

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ALBANY

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LARRY J. AND MARY FRANCES MAISTO, et al.,

Plaintiffs,

-against-

Index No. 8997-08

STATE OF NEW YORK,

Defendant.

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JOINT STATEMENT OF UNDISPUTED FACTS

Pursuant to paragraph "1" of the stipulation & order dated March 12, 2015, the parties hereby submit the following joint statement of undisputed facts:

I. ENROLLMENTS

The Poughkeepsie City School District ("Poughkeepsie"), the Utica City School District ("Utica"), the Jamestown City School District ("Jamestown"), the Kingston City School District ("Kingston"), the Niagara Falls City School District ("Niagara Falls"), the Newburgh Enlarged City School District ("Newburgh"), the Port Jervis City School District ("Port Jervis"), and the Mount Vernon City School District ("Mount Vernon") (collectively "the plaintiff districts") reported the kindergarten through grade 12 total enrollments listed in Appendix "A" annexed hereto to the New York State Education Department ("SED") as of about the first Wednesday in October

("BEDS Day") of the school years listed in Appendix "A" (T.¹ 4203-04, 4206-10, 4212-13, 4222).

II. DEMOGRAPHICS

The 2010-11 through 2013-14 enrollments listed in Appendix "A", as reported by the plaintiff districts to SED as of BEDS Day, were broken down into the characteristics listed in Appendix "B" annexed hereto. Also included within Appendix "B" is the statewide demographic data for 2012-13.

III. STAFFING COUNTS/RATIOS

Appendix "C" annexed hereto reflects the staff employed by the plaintiff districts, as reported to SED by the plaintiff districts, during the years listed in Appendix "C" broken down by the number of full time equivalents employed in particular positions in that plaintiff district ("District F.T.E."), the ratio of the number of students to the number of full time equivalents in that position in that plaintiff district ("District Ratio"), the ratio of the number of students to the number of full time equivalents in that position for the county in which that plaintiff district is located ("County Ratio"), the ratio of the number of students to the number of full time equivalents in that position for the region in which that

¹"T." refers to the trial transcript followed by a page reference. "P.X." refers to plaintiffs' exhibits in evidence. "D.X." refers to defendants' exhibits in evidence. "C.X." refers to court exhibits.

plaintiff district is located ("Region Ratio"), and the ratio of the number of students to the number of full time equivalents in that position for the entire State ("State Ratio"). The source of this data is P.X. 11 as well as the pages of the trial transcript referenced in Appendix "C".

IV. CLASS SIZES

Appendix "D" annexed hereto reflects the average numbers of students in certain classes in the plaintiff districts, as reported to SED by the plaintiff districts, during the years listed in Appendix "D", as compared to the average class sizes in the county and region in which that plaintiff district is located as well as the entire State.

V. PER PUPIL EXPENDITURES

Appendix "E" annexed hereto reflects the general and special education instructional expenditures and the total expenditures per pupil for the plaintiff districts, as reported to SED by the plaintiff districts, as compared to similar districts and the State average, for the years listed in Appendix "E".

VI. GRADUATION RATES

Appendix "F" annexed hereto reflects the graduation rates for the plaintiff districts, as reported to SED by the plaintiff districts, as well as the State averages for 2010-11 through 2013-14.²

VII. DROPOUT AND SUSPENSION RATES

Appendix "G" annexed hereto reflects the dropout rates for the plaintiff districts, as reported to SED by the plaintiff districts, as well as the state averages, for 2012-13 and 2013-14. Appendix "G" also reflects the suspension rates for the plaintiff districts, as reported to SED by the plaintiff districts, as well as the state average, for 2011-12.

VIII. TEST SCORES

Appendix "H" annexed hereto reflects the percentage of students in the plaintiff districts, as well as the State as a whole, who scored at or above level three on SED's English Language Arts ("ELA") and Math assessments in grades three through 8 for 2010-11 through 2012-13 as well as the aggregate percent of grades three through eight students scoring at or above level three on the ELA and Math assessments in 2013-14.

²As indicated in Appendix "F", the 2010-11 and 2011-12 graduation rates are as of August and the 2012-13 and 2013-14 graduation rates are as of June.

Throughout trial, the parties stipulated to a large number of facts contained in exhibits that were accepted into evidence as part of the trial record. Not all stipulated facts have been included in these proposed joint findings. The absence of a particular fact from these proposed joint findings does not mean that it is disputed.

In the event that any errors in the data contained in the accompanying appendices are discovered prior to the issuance of the final judgment in this action, the parties reserve the right to notify the court of any such errors.

Dated: October 28, 2015

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Dated: October 28, 2015

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