Sub-groups should raise great concerns.

Trend Concerns—Grade 3-8 Math

1. Improvement was evident for the Districts as a whole—and for each Student Sub-group when comparing Year 1 to Year 2, but, growth for NFCS student badly trailed the level of growth shown for the Four District Averages.

Comparative Performance on Required Regents Exams

The charts that follow display the performance of NFCSD students compared to the performance of students attending the four other Western Niagara County school districts. Two charts are presented. The first set of charts (2) compares the performance of **All Students** from these five school districts. The second set of charts (2) compares the performance of the Economically Disadvantaged Sub-group of students attending these five high schools. **Passing scores** (65% = % P) on these five Regents examinations are required for completion of a Regular, or Regents High School diploma. Students achieving a score of 85% on any Regents exam are considered to have met the standard for Mastery (85% = % M).

Niagara Falls HS: Regents Exam-Comparative Performance

2012-13 Regents Exams--All Students						
	Global		US		ELA	
District	% P (65%)	% M(85%)	% P (65%)	% M(85%)	% P (65%)	% M(85%)
Niagara Falls	52%	12%	66%	22%	82%	31%
Niag. Wheat.	84%	44%	91%	67%	92%	46%
Lew-Port	90%	57%	96%	80%	96%	47%
Starpoint	92%	35%	98%	68%	94%	46%
Wilson	90%	29%	89%	53%	93%	42%
Four Dist Ave.	89%	41%	94%	67%	94%	45%
N.Falls Deficit	-37%	-29%	-28%	-45%	-12%	-14%

2012-13 Regents Exams--All Students						
	Algebra		Liv. Envir.			
District	% P (65%)	% M(85%)	% P (65%)	% M(85%)		
Niagara Falls	64%	3%	71%	16%		
Niag. Wheat.	88%	18%	86%	40%		
Lew-Port	96%	42%	92%	48%		
Starpoint	98%	34%	100%	68%		
Wilson	92%	30%	97%	48%		
Four Dist Ave.	94%	31%	94%	51%		
N. Falls Deficit	-30%	-28%	-23%	-35%	0%	0%

2012-13 Regents Exams--Econ. Disadv.						
	Global		US		ELA	
District	% P (65%)	% M(85%)	% P (65%)	% M(85%)	% P (65%)	% M(85%)
Niagara Falls	44%	7%	59%	14%	74%	22%
Niag. Wheat.	71%	34%	85%	54%	90%	36%
Lew-Port	78%	43%	96%	75%	89%	43%
Starpoint	90%	33%	96%	61%	95%	32%
Wilson	82%	21%	82%	35%	83%	31%
Four Dist Ave.	80%	33%	90%	56%	89%	36%
N. Falls Deficit	-36%	-26%	-31%	-42%	-15%	-14%

2012-13 Regents Exams--Econ. Disadv.						
	Algebra		Liv. Envir.			
District	% P (65%)	% M(85%)	% P (65%)	% M(85%)		
Niagara Falls	58%	1%	66%	11%		
Niag. Wheat.	78%	10%	69%	21%		
Lew-Port	94%	29%	74%	30%		
Starpoint	92%	35%	100%	69%		
Wilson	82%	33%	94%	42%		
Four Dist Ave.	87%	27%	84%	41%		
N. Falls Deficit	-29%	-26%	-18%	-30%	0%	0%

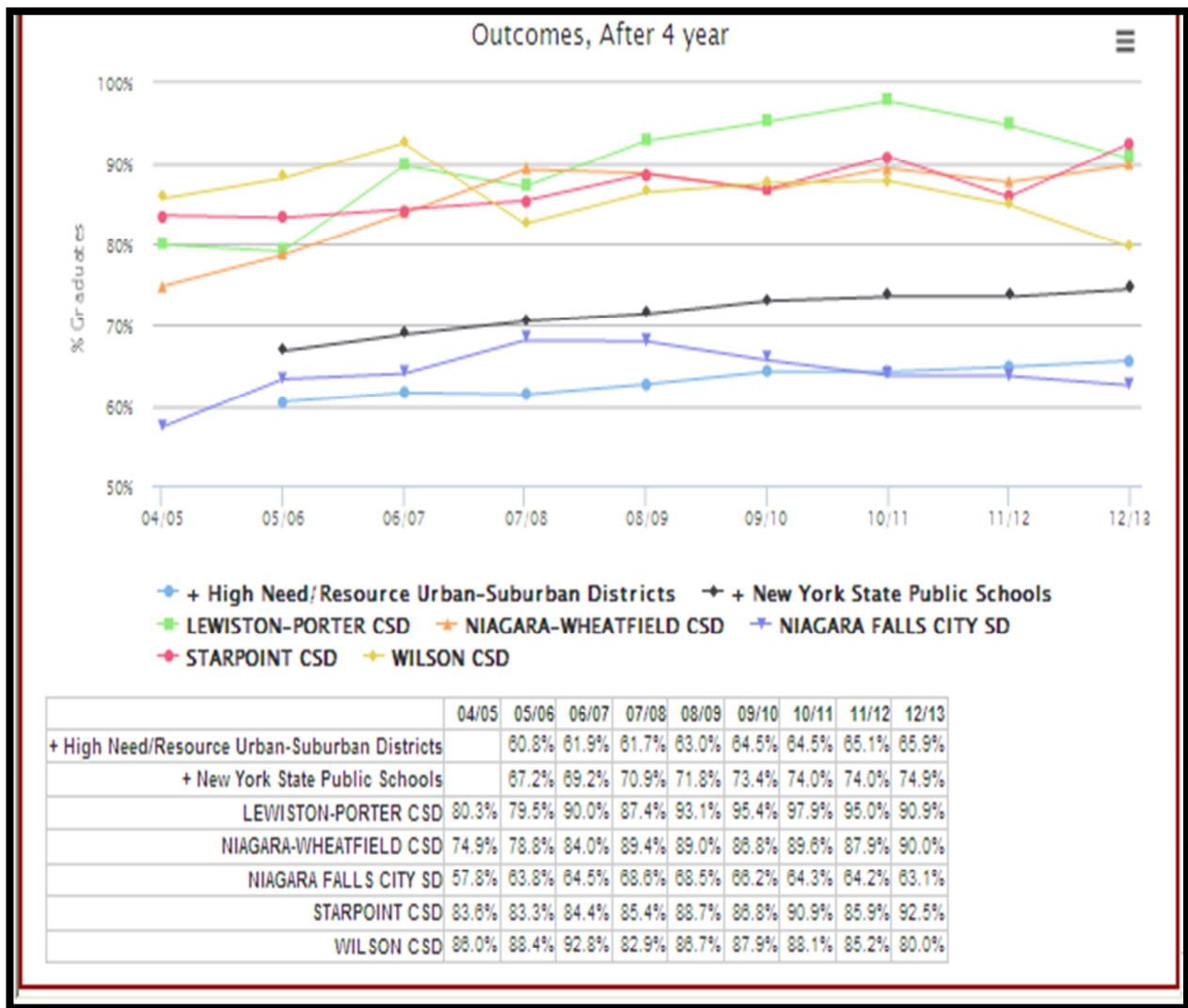
Summary: Regents Exam Comparative Results—All Students

Unacceptably large discrepancies were found to exist between NFCSD and the performance of students at the four comparison districts at both the Passing and Mastery level. The passing rate in several required Regents examinations is sufficiently high that it can be viewed as interfering with HS Completion rates. It is noted another section of this report that the NFCSD does not have sufficient staff to provide AIS for students who initially fail a required Regents examination. The low passing rates reported in the **All Students** table for **Global Studies (52%), US History (66%), and Algebra (64%) in combination with a lack of small group (AIS) support becomes a great obstacle to timely graduation.**

High School Completion

With very low proficiency rates on Middle School level ELA and Math Assessments and the lack of AIS support beyond Grade 9 at NF High School the low Passing rates on the required High School Algebra Regents exams should not come as a surprise. The performance on this one important exam is likely to contribute to very low Four Year Completion Rates of NFCSD students. The graph shows recent Four Year Completion rates for the NFCSD fall well below those for any of the other groups reflected in the graph.

Four Year Graduation Rate Comparison



Comparison: Cohort Completion Rates

Comparative data for Four Year Completion Rates achieved by five Western Niagara County school districts are in the charts that follow. These charts are for the cohort group that entered Grade 9 in September 2008. The Charts examine Four Year Completion Rates for:

1. All Students,
2. Economically Disadvantaged Students, and
3. Students with Disabilities.

**2008 Cohort -4 Year Completion
All Students**

District	Total	Advanced	Local
Niagara Falls	64.2%	17.3%	8.6%
Niagara Wheatfield	87.9%	47.9%	2.5%
Lewiston Porter	95.0%	52.7%	0.9%
Starpoint	85.9%	38.7%	4.0%
Wilson	85.2%	37.4%	0.0%

**2008 Cohort -4 Year Completion
Economically Disadvantaged**

District	Total	Advanced	Local
Niagara Falls	68.2%	14.3%	10.7%
Niagara Wheatfield	75.0%	27.5%	3.8%
Lewiston Porter	92.3%	19.2%	3.8%
Starpoint	81.6%	26.3%	5.3%
Wilson	78.8%	16.2%	0.0%

**2008 Cohort -4 Year Completion
Students with Disabilities**

District	Total	Advanced	Local
Niagara Falls	48.0%	2.0%	32.7%
Niagara Wheatfield	60.0%	11.1%	17.8%
Lewiston Porter	73.5%	8.8%	5.9%
Starpoint	48.5%	3.0%	30.3%
Wilson	61.5%	0.0%	0.0%

Summary: These charts illustrate that the Four Year Completion Rate for the NFCSD falls significantly below that of other Western Niagara County school districts. Further, concerns about the high percentages of Niagara Falls graduates completing only a Local Diploma must be noted. A local diploma can be earned without successfully completing the five regents exams required for a Regents diploma.

Niagara Falls City School District

Summary of Interviews

In Relation To: The CFE Constitutional Requirements

During the course of visits to the Niagara Falls City School District a series of interviews were conducted. Those interviews included the following staff members:

1. **Assistant Superintendent-Mark Laurie,**
2. **Assistant Superintendent-Mr. Timothy Hyland,**
3. **Assistant Superintendent-Mr. Rick Carella,**
4. **High School Principal-Mr. James Spanbauer (2012),**
5. **Gaskill Prep Principal-Mr. Robert Bradley,**
6. **LaSalle Prep Principal-Mr. James Spanbauer (2014)**
7. **Hyde Park Elem. Principal-Ms. Sheila Smith,**
8. **District Chief Information Officer-Ms. Marcia Capone**
9. **Teacher on Special Assignment/Director of Special Education-Ms. Susan Kuznik**

Each of these individuals responded to a structured interview that probed eight areas that had been specified as critical to providing a Sound Basic Education by the courts in the original Campaign For Fiscal Equity legal proceedings. The topics covered in these interviews include:

- A. **Qualified Teachers, Principals, and Other Personnel**
- B. **Suitable, Up-to-Date Curricula**
- C. **An Expanded Platform of Services for At-Risk Students**
- D. **Adequate Resources for Students with Extraordinary Needs**
- E. **Class Size/Instructional Grouping**
- F. **Instrumentalities of Learning**
- G. **Safe and Orderly Environment**
- H. **Adequate and Accessible Facilities**

The document that was utilized to guide these structured interviews is included in the appendix to this report.

A summary of findings related to each of these eight topics follows:

I. Qualified Teachers, Principals, and Other Personnel

- The district does not provide a sufficient number of Certified and Adequately Trained Library-Media Specialists. **No LMS's are assigned to elementary buildings.**
- While virtually all staff in the district that provide regular classroom instruction are appropriately certified the district does not employ sufficient numbers of certified Academic Intervention Services providers. In particular, no certified Math support personnel were provided for at the Elementary or Prep level. In addition, insufficient numbers of ELA support staff were available to provide ELA AIS that conformed with expectations set by the state.
- Beyond "remedial" time built into the Grade 9 schedule no AIS services are provided at NFHS. Certified staff are not systematically scheduled to provide AIS support for students who failed to achieve proficiency on required Regents examinations. This deficiency clearly contributes to the districts low (mid-sixties) Four Year completion rates.
- The district often cannot fill substitute teacher needs. This requires Principals to fill classroom vacancies using uncertified staff (paraprofessionals). The resultant schedule adjustments that must be made when certified substitutes are not engaged frequently means needy students do not benefit from the support services para-professional staff are hired, scheduled, and trained to provide. More specifically, elementary level AIS support is frequently sacrificed as para-professionals are reassigned to cover where subs are not available.
- Para-Professional schedule adjustments required due to substitute teacher shortages often result in handicapped students Individual Education Plans not being in full compliance.
- Guidance counselors are provided at all building levels but they struggle to provide routine services given high student/counselor ratios and the needs of the student population.

- Social workers had been employed using grant funds over the recent past. Expiration of the grants under which Social Workers were funded resulted in elimination of Social Workers. Those cuts occurred over the past several years.
- Disciplinary and safety personnel are provided for selected elementary sites (larger sites and those in neighborhoods perceived to be dangerous). At the Prep level one City Police Officer provides security coverage during the school day. At NFHS, one School Resource Officer remains on staff. Initial staffing levels for NFHS called for three Resource Officers to be assigned to the high school. The reductions in coverage at the high school level occurred due to lack of financial resources experienced by both the City of Niagara Falls Police Department and the Niagara Falls CSD .
- Despite attendance being identified as a major factor in low student achievement resources were not available to provide support addressing student attendance issues. No certified Attendance teachers are employed by the district. One person works on behalf of all school sites making visitations related to long term attendance issues.
- One other concern arises in this area of Certified Staffing. The district utilizes a Teacher on Special Assignment to oversee the Special Education program's operation. That person lacks the School District Administrator certification expected of the person handling district wide administrative responsibilities.
- While the district does not utilize uncertified instructors it was noted by a number of building leaders that highly qualified instructors frequently take advantage of opportunities to move to other school districts. Cumulatively, the district suffers continued talent losses that occur due to the challenges talented young instructors face working in a resource scarce urban setting.

II. Suitable, Up to Date Curriculum

Overview: Like every district in the state, the Niagara Falls CSD is moving to align with the Common Core Standards. That shift was imposed upon all school districts in the state as a requirement when NY accepted Federal Race to The Top funding. Any shift in curricular focus is particularly difficult for

resource challenged districts like Niagara Falls to absorb. Multiple district level officials, along with building Principals, observed that resources (funding) that had been available in the past to support the use of substitute teachers while the regular instructor engaged in curriculum work or received training were no longer able to be budgeted. It was also noted that a significant amount of money that had supported the district's summer staff training initiatives in past years had been removed from the budget over recent years. This lack of resources has limited flexibility in providing staff training opportunities and has made conversion to the Core Curriculum Standards a greater burden for the Niagara Fall CSD than prior state mandated curriculum realignments.

- While Niagara Falls High School continues to provide a range of electives that permits a student to complete 22 units of study a significant number of electives have been reduced over the past five years. The courses that had been reduced included popular electives like Journalism, and AP courses including Sociology and Psychology.
- Student opportunities for career and technical training are now only available through attendance at the local BOCES. In the past Niagara Falls students could complete graduation sequences in technology while attending NFHS on a full time basis. As travel time becomes a factor for any student attending BOCES the lack of a school based career technical education options contributes to reduced graduation rates.
- Elementary enrichment programs have been curtailed by the school district. Programs to challenge the district's most capable elementary students that existed in each building as recently as five years ago are now provided only at one elementary site. Lowered parental enthusiasm for having their children involved in an enrichment program housed at another elementary site has greatly reduced participation in the elementary enrichment program.
- Inadequate training opportunities for Special Education staff have resulted in the district placing more students into self-contained Special Education classrooms at NFHS over recent years. District officials acknowledged this change will result in a lower graduation rate for IEP students in the future.

- Over recent years the Foreign Language study options available at Niagara Falls High School had been reduced due to resource availability issues. Student may now only study Spanish. Latin, French and Italian had been available in the past.

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

- The Principals at both Gaskill and LaSalle Prep pointed out that staffing prevented them from scheduling underachieving students for Academic Intervention Services in Math with certified instructional personnel. By 2014 the certified staff available for ELA Academic Intervention Services at these sites had also been severely curtailed resulting in the district only providing AIS support for students furthers from proficiency. This instruction was generally provided in large groups settings (15+) with limited opportunity to address individual student's remedial needs.
- No AIS support was provided in the Social Studies and Science curriculum areas for students at the Prep levels.
- At Elementary sites AIS was provided by a team headed by a certified staff member. No Math AIS was scheduled for low achieving elementary studnets in either 2012, or 2014.
- Budget cuts had resulted in the discontinuation of after school support programs at all levels. In the past, extended day programs had provided Niagara Falls students opportunities for remedial, enrichment, nutrition and recreational opportunities for students
- Niagara Falls High School recently discontinued summer bridge programs designed to provide pre-teaching and skill development for entering 9th grade students who had deficiancies academically at the Prep level.
- Summer support programs previously available for Elementary and Prep level students had been curtail due to resource curtailment in recent budget cycles.
- Niagara Falls High School schedules no AIS support for grades 10-12 students in ELA, Math, Science or Social Studies due to staff shortages.

- The TSA in charge of placement for IEP students observed that neither handicapped, nor non-handicapped students were being scheduled for small group support in Math at the Elem. And Prep levels. This was due to recent staff reductions.
- Niagara Falls High School had recently lost a counselor leaving them with seven counselors for approximately 2,000 high need students.

IV. Adequate Resources for Students with Extraordinary Needs

- Data reported by NYSED in the NFCSD's most recent District Fiscal Supplement Report indicated that the NFCSD spent \$11,877 less per handicapped pupil than the NY State Average spent on similar students. This spending gap is stunning and by itself calls into question the adequacy of support being provided handicapped students.
- Four self-contained classrooms were exceeding appropriate enrollments for 2012-13 school year. State waivers were applied for to allow the additional students to be enrolled in these classroom settings.
- It was noted that the lack of sufficient school safety personnel has made it necessary for the school district to place high numbers of Emotionally Disturbed students in out-of-district placements.
- While students in need of ELL support has increased significantly over the past several years the districts has been forced to reduce on ELL instructor and one ELL para-professional.
- A good number of ELL students are also identified as being in need of IEP services. These students' needs are difficult for the district to meet given tight ELL staff schedules.

V. Class Sizes/Instructional Grouping

- Examination of building master schedule reports for **2012-13** and **2014-15** indicated the following percentage of **Secondary Core Subject Area Classes**

(ELA, Math, Soc. St., Science, and LOTE) were at, or above upper limits of CFE class size recommendations (23 students per section):

<u>Bldg.</u>	<u>2012-13</u>	<u>2014-15</u>
Gaskill Prep	29.8%	51.5%
LaSalle Prep	NA	42.7%
NFHS	32.3%	47.8%

- When analyzed by elementary school site examination of 2012-13 building master schedules indicated that a majority of classrooms exceeded the class size guidelines recommended in the CFE decision (K-3: Below 20; Gr. 4-6 Below 23). Percentage of 2012-13 elementary sections exceeding the CFE standard by site were:

<u>Bldg.</u>	<u>Over/Tot.</u>	<u>Pct. Over</u>
Cataract	16/19	84.2%
Niagara Street	20/26	76.9%
Mann	15/19	78.9%
Abate	9/28	32.1%
Kalfas	10/20	50.0%
79 th Street	13/17	76.5%
Maple Ave.	10/15	66.6%
<u>Hyde Park</u>	<u>12/18</u>	<u>66.6%</u>

District 100/166 60.2%

- When a similar analysis was conducted for the current school year (2014-15) very little change was noted in the percentage of elementary sections across the district that were under the class size recommendations included in the original CFE decision (K-3: Below 20; Gr. 4-6 Below 23). Percentage of 2014-15 elementary sections exceeding the CFE standard by site were:

<u>Bldg.</u>	<u>Over/Tot.</u>	<u>Pct. Over</u>
Cataract	11/20	55.0%
Niagara Street	20/25	80.0%
Mann	10/20	50.0%
Abate	14/24	58.3%
Kalfas	8/18	42.1%
79 th Street	15/18	83.3%
Maple Ave.	8/14	57.1%
<u>Hyde Park</u>	<u>7/18</u>	<u>38.8%</u>
District	93/157	59.2%

- 2012-13 elementary enrollments analyzed by grade levels are summarized in the table that follows:

Niagara Falls:2012-13 Elem. Enrollment-by Grade In Relation to CFE Class Size Recommendations						
Grade	Enroll.	Sections	Ave.	Above	Total	% Above
Kinder	583	26	22.42	18	26	69.23%
1stGrade	504	24	21.00	15	24	62.50%
2ndGrade	493	25	19.72	11	25	44.00%
3rdGrade	537	25	21.48	16	25	64.00%
4thGrade	521	24	21.71	11	24	45.83%
5thGrade	513	21	24.43	14	21	66.67%
6thGrade	494	20	24.70	15	21	71.43%
Total	3645	165	22.09	100	166	60.24%

- Completing a similar analysis for the current school year it was found that little progress had been made in bringing elementary class sizes into line with the court’s CFE recommendations. The chart below summarizes 2014-15 elementary section enrollment by grade.

Grade	Enroll.	Sect.	Ave/Sect	Over	% Over
Kinder.	549	24	22.9	21	87.5%
Grade 1	536	24	22.3	20	83.3%
Grade 2	485	24	20.2	11	45.8%
Grade 3	492	23	21.4	13	56.5%

Grade 4	474	21	22.6	7	33.3%
Grade 5	494	22	22.5	7	31.8%
Grade 6	491	20	24.6	14	70.0%
	3521	157	22.3	93	59.2%

- The Teacher on Special Assignment handling placement for Handicapped students indicated that during 2012-13 there were several classrooms at Niagara Street, Abate Elementary, and Hyde Park where the use of a “blended approach” that placed IEP students into regular classrooms should have led to class sizes being much lower than the guidelines recommended by the Court. Financial shortfalls did not permit the NFCSD to reduce these blended classrooms to a more appropriate level.
- Four classrooms providing self-contained services for handicapped students were operated under NYSE class size waivers during the 2012-13 school year.

VI. Instrumentalities of Learning

- Conversion to the Common Core Curriculum has placed stress upon the NFCSD’s ability to provide each student with an up to date, appropriate textbook in the areas of ELA and Math.
- At Gaskill Prep and LaSalle Prep students utilize textbooks in the classroom but are not provided an individual student copy for use at home.
- Visits made to NFCSD sites during September and October of 2014 indicated that transition to a new Common Core Curriculum was not being supported by purchase of classroom materials designed for that curriculum.
- An inspection of the Science sections of the libraries at both Gaskill and Hyde Park Elementary was conducted. Of twenty science related titles randomly pulled from the shelves at each site no title was located that had a

publication date of 2000, or later. The Library Media Specialist at Gaskill reported in 2012-13 that no new books had been purchased for the LMC over the past five years.

- At only one of the elementary libraries did a random inspection of ten science titles result in locating up to date material that could support classroom instruction in that area of study. The Principal at that site (Abate) indicated the newer materials were purchased through funds raised through an annual fundraiser. With no Elementary Library Media Specialist assigned at the elementary level principals were queried about the last year they purchased new library books. All responded (with the one exception previously noted) that it had been more than five years since resources had been made available to purchase new titles.
- The Gaskill Principal and the Librarian at that site could not identify what year the district had last purchased new Library materials.
- Gaskill, LaSalle Prep, and Elementary classrooms generally had three, or four, older computers in their classrooms. Adequate space to introduce additional technology into the older classrooms at these school sites would be an issue.
- How well equipment at Niagara Falls High School supports the instructional needs of the building has become an issue. The school is now thirteen years old and furnishings provided when the building opened are wearing out. Over recent years funding for replacement needs (tables, classroom desks, teacher desks, filing cabinets, etc) has not been available.

VII. Safe and Orderly Environment

- The TSA who handles Special Education placement indicated that over 130 Emotionally Disturbed students are forced to be placed in out of district programs due to cutbacks in school safety personnel.
- Suspension rates for the district are high. Conduct issues exist at each site that impede student learning.

VIII. Adequate and Accessible Facilities

Overview: New York State provides school districts with funding for Facility

Construction/Renovation utilizing much more equalizing formulas than those used in calculating Operating Aid. The Niagara Falls City School District has been very creative in initiating a build/lease arrangement that allows the district to provide high school students instruction in a modern, state of the art facility. While this legal action is not built on a claim of inadequate funding for physical facilities (an area where New York's support is more equalizing than aid for classroom instruction) the following shortcomings have been noted during visits to district sites:

- Older Elementary and Prep sites fail to offer green space and play areas that can safely be accessed by students.
- The Library Media Center at Gaskill Prep has water leaks that contribute to a musty smell in that area of the building.
- Science classrooms at Gaskill Prep are undersized and lack water, gas, and teacher demonstration and student work (lab) space. Storage for Science materials is inadequate.
- Science classrooms at LaSalle Prep are undersized and lack water, gas, and teacher demonstration and student work (lab) space. Storage for Science materials is inadequate. A combination of mustiness and chemical smells are detected in LaSalle Prep's Science classrooms.
- The Art room at Gaskill Prep has no suitable storage for student projects and relies upon one sink for all water.
- The Art room at LaSalle Prep has no suitable storage for student projects and relies upon one sink for all water.
- At Hyde Park Elementary students are crowded into small instructional spaces that lack sufficient storage for the materials needed to instruct.
- At Hyde Park Elementary providers of special services for handicapped students are forced to provide those services (OT, PT, Speech) in hallway areas.
- Hyde Park Elementary has lost the use of a basement space due to recurrent flooding created by poor parking lot drainage.
- The room where Speech services are provided at Gaskill Prep does not have windows.

- Several sites used for delivery of services to handicapped and ELL students at Geraldine F. Mann school have no window or ventilation. Also at G. F. Mann remedial classes are taught at a table under the stairwell. The practice of providing remedial instruction to challenged students (easily distractible) in hallway settings was found to exist in a number of elementary sites.
- Hyde Park Elementary, LaSalle Prep and Gaskill Prep have problems balancing temperatures. Several rooms were too cold—and others were uncomfortably warm.
- Through 2014-15 LaSalle Prep and G. F. Mann only scheduled wheelchair students on the first floor. Installation of an elevator finally permits handicapped students to access the specialized classrooms (Science, Library and Art) found on the second and third floors.

Conclusions: Dr. Bruce Fraser

I have had an opportunity to serve as Superintendent in a Small City School Districts; in a more affluent suburban setting; and in a rural school district. Based upon my experience I can attest to the huge challenges faced in leading a Small City district. More urban children enter school from homes in poverty and lacking the basic tools for developing literacy. More students come from single parent family backgrounds in an urban setting. More kids come from families where parents lack High School diplomas, and where parents lack the capability to assist their child in completing homework assignments. More kids in urban settings have their education interrupted as their family moves frequently. Kids in urban settings are more likely to be exposed to the debilitating impact of exposure to lead paint. In short, kids in urban settings will need much stronger support to meet the standards required to complete a high school diploma. But the challenges of leading an urban school district go beyond the problems that arise from the challenging clientele.

While serving as Superintendent of a much less challenged Niagara County Small City School District, I found it essential to constantly remind my Board of Education members that additional costs arise when serving a diverse student population. The NFCSD faces huge challenges as it attempts to meet the needs of the very diverse, and highly needy student population the district serves. Examined closely, the NFCSD must provide programming that meets the following diverse needs:

1. The district has experienced “flight.” To remain viable (and to have a chance to retain the remaining upper middle class students the district serves) requires strong honors and college level programming. Further, to have any chance of retaining the declining middle class population the district serves requires that strong programs be continued in visual and performing arts.
2. The typical student in Niagara Falls will complete a Regents diploma. The challenges faced assuring these students the support needed to achieve a Regent’s diploma (complete five required Regents exams) will exceed the support needed in most other NY State school districts.
3. As a working class community, a high percentage of NFCSD students will elect to pursue vocational training. These programs, which used to be available within the school district, are now only available through the local BOCES. Tuition for these off-site vocational programs is costly.
4. Based upon performance on state assessments many NFCSD elementary and Prep level students will require additional remedial support to develop the skills essential to complete a high school diploma. These supportive programs are best delivered in small groups where individual needs can be diagnosed and addressed. These small group remedial support programs drive costs much higher than those in the typical NY State school district.
5. While the NFCSD does not have as large a student population demanding costly, second language support (ELL) as many other Small City School Districts, that segment of the district population is growing. The costs of meeting the needs of this type of student population include highly specialized, costly, small group instructional support.
6. To assure every student has an opportunity to graduate large, urban school districts incur the costs of providing alternative education settings where students who can only succeed in a smaller, more structured learning environment can be placed.
7. The Niagara Falls CSD must meet the need of a high percentage of handicapped (or, Individual Education Program) students who have been diagnosed as needing costly,

specialized support/services to have a chance to succeed in school. With approximately one of every six NFCSD students being instructed under an IEP this segment of the student population drives educational costs much higher for the NFCSD.

On its face, meeting the needs of the diverse, economically disadvantaged, student population the NFCSD serves demands broader (and more costly) programming options be provided. To have a chance to meet student needs requires huge expenditures on specialized support staff (counselors, psychologists, social workers, attendance teachers, etc.). Data on the latest available State Fiscal Supplement indicates that the NFCSD spends \$3,713 less per pupil than the NY State Average. **Clearly, while spending at a level far below the state average the NFCSD cannot assure the diverse and profound needs of all the students the district serves will be met. Under New York's present system of funding schools the NFCSD cannot possibly assure every student receives their constitutionally mandated Sound Basic Education.**

Attributions/Data Sources—October 2013 Original Document

This will be the first time that I have authored a report of this type to introduce into a legal proceeding. While researching and writing this report, I was not familiar with the guidelines that should be met to properly document data sources and back-up claims. For that reason, I frequently noted the data source for any charts/graphs within the text of this report. In reviewing the content of the report, I have felt the need to provide additional source information as noted in the sections that follow this introduction. Those attributions are identified by Page and Paragraph.

This report (and the Addendum completed November 2014) makes frequent use of the ***NY State Center for Rural Schools Data Tools-Trend*** analyzer to construct longitudinal data representing the NFCSD's demographic, financial, and student performance trends. The Trend analysis tool found at the NY State Center for Rural Schools links NYSED data bases for multiple years (example-District Fiscal Profiles and District Report Cards). These large, multi-year data bases developed by Cornell Professor, Dr. John Sipple and his colleagues, can then be conveniently searched. The output of those searches can then be portrayed as (1) multi-year data tables, (2) longitudinal graphs (line graphs). This data can also be exported to an Excel spreadsheet to be further analyzed—or presented graphically in formats that go beyond line graphs. The Trend analyzer tools are designed to provide NY State School Districts convenient access and opportunities for data analysis—a capability that NYSED's data reporting procedures fail to support.

Because of the frequent utilization made of the ***NY State Center for Rural Schools Data Tools*** found in this report (and the November 2014 Addendum) I emphasize that all of the data accessed/analyzed/graphed using these tools originates from NYSED. One shortcoming of the NYSED data is the lag time between district reporting and NYSED making the data routinely available for school districts to utilize. In some cases that results in a shortage of comparative data being available to support timely analyses for reports of this type. It is my understanding that Dr. Sipple will provide testimony at trial that explains the use of his Trend analyzer tool- and establishes the tools validity for constructing fairly complex, multi-year analyses.

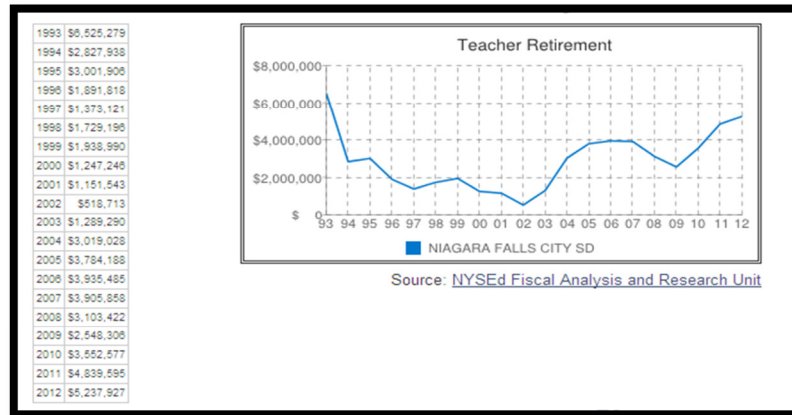
Finally, whenever source material can be presented/summarized in a brief chart, or a short segment of text I will include that material in this Attribution section.

Attributions/Data Sources—October 2013 Original Document

1. **Page 4-Paragraph 1**—City population data come from the 2000 and 2010 Federal Census. Data on NFCSD enrollments were obtained from NY State District Report Cards.
2. **Page 4-Paragraph 2**—Data for 2000 Free and Reduced Lunch Eligibility came from NY State School District Report Card. The more recent data on the Free Reduced Price Lunch figures

utilized by NY came from the Statewide School Finance Consortium—Contact was Dr. Rick Timbs. Dr. Timbs is provided that data from NYSED and it is used in his extensive annual analysis of State Aid completed on behalf of the SSFC’s 400 plus members.

3. **Page4-Paragraph 2**—Data indicating the NFCSD had 16.7% of students educated under an IEP came from the 2009-10 NYSED District Fiscal Supplement. The figure for a decade ago came from the NYSED District Report Card for 2000-01.
4. **Page 5-Paragraph 1**- Combined Wealth Ratio for the NFCSD is presented in graph and chart form on Page 8. The graph generated on Page 7 was generated using data found at the NY State Center for Rural Schools Data Tools Web-site.
5. **Page 5-Paragraph 3**—Data on the NFCSD’s contributions to the NY State Teacher Retirement System are portrayed in the graph/chart below. This data documents the NFCSD’s contribution more than doubled between 2009 and 2012. Additional large increases in NYSTRS rates were imposed upon districts of 2013-14.

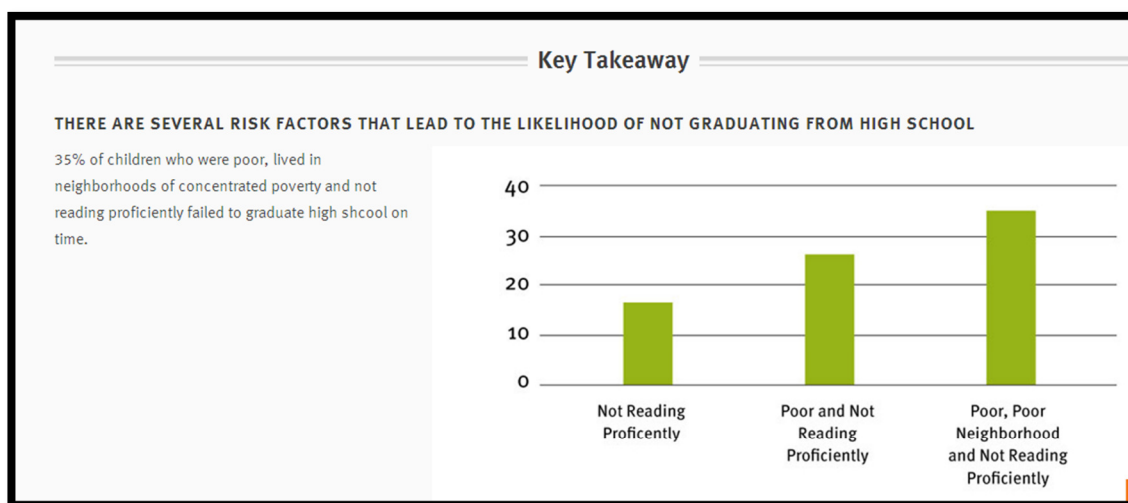


6. **Page 6-Paragraph 1**—Data portraying the share of revenue from state sources in the NFCSD’s Annual Budget are represented in the graph/chart found on P. 9.
7. **Page 9-Paragraph 2**—New York State’s Office of Real Property Tax Services indicates that slightly more than 58% of real property in the City of Niagara Falls was exempt from school property taxes in 2013 (Table Follows):

NYS ORPTS Municipal Profile	
MuniPro ORPTS Home Help	
City of Niagara Falls	
Summary of Exemptions by Roll Year	
2013 Assessment Rolls	
Municipal Totals	
Total Parcels:	23,018
No. of Parcels w/Exemptions:	12,529
Percent of Parcels w/Exemptions:	54.43
No. of Exemptions: Wholly Exempt	1,069
No. of Exemptions: Partially Exempt	15,315
Total Equalized Value(\$000)*:	2,562,892
Exemptions: County Purposes	
No. of Exemptions:	5,133
Equalized Value(\$000)*:	1,156,858
Percent of Equalized Value:	45.14
Exemptions: City/Town Purposes	
No. of Exemptions:	5,066
Equalized Value(\$000)*:	1,158,120
Percent of Equalized Value:	45.19
Exemptions: School Purposes	
No. of Exemptions:	12,941
Equalized Value(\$000)*:	1,507,902
Percent of Equalized Value:	58.84

*(\$000) Equalized Values in Thousands

8. **Page 11-Paragraph 2**-Data on Adults Completing High School Came from the 2010 Federal Census.
9. **Page 12-Paragraph 1**-The claims made in this paragraph are well documented in a wide range of articles and studies. The best overall summary of these claims located in my research is found in an article by David Berliner. Berliner's paper notes that international comparisons on students assessments like PISA fail to take into account performance difference that are outgrowths of our nation's high poverty rates. Berliner emphasizes the powerful interaction of factors that inhibit learning and school success that are related to poverty. The Berliner article is cited as follows: Berliner, David C. (2009). Poverty and Potential: Out-of-School Factors and School Success. Boulder and Tempe: Education and the Public Interest Center & Education Policy Research Unit. Retrieved [date] from <http://epicpolicy.org/publication/poverty-and-potential>
10. **Page 12-Bulletpoint #1**-The chart below summarizes the most important data in the Annie E. Casey Foundation cited study. The key distinction is that (1) poverty impacts individual graduation rates, and (2) attending schools with concentrated poverty places individuals at further risk not to complete high school. The Casey Foundation study is titled: **Double Jeopardy:How Third Grade Reading Skills and Poverty Influence High School Graduation; Donald J. Rodriguez. (January 2012).**



11. **Page 13—List #1-4**—The four points summarizing effective interventions that help overcome the impact of poverty (and concentrated poverty) upon the educational attainment of children are drawn from the Berliner and Rodriguez (Casey Foundation) papers.
12. **Page 14**-The calculation that estimates the NFCSD's deficiency in relation to State Average Expenditures for General Education Students and Handicapped students should not be confused with Dr. Baker's separate calculation of the NFCSD's underfunding in relation to the State's Foundation Formula. No comparison with that figure was intended. This calculation is included in this report partially to highlight the huge discrepancy in Per Pupil Expenditures for the NFCSD compared to NY State Average Expenditure for Handicapped Students (\$11,045).

13. **Page 17-Paragrph 2**-The \$3.83M. diverted to support NFCSD students attending a local Charter School was calculated based upon district students enrolled at the charter and the \$10,925 per pupil the NFCSD transferred to the Charter provider.
14. **Page 20-Paragrph 2**-The discrepancy noted between NFCSD entrants and national norms was pointed out to the author in two separate interviews (With Assistant Superintendent Marc Laurrie, and with District Administrator for Assessment/Chief Information Officer, Marci Capone. A memo from Ms. Capone that specifically summarizes the performance of entering NFCSD students on the NWEA-MAP Assessment was provided. That memo is summarized in a similar section of the November 2014 Addendum to this original report.
15. **Data Charts-P. 21-28**—This student data was compiled utilizing the NY State Rural School Association data analyzer tool. This data is can also be confirmed by accessing the NYSED Report Card published in Spring 2013.
16. **Materials on P. 29-35**-These pages summarize structure interviews conducted during visits to the NFCSD that occurred from the summer of 2012 through 2013. The Class size analysis found on P. 33 was based upon a time consuming analysis of district class size printout provided to Dr. Fraser by Assistant Superintendent Marc Laurrie.
17. **Page 37-Final Paragraph (Also Graph on P. 38 & Chart on P. 39)**- This data comes from a **NY State Council of School Superintendent’s Analysis of the Enacted 2013-14 State Budget’s Impact on each NY School District**. The page of this Analysis that summarizes data for the NFCSD is found on the (NYSCOSS web-site). This NYSCOSS Analysis was posted on site on April 4, 2013.
18. **Appendix A**-This section of the report included graphs that portray the NFCSD’s. This material was prepared by the office of Robert Biggerstaff and forwarded to all expert witnesses to be included in their reports. This data has been produced using the NY State Center for Rural Schools Data analysis tool. Further data on HS Completion Rates and Dropout Rates are also included in this section of the report.
19. **Appendix B**-This section of the report includes material developed by Michael Rebell that summarize the specific shortcoming cited in the Campaign for Fiscal Equity case. These specific areas were probed by Dr. Fraser in the structured interviews conducted with key NFCSD leaders.

Attributions/Data Sources—November 2014 Addendum

The Addendum to Dr. Fraser’s original report (November 2014) continues to make use of the **NY State Center for Rural Schools Data Tools** for analysis and to construct longitudinal data representing the NFCSD’s demographic, financial, and student performance trends. The data analysis tool found at the **NY State Center for Rural Schools** links NYSED data bases for multiple years (example-District Fiscal Profiles and District Report Cards). These large, multi-year data bases developed by Cornell Professor, Dr. John Sipple and his colleagues, can then be conveniently queried. The output of those queries can then be portrayed as (1) multi-year data tables, (2) longitudinal graphs (line graphs). This data can also be exported to an Excel spreadsheet to be further analyzed—or presented graphically in formats that go beyond line graphs. The data analysis tools are designed to provide NY State School Districts convenient data access and opportunities for analysis—a capability that NYSED’s data reporting procedures has failed to provide.

Because of the frequent utilization made of the **NY State Center for Rural Schools Data Tools** found in this Addendum, I want to emphasize that all of the data accessed/analyzed/graphed using these data analysis tools originates from NYSED. One shortcoming of the NYSED data is the lag time between district reporting and NYSED making the data routinely available for school districts to utilize. That may results in a shortage of comparative data (between school districts) being available in support of reports of this type. It is my understanding that Dr. Sipple will provide testimony at trial that explains the use of his data analysis tools, and establishes those tools validity for constructing fairly complex, multi-year analyses.

Attributions/Data Sources—November 2014 Addendum Document

1. **Page 5-Paragrph 2**-American Community Survey Estimates for 2012 were utilized in comparison with 2010 Federal Census Poverty Data. The chart below is copied form the ACS.

2008-2012 American Community Survey 5-Year Estimates

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Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the population for the nation, states, counties, cities and towns and estimates of housing units for states and counties.

Subject	Niagara Falls City School District, New York					
	Total		Below poverty level		Percent below poverty level	
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error
Population for whom poverty status is determined	49,793	+/-123	11,338	+/-1,033	22.8%	+/-2.1
AGE						
Under 18 years	10,638	+/-507	3,570	+/-588	33.6%	+/-5.0
Related children under 18 years	10,606	+/-502	3,550	+/-581	33.5%	+/-5.0
18 to 64 years	31,877	+/-439	6,816	+/-655	21.4%	+/-2.0
65 years and over	7,276	+/-342	950	+/-174	13.1%	+/-2.4
SEX						
Male	23,794	+/-504	5,153	+/-623	21.7%	+/-2.6
Female	25,999	+/-495	6,183	+/-628	23.8%	+/-2.4

2. **Page 6-Chart** (Top of Page)-Comparative data used in developing this chart came from the most Recent NY State School District Report Card (released by NYSED in late Spring 2014). Data reported in Paragraph 1 indicating that New York State utilizes a .7512 (75.12%) Free/Reduced Lunch Eligibility Rate when calculating state aid. Data supporting that assertion came from the Statewide School Finance Web-site via Dr. Rick Timbs. Data for Dr. Rick Timbs extensive analysis of annual State Aid is provided through NYSED. The data in the chart below comes from the analysis Dr. Timbs provides every SSFC member school district on how their state aid for 2014-15 was established. The chart below establishes that Niagara Falls CSD is in Decile #1 (poorest 10% of school districts in NY based upon a Combined Wealth Ratio of .358) and also in Decile #1 (highest 10% of school districts in FRPL eligibility based upon a FRPL Rate of .751).

A	B	C	D	E	F	G
NIAGARA FALLS	-\$6,364,616	-\$8,137,599	-\$6,103,200	-\$3,478,824	-\$1,378,088	-\$25,462,327
County	Your District's Average Per Student Loss (Based on Est 2013-14 Enrollment (SED)) for Period 2010-11 through 2014-15	STATE Average Per Student Loss (Based on Est 2013-14 Enrollment (SED)) for Period 2010-11 through 2014-15	Your District's GAP ELIMINATION ADJUSTMENT for 2014-15 Per Student	STATE AVERAGE GAP ELIMINATION ADJUSTMENT for 2014-15 Per Student	Your District's TAX EFFORT RATIO for 2014-15 AID	At 2014-15 Restoration Rate Years until GEA Ends
Niagara	-\$3,599	-\$3,546	-\$195	-\$386	2.648	1
COMBINED WEALTH RATIO (CWR) FOR 14-15 AID	FREE & REDUCED PRICE LUNCH %, K-6, 3-YEAR AVG.	CWR Decile 1=Poorest 10=Wealthiest	FRPL Decile 1=Highest Poverty 10=Lowest Poverty	2014-15 GEA as % of 2013-14 Budget (If absorbed= Budget Decrease)	2014-15 GEA as % of 2013-14 Levy (If absorbed= Levy Increase)	Difference Between Your District's 2008-09 and 2014-15 State Aid w/o Building Aid
0.358	0.751	1	1	-1.1%	5.3%	-\$1,529,866
SOURCE: Compiled by the SSFC from NYSED School Aid data	STATE TOTAL 2010-11 GAP ELIMINATION ADJUSTMENT	STATE TOTAL 2011-12 GAP ELIMINATION ADJUSTMENT	STATE TOTAL 2012-13 GAP ELIMINATION ADJUSTMENT	STATE TOTAL 2013-14 GAP ELIMINATION ADJUSTMENT	STATE TOTAL 2014-15 GAP ELIMINATION ADJUSTMENT	STATE TOTAL GEA Loss (2010-11 through 2013-14)
	-\$2,136,173,643	-\$2,553,877,142	-\$2,154,332,267	-\$1,637,607,588	#####	-\$9,526,296,527

3. **Page 6-Chart** at Bottom of Page-This enrollment data was obtained using the NY State Center for Rural Schools Trends data analyzer tool. Data for four demographic groups are portrayed from 1993-2012. Data for the current school year (2014-15) in the paragraph that follows were calculated based upon Fall 2014 (October) Enrollment Reports, an internal NFCSO document shared with Dr. Fraser by Asst. Supt. Marc Laurrie.
4. **Page 7-Paragraph 2**--Data on percent handicapped students comes from the most recent NYSED District Fiscal Supplement (released in Spring 2014).
5. **Page 7-Last Paragraph**—Data on Local Wealth (Combined Wealth Ratio) were provided by Dr. Rick Timbs of the Statewide School finance Consortium. The .358 CWR is found on the table above.
6. **Page 10-Top Paragraph**—The InflationData.com cumulative inflation calculator was utilized to calculate the CPI's increase as measured below (measuring inflations cumulative impact from June 2008 to June 2014).

Cumulative Inflation Calculator

	STARTING DATE	ENDING DATE
To Calculate a whole year use the same month, <i>i.e.</i> , Jan. 2010 - Jan. 2011 gives a full year.	June <input type="button" value="v"/>	June <input type="button" value="v"/>
Jan - Dec only gives 11 months. (Do not select current month)	2008 <input type="button" value="v"/>	2014 <input type="button" value="v"/>
<input type="button" value="CALCULATE INFLATION (CUMULATIVE)"/>		
Cumulative Inflation Results Total inflation from June 2008 to June 2014 is 8.92%		

7. **Page 10**—Extensive use was made of the New York State Council of School Superintendent’s document titled School Aid in the 2014-15 State Budget & Your District. The graph representing the NFCSD’s loss of state aid between 2008-09 and 2014-15 was found in this analysis. Robert Lowry provides this extensive analysis on behalf of NYSCOSS members.
8. **Page 12-Graph**-This graph was also produced by Robert Lowrey on behalf of NYSCOSS. It was included in the Board of Regents State Aid Proposal for 2013-14 (p.11). The link to the Regents State Aid Proposal is found below:
<http://www.p12.nysed.gov/stateaidworkgroup/2013-14RSAP/RSAP1314final.pdf>
9. **Page 14-Chart**-Data for Niagara Falls, Kenmore-Tonawanda CSD, and Massapequa were selected for use in this analysis because of they had very similar enrollments—but very different Local Tax Levies. The enrollment and tax levy data for this comparison came from the 2012-13 NYSED Property Tax Report Card. The Annual Property Tax Report Card document is compiled by NYSED as part of the annual school district budget voting process.
10. **Page 15—Calculation**—This calculation utilizes data from the most recent NYSED District Fiscal Supplement. This calculation should not be confused with an estimate provided by Dr. Bruce Baker on the amount of Foundation Aid that the NFCSD has not been provided by NY State.
11. **Page 16-Chart**—This Chart was developed based upon a memo generated by the NFCD’s Director of Assessment/Chief Information Officer Marcia Capone. That memo summarized the performance of entering NFCSD Kindergarten students on the NWEA-MAP Assessment for ELA and Math.
12. **Pages 17-21**—Data Tables and Graphs-The data tables and graphs provided on Pages 17-21 (which compare trends for Grade 4 & 8 ELA and Math Assessments) were generated using the NY State Center for Rural School’s Trends data analysis capability. We emphasize that the NY State Center for Rural Schools software tools were designed to conveniently search and compile/graph data that is collected and published by NYSED (District Report Cards). A link to the most recent Niagara County NYSED School District Report Cards can be found below:
<http://data.nysed.gov/profile.php?county=40>
13. **Pages 22-25-Tables**—The change-over to Common Core based assessments in April 2013 NYSED coincided with NYSED compiling and reporting Grade 3-8 ELA and Math Assessment data

in a new format. For the past two year NYSED has aggregated data for ELA (and Math) into one chart that summarized achievement for Grade 3-8. This section of the report compares the outcomes for the NFCSD and other Western Niagara County school districts. Again, results reported in this format for Niagara County can be found at the web-site below:

<http://data.nysed.gov/profile.php?county=40>

14. **Pages 26-28-Charts Regents**-Data used to compile these comparisons of performance on required Regents examinations came from the most recent NYSED District Report Card. The data in these charts comes from the Report Card released by NYSED in Spring 2014 and reflects results from the 2012-13 School Year.
15. **Page 29-Table & Graph**—The data reflected in this chart and graph was compiled utilizing the NY State Center for Rural Schools Trend analyzer tools. Data reflect Four Year Completion Rates from 2004-05 through 2012-13.
16. **Page 30-Multiple Tables**—Data compiled in these three tables came from the NYSED Cohort 2008 Graduation Report. This data summarizes timely completion of High School (4 Years). Data in this report is broken out by economic status, race, and disability status.
17. **Pages 32-45**-This section of the report was based upon upon structured interviews that probed whether the NFCSD was able to provide the instructional program and support services specifically referred to in the Campaign for Fiscal Equity decisions. In updating this report Dr. Fraser engaged in the full structured interview format with:
 - a. Assistant Superintendent-Marc Laurrie (update of prior interview),
 - b. Administrator for Curriculum & Instruction-Rick Carella,
 - c. Principal Gaskill Prep-Robert Bradley,
 - d. Principal LaSalle Prep-James Spanbauer.

Dr. Fraser also made follow-up visits to Hyde Park Elementary. Initial visits were made to the following sites—79th Street School, G. J. Mann Elementary, Kalfas Magnet, Cataract elementary and Niagara Street Elementary. The list of shortcomings identified in the November 2013 report was expanded based upon this second round of visitations/interviews.

18. **Page 38-40-Tables**-The analysis of 2014-15 class/section size data found on P. 38-40 were calculated by Dr. Fraser based upon data from the Niagara Falls CSD Student Management system. That data was provided Dr. Fraser by Assistant Superintendent Marc Laurrie.

I hereby affirm that the foregoing report is true and accurate to the best of my knowledge.

Bruce Fraser

Bruce T. Fraser

Sworn to and subscribed before me on this
17th day of December 2014

Reva J. Wood

Notary Public

REVA J. WOOD
Notary Public, State of New York
Qualified in Niagara County
Commission Expires January 3, 2018