

EDUCATION LAW CENTER
By: David G. Sciarra, Esq.
60 Park Place Suite 300
Newark, NJ 07102
(973) 624-1815; fax (973) 624-7339

SUPERINTENDENT'S
OFFICE
2008 APR 29 PM 2:49

Attorneys for Plaintiffs

RAYMOND ARTHUR ABBOTT, ET AL.,

Plaintiffs,

v.

FRED G. BURKE, ET AL.,

Defendants.

SUPREME COURT OF NEW JERSEY
DOCKET NO. 42,170
CIVIL ACTION

CERTIFICATION OF NAME

DR. BESSIE LeFRA YOUNG, of full age, hereby certifies as follows:

1. I am the Superintendent of the Camden City School District. Camden City is designated an Abbott district under this Court's rulings in Abbott v. Burke. I make this Certification in support of Plaintiffs' reply and cross-motion to the State's motion to remove the Abbott remedial mandates previously ordered by this Court. This Certification has been prepared in consultation with James Devereaux, Business Administrator.

2. As Superintendent, I have overall responsibility for implementing the Abbott programs and reforms in 34 schools in the district and enabling all students to achieve the New Jersey Core Curriculum Content Standards ("NJCCCS"). This includes the application for additional funding based on a demonstration of particularized need, to support preschool, K-12 supplemental programs, services, and positions, along with needed enhancements to existing

CHL:409902.1/CAM149-234248

foundational education programs, such as music and art, and special education programs for students with disabilities.

3. My analysis and conclusions are informed by my knowledge of Camden School District's budget under CEIFA/Abbott, the Abbott programs and reforms currently implemented and needed in my district, and the progress that has been made in my district as a result of the Abbott programs and reforms. In addition, I have reviewed some of the available documentation and data on SFRA, including: A Formula for Success: All Children, All Communities, Department of Education (December 2007)(“2007 Cost Report”); Report on the Cost of Education, Allen Dupree and John Augenblick (December 2006)(“2006 Cost Report”), the State’s Brief in support of its Motion for Review of the SFRA, and the supporting certifications of Dr. Jay Doolan, Assistant Commissioner Katherine Attwood, and Commissioner Lucille Davy.

I. Discrepancies between the SFRA Model District and Camden School District.

4. In reviewing the 2007 Cost Report, I closely examined the single model district, the large K-12 district, that the Department of Education utilized to develop the SFRA base cost amount, as well as the at-risk funding “weight.” See 2007 Cost Report, 10, Appendix E. The model district that served as the basis for SFRA’s adequacy budget does not resemble my district for a number of different reasons.

5. The first major discrepancy between the SFRA model district and my district is that of student enrollment and the number of elementary, middle, and high schools within Camden school district. See 2007 Cost Report, at 9 and Appendix E, Tables 1 and 2. These differences are as follows:

- (a) The SFRA model district assumes a total student enrollment of 5,240 students for the district. My district’s total student enrollment is 14,998.

- (b) The SFRA model district has six elementary schools of 400 students each; whereas, my district has 21 elementary schools of 500 students each.
- (c) The two middle schools of 600 students each in the SFRA model district is not reflective of my district's 4 middle schools of 400 students each.
- (d) The SFRA model district's 1 high school with 1,640 students does not resemble the 5 high schools in my district. There are two comprehensive high schools, Camden and Woodrow Wilson each having populations of 1,200. There are three small learning center high schools, Brimm Medical Arts, Creative Arts, and MetEast, with 200 students each.

6. The grade configuration of the schools in the SFRA model district is also substantially different than that in my district. The SFRA model district is configured as grades K-5, 6-8, or 9-12. In my district the grade configurations are Pre K, K-5, K-8, 6-8 and 9-12.

7. In addition to the size of the district and its configuration, the demographics of the students in the SFRA model school district differ drastically from those of my district.

- (a) The SFRA model accounts for three variations of poverty concentration: 10% ("low at-risk"), 20% ("moderate at risk") and 40% ("high at-risk"). See 2007 Cost Report, Appendix E, Table 4. By contrast, my district has a low-income student concentration of 75% for 2007-2008.

In 2007-2008 75% of the students in the Camden City School District qualified for a free lunch and 80% qualified for a free or reduced lunch. Based upon the 2006 United States census data 44% of the residents in Camden City live in poverty, the highest rate in the Nation. Camden was the nation's poorest community with a population of more than 65,000.

- (b) For the SFRA formula, however, the Department did not use the at-risk weights which were developed using the SFRA model district. Instead, “the Department decided to increase the weight as the district’s proportion of at-risk students increases to reflect the additional academic challenges present in districts with concentrated poverty.” 2007 Cost Report, at 11. The Department also developed a sliding scale at-risk weight with a low of 0.47 and a high of 0.57. In districts with poverty concentration of 20% or less, the weight is 0.47, but this number gradually increases to a maximum weight of 0.57 for districts with poverty concentration of 60% or greater. The weight however fails to account for districts with a poverty concentration above 60%. My district has a poverty concentration of 75%.
- (c) In addition to the concentration of poverty, the SFRA model district assumes a concentration of students that are Limited English Proficient (“LEP”). The SFRA model district assumes a seven percent LEP concentration in elementary school, 10.75% in middle school, and 4.39% in high school, with a district-wide LEP concentration of 6.2%. See 2007 Cost Report, Appendix E, Table 3. In my district, the district-wide LEP concentration is 6.2%, with a 7.7% percent LEP concentration in elementary school, 1.25% in middle school, and 1.02% in high school.

II. Resource Inputs in the SFRA Model

8. I have reviewed the resource inputs in the SFRA model in comparison to the Court mandated programs and services in the Chart of Supplemental Programs, as well as those programs and services currently implemented or needed in my district. While DOE asserts that the resources in its enhanced SFRA model exceed “the resources necessary for a district to

implement the Abbott V model,” id. ¶ 29, there are programs and services that are not identified as inputs that are currently in place in my district, and others that are necessary to enable students in my district to achieve the NJCCCS.

- (a) The DOE failed to input early literacy reading blocks and assessment in determining the cost of providing a T&E education to at-risk students. In my district early literacy reading blocks and assessment are implemented in 21 elementary schools and this program has resource requirements. The cost of implementing this program in my district is \$2,200,000 for literacy and \$2,000,000 for math. Further additional materials are needed for literacy. The programs are necessary to prevent children in my district from falling behind and needing remediation and to intervene early and intensively with a student who is experiencing difficulty in achievement.
- (b) SFRA fails to account for the employment of community services coordinators in middle and high school as the DOE neglected to include this integral position as an input during the PJP process. In my district, 10 community services coordinators are employed in 5 middle schools and 5 high school(s). The community services coordinators serve to respond to and reduce teacher time taken out to deal with problems such as significant health and social service needs stemming from poverty, substance abuse, teenage pregnancy and parenthood, inadequate housing, violence and crime.
- (c) My district has 9 drop out prevention specialists/programs in our middle and high schools and these individuals/programs respond to an existing need as my district has a 40% drop out rate. These same initiatives are required for three family

schools. SFRA fails to account for this particularized need in my district as drop out prevention specialists/programs were not included in the inputs that determined the costs of the SFRA at-risk weight;

- (d) The DOE's PJP process failed to input on site social and health services and the cost of implementing such a program. In my district on site social and health services are available/needed at 5 middle schools, three family schools and 5 high schools. The implementation of this program costs \$3,200,000 and it responds to the need for and lack of effectively and efficiently run social and health services in the surrounding community;
- (e) In my district 5 school-to-work and college transition counselor(s)/program is implemented in the high school. This individual/program responds to the existing need to increase the basic skills of students to support themselves responsibly, provide access to information about college and employment opportunities, to match students with prospective employers, and help students become aware of their interests and strengths;
- (f) The SFRA model inputs of programs to respond to the needs of at-risk youth did not include an enriched nutrition program. In my district an enriched nutrition program is implemented/needed. It provides/would provide high quality breakfast and lunch and a high quality snack to nourish our students and enable them to be ready to learn when. The implementation of this program costs \$3,500,000.00;
- (g) In my district there is an existing need/implemented enhanced art, music and special education program to provide exemplary music, art, and special education programs beyond those recommended by the Commissioner. This supplemental

program is necessary in my district to respond to NJ Core Curriculum Content Standards. An enhanced art, music, and special education program was not included in the inputs utilized to determine the SFRA at-risk weight. The cost of this program's implementation is \$8 million dollars. This covers cost of staff and materials;

- (h) SFRA does not cost-out the inclusion of a school-based management and budgeting team in the resource inputs to calculate the SFRA at-risk weight. In my district there are/we need School Leadership Councils and budgeting teams in 21 elementary schools, 5 middle schools, and 5 high schools. This team enables a team of parents, administrators, and teachers to develop a school-based budget while actively involving all stakeholders in planning, budgeting, and governance and in turn to increase effectiveness and tenure of our school reform efforts;
- (i) Technology enhancements were not costed-out as an input in the development of the SFRA at-risk weight. Technology enhancements are necessary to help students master the basic and advanced skills necessary to reach the NJCCCS, to ensure school and classroom libraries have appropriate materials to supplement the curriculum, to facilitate the implementation and use of educational technology throughout our schools, and to increase effective use of technology in my district's classrooms. Currently we have the following technological enhancements implemented in my district's schools and classrooms.

The technology budget included technology enhancements necessary to help students master the basic and advanced skills necessary to reach the New Jersey Core Curriculum Content Standards; to ensure school and classroom libraries have appropriate materials to supplement the

curriculum; to facilitate the implementation and use of educational technology throughout our schools; and to increase effective use of technology in the district's classrooms. The district will lose many of these current resources that are identified, as required in the State's Technology Plan, based on the proposed district funding allocation. Currently we have the following technological enhancements implemented in our district's schools and classrooms:

- videoconferencing/distance learning systems - to supplement instruction, increase student communication skills and provide students with exposures to otherwise unattainable experiences
- Electronic resources such as online databases, streaming video clips, electronic libraries (elementary & secondary) etc. - to help students develop research skills and become independent thinkers with the ability to analyze and synthesize information - Access to E-learning opportunities for students and staff.
- high speed LANs (Local Area Network)
- high speed WANs (wide Area Network)
- e-mail use

Also, the budget increase included the necessary funds to begin addressing the mandated changes to the administrative systems required by several State audits.

9. I also find that the SFRA model specifies a fixed, assumed level of resources for several other programs on the Chart of Supplemental Programs. Some of these resources, while identified as a resource are currently implemented and/or necessary at a higher rate in my district:

- (a) Security is allocated based on a set ratio of security guards to students, with 1 guard for 400 elementary school students; 1 to 200 middle school students; 1 to 175 high school students. Currently in my district, based on need to keep students, staff, and facilities safe and secure, there is 1 security guard to 175 students in the

high schools, 1 security guard to 250 students in the middle schools, and 1 security guard to 300 students in the elementary schools;

- (b) A fixed per pupil cost for after school and summer school is allocated on the assumption that only half of the at-risk elementary and middle students will need such programs; whereas in my district, 1,700 elementary and middle school students are in after school programs while 10,000 are in need of after school programs and 0 are in summer school while 10,000 are need of summer school. Zero are in summer school because there is no funding. The after school programs provide to the students who need it increased instructional time, homework and tutorial assistance, computer training, recreation opportunities, and a structured alternative to unsupervised after school hours;
- (c) The SFRA at-risk weight was determined based on an input of one parent liaison at the elementary, and no resources for parent involvement in middle and high schools. In my school district parent involvement is an integral resource in recruiting parents to join parent participation programs, fostering parenting skills and career development, and increasing parental education to support student learning at home. There is 23 parent liaison at the elementary level, for 22 elementary schools , 4 for 5 middle schools, and 3 for the five high schools.

10. I also can find no evidence that the SFRA model includes any resources or costs related to elementary Whole School Reform (“WSR”) or the Secondary Education Initiative (“SEI”) in middle and high schools. Elementary WSR requires implementation of a model program or alternative design, and SEI consists of establishing smaller learning communities within schools; providing ongoing support to students and their families; and increasing the

academic rigor of curriculum and instruction. In my district both of these programs are currently implemented and have serious resource implications.

- (a) In my district, the elementary schools have implemented an Intensive Early Literacy Model program/alternative design program. The resources necessary for the implementation of this program are \$2,200,000.00;
- (b) The SEI is implemented in both the middle and high schools in my district. Implementation of SEI in my district's middle and high school demands the following resources: High Schools that work - \$2.5 millions, Leads - Literacy is Essential to Adolescents Developments LLTeach - \$2.5 million.

III. Progress Made in My District Based on the Required Implementation of the Abbott Programs and Reforms.

11. The DOE set forth Abbott regulations that require Abbott schools and districts to implement preschool, the Court-mandated K-12 supplemental programs, and elementary and secondary school reform. These regulations direct districts, schools and preschools to annually plan and budget for implementation of WSR in elementary schools and SEI in middle and high schools, and the supplemental programs set forth in the Chart of Supplemental Programs, based on particularized needs. N.J.A.C. 6A:10-2.4(b); N.J.A.C. 6A:10-2.5(f); N.J.A.C. 6A:10-2.6(e). The regulations also contain procedures for districts to demonstrate the need for supplemental funding. N.J.A.C. 6A:10-2.11.

12. I have been responsive to the Abbott regulations' mandated implementation of preschool, elementary WSR, SEI, and K-12 supplemental programs as based on existing need in my district. The opportunity to apply for additional funding based on a demonstration of particularized need has allowed my district to respond to the obstacles our high-poverty student body faces when they enter the classroom.

13. The implementation of required Abbott programs and reforms has already resulted in progress that I have witnessed in my district. This success is evident in the following ways:

- maintain strong attendance in middle schools
- increase in attendance in elementary schools
- have maintained or shown increase in Language Arts Literacy in mandated test scores

14. In addition, improvements in the more advanced grades are just beginning to surface. The DOE, in response to the Abbott X, mediation agreement, only just established the SEI in 2005 and its implementation in middle and high schools in Creative Arts and Brimm Medical Arts AYP. Abbott districts like my own is finally beginning to have an impact. Examples of improvement are seen in:

- Increase graduation rates
- Decrease in drop out rate
- Increase scores at WWHS

IV. Resulting Cuts in Programs, Services, and Positions if SFRA were to be Implemented in My District.

15. The current overall budget in my district under the CEIFA/Abbott remedy framework is \$355,000,000. If SFRA is implemented in the 2008-2009 school year my overall district budget will be \$335,150,871. This is a cut of \$17,901.86 in the first year of SFRA implementation. In addition to this drop in overall funding from the 2007-2008 to 2008-2009, my district already faces a rise of 6.2% in non-discretionary fixed costs next year. These increases in non-discretionary fixed costs include contracted teacher and staff salaries, health benefits, special education tuition. Charter School payments were projected in 2007-2008 at \$26,233,319. In 2008-2009 payments to Charter Schools will increase to \$31,000,000. Although DOE has

recently provided \$2,000,000 additional funding for Charter Schools, there remains a deficit of \$3,000,000 in this line item for the 2008-2009 budget.

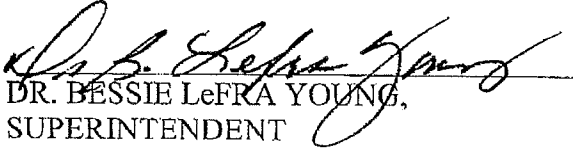
16. As a direct result of the implementation of SFRA my district would be forced to cut current, approved expenditures for programs, services and positions in 2008-2009. Some of the programs, services, and positions that are likely to be the first cut are Music Arts, Security, Guidance Counselors, Physical Education, Literacy Math, and Nurses.

17. If SFRA is to be implemented in 2008-2009, the cuts to the overall budget in the next two school years, 2009-2010 and 2010-2011, will be increasingly drastic. As a result, more and more current, approved programs, services, and positions will need to be cut.

18. In 2007-08 and prior years, as an Abbott district Superintendent I could seek supplemental funding, based on demonstrated need, to maintain current approved programs, services and positions when faced with limits on budget growth imposed by the Department and/or Court. Because the SFRA eliminates needs-based Abbott supplemental programs and funding, there would be no process available to my district under SFRA to seek additional funds in order to maintain current approved expenditures in the event of a budget shortfall.

33. Without the ability to demonstrate the need for Abbott supplemental funding, my district will likely have no alternative but to reduce and/or eliminate programs, services and positions/staff in 2008-09 in order to address budget shortfalls under the SFRA. Because adjustment aid decreases, and budget shortfalls grow, my districts will no doubt have to reduce expenditures, and needed programs and services in the following two years and beyond.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.


DR. BESSIE LEFRA YOUNG,
SUPERINTENDENT

Dated: