

**CFE Evaluation of Kingston City School District
Final Report In Lieu of Direct Testimony**

Maisto v. State of New York

Dr. Stephen Uebbing

December 2014

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

Purpose of the Final Report

This final report presents the findings and conclusions from my assessment and evaluation of whether the Kingston City 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 June 2014 - attached to this report. 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 Kingston City School District (KCS D) is providing students a sound basic education. Specifically, I examined the educational opportunities available to students in KCS D 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 Kingston City School District focused mainly on the availability of essential CFE inputs in district schools and recent performance outputs of district students. However, I also examined relevant factors related to the

district's basic community, school and student profile and fiscal capacity and funding levels.

My evaluation consisted of the following: 1) review of data; 2) visits and interviews with district officials; 3) follow-up with district personnel; 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 the State's report on Kingston.

Key Findings

The following are my key findings based on my initial June 2014 report.

Community, District and Student Profile:

1. Kingston is a "small city" located in Ulster County, with a population of about 24,000 residents in the city itself. At 98 square miles it is a geographically large district. The city itself is less than nine square miles, with just over seven square miles of actual land mass. Thus, the majority of the district is located outside the city limits in a mostly rural area. Despite the setting, Kingston has many of the same attributes as New York's larger cities: high poverty, low per capita income, low property wealth and high property tax rates. Kingston's largest employer is Ulster County, followed by the school district itself. Kingston per capita income is \$28,242, well below the state average, and only 25% of adults have a bachelor's degree or higher.

2. For my evaluation, I compared the Kingston School District with seven neighboring school districts, which I refer to as the "comparison group." I selected these districts for comparison because they are regional neighbors of Kingston, either within the same county or a contiguous county. Four of the districts are similar to Kingston in wealth; two are slightly more wealthy and one is has over twice the wealth of Kingston.

2. According to the latest census data, the rate of poverty among children in Kingston is 21.2%, near double the rate of districts in the comparison group.

3. In the 2013-14 school year, Kingston had a student enrollment of 6484, kindergarten through grade 12. Of these

students, 54% are low income as measured by eligibility for the federal free and reduced priced lunch program (FRL), a number that has increased over 25% in just four years. 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. In Kingston, during the month of March, 2014, 46.8% of students qualified for free lunch and 7.3% qualified for reduced lunch.

4. Compared to several neighboring districts, most with below average wealth, Kingston has the highest student poverty rate as measured by eligibility for FRL.

5. 18.2% of Kingston students are classified as students with disabilities under the federal Individual with Disabilities Education Act (IDEA), thus having special needs requiring special education programs and services. The average statewide classification rate is 13.1%.

6. 63% of Kingston students are white, 17% are African American and 14% are Hispanic, a group that has doubled in size over the past ten years.

7. Kingston measures as a low wealth school district, utilizing the SED's "Combined Wealth Ratio" (CWR). The CWR is an index of the total property wealth and income wealth behind each of the district's students. KCS D has a CWR of .882 according to the SED's 2013-14 data, below the state average of 1.00. This would suggest that Kingston is about 88% as wealthy as the average district in New York State. For the Hudson Valley, .882 suggests a low-wealth District when compared to downstate districts in general and other districts in the comparison group specifically.

8. Kingston measures high on the State Education Department's Pupil Need Index (PNI). Kingston's PNI according to the NY State Education Department Output Report is 1.441. The index starts at 1.0 and can climb as high as 2.0. The PNI is used in the calculation of Foundation Aid by the New York State Education Department. It is a measure of student need that includes poverty, percentage of limited English proficient students and sparsity, or pupils per mile. Pupil need in Kingston is substantially higher than any of the comparison

districts, most of which are below the state average in total district wealth.

9. Kingston operates thirteen schools for 6484 students. Ten are elementary schools, two are middle schools and there is one high school.

Essential Inputs

A. School Buildings:

10. Generally, the facilities of the Kingston School District appear worn and substandard. There are significant HVAC issues - exposed radiators, substandard ventilation and inadequate controls are common. In addition, plumbing issues were widespread; there are almost universal ADA compliance issues; and many buildings still had single pane windows and the boilers were old. However, the district successfully passed a bond vote for \$137 million in capital improvements in December 2013. Although \$137 million is a very large sum, the proposed solution does not replace the high school and leaves the district with renovated, but still aged buildings.

Below is a summary of the conditions in each of the schools in the district.

Anna Divine Elementary School, (25% FRL) 49,440 sq. ft.; built in 1954 with a large addition in 1971. This is a two-story building. There was a smell of mildew apparent throughout some of the building. I was told that the building uses bottled water exclusively due to poor water quality in the building. There are numerous issues throughout the building including paint and rusty bathroom stalls. (not visited)

Chambers Elementary School, (50% FRL) built in 1955; 47,250 sq. ft. This is a single-story building. There is no specialized space for music education, occupational therapy and physical therapy (both are serviced in the hallways). Additionally, hallways have vinyl asbestos tiles, which should be replaced. (not visited)

Edward R. Cosby Elementary School, (44% FRL) 50,790 sq. ft.; built in 1956 with an addition in 1961. There is no appropriate space for music education, with the orchestra practicing in a locker room and the chorus in a portable classroom. The building is generally not in good repair. (not visited)

Harry L. Edison Elementary School, (35% FRL) 62,410 sq. ft.; built in 1967. The building is generally in need of painting throughout. There is also a lack of ADA compliant student bathrooms. The biggest complaint of its occupants is that there is no actual temperature control system in the building. It is either furnace on or furnace off. This often means way too hot, or way too cold.

Sophie Finn Elementary School, (67% FRL) 32,385 sq.ft.; built in 1962 presents as unusually overcrowded. Music lessons occur in the hallways. There is no storage area and the physical education area is not accessible. It would require extensive renovations to be fully compliant. There are also outside drainage issues. (not visited)

Robert Graves Elementary School, (37% FRL) 48,515 sq. ft.; built in 1955 Graves includes an addition built in 1961 and uses a portable classroom. This older building is generally adequate in size, though there are a number of mechanical issues. The portable classroom smells of mildew and reportedly suffers from frozen pipes in the winter.

John F. Kennedy Elementary School, (74% FRL) 49,500 sq. ft.; built in 1963. JFK is scheduled to receive additional students, which will result in a shortage of classroom space. This building, which a district official classified as in above average condition for the district, was cluttered and featured several clearly inadequate spaces, including one space not originally designed for students which had a soft, dampened floor space.

Ernest C. Myer Elementary School, (21% FRL) 40,320 sq. ft.; built in 1939 with an addition from 1959. This is a two-story building in generally poor repair with signs of mold on the outside of the building, and reoccurring freezing. Though classified as two story, it is really a single-story building with a basement, some of which is sub-terrain.

George Washington Elementary School (64% FRL) 76,210 sq. ft.; built in 1950. Sixty-four percent (64%) of this building is in general need of painting and still has some asbestos insulation wrap on pipes. It is generally in poor repair with substandard lighting and numerous needs for extensive repair. There are ADA issues, paving issues, and issues with leaks and temperature controls. I noticed a musty odor in some parts of this building.

Zena Elementary School, (26% FRL) 44,500 sq. ft.; built in 1969. This building is essentially a rural elementary school.

It too has numerous repair issues including worn carpeting, outdated windows, paving issues and a need for painting. (not visited)

J. Watson Bailey Middle School, (42% FRL) built in 1962 with a 1992 addition, the building presents as in generally good condition. (not visited)

M. Clifford Miller Middle School (46% FRL) built in 1968. This building needs a new roof, but otherwise is in generally good condition, according to district officials. (not visited)

Kingston High School (37% FRL) original building built in 1915. There are many serious issues apparent in the Kingston High School Building. First, this building is a series of buildings and additions. Many parts are in poor repair with extensive needs for paint, electrical upgrades, plumbing upgrades, worn carpet and ADA noncompliance issues. Mold was noted actively growing in one room. Most of the windows were single pane; there were a fair number of plastic replacement windows that quickly clouded. There is no sense of central design at the High School. Nothing is convenient. School officials refer to it as a gerbil run. There were a number of inappropriate spaces, most notably the counseling suite where there was limited privacy and only a series of particle board partitioned cubicles to conduct the counseling program. There are no athletic fields connected on site. The site is hilly, and disconnected.

B. Appropriate Class Size

11. Kindergarten class sizes range from 21-28, with an average of 25. This is well above the 20 noted by the Court of Appeals and especially above reasonable numbers for districts with high numbers of students with disabilities and children from economically disadvantaged homes like Kingston. It is my judgment that these children should be in classes with no more than 16 students.

12. Elementary class size averages 21, while secondary class size ranges from 21-24 on the average per grade and subject area. This means some classes are larger, some are smaller. These numbers are higher than what would be recommended for students who are economically disadvantaged.

13. Currently, students with disabilities in inclusion classes are placed in groups of up to 12 in class sizes of up to 28. Although there are two (2) teachers in the room, there are

just too many pupils, especially high need pupils, for this model to work. In my experience, this model can work and work well when the total number of students is 22-24 and the total number of students with disabilities is 8-10.

C. Qualified Teachers and Other Personnel

14. There is a shortage of qualified school social workers in the district. There are only 5 social workers serving grades 5-12 (approximately 4000 students). The National Association of School Social Workers has standards of 250:1, similar to school counselors. If the district were to meet these standards at the secondary level, they would need to add eleven (11) school social workers. At grades K-4, seven (7) social workers serve approximately 5000 pupils. To meet the basic standards of the NASSW, an additional thirteen (13) social workers would be required.

15. Kingston is understaffed in counseling districtwide. There are no elementary counselors and not enough middle school counselors. Currently six (6) counselors provide support for 2000 middle school students, a ratio of 333 to 1. It is my judgment that two (2) additional counselors at the middle school level and four (4) at the elementary are necessary.

16. Given the shortfall in school social workers, counselors with a very thin administrative structure overly stressed by new regulations, Kingston cannot meet the requirements for sufficient family outreach and communication the Court has said is required, especially in a district with so many economically disadvantaged families.

17. Kingston currently has two (2) principals and two (2) assistant principals supervising over 2000 middle school children. This is not enough to provide the level of support necessary for a sound basic education for all students. The principal must be an instructional leader, and given new state requirements, can provide supervision for a school of 1000 children with one (1) assistant. Each middle school needs an additional assistant principal.

18. The district does not have the capacity to provide the level of professional development necessary to fully implement Response to Intervention (RtI), the common core state standards or any of the reform initiatives that are part of the Regents Reform Agenda with the level of fidelity necessary to be successful.

D. Platform of Expanded Services for At-Risk Students

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

20. The district does not have the resources necessary to truly address the issues of its most needy students. Specific areas of deficiency include academic intervention services, full and faithful implementation of RtI, and some programs for students with disabilities.

21. KCS D needs to add substantial levels of Academic Intervention Services (AIS) for students at-risk of academic failure. AIS are required for all students who score at level 1 or 2, which is below the designated performance levels on elementary, intermediate, and commencement-level New York State assessments in English Language Arts, mathematics, social studies, and science; students who are at-risk of not meeting state standards as indicated through district adopted procedures; students in grades K-2 who lack reading readiness; and Limited English Proficient (LEP)/English Language Learners (ELL) who do not achieve the annual performance standards.

22. Kingston needs an addition 28 reading specialists to support at-risk students.

23. Kingston's total preschool program budget is only \$750,000, and serves only 280 four-year-olds. I estimate there are approximately 1000 four and five year olds that could be served in a truly comprehensive program. The current Kingston program is only a half-day program and has no wrap around component. It is my judgment that a vibrant truly universal prekindergarten program is essential to providing a sound basic education for Kingston's children.

C. Outputs

24. The State administers assessments for all New York students in English Language Arts (ELA) and mathematics at grades 4 and 8 and in high school. The state sets the standard for proficiency on these assessments.

25. I examined ELA and mathematics assessment cohort results for Kingston elementary, middle and high school students from the 2010-11 and 2011-12 NY State School Report Card. I also analyzed data from the 2012 School Report Card. I examined the assessment results for low income (at-risk) students, English language learners (ELL), African American and Latino students, and students with disabilities to evaluate the performance of important subgroups of Kingston students.

26. According to 2011-12 data from the New York State School Report Card, just over half of students in Kingston meet state benchmarks on English/Language Arts and Math assessments at the elementary and middle school levels.

27. According to the 2012 School Report Card data, about 60% of economically disadvantaged children fail to reach proficiency in ELA and mathematics in elementary and middle school. The percentage of African-American children not reaching proficiency is closer to 65%. These tests do not reflect the new Common Core State Standards the results of which were much worse.

28. At the elementary and middle school level, over 81% of students with disabilities failed to achieve proficiency in ELA and 70% failed to achieve proficiency in mathematics.

29. At the secondary level, less than half of economically disadvantaged students achieve ELA proficiency, and only one quarter achieve proficiency in mathematics.

30. At the secondary level, 61% of African-American students fail to achieve proficiency in ELA and 86% fail to achieve proficiency in mathematics.

31. At the secondary level, 81% of Students with Disabilities fail to achieve proficiency in ELA and 91% fail to achieve proficiency in mathematics.

32. According to the 2010-11 New York State School Report Cards, Kingston had a graduation rate of 71%. Out of that total, 81%, or 57 out of 100 students, attend college, and of those, only 21% attend four-year schools.

D. Budget and Funding (Causation)

33. Kingston is a low wealth district with limited resources. The 2012-13 True Value Tax Rate for the district was \$18.26 per \$1000 of assessed valuation which is close to the county and statewide property tax averages.

34. Kingston has a combined wealth ratio of .882, less than the state average and far below more affluent suburban school districts in the state.

35. Kingston spends an average amount per pupil when compared with several neighboring districts. However, when poverty is factored in, Kingston is the lowest spending district in the group. This is accomplished by adding the FRL rate to each student count, thus making Kingston's factor 1.541.

36. In the 2012-13 state budget, Kingston lost \$7.9 million in state aid due to the "gap elimination adjustment" (GEA) provision. That is \$1148 per enrolled pupil for 2012-13 alone. That is more than any of the districts in the comparison group, despite a lower CWR. It is substantially more than the state average GEA per student loss of \$604 for 2013-14.

37. Since 2010-11, when the state first started reducing schools aid, the Kingston City School District has lost \$32,374,349. This amount represents a cumulative loss of \$499 per pupil using current enrollment.

CONCLUSIONS

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

38. Kingston serves a lower income community with low property wealth, and lacks the local fiscal capacity to make needed improvements to its educational program or to support the district's significant number of at-risk students.

39. A significant portion of Kingston 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.

40. Kingston has significant deficits in essential CFE inputs, as follows: qualified teachers supported with necessary professional development and training; sufficient social workers

and guidance counselors; class sizes at appropriate levels, especially in Kindergarten; and an expanded platform of services for low-income, academically at-risk students, including AIS and RTI services, instructional before and after school and summer school, and drop-out prevention counseling.

41. Kingston 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 Kingston students overall.

42. The Kingston graduation rate is well below the State standard.

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

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

45. Kingston 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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37

Maisto v. New York State: The Case for Kingston City Schools

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

About Kingston City School District

Kingston is one of fifty-seven small city school districts in New York State. A Small City School District is one which according to the latest federal census has fewer than one hundred twenty-five thousand (125,000) inhabitants. Approximately 250,000 children attend New York State small city school districts in communities totaling over 1.5 million residents. (NYSASCSD) According to the New York State Association of Small City School districts, small cities often have similar demographic characteristics as the five large city school districts in New York State, including “higher percentages of disadvantaged students, limited English proficient students, dropouts and students with special educational needs. Small city school districts are also typically characterized by higher percentages of families living on incomes below 200% of the poverty level, minority children, unemployment and single parent families.” (NYSASCSD) However, characteristics of NYS small city districts vary greatly. For example, the Rye City School District in Westchester County is a low-need school district with substantial wealth per pupil while Mt. Vernon, Utica and Schenectady are high-need urban districts much closer to the “big five” in their demographic characteristics. Kingston is unique. The Superintendent told me that it is “three districts within a single district.” At 98 square miles, it is a geographically large district. The city itself is less than nine square miles, with just over seven square miles of actual land mass, and thus the majority of the district is located outside of the city limits. The district includes a very rural setting with many secluded private homes and some farms and scenic areas, wetlands and historic sites. The areas closer to the city are more suburban in nature. Kingston is about 60 miles south of Albany and just over 90 miles north of New York City.

The City of Kingston contains a number of historic sites. The Stockade District was actually the original capital of New York State. It contains many historic homes and a covered shopping area. The downtown area of Kingston is a vibrant arts community known as the Rondout-West Strand Historic District. Most of the residents of the city live in what is called Midtown. This is an area of older homes with a high number of economically disadvantaged people. The city includes a hospital and the Ulster County government buildings, as it is the county seat.

1 The largest taxpayers in the Kingston district include Central Hudson Gas and Electric,
2 which has approximately \$126.7 million in assets, PCK Development, a shopping mall with a
3 valuation of \$94.3 million, Hudson Valley 2011 LLC, another mall with a value of \$55 million,
4 AG Properties (\$26,7 million), Ulster Business Complex (\$23.7 million), Verizon (\$19.6
5 million) Ulster Crossings (\$12.6 million), Criterion Atlantic (\$12.3 million), Florida Samas
6 Venture (\$11.9 million) and Ulster Acquisitions (\$11.8 million) complete the list of the top ten
7 taxpayers and their valuation. It is notable that none of these taxpayers are classified as
8 manufacturing. The largest employer in the district is Ulster County, followed by the school
9 district itself, Ulster-Greene ARC, Benedictine Hospital, Kingston Hospital, United Health
10 Group, ATT Healthcare, Northeast Center for Special Care, United Cerebral Palsy of Ulster and
11 Verizon. In other words, every one of the district's largest employers is either involved in
12 education or health care with the exception of Verizon. (*Source: Official Statement*)

13 Of course, it was not always that way. The Hudson Valley was the manufacturing center
14 of one of the most successful businesses in American history, the International Business Machine
15 Corporation. From the 1950s through the mid-1990sm, when IBM was in full operations in
16 Kingston, it was a major manufacturing center. But foreign and domestic competition forced
17 IBM to restructure its business model. The first layoffs in the company's history came in March
18 of 1993 and included the Kingston plant. On July 27, 1994, IBM announced the plant would be
19 totally closed. District officials told me that over one million square feet of manufacturing space
20 remains largely unused. What was once a thriving community has never quite recovered. In my
21 conversations with district officials and others, the closing of the IBM plant is seen as a crucial
22 turning point for the community and still influences the community's self-perception.

23 The downturns of the 1990s were made worse by the Great Recession of 2008. From
24 1998-2007, unemployment in Orange County averaged less than 5%. However, that rate
25 climbed to 9.4% in July of 2012, higher than both the state and national rate. As of March,
26 2014, the unemployment rate had improved to 7%.

27 Another way to understand a community is by the educational attainment among adults.
28 Again using U.S. Census data, 25% of adults in Kingston have attained a bachelor's degree or
29 higher. That is much lower than the other schools with which I compare Kingston, where the
30 average not including Kingston is 43.4%. Understanding the educational attainment of adults in
31 a community is useful in understanding the needs of children when they first come to school.
32 Children from families with higher levels of income and parent education tend to experience a
33 very different language acquisition process than children from families with lower income and
34 parent educational levels, an issue I address later.

35 Municipal Overburden. No discussion of the problems facing any city, including small
36 cities, is complete without some discussion of the issue of municipal overburden. In simple
37 terms, municipal overburden refers to the additional costs associated with being a city. For
38 example, New York City needs to provide security for the United Nations, traffic control around
39 airports and crowd management for the Macy's Thanksgiving Parade. Sparkman (1976) noted

1 almost 40 years ago that it is more expensive to provide services in cities due to the more needy
2 populations that tend to reside in cities. Additionally, small city tax bases are often falling, city
3 infrastructure tends to be older, and cities often find themselves providing additional services for
4 non-city residents who use or visit the city. Kingston has a hospital used by the surrounding
5 community, for example. That hospital requires the support of municipal services. Knickman
6 and Reschovsky (1980) argued that there should be some adjustment in state aid formulas to
7 make up for the impact of municipal overburden on city school districts.

8 There is an argument that the concept of municipal overburden is equally applicable to
9 city schools. Cities are more likely to attract newcomers to this country who are often non-
10 English speakers, thus generating additional services. Cities tend to have more poverty. Children
11 from poverty, as will be documented later, sometimes face extreme challenges in school. Cities
12 have more toxicity of almost every variety including air, noise, lead, chemical, pests, social etc.
13 Children who grow up in a toxic environment are more likely to experience difficulty in school.

14 Another example of municipal overburden as it affects cities is the need for school
15 security. City school districts often serve a more needy population and are located in higher
16 crime areas. Kingston spends approximately \$1,000,000 per year on school security, mostly for
17 personnel costs (*Source: district officials*). This is money that could have provided ten or so
18 additional teachers. In comparison, some suburban and rural districts have no full time security
19 personnel.

20 Another issue Kingston faces as a small city is the 5% cap on debt limit. Whereas many
21 non-city districts have seen total assessed value increase in recent years, many small cities are
22 faced with stagnation or even declines in assessed valuation. When debt limit is tied to declining
23 assessed valuation, the district is limited in its ability to bond money for capital expenses. Non-
24 city districts have a debt limit cap of 10% of an increasing assessed valuation.

25 What follows is comparison data that includes Kingston and several neighboring districts.
26 These districts are typical for the areas and serve primarily middle class, mostly white students.
27 All, except Kingston, have poverty levels under 10%, Free Lunch under 20% and per capita
28 income over \$30,000. The comparison districts include more college-educated adults, and have
29 Pupil Needs Index numbers well below Kingston's.

30 The purpose of the comparison group is not to show the disparity between Kingston and
31 wealthy districts, but to demonstrate the disparity between Kingston and its average wealth
32 neighbors with much fewer numbers of economically disadvantaged children, especially children
33 of color. This is not simply an issue of inequity, but rather inadequacy.

34 Only one district in the group, Rhinebeck, has a Combined Wealth Ratio that is well
35 above the state average of 1.0. I will discuss the Comparison Group in greater depth when we
36 introduce student achievement gaps, but introduce it here to properly frame the Kingston City
37 School District.

Kingston and Comparison Group Demographics

	Kingston	Arlington	Monroe- Woodbury	New Paltz	Red Hook	Rhinebeck	Warwick Valley	Wappingers
County	Ulster	Dutchess	Orange	Ulster	Dutchess	Dutchess	Orange	Dutchess
Enrollment (1)	6484	9179	7034	2213	1988	1120	3860	11,872
% in Poverty	21.2	8.67	7.44	9.20	8.41	6.97	9.5	7.42
% Economically Disadvantaged (1)	50	18	17	19	17	16	13	22
% Free/Reduced Lunch (3)	54	19.5	19.4	21	18.3	13.2	13.2	20.5
% Limited English Proficient (1)	3	1	1	2	2	1	1	1
% Students with Disabilities (1)	18.2	13	10	14	11	10	13	15
Af Am (1)	17	7	7	6	2	2	5	6
Latino (1)	14	10	19	9	5	6	9	12
White (1)	63	78	67	80	90	89	83	76
All others (1)	6	5	7	5	3	4	3	6
Attendance (1)	93	95	95	95	96	95	95	95
Suspension (1)	5	3	3	3	1	2	3	4
Per Capita Income (3)	28242	31835	38303	32259	31393	41811	40167	34350
% Adults w/ Bachelors (3)	25	34.11	42.2	50.2	42.6	46	41.1	33.74
Avg home value (\$1000s) (3)	212.1	365	362	317.9	311.7	378.9	366.9	339.5
CWR (4)	.882	.897	.872	1.149	.909	1.996	.986	1.304
PNI (4)	1.441	1.158	1.138	1.175	1.171	1.268	1.092	1.164

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

2
3

4 The FRL percentage listed is from the NYSED March, 2014, Child Nutrition
5 Management System (<http://portal.nysed.gov/portal/page/pref/CNKC>). At 54%, it represents an
6 increase of nearly 25% in just a few years. To qualify for Free Lunch status, a family must be
7 within 130% of the Federal Poverty Guidelines. To qualify at the reduced level, a family must
8 be between 131% and 185% of the Federal Poverty Guidelines. For a family of four (4), the
9 poverty level was recently an annual income of \$22,050, so a family income up to \$28,665
10 would qualify at the Free level. At the Reduced level, a family income of up to \$40,793 would
11 qualify. Students are considered economically disadvantaged if they are eligible for the National
12 School Lunch Program. There is, however, considerable variation among those students. The
13 United States Census publishes an annual estimate of poverty for school districts. According to
14 the most recent census data, there are 1453 school-aged children in the Kingston School District
15 living in families under the poverty level. Using the 2012-13 enrollment listed in the School
16 Report Card of 6484 the poverty rate among the Kingston student body is at least 22.4%, while
17 the documented number of economically disadvantaged students is 54% as per the FRL rate. I
18 use only the public school enrollment as generally the percentage of children in poverty
19 attending private schools, even parochial schools, is much lower. Kingston has two parochial

1 schools in its service area, St Joseph Coleman and Kingston Catholic. Note the poverty estimate
2 in this report is slightly different than that found in the NYSED Output Reports as we use current
3 public school enrollment. It is also notable that the population of school-aged children in the
4 Kingston City School District coming from families living under the poverty level is much
5 higher than the percent of total individuals in Ulster County living under the poverty level, which
6 is estimated to be 12.1%.

7 The number of economically disadvantaged children as measured by Free and Reduced
8 Lunch percentage (54%) is probably underestimated, as not all eligible students enroll.
9 Therefore, it is reasonable to estimate at least 60% or more of Kingston students are
10 economically disadvantaged. According to latest Census figures, per capita income in Kingston
11 is \$28,242, below the county average of almost \$28,954 and well below the state average over
12 \$40,000. In other words, Kingston is a low-wealth district in a county that is less wealthy than
13 the state average.

14 The impact of probably 60% of the student body coming from economically
15 disadvantaged families on the school experience cannot be overstated. The effects of growing up
16 in an economically disadvantaged family can have detrimental effects on a child's readiness to
17 enter school. A good beginning is fundamental to school success. We know that a child who is
18 still not reading by third grade is likely to fail to graduate from high school.

19 The effects of poverty begin to accumulate as early as conception. Pregnant women living in
20 poverty have a much greater risk of exposure to chemical contamination, especially lead
21 poisoning, tobacco, alcohol, various drugs, both legal and illegal, as well as physical hardships.
22 (Jensen, 2009) Woman in poverty are more likely to suffer from poor nutrition, smoke, and use
23 alcohol and drugs. (Jensen, 2009) According to Demchuk, (2009), the National Institute of
24 Health claims that tobacco use during pregnancy can result in low-birth weight and severe
25 complications for a newborn baby. A disproportionately large percentage of women in poverty
26 reportedly smoked during pregnancy, as high as 40%. Pregnant woman living in families of
27 poverty are more likely to give birth prematurely. The United States ranks 131st of 184 countries
28 in preterm births. This leads to less healthy babies who are more likely to be referred as a
29 student with a disability, a disability that could often be avoided with appropriate prenatal care.
30 (Ravitch, 2013)

31 Infants and toddlers living in families of poverty are exposed to higher levels of
32 pollutants and disease than their middle class peers. One study as noted by Demchuk, Schell, et
33 al. (2006) found that 58% of children living in inner city poverty lived in homes with
34 cockroaches. The droppings from these insects have been demonstrated to contribute to asthma,
35 a disease which attacks urban children at epidemic proportions.
36 (www.epa.gov/asthma/pests.html)

37 Lead poisoning is an insidious disease shown to disproportionately affect
38 economically disadvantaged children over their middle class peers. Spezio (2009) has
39 documented studies linking lead poisoning to cognitive development. Recently, in a study

1 published in the Journal of Pediatrics, kindergarten readiness scores for children in Providence,
2 Rhode Island were linked to public health records of blood levels using individual identifiers.
3 The study population of 3406 was made up of a majority (59%) of Latino children. Reading
4 readiness scores decreased sharply as blood lead level increased. Strikingly, Spezio asserts that
5 lead poisoning often presents in a similar manner as attention deficit disorder and, in fact, may be
6 mistaken for an attention deficit disorder or other learning disabilities. According to Demchuk
7 (2009), nearly 80% of children classified as learning disabled fail to master basic reading skills
8 by fourth grade and the dropout rate for learning disabled (LD) children is more than two and
9 one half times the rate than for children who are not learning disabled.

10 Since the 1970s, lead poisoning in the general population has declined due to the removal
11 of lead from gasoline. However, children growing up in older homes, usually as renters, are
12 much more likely to come in contact with lead due to its presence in building materials,
13 especially paint. In the case of Kingston, lead poisoning may be a contributing factor to the high
14 number of students identified as having disabilities (18.2%). According to the NYS Department
15 of Health, zip code 12401, which is Kingston, NY, continues to exhibit alarming levels of lead
16 poisoning in its children. Kingston is listed among the 36 zip codes in New York State with a
17 high percentage of new cases of lead poisoning outside of New York City. Among the 1998 and
18 1999 birth cohort, the statewide average of new cases of lead poisoning discovered through
19 required screening was 2.0% and 1.7%, respectively. In the 12401 zip code, that number is 6.0%
20 and 5.8%, respectively. Kingston was listed 27th among New York zip codes outside of New
21 York City for reported new cases of lead poisoning. The Ulster County percentages are much
22 lower, 2.3% and 2% and clearly skewed by the higher percentages in Kingston. Notably, the
23 1998 and 1999 birth cohorts, assuming normal progression through grades, are now in high
24 school. (Promoting Lead- Free Children in New York State: A Report of Lead Exposure Status
25 among New York Children, 2000-2001)

26 Part of the high levels of lead poisoning is explained by the housing stock in Kingston.
27 Within the 12401 zip code, more than half of the housing (51%) was built prior to 1950 against a
28 county average of 36.2%. Among rental units, almost half were built prior to 1950 (48.8%) and
29 of that amount, 22.5% are inhabited by families living under the poverty level. (Promoting
30 Lead-Free Children in New York State: A Report of Lead Exposure Status among New York
31 Children, 2000-2001) Both lead poisoning and poverty are associated with low student
32 performance in schools, requiring an expanded platform of academic support services not
33 available in the school district.

34 In addition to environmental concerns, economically disadvantaged children are also
35 affected by parenting and child care practices. Sanders-Philips (1989), Jensen (2009) and others
36 have documented the very different life experienced by an economically disadvantaged toddler
37 than a middle class toddler. Betty Hart and Todd R. Risley, (1995) University of Kansas
38 psychologists, found that vocabulary development among middle class toddlers far outpaces
39 vocabulary development by toddlers in economically disadvantaged homes. In a study of
40 utterances which varied from single words to full conversations, middle class toddlers heard

1 about 487 utterances on average every hour, while their economically deprived peers heard only
2 178 utterances per hour. Hart and Risley go beyond their utterance study to count total words
3 reporting that by age 5, high income children hear approximately 30 million more words than
4 their poverty stricken peers. Not only is there a total word gap, but the type of language varies.
5 Believing that words matter, by age 3, children from professional homes are likely to hear about
6 500,000 words of encouragement and 80,000 words of discouragement compared to 75,000
7 words of encouragement and 200,000 words of discouragement in economically disadvantaged
8 homes. Hart and Risely (1995), Weizman and Snow (2001) and others argue that children
9 growing up in poverty arrive at school at a severe disadvantage in language development. Wachs
10 (1982) and others have reported that positive interaction between children and parents in
11 economically disadvantaged homes is alarmingly less than such interaction in middle class
12 homes.

13 Ravitch (2013) sums up the lot of economically disadvantaged children as follow:

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

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

26 Ruby Payne (1998) and others write about the tremendous challenges in educating
27 children from poverty. These challenges imply not only different pedagogical approaches but
28 greater expenses if we are to actually provide a sound basic education to children from poverty.
29 But, as noted in Marzano (2009), U.S. schools tend to spend much less in schools with high
30 concentrations of economically disadvantaged children as compared to middle and upper middle
31 class schools. When compared to other nations, the disparity is particularly acute. All this is
32 important in considering issues of schools and school funding because economically
33 disadvantaged students are more expensive to educate than their “school ready” peers from
34 affluent suburbs. Although some studies have shown no relationship between expenditures per
35 pupil and student achievement, that is due in part to the fact that economically disadvantaged
36 children do not simply need the same educational services as their middle class peers, they need
37 much more intense services. When two patients arrive at the doctor’s office, and one has a cold,
38 while the other has severe pneumonia, the doctor does not treat them the same. The patient with
39 pneumonia needs intense care to save the patient’s life. There have been very few examples of
40 school districts serving a preponderance of economically disadvantaged children that actually

1 had the numbers of additional teachers necessary to help these children catch up from their
2 educationally deprived preschool years. The closest example, the Harlem Children’s’ Zone,
3 demonstrated remarkable gains with funding that was raised, in part, from the private sector.

4 Yet, many continue to argue that money is not part of the answer. Wenglinski (1997)
5 takes issue with the “money doesn’t matter” arguments. He contends that if there were enough
6 money to dramatically reduce class size, provide all teachers high quality professional
7 development, and further provide the support faculty in speech, reading and math that
8 economically disadvantaged children need, then indeed, student achievement would increase.
9 Ronald G. Ehrenberg, Dominic J. Brewer, Adam Gamoran, and J. Douglas Willms (2001) support
10 the lower class size argument with quantitative analysis that suggests that class size is one among
11 other variables that can impact student achievement. They point to results from several studies
12 including the Tennessee Star Study that suggest that lowering class sizes at the earliest grades can
13 have long-term positive effects, especially on disadvantaged minority students. Practitioners have
14 known this for years. Ravitch (2013) notes the Scholastic/Gates survey of teachers (2012) found
15 that 90% of teachers believe having smaller classes would have a positive effect on student
16 achievement. She further notes the work of researchers that found that smaller class size also
17 helps to develop other skills and attributes that support success later in life, such as persistence,
18 motivation and a sense of personal worth.(p 245). Paul Tough (2012) argues that the development of
19 non-cognitive skills such as “grit and character” will do more to improve the lives of economically
20 disadvantaged children than improve test scores. He sees these non-cognitive development issues as the
21 key to overall student success. Smaller class size allows the kind of adult/child interaction that supports
22 these skills.

23 There are many other compelling studies. Hedges and Greenwald (1989) studied the
24 social capital of economically disadvantaged children. Schools are organized around a white
25 middle class framework and often economically disadvantaged children, especially children of
26 color, do not enter school with the social capital enjoyed by their middle class peers. Hedges and
27 Greenwald argue that the lower levels of social capital found in economically disadvantaged
28 students demands much higher levels of funding and that such funding is related to student
29 achievement. In fact in 2004, they, along with Lane wrote that “school resources are
30 systematically related to achievement and that these relationships are large enough to be
31 educationally important.” (in Lukemeyer, Courts as Policymakers, School Finance and Reform
32 Litigation). Furthermore, Ferguson and Ladd (1996) argue that the evidence suggests “money
33 affects the quality of schooling and that the quality of schooling influences not only test scores,
34 but later earnings as well.” (Ferguson, 1991, p. 470, also in Lukemeyer) Without a doubt,
35 poverty creates enormous challenges for schools and their students and overcoming the effects of
36 poverty on school readiness and school performance requires what Judge De Grasse called an
37 “expanded platform” of school services. This expanded platform requires additional
38 expenditures.

39 Impressions: I visited Kingston on three occasions. The first visit was cut short by a
40 snow storm that ended up closing the school district. However, I was able to tour the district.
41 During the second, visit I interviewed district officials, including central office administrators,

1 principals and assistant principals and a member of the board of education. On the third visit, I
2 had a tour of various district facilities. Kingston does not present like other small cities. The
3 downtown area is quaint and well preserved. There are covered shopping areas, cobblestone
4 shops, and a hint of 19th century Hudson Valley. As noted earlier, the city itself is less than nine
5 (9) square miles, with just over seven (7) square miles of actual land mass. The entire district,
6 however, is almost 98 square miles, and thus the majority of the district is located outside of the
7 city limits. The residential section that surrounds the shopping center of the district does not
8 reflect the charm of downtown. It presents as an economically depressed urban area.

9 The district also includes a rural setting with many secluded private homes and some
10 farms, scenic areas, wetlands and historic sites. These areas in no way suggest a small city
11 school district. It is almost as if a visitor crosses into a totally different school district soon after
12 leaving the city proper.

13 **Facilities**

14 To what extent do school facilities impact learning? The impact of inadequate school
15 facilities on learning is clear. John Lyons, who helped establish the National Clearinghouse for
16 Educational Facilities and worked at the U.S. Department of Education, writes “There are
17 adverse yet solvable environmental conditions in many school facilities that are particularly
18 troublesome because of their very real and negative impact on learning.” He goes on to list the
19 most serious as asthma, which is at epidemic proportions in poor urban communities and is
20 linked to poor indoor air quality. Indeed, he points out that the U.S. Environmental Protection
21 Agency (EPA) lists asthma as the leading cause of school absenteeism due to chronic illness.
22 Schools, he writes, have four times as many occupants as offices per square foot. Particularly
23 suspect in asthma related issues in schools is outdated and faulty heating and ventilation systems.
24 *(JB Lyons: CEFPI Brief, Issue Trak, 2001 - igreenbuild.com)* In my tour of Kingston, I heard
25 numerous complaints about air quality

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

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

37 The facilities of the Kingston City School District pose many concerns, some quite
38 serious. I reviewed a district provided facility report and also toured several buildings on April
39 18, 2013. I note the following issues, some of which are also highlighted in the district’s own
40 facilities review.

1 District Wide. There are a number of issues that apply throughout the district.
2 Generally, the facilities of the Kingston City School District appear warn, and substandard.
3 HVAC issues abound. Exposed radiators, substandard ventilation, and inadequate controls are
4 common. Plumbing issues are equally problematic. In one school, urinals were missing and
5 replaced by plywood. Water leaks were common. “Fix its” were sometimes primitive. I was
6 told that infrastructure issues were extremely problematic, causing ongoing repairs. In the
7 section on municipal overburden, I talk about the infrastructure often found in small cities and its
8 impact on all municipal functions, including education. Most of the schools in Kingston have
9 very old infrastructure including plumbing and heating. There are almost universal ADA
10 compliance issues. There are many spaces not easily accessible and numerous totally
11 inaccessible rest rooms. Sustainability was particularly poor. Numerous buildings still had
12 single pane windows and boilers were old. All of the paving and fencing I saw needed to be
13 repaired.

14 What follows are comments about each of the district’s school buildings followed by the
15 percentage of that building’s enrollment eligible for Free and Reduced Lunch and the square
16 footage of the building. The district is in the midst of a plan to reduce the number of elementary
17 schools by two.

18 Anna Divine Elementary School, (25%) 49,440 sq. ft.; built in 1954 with a large addition
19 in 1971. This is a two-story building. There was a smell of mildew apparent throughout some
20 of the building. I was told that the building uses bottled water exclusively due to poor water
21 quality in the building. There are numerous issues throughout the building including paint and
22 rusty bathroom stalls. (not visited)

23 Chambers Elementary School, (50%) built in 1955; 47,250 sq. ft. This is a single-story
24 building. There is no specialized space for music education, occupational therapy and physical
25 therapy (both are serviced in the hallways). Additionally, hallways have vinyl asbestos tiles,
26 which should be replaced. (not visited)

27 Edward R. Cosby Elementary School, (44%) 50,790 sq. ft.; built in 1956 with an addition
28 in 1961. There is no appropriate space for music education, with the orchestra practicing in a
29 locker room and the chorus in a portable classroom. The building is generally not in good repair.
30 (not visited)

31 Harry L. Edison Elementary School, (35%) 62,410 sq. ft.; built in 1967. The building is
32 generally in need of painting throughout. There is also a lack of ADA compliant student
33 bathrooms. The biggest complaint of its occupants is that there is no actual temperature control
34 system in the building. It is either furnace on or furnace off. This often means way too hot, or
35 way too cold.

36 Sophie Finn Elementary School, (67%) 32,385 sq.ft.; built in 1962 presents as unusually
37 overcrowded. Music lessons occur in the hallways. There is no storage area and the physical

1 education area is not accessible. It would require extensive renovations to be fully compliant.
2 There are also outside drainage issues. (not visited)

3 Robert Graves Elementary School, (37%) 48,515 sq. ft.; built in 1955 Graves includes an
4 addition built in 1961 and uses a portable classroom. This older building is generally adequate in
5 size, though there are a number of mechanical issues. The portable classroom smells of mildew
6 and reportedly suffers from frozen pipes in the winter.

7 John F. Kennedy Elementary School, (74%) 49,500 sq. ft.; built in 1963. JFK is
8 scheduled to receive additional students, which will result in a shortage of classroom space. This
9 building, which a district official classified as in above average condition for the district, was
10 cluttered and featured several clearly inadequate spaces, including one space not originally
11 designed for students which had a soft, dampened floor space.

12 Ernest C. Myer Elementary School, (21%) 40,320 sq. ft.; built in 1939 with an addition
13 from 1959. This is a two-story building in generally poor repair with signs of mold on the
14 outside of the building, and reoccurring freezing. Though classified as two story, it is really a
15 single-story building with a basement, some of which is sub-terrain.

16 George Washington Elementary School (64%) 76,210 sq. ft.; built in 1950. Sixty-four
17 percent (64%) of this building is in general need of painting and still has some asbestos
18 insulation wrap on pipes. It is generally in poor repair with substandard lighting and numerous
19 needs for extensive repair. There are ADA issues, paving issues, and issues with leaks and
20 temperature controls. I noticed a musty odor in some parts of this building.

21 Zena Elementary School, (26%) 44,500 sq. ft.; built in 1969. This building is essentially
22 a rural elementary school. It too has numerous repair issues including worn carpeting, outdated
23 windows, paving issues and a need for painting. (not visited)

24 J. Watson Bailey Middle School, (42%) built in 1962 with a 1992 addition, the building
25 presents as in generally good condition. (not visited)

26 M. Clifford Miller Middle School (46%) built in 1968. This building needs a new roof,
27 but otherwise is in generally good condition, according to district officials. (not visited)

28 Kingston High School There are many serious issues apparent in the Kingston High
29 School Building. First, this building is a series of buildings and additions. Many parts are in
30 poor repair with extensive needs for paint, electrical upgrades, plumbing upgrades, worn carpet
31 and ADA noncompliance issues. Mold was noted actively growing in one room. Most of the
32 windows were single pane; there were a fair number of plastic replacement windows that quickly
33 clouded.

34 There is no sense of central design at the High School. Nothing is convenient. School
35 officials refer to it as a gerbil run. There were a number of inappropriate spaces, most notably
36 the counseling suite where there was limited privacy and only a series of particle board

1 partitioned cubicles to conduct the counseling program. There are no athletic fields connected
2 on site. The site is hilly, and disconnected.

3 In the Campaign for Fiscal Equity (CFE) case, Judge De Grasse ruled that the State had
4 an obligation to provide sufficient resources to allow all students access to a sound and basic
5 education. The Court outlined seven categories of resources that contribute to this obligation.
6 Two elements of that sound and basic education involve adequate facilities including “adequate
7 and accessible school buildings with sufficient space to ensure appropriate class size and
8 implementation of a sound curriculum and sufficient and up-to-date books, supplies, libraries,
9 educational technology and laboratories.” It is my judgment that many of the facilities in
10 Kingston are inadequate and do not meet the basic tests of adequacy noted by Judge De Grasse
11 and thus impede student learning and the delivery of a sound basic education as required by the
12 constitution. Access is an obvious issue as the Director of Facilities told me there were
13 numerous issues of ADA non-compliance. In most of the buildings I visited, libraries were too
14 small and poorly equipped. The organization of the high school detracts from orderly operations,
15 which in turn impacts teaching and learning.

16
17 The good news is that the district was successful in passing a bond vote for \$137 million
18 in capital improvements. The challenge, however, is that putting limited district resources into
19 capital improvement will put more strain on the rest of the budget to meet the academic needs of
20 students. The State should address the inequities in debt service for small city schools.

21
22

23 **Program**

24 In its June 2003 decision, the Court of Appeals stated students are entitled to “...a *meaningful*
25 *high school education, one which prepares them to function productively as*
26 *civic participants (Campaign for Fiscal Equity v. State of New York)* This position established a
27 new standard for a sound basic education rejecting the previous ruling that an 8th grade
28 education would meet the constitutional requirement. In this section of the report, I examine
29 program adequacy in meeting that standard.

30
31 There are several questions to be considered in addressing the program adequacy of a
32 school district. First, does the program meet the mandates of the Commissioner’s Regulations?
33 Second, are there adequate opportunities to meet the special needs of advanced students, students
34 with disabilities and students that struggle to achieve academic success, and finally, what do the
35 educational outcomes of the program tell us about program adequacy.

36 I based my analysis of the first issue, mandates, on a review of district materials and
37 interviews with the Assistant Superintendent for Instruction, principals, the special education
38 administrator and others. In my analysis, I did not note any failure to provide at least the
39 minimal requirements of Part 100 and 200 of the Commissioner’s Regulations.

1 The second question, however, are there adequate opportunities to meet the special needs
2 of students with disabilities and students that struggle to achieve academic success, generates a
3 different conclusion. In my interview with school officials, all were able to speak in depth about
4 areas where they were falling short in offering a comprehensive program that met the needs of all
5 students, especially the neediest students. Judge De Grasse, in the CFE case, specifically called
6 out two elements of school programing that are included under the State’s obligation to provide a
7 sound basic education as it relates to the most needy students in the state. They are as follows:

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

11
12 When I asked district officials about program deficiencies, there was almost unanimous
13 agreement that the district did not have the resources necessary to truly address the issues of its
14 most needy students. Specific areas of deficiency include academic intervention services, full
15 and faithful implementation of RtI, and some programs for students with disabilities. Generally,
16 Academic Intervention Services (AIS) are required for all students who score below the
17 designated performance levels (level 1 or level 2) on elementary, intermediate, and
18 commencement-level New York State assessments in English Language Arts, mathematics,
19 social studies, and science; students who are at-risk of not meeting New York State standards as
20 indicated through district-adopted procedures; students in grades K-2 who lack reading
21 readiness; and Limited English Proficient (LEP)/English Language Learners (ELL) who do not
22 achieve the annual performance standards. These services may be provided in a number of ways
23 including but not limited to:

- 24 • Extra period(s)/time during the regular school day
- 25 • Within-class staff that reduces student-teacher ratio
- 26 • Before and after-school sessions
- 27 • Summer school

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

- 30
31 • Early reading assessments/literacy profiles
- 32 • Early assessment through literacy profile tools
- 33 • Elementary math assessments
- 34 • Performance on New York State assessments
- 35 • Performance on teacher created assessments
- 36 • Classroom performance
- 37 • Report card grades
- 38 • Observation and anecdotal records

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

3
4 An AIS plan that is robust and implemented with fidelity can have a dramatic effect on
5 students who are struggling to make progress. In my interviews with district officials, they were
6 adamant that one of the programs most affected by recent budget cuts was their AIS plan.
7 Whereas they previously had begun to implement a more aggressive staff dependent program,
8 many AIS positions were cut and student groups were increased. The Superintendent was clear
9 that additional and improved AIS support services were needed, that group sizes needed to be
10 reduced, and that staff with specialties in AIS needed to be recruited. For example, any
11 elementary teacher can provide AIS for ELA. In a highly effective program, the AIS provider
12 would have a degree in reading or perhaps special education and act as a dedicated AIS support
13 both in class and on a pull-out basis. This approach using dedicated AIS providers is not used
14 extensively in Kingston, and clearly school leadership would like to develop, and in some cases
15 redevelop, this level of service. The Superintendent emphasized that they barely met the letter of
16 the regulation, and did not have a robust highly effective AIS plan, and that was a function of
17 budget cuts. He was especially critical of AIS programming at the secondary levels and in areas
18 other than ELA and mathematics.

19 There is a fair amount of research regarding the effects of class size on student learning.
20 In the CFE case, the Court noted that although there is no specific maximum class size number
21 beyond which children cannot learn, early childhood classes should not exceed 20, while later
22 elementary classes and middle and high school classes should average 21-23 to be similar to
23 those found in average-need schools. However, the Court also noted that for schools and classes
24 with large concentrations of students below grade level, and for AIS and RtI services, smaller
25 class sizes may be necessary. It is my professional judgment that smaller class size in Kingston is
26 essential in providing a sound basic education.

27 The Kingston City School District has a high rate of students with disabilities (18.2%),
28 much higher than the state average, and a high number of students from economically
29 disadvantaged families. Student scores on standardized measures indicate a pressing need for
30 high quality AIS services.

31 In order for the district to have any chance of providing a sound basic education, a deep
32 and vibrant commitment to early childhood education is essential. Kingston recognizes this and
33 is frustrated that they cannot create the kind of program that would truly make a difference. Full
34 day, wrap around programs for children ages 3 and 4 with an emphasis on language acquisition
35 would be a positive step towards leveling the playing field for children in poverty. Yet the
36 district has a minimal program, largely community based and without transportation. The
37 Assistant Superintendent for Instruction, who has a well-developed vision for a prekindergarten
38 approach that could redirect the education lives of Kingston's students, suggests that such a
39 program would cost in excess of \$6 million. Currently, the district is limited to an expenditure of
40 approximately \$750,000 which is what is received through the state Universal Pre-kindergarten

1 grant. There is no Head Start program nor is there transportation for pre-kindergarten children
2 who are in community-based programs.

3 If the pre-kindergarten program is minimal, the early primary program is as well. The
4 Superintendent reported to me that kindergarten classes range from 21-28 children with an
5 average of 25, depending on building. This is well above the 20 noted by the Court of Appeals
6 and especially above reasonable numbers for districts with high numbers of students with
7 disabilities (SWD) and children from economically disadvantaged homes. In addition, the
8 Kingston classes are generally larger than what is found in neighboring districts where there are
9 fewer economically disadvantaged students including children living in poverty. It is my
10 judgment that these children should be in much smaller classes, 16 at Kindergarten, with a full-
11 time aide. Class sizes could then ramp up gradually over the years.

12 Baker (2013) notes that the American Institute for Research and Management (AIRA)
13 conducted a study of elementary class size guidelines required to provide an adequate level of
14 education in New York State. Baker argues class size is a “particularly important issue at the
15 elementary level where there exists a more significant empirical research base on the influence of
16 class size on student outcomes generally and on the potential for class size reduction to aid in
17 reducing achievement gaps between poor and non-poor, minority and non-minority children.”
18 The AIRA professional judgment panels recommended class sizes for elementary grades in high
19 poverty districts closer to the number I recommend in this report. Specifically, they recommend
20 that for Kingston, average elementary classes sizes be 15.5 pupils.

21 Kingston was planning on 24 sections of kindergarten in the 2014-15 school year, most
22 without full- time aides. As noted, this would result in class sizes for this critical grade level of
23 25, with one building at 28. Later in this report, I propose that an appropriate number of sections
24 would be 35, adding 13 kindergarten teachers and aides along with approximately two (2)
25 support faculty.

26 Students with disabilities also experienced the impact of budget cuts. To be sure, the
27 district appears to be meeting its requirements under Part 200 of the Commissioner’s
28 Regulations, but its service options are limited and too often students are placed in programs
29 outside of the regular classroom because the in-class supports necessary to make inclusion a
30 success are not always available. In districts similar to Kingston, 16.9% of SWD are placed in
31 regular classroom settings less than 40% of the time. In Kingston, 30.4% of students are placed
32 in regular classroom settings less than 40% of the time. Kingston had a classification rate of
33 18.2% against a similar group average of 12.1% and a statewide average of 13.1% in 2012-13.
34 Again, I hasten to note the comparatively high level of lead poisoning in Kingston.

35 The third aspect of program analysis is student achievement. To evaluate student
36 achievement in the Kingston City School District, I examined the several years of School Report
37 Cards and compared results with those of the comparison districts. For the benefit of the reader,
38 I reintroduce the demographic characteristics of those districts:

1
2

Kingston and Comparison Group Demographics

	Kingston	Arlington	Monroe-Woodbury	New Paltz	Red Hook	Rhinebeck	Warwick Valley	Wappingers
County	Ulster	Dutchess	Orange	Ulster	Dutchess	Dutchess	Orange	Dutchess
Enrollment (1)	6484	9179	7034	2213	1988	1120	3860	11,872
% in Poverty	21.2	8.67	7.44	9.20	8.41	6.97	9.5	7.42
% Economically Disadvantaged (1)	50	18	17	19	17	16	13	22
% Free/Reduced Lunch (3)	54	19.5	19.4	21	18.3	13.2	13.2	20.5
% Limited English Proficient (1)	3	1	1	2	2	1	1	1
% Students with Disabilities (1)	18.2	13	10	14	11	10	13	15
Af Am (1)	17	7	7	6	2	2	5	6
Latino (1)	14	10	19	9	5	6	9	12
White (1)	63	78	67	80	90	89	83	76
All others (1)	6	5	7	5	3	4	3	6
Attendance (1)	93	95	95	95	96	95	95	95
Suspension (1)	5	3	3	3	1	2	3	4
Per Capita Income (3)	28242	31835	38303	32259	31393	41811	40167	34350
% Adults w/ Bachelors (3)	25	34.11	42.2	50.2	42.6	46	41.1	33.74
Avg home value (\$1000s) (3)	212.1	365	362	317.9	311.7	378.9	366.9	339.5
CWR (4)	.882	.897	.872	1.149	.909	1.996	.986	1.304
PNI (4)	1.441	1.158	1.138	1.175	1.171	1.268	1.092	1.164

3
4

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

5 The number of students in poverty comes directly from the most current United States
6 Census Small Area Income and Poverty Estimate (SAIPE) 2009-11 data. Enrollment and student
7 characteristics as well as attendance and suspension data are from the SRC. Other demographic
8 data is from the most recent census report. CWI and PNI are both from NYSED output reports.
9 As noted, Kingston has the highest FRL rate and the highest poverty rate of the sample. I
10 intentionally included a broad spectrum of schools including schools that essentially share a
11 border with Kingston, but are on the other side of the Hudson River. Arlington, Wappingers,
12 Rhinebeck and Red Hook are all immediate neighbors of Kingston, but all benefit from much
13 more wealth and lower poverty rates. In other words, each of those districts are more likely to
14 receive “school ready” students in kindergarten who will be much less likely to require remedial
15 and special education services. I also included New Paltz, an immediate Ulster County neighbor,
16 and two districts from neighboring Orange County, Monroe-Woodbury and Warwick Valley. I
17 did not reach into the wealthy suburbs of Westchester County to find comparison districts,
18 though such comparisons would be particularly stark.

1 In comparing district wealth, I use a measurement developed by the New York State
 2 Education Department called “Combined Wealth Ratio” (CWR). This is an index of the *total*
 3 *property wealth* and *total income wealth* behind each student. The average Combined Wealth
 4 Ratio throughout the state is 1.00. The Kingston City School District has a CWR of .882. This
 5 would suggest that Kingston is about 88% as wealthy as the average district in New York State.
 6 For the Hudson Valley, .882 suggests a low-wealth District when compared to downstate
 7 districts in general and other districts in the comparison group specifically. Only Monroe-
 8 Woodbury has a lower CWR in the comparison group.

9
 10 I also report a statistic the SED developed called the Pupil Needs Index. This index starts
 11 at 1.0 and can climb as high as 2.0. Pupil Needs Index (PNI) is used in the calculation of
 12 Foundation Aid by the New York State Education Department. It is a measure of student need
 13 that includes poverty, percentage of limited English proficient students and sparsity, or pupils
 14 per mile. For example, the PNI for the Rochester City School District, the poorest of the “Big 5”
 15 is 1.898. The actual formula is available in the NYSED State Aid Handbook. Kingston has a
 16 PNI of 1.441. This is an especially high index number in comparison with the sample.

17
 18 Student outputs are presented as results on the NYS testing program. In the first
 19 comparison of student outputs, I present two years of 3-12 cohort data from the 2010-2011 and
 20 2011-12 NYSSRC for each of the comparison districts.

21
 22 **Comparison Group- Student Outcomes Cohort Data-2010-12**

Assessment % Passing*	Kingston (rank)	Arlington	Monroe- Woodbury	New Paltz	Red Hook	Rhine- beck	Warwick Valley	Wapp- ingers
ELA 4	54 (8)	68	66	67	77	68	76	67
ELA 8	44 (8)	58	66	68	67	67	64	55
Math 4	64 (8)	72	82	65	80	77	86	76
Math 8	46 (8)	59	76	77	68	86	79	64
Science 4	89 (8)	94	95	95	98	97	98	94
Science 8	77 (8)	88	88	84	85	96	89	84
Sec ELA	76 (8)	89	90	90	92	89	93	88
Sec Math	77 (8)	91	91	92	93	91	93	90
Grad Rate (2007 cohort)	73 (8)	86	93	94	85	91	92	82

23 *Source: 2010-12 SRCs*

24 **Comparison Group- Student Outcomes Cohort Data-2013**

Assessment % Passing*	Kingston (rank)	Arlington	Monroe- Woodbury	New Paltz	Red Hook	Rhine- beck	Warwick Valley	Wapp- ingers
ELA 4	20 (8)	33	37	46	44	34	48	35
ELA 8	28 (8)	37	50	46	34	58	45	41
Math 4	23 (8)	34	48	36	41	38	51	36
Math 8	13 (8)	27	51	25	31	60	35	30
Science 4	90 (8)	94	97	96	98	98	98	96

Science 8	69 (8)	84	88	84	84	92	86	83
Sec ELA	79 (8)	89	91	91	90	90	95	89
Sec Math	84 (8)	92	93	93	92	91	94	91
Grad Rate (2008 cohort)	71 (8)	89	92	91	91	89	93	84

1 *Source: 2013 SRC*

2 In this analysis, Kingston ranks lowest in each of the comparisons. These are tests administered
3 to all students in a cohort. Less than half of students in Kingston meet state benchmarks on
4 English/Language Arts and Math assessments listed at the elementary and middle school levels.
5 Based on these data, Kingston children require a highly effective program of academic
6 intervention services and a fully implemented Response to Intervention (RtI) model to support
7 struggling students. Yet it was reported that the state budget cuts have resulted in reductions to
8 AIS.

9 In the next comparison, we examine High School Outcomes. In this analysis I present
10 results for the comparison group noting the results for the cohort group on secondary ELA and
11 Mathematics. This means the percentage of a graduating cohort passing at least the Grade 11
12 English Regents and a Mathematics Regents examination. I also present dropout rates, and
13 college plans of graduating seniors. For each outcome, I rank Kingston against the rest of the
14 comparison group. All of these data come from the district's New York State School Report
15 Card which reflects student results from the 2010-11 school year.

16

17

18

Comparison Group - Student Outcomes, High School

Regents Passing/ 85	Kingston (rank)	Arlington	Monroe- Woodbury	New Paltz	Red Hook	Rhinebeck	Warwick Valley	Wappingers
ELA cohort	79 (8)	89	91	91	90	90	95	89
Math cohort	84 (8)	92	93	93	92	91	94	91
Dropout rate	3 (1/8)	1	0	0	1	1	0	0
Non comp*	6 (1/8)	2	1	1	2	2	0	0
Grad Rate (2008 cohort)	71 (8)	89	92	91	91	89	93	84
College	81 (8/8)	92	92	79	84	90	84	84
College 4 yr	30 (8/8)	46	57	44	56	61	60	60
College 2 yr	51 (1/8)	46	35	35	28	29	24	24

19

20 In almost every measure, Kingston ranks at the bottom of the nine districts in the
21 comparison group. The higher two-year college attendance is offset by the lower percentage of
22 students attending four-year schools. Again, the low graduation rate needs to be emphasized.
23 Kingston had a graduation rate of 71%. Thus out of 100 students who started ninth grade, 71

1 graduated. Out of that amount, 81% or just over 57 out of 100 students, attend college. Only
 2 21% attend four-year schools.

3 I now turn to the 2012 School Report Card data to summarize the low performance of
 4 students in the Kingston City School District. Please note, these data use the older pre CCLS
 5 tests. Results on the 2013 tests are lower for all groups statewide. With level 3 as proficiency,
 6 about 60% of economically disadvantaged children fail to reach proficiency in ELA and
 7 mathematics as elementary/middle school students in Kingston. The percentage of African-
 8 American children failing to reach proficiency is closer to 65%. I conclude that these children
 9 are not receiving a sound basic education as required by the New York State Constitution due
 10 primarily to inadequate resources to meet their unique educational requirements.

11
 12
 13

Elementary and Middle School ELA
Summary Performance of Kingston Cohort Groups by Subgroup - 2011-12

	Number Tested	Students Scoring at Performance								% score 3+4
		Level 1	%	Level 2	%	Level 3	%	Level 4	%	
All	2897	321	11%	1082	37%	1407	49%	87	3%	52%
Black	553	101	18%	259	47%	187	34%	6	1%	35%
Latino	356	52	15%	174	49%	128	36%	2	1%	37%
Asian	66	3	5%	19	29%	40	61%	4	6%	59%
White	1832	155	8%	600	33%	1006	55%	71	4%	59%
Multi	71	5	7%	23	32%	39	55%	4	6%	61%
SWD	719	252	35%	331	46%	111	15%	25	3%	18%
LEP	94	24	26%	48	51%	21	22%	1	1%	23%
Eco Dis	1509	252	17%	676	45%	561	37%	20	1%	38%

14 *Source: <https://reportcards.nysed.gov/files/2011-12/ACC-2012-620600010000.pdf>*

15
 16
 17
 18
 19

Elementary and Middle School Math
Summary Performance of Kingston Cohort Groups by Subgroup – 2011-12

	Number Tested	Students Scoring at Performance								% Score 3+4
		Level 1	%	Level 2	%	Level 3	%	Level 4	%	
All	2897	225	8%	1053	36%	1191	41%	428	15%	56%
Black	552	78	14%	276	50%	165	30%	33	6%	36%
Latino	359	37	10%	158	44%	143	40%	21	6%	46%
Asian	67	2	3%	11	16%	33	49%	21	31%	81%
White	1828	103	6%	568	31%	814	45%	343	19%	63%
Multi	72	1	1%	31	43%	30	42%	10	14%	56%
SWD	719	177	25%	340	47%	157	22%	45	6%	28%
LEP	97	20	21%	40	41%	29	20%	8	8%	38%

Eco Dis	1509	181	12%	696	46%	510	34%	122	8%	42%
---------	------	-----	-----	-----	-----	-----	-----	-----	----	-----

Source: <https://reportcards.nysed.gov/files/2011-12/ACC-2012-620600010000.pdf>

The secondary cohort results are more disturbing and that is hardly a surprise. When students do not receive a sound basic education at the K-8 level that prepares them for a meaningful high school education, it is unlikely they will be successful. With level 3 as proficiency, less than half of economically disadvantaged children fail to reach proficiency in ELA and only a quarter demonstrate proficiency in mathematics as secondary students in Kingston. The percentage of African American children failing to reach proficiency in ELA is 61% while the percentage failing to demonstrate proficiency in mathematics is 86%. I conclude that these children are not receiving a sound basic education as required by the New York State Constitution due primarily to inadequate resources to meet their unique educational requirements.

**Secondary ELA Summary Performance of
Kingston Cohort Groups by Subgroup - 2011-12**

	Cohort Members	Students Scoring at Performance								% Score 3+4
		Level 1	%	Level 2	%	Level 3	%	Level 4	%	
All	518	51	10%	153	30%	249	48%	65	13%	61%
Black	83	12	14%	39	47%	30	36%	2	2%	39%
Latino	50	8	16%	18	36%	21	42%	3	6%	48%
White	367	31	8%	89	24%	188	51%	59	16%	67%
SWD	99	33	33%	47	47%	13	13%	6	6%	19%
Eco Dis	196	24	12%	81	51%	77	39%	14	7%	46%

<https://reportcards.nysed.gov/files/2011-12/RC-2012-620600010000.pdf>

**Secondary Math Summary Performance of
Kingston Cohort Groups by Subgroup - 2011-12**

	Cohort Members	Students Scoring at Performance								% Score 3+4
		Level 1	%	Level 2	%	Level 3	%	Level 4	%	
All	518	61	12%	274	53%	131	25%	52	10%	35%
Black	83	15	18%	56	67%	12	14%	0	0%	14%
Latino	50	10	20%	30	60%	8	16%	2	4%	20%
White	367	35	10%	180	49%	105	29%	47	13%	41%
SWD	99	43	43%	47	47%	5	5%	4	4%	9%
Eco Dis	196	33	17%	116	59%	36	18%	11	6%	24%

<https://reportcards.nysed.gov/files/2011-12/RC-2012-620600010000.pdf>

The charts below detail the low cohort graduation rates, especially for disadvantaged children, students with disabilities and children of color. These are the most recent rates

published by the NYSED. These low graduation rates, in my judgment, are caused by inadequate resources to meet the unique needs of these students, and are a clear indication of the failure of the New York State system of public education to provide a sound basic education and a meaningful high school experience to these students.

Four Year Graduation Rates of Kingston Students by Subgroup – 2013-2014

	2013 (%)	2014 (%)	State Standard
All	73	76	80
Black	54	63	80
Latino	55	60	80
Asian/PI	70	100	
White	79	82	80
Multi	-	33	
SWD	46	47	80
LEP	13	50	
Eco Dis	56	67	80

New York State is focusing on the concept of “college and career readiness” which they define, in part, as a grade of at least 80% on the Algebra Regents Examination and 75% on the English Regents. Together, these are called Aspirational Performance Measures (APM). I inquired of the Kingston Office of the Assistant Superintendent for Instruction regarding these data. They are illustrated in the chart below.

	2011	2012	2013
English	58.9%	61.3%	52.5%
Algebra	23%	26.9%	NA

Source: District officials

The stark reality is that a very small percentage of Kingston students who start a graduation cohort in grade 9 are, by the State’s definition, college or career ready in mathematics or English. If the students of Kingston School District are to realize a sound basic education and a meaningful high school education, as the New York State Constitution mandates, they must have an expanded platform of services to provide remediation in both English and, especially in mathematics.

To be certain, the **2013 grade 3-8 tests**, which were based on the Common Core State Standards proved to be difficult for many schools. However, in the case of Kingston, for grades 4 and 8, they were at the bottom of the comparison group in every test by a wide margin. The pattern of Kingston students failing to receive a sound basic education becomes more pronounced with the introduction of the Common Core State Standards.

Percent Proficient Grades 4 and 8 – 2013

Assessment % Passing	Kingston (rank)	Arlington	Monroe- Woodbury	New Paltz	Red Hook	Rhinebeck	Warwick Valley	Wappingers
ELA 4	20 (8)	33	37	46	45	34	48	35
ELA 8	28 (8)	37	50	46	34	58	45	41
Math 4	23 (8)	34	48	36	41	38	51	36
Math 8	13 (8)	27	51	25	31	60	35	30

Source: 2013 SRC

Finally, I present cohort results from the 2013 school report card in ELA, Mathematics, Global History and Geography, United States History and Science. These students have passed the New York State Regents Examination in that subject, or in the case of Mathematics and Science, two New York State Regents Examinations in that subject.

Percent Passing Secondary – 2013

Assessment % Passing	Kingston (rank)	Arlington	Monroe- Woodbury	New Paltz	Red Hook	Rhinebeck	Warwick Valley	Wappingers
ELA	79 (8)	89	91	91	90	90	95	89
Math	84 (8)	92	93	93	92	91	94	91
Global	77 (8)	88	90	90	91	86	92	89
US Hist	75 (8)	88	92	92	89	90	94	89
Science	84 (8)	92	92	92	91	95	94	91
Grad Rate	71 (8)	89	92	91	91	89	93	84

Source: 2013 SRC

Deficient Resources

What adjustment in resources could impact this pattern of lower student outputs?

The CFE decision gives clear direction to the state in this regard. The following excerpt is from Essential Resources: The Constitutional Requirements for Providing All Students in New York a Sound Basic Education, a publication of the Campaign for Fiscal Equity of Teachers College.

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

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

1 — *A. Sufficient and Appropriate Academic Intervention Services (AIS), and/or*
2 *Response to Intervention (RTI), and Other Nonacademic Support Services Sufficient*
3 *and appropriate additional instruction during the regular school day or extended day, as*
4 *well as through afterschool and/or Saturday, extended year or summer programs to*
5 *improve the performance of all students failing to achieve grade-level performance in*
6 *English language arts, mathematics, science, or social studies.*

7 — *a. For English language learners, these services must be in addition to, and not*
8 *in place of, the bilingual and English as a Second Language (ESL) instructional program*
9 *requirements.*

10 — *b. For students with disabilities, AIS must be provided on the same basis as for*
11 *nondisabled students and must be provided in addition to, and not in place of, special*
12 *education services; accommodations and supports consistent with the students' in-*
13 *dividualized educational plan (IEP) must be provided when AIS are delivered.*

14 — *Sufficient and appropriate response to intervention procedures to implement a*
15 *multilevel intervention and prevention system, including screening, academic and*
16 *behavioral interventions adjusted based on response, and progress monitoring.*

17 — *Sufficient and appropriate nonacademic support services, including guidance and*
18 *counseling, coordination with services from other agencies, services to improve*
19 *attendance, and study skills to address barriers to academic progress.*

20 **Comment: In the CFE decision, Judge De Grasse indicated that at-risk students**
21 **were entitled an expanded platform of academic services as necessary to meet their**
22 **needs. This notion of “expanded platform” requires additional funding. This would**
23 **suggest a robust system of supports that attack underperformance in an effective**
24 **manner. School leaders in Kingston reported that they had, at best, a minimum**
25 **program to provide Academic Intervention Services and Response to Intervention**
26 **support to their students. Students in Kingston, despite extraordinary needs caused**
27 **by poverty, do not receive an adequate expanded platform in academic services**
28 **primarily as a function of budget restraints and cuts resulting from the loss of state**
29 **aid in recent years.**

30 — *B. Sufficient Pre-kindergarten and Kindergarten Programs to Meet the Needs of*
31 *Students at Risk of Low Academic Achievement*

32 **Comment: Kingston depends, in part, on outside providers for a substantial**
33 **portion of its prekindergarten program. Even then, the program is not available to**
34 **all students. Currently approximately only 280 Kingston children receive a**
35 **structured pre-kindergarten experience and only 45 receive a district-based**
36 **program without transportation. There is no Head Start Program. Early**
37 **interventions are the best way to begin to ameliorate the effects of poverty on school**
38 **performance.**

1 **Class sizes in Kingston at the Kindergarten level are as high as 28, much higher**
2 **than typically found in suburban districts. In one much higher performing small**
3 **city district, for example, the district has tried to limit kindergarten classes to 17.**
4 **Class sizes of 28 are not aligned with developmentally appropriate practice. *It is***
5 ***critical to realize that given the number of economically disadvantaged children in***
6 ***Kingston, class sizes and academic supports cannot be at the levels of other schools***
7 ***with much lower numbers of economically disadvantaged children if Kingston is to***
8 ***provide a sound basic education for their children.***

9 — ***D. Sufficient Family Outreach and Communication*** *Sufficient family*
10 *engagement, including translation services as needed, to ensure that parents play an*
11 *integral role in assisting their child’s learning and that parents are encouraged to be*
12 *actively involved in their child’s education at school.*

13 — *a. Parents of “students receiving academic intervention services must be provided*
14 *with an opportunity to consult with the student’s regular classroom teacher(s), and other*
15 *professional staff providing academic intervention services,” receive quarterly reports on*
16 *the student’s progress and “information on ways to work with their child to improve*
17 *achievement; monitor their child’s progress; and work with educators to improve their*
18 *child’s achievement.”*

19 — *b. Each Title I school must “develop, with parents for all children ... a school-*
20 *parent compact that outlines how parents, the entire school staff, and students will share*
21 *the responsibility for improv[ing] student academic achievement and the means by which*
22 *the school and parents will build and develop a partnership to help children achieve the*
23 *State’s high standards.”*

24 — *c. Each Title I school must also: i. “provide assistance to parents ...in*
25 *understanding such topics as the State’s academic content standards and state student*
26 *academic achievement standards, State and local academic assessments ...and how to*
27 *monitor a child’s progress and work with educators to improve the achievement of their*
28 *children;” and*

29 — *ii. “provide materials and training to help parents to work with their children to*
30 *improve their children’s achievement, such as literacy training and using technology, as*
31 *appropriate, to foster parental involvement.”*

32 **Comment: In my interactions with Kingston school and district leaders, one of the**
33 **most consistent concerns was for a shortage of qualified school social workers in the**
34 **district. Given the shortfall in school social workers, counselors and a very thin**
35 **administrative structure overly stressed by new APPR regulations, Kingston cannot**
36 **meet the requirements for sufficient family outreach and communication the Court**
37 **has said is required by the Constitution.**

38 **Fiscal Challenges**

- 1 • Kingston spends an average amount per pupil when compared with the rest of the
2 group. However, when we factor in poverty, Kingston is the lowest spending district
3 in the group. This is accomplished by adding the FRL rate to each student count, thus
4 making Kingston's factor 1.541.
- 5 • By far, Kingston has highest percentage of children living in families in poverty and
6 children eligible for free and reduced meals. Children from economically
7 disadvantaged backgrounds require more expansive programs, or as Judge De Grasse
8 noted, "an expanded platform" of services.
- 9 • In the 2012-13 state budget, Kingston lost \$7.9 in state aid due to the "gap
10 elimination adjustment" provision. That is \$1148 per enrolled pupil for 2012-13
11 alone. That is more than any of the districts in the comparison group, with much
12 lower CWR. It is substantially more than the state average GEA per student loss of
13 \$604 for 2013-14.
- 14 • According to the New York State Council of Superintendents, the enacted state
15 budget for the 2014-15 school year will include a GEA adjustment of \$5,343,503.
16 Since 2010-11 when the state first started reducing school aid to solve its budget
17 issues, the Kingston City School District has lost **\$ 32,374,349**. This amount
18 represents a cumulative loss of **\$4993** per pupil using current enrollment.. School
19 districts had no choice but to cut services to students to make up for this loss as they
20 also had to confront increases in mandated expenses.
- 21 • Next year alone, the total of the GEA and shortfall caused by the state freeze on
22 foundation aid is **\$14,175,179**.

23 Additional Resources Necessary

24 In this section, I render my judgment as to what additional resources are needed by the
25 Kingston City School District to ensure that all students are provided with a sound basic
26 education including a meaningful high school education. This means resources that would
27 allow students to be reading at grade level by third grade and graduate from high school with
28 grades of at least 75 and 80 on Regents examinations in English and mathematics, indicating a
29 meaningful high school education. (8NYCRR100.18 effective July 2012) These projections are not
30 intended to be precise, but to give the court a general idea of the costs to provide a sound basic
31 education to all of Kingston's children. These projections are based on my experience as a
32 superintendent of schools and university professor in educational leadership and my examination
33 of the Kingston City School District.

34 I consulted with officials in the Kingston City School District and was told that when
35 they consider new instructional staff, they budget \$100,000 for each new faculty. This makes
36 sense. Even at the bottom part of the salary schedule, a new teacher in the Hudson Valley would
37 require approximately \$50,000 in compensation. Benefits could quickly add in another \$35,000
38 including health insurance, retirement contributions, and employee social security/Medicare
39 contributions, and other costs. Additionally, new employees require certain kinds of training,
40 technology support, etc. The \$100,000 budget benchmark is prudent.

1 In none of my cost projections do I account for additional custodial staff, opening new
2 classrooms, transportation or other support costs. In fact, if the state were to fund all of these
3 recommendations, Kingston may well open existing buildings that were previously closed. It
4 should be remembered, that Kingston was forced to move to larger class sizes and close
5 buildings as a function of the withdrawal of state support through the GAP elimination
6 adjustment.

7 **Provide high quality pre-kindergarten services with wrap around component.**

8
9 Currently, the so-called NYS Universal Kindergarten Program is anything but universal, serving
10 only a small portion of Kingston students. The total budget for the program is only \$750,000.
11 What that buys is a program that is fundamentally inadequate as it only serves a small portion of
12 all four year olds, is only half day and has no wrap around component. The Assistant
13 Superintendent for Instruction reports that a true wrap around program for all three and four year
14 olds would cost approximately **\$6 million.**

15
16 It is my judgment that a vibrant truly universal prekindergarten program is essential to
17 providing a sound basic education for Kingston's children.

18
19 **Right Size Kindergarten.**

20
21 Currently there are 24 sections of kindergarten planned with average class sizes of 25 for the
22 2014-15 school year. To bring class size in kindergarten to 16 would require 35 sections or 11
23 additional teachers and aides and two (2) support faculty. Assuming cost per teacher and aides
24 of \$144,000 per section with 11 sections plus \$200,000 for two support faculty, the personnel
25 costs of right sizing kindergarten would be approximately and further assuming a cost of \$10,000
26 per new section for basic classroom needs and technology, the total estimate right size
27 kindergarten is **\$1.9 million.**

28
29 **Create appropriate elementary class sizes.**

30
31 Using the ramping-up approach, and continuing to recognize the impact of class size on children
32 from economically disadvantaged homes, I project an additional 30 elementary teachers and
33 aides along with four (4) support faculty just to make the class sizes workable for schools with
34 high numbers of economically disadvantaged children. This would not put the Kingston City
35 School District at the level noted by AIRA, but move to a level of manageable class size for all
36 students. This assumes class sizes of approximately 18 at Grade 1, 18-20 at Grade 2, 20 at Grade
37 3-6. Approximately 40 total faculty and aides hired at close to entry levels, plus four (3) support
38 faculty projects to approximately **\$4.92 million.**

39
40 **Improve Academic Intervention Services.**

1 It is not realistic to expect the core instructional program to provide the remediation necessary to
2 overcome the effects of poverty on young children. A robust system of academic intervention
3 does not rely on the core instructional program to overcome deficits caused by the effects of
4 poverty. In a school with high numbers of economically disadvantaged children, a single reading
5 specialist can be expected to support up to four classes, assuming that the class sizes in those
6 classes are reasonable. In Kingston, this would mean about 40 specialists for grades K-6, an
7 increase in reading specialists of approximately 28. This would allow a combination of primary
8 and support instruction to the neediest students. Assuming a cost of \$100,000 per teacher with
9 benefits, and professional development, a total first year investment of **\$2.8 million** would be
10 required to provide the appropriate level of support in reading.

11

12 Very low scores on the grade 8 ELA and mathematics examinations suggest strongly
13 increased academic intervention support. Four additional reading teachers and four additional
14 mathematics teachers serving grades 7 and 8 would cost an additional **\$800K**.

15

16 Additional support teachers are also needed at the high school level. I estimate that at
17 least four (4) teachers each in mathematics and ELA for a total of eight (8) are required to keep
18 students on track to graduate. Very low performance on the Regents examinations in social
19 studies and science suggest a need for additional academic intervention in those subjects as well,
20 resulting in eight (8) additional teachers at the high school level. I estimate initial costs of **\$800**
21 **thousand** to improve academic intervention services at the high school.

22

23 **Improve Programs for Students with Disabilities.**

24

25 Currently SWD in inclusion classes are placed in groups of up to 12 in class sizes of up to 28.
26 Although there are two (2) teachers in the room. There are just too many pupils, especially high
27 need pupils for this model to work. In my experience, this model can work and work well when
28 the total number of students is 22-24 and the total number of SWD is 8-10. Given
29 recommendations for reduction in overall elementary class size, this improvement would only
30 require additional twelve (8) Special Education Teachers for a total of **\$800 thousand**.

31

32 **Provide adequate support for social emotional development**

33

34 In the NYSED Diagnostic Tool for School and District Effectiveness (DTSDE), six (6) tenets
35 are presented which together create a framework of a K-12 school operation. Tenet Five is
36 Student Social, Emotional and Developmental Health. According to best practice, as per the
37 DTSDE, an effective school district identifies, promotes, and supports social and emotional
38 development by designing systems and experiences that lead to healthy relationships and a safe
39 effective environment that is conducive to learning for all students. Kingston has the highest
40 dropout rate and lowest graduation rate for the comparison group. Kingston is understaffed in
41 counseling districtwide. There are no elementary counselors and not enough middle school
42 counselors. Currently six (6) counselors provide support for 2000 middle school students, a ratio

1 of 333 to 1. It is my judgment that two (2) additional counselors at the middle school level and
2 four (4) at the elementary level for a total of six (6) are necessary. Counselors often provide
3 services during summer months, and so the estimate for counselors is a bit higher, totaling
4 \$112,000 per counselor for a total of **\$672,000**.

5
6 Kingston also has a high rate of student suspension. Officials at Kingston believe they
7 can begin to address these issues with a more vibrant system of student-family support, which
8 would require additional social workers districtwide. There are too few school social workers at
9 the secondary level. The National Association of School Social Workers has standards of 250:1,
10 similar to school counselors. If the district were to meet these standards at the middle school and
11 high school level, they would need to add eleven (11) school social workers. Using the same
12 cost as counselors, this would result in additional expenditures of just over **\$1.2 million**.

13
14 Few want to consider the costs of additional school administrators, but Kingston clearly
15 is too thin at the middle school level to provide the level of support necessary for a sound basic
16 education for all students. Kingston currently has two (2) principals and two (2) assistant
17 principals supervising over 2000 middle school children. The principal must be an instructional
18 leader, and given new state requirements, can provide supervision for a school of 1000 children
19 with one (1) assistant. Each middle school needs an additional assistant principal, which I
20 estimate would cost approximately \$200,000 recognizing the clerical support needs of
21 administrators for a total cost of **\$400,000**.

22
23 In total, I estimate that the basic costs for additional faculty to make it possible for
24 Kingston to provide a sound basic education for all students and a meaningful high school
25 education to be approximately **\$20 million** in the initial year. These costs would increase with
26 inflation over the years.

27 28 **Professional Development**

29
30 A common theme I heard from almost every administrator I interviewed was that the district did
31 not have the capacity to provide the level of professional development necessary to fully
32 implement RtI, the common core state standards or any of the reform initiatives that are part of
33 the Regents Reform Agenda with the level of fidelity necessary to be successful. Interestingly,
34 School Quality Reviews and Joint Intervention Team reports on various Kingston schools
35 suggested additional professional development. Kingston principals proposed an immediate
36 addition of **8 teacher leaders** with expertise in literacy and mathematics to support the general
37 education classroom teachers. It was also proposed that teacher time be extended by at least
38 10% to accommodate professional development, whether this extension is after school or during
39 the summer or some other time would be a subject of collective bargaining. What we do know is
40 that extended time usually does not require the same costs as regular time, as this is often an
41 hourly supplement. Assuming 120 additional hours of PD for every teacher and administrator in
42 the district, at a cost of \$50 per hour inclusive of outside support, I project a rough estimate of

1 \$3.7 million in professional development costs. Additionally, two PD specialists should be
2 added. This along with the 10 teacher leader coaches would add approximately \$1.28 million to
3 the PD initiative resulting in a total investment of approximately **\$4.78 million**, a small slice of
4 the total cost of faculty and administration. Just adding people will not work. Increased capacity
5 and a commitment to best practice must both exist in order to provide a sound basic education to
6 all children in the Kingston City School District. Professional development that is ongoing,
7 embedded, relevant, and rigorous is key to establishing and maintaining best practice. The
8 Regents have clearly defined what best practice looks like in the Diagnostic Tool for School and
9 District Effectiveness (DTSDE). Without increased capacity including a commitment to
10 professional development, Kingston has no chance to meet the higher levels identified in the
11 DTSDE document.

12 With additional faculty, and a sound effective program of professional development, I estimate a
13 total investment in human capital of **\$25.1 million** would be necessary to provide a sound basic
14 education to Kingston's children. This estimate is not precise and is based on my own
15 experience as a principal and superintendent, and as a clinical scholar.

16
17 **Building Improvements**

18
19 To what extent do school facilities impact learning? The impact of inadequate school
20 facilities on learning is clear. For example, John Lyons, who helped establish the National
21 Clearinghouse for Educational Facilities and worked for decades at the U.S. Department of
22 Education, writes "There are adverse yet solvable environmental conditions in many school
23 facilities that are particularly troublesome because of their very real and negative impact on
24 learning." He goes on to list the most serious as asthma, which is at epidemic proportions in
25 poor urban communities and is linked to poor indoor air quality. Indeed, he points out that the
26 U.S. Environmental Protection Agency (EPA) lists asthma as the leading cause of school
27 absenteeism due to chronic illness. Schools, he writes, have four times as many occupants as
28 offices per square foot. Particularly suspect in asthma-related issues in schools is outdated and
29 faulty heating and ventilation systems. (*JB Lyons: CEFPI Brief, Issue Trak, 2001 - igreenbuild.com*). In
30 every school I visited in Kingston, I heard complaints of poor air quality.

31
32 In addition to proper air quality, good acoustics are vital for learning, according to Lyons.
33 Recalling the research I presented earlier on language acquisition issues among children growing
34 up in poverty, acoustic quality is particularly important in schools. Reasonable sized classrooms,
35 schools designed to be easily supervised, proper lighting, appropriate spaces for the arts,
36 sciences, physical education, social emotional needs and even lunch all contribute to a sound
37 basic education. Finally, schools are required by law to meet the requirements of the Americans
38 with Disabilities Act for access to all programs and services. When access is denied due to
39 building shortcomings, not only is the quality of education programming available to SWD
40 affected, but the civil rights of those individuals are also compromised. School leaders were able
41 to point out numerous ADA issues within the Kingston City School District.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

The District has passed a \$137 million capital improvement vote in December, 2013. This amount was planned under the restrictions of a 5% debt limit that does not back out state aid in the calculation. Although \$137 million is a very large sum, based on my experience with school facilities, I conclude a complete solution would require a larger amount. Regardless, and this is critical, the willingness of the taxpayers to support this proposition will, in the current regressive state aid structure, put further pressure on the rest of the budget to meet the sound basic educational needs of all its students. I applaud the Community, Board and Superintendent in successfully moving this proposition forward but suggest the State of New York needs to support the remaining budget with reforms that actually meet the sound basic educational needs of all students.

Bruce Baker of Rutgers University provides an excellent analysis New York State School finance system building a compelling scholarly case for judicial intervention. He argues Kingston is underfunded based on the agreed upon CFE projections by over \$22.25 million. Baker suggests that to bring 90% of Kingston’s children to the 2006-7 proficiency levels would cost in \$21 million. Since the adjustments of NYS cut points to better reflect NAEP, and the introduction of the CCLS examinations, this amount would be much higher. My estimates (\$25.1 million) would be within sight if the State were to actually meet the target goals under CFE and restore GEA.

Given the high level of effort already being made by the taxpayers of the Kingston City School District, only the State of New York can ensure constitutional compliance. Without doubt, if the Kingston City School District is to meet the criteria of a sound basic education required by the New York State Constitution as interpreted by the court, including a meaningful high school education to prepare students for college or employment and civic participation, substantial increases in state support are essential.

Respectfully submitted,



Stephen J. Uebbing, Ed.D.

1 **Resumé**

2 **STEPHEN J. UEBBING**

3 236 Roseland Lane
4 Canandaigua, New York 14424

Cell: (585) 489-5461
suebbing@warner.rochester.edu

6
7 **PROFESSIONAL PREPARATION**

8 *Doctor of Education*

9 State University of New York at Buffalo, 1987

10 *Master of Science, Bachelor of Arts*

11 State University of New York, College of Arts and Science at Geneseo, 1980, 1972

12
13
14 **PROFESSIONAL EXPERIENCES, K-12 SCHOOL ADMINISTRATION**

15
16 1988-2006- Superintendent of Schools, Canandaigua City Schools, Canandaigua, New York
17 (enrollment 4,251). *Accomplishments:* The development and implementation of four five-year
18 strategic "Plans for Excellence;" participation in planning and implementation of nearly \$80 million
19 in capital improvements; reconfiguration of district; incorporation of organization-wide participatory
20 decision making and planning; development of nationally recognized technology model;
21 incorporation of principled collective bargaining; development and implementation of instructional
22 improvement models; development of partnerships with area and national corporations; introduction
23 and implementation of total quality principles; development of nationally cited character education
24 initiative; focused improvement resulting in high levels of student performance; and extensive work
25 in regional ventures.

26
27 1983-1988 - Superintendent of Schools, Fort Plain Central School, Fort Plain, New York (enrollment
28 1,050). *Accomplishments:* Completion of a comprehensive study of district reorganization;
29 implementation of school and district improvement plans focused on needs of high poverty student
30 population resulting in the elementary school winning the *National Blue Ribbon School Award*.

31
32 1982-1983 - High School Principal, Fort Plain Central School. Provided leadership in various
33 school improvement initiatives, including team-based drug prevention and in-school dropout
34 prevention programs.

35
36
37 **PROFESSIONAL EXPERIENCES, TEACHING AND SCHOLARSHIP**

38
39 Current- Professor, The Warner Graduate School of Education and Human Development, the
40 University of Rochester. Teach courses in leadership, human resources, school law and decision
41 making. Develop outreach programs to area schools. Research issues involving leadership and
42 school improvement.

43
44 1997-2006– Adjunct Professor, University of Rochester, SUNY Brockport and SUNY Oswego.
45 Teach courses in Organizational Leadership and Legal Basis in Education; advise students during
46 practicum.

1 1972-1982 - Teacher, Letchworth Central School, Gainesville, New York. Taught high school social
2 studies; coached various levels of football, basketball and baseball; served as advisor to school
3 newspaper and various student government groups; served as Teachers' Association President.
4
5

6 **CLINICAL SCHOLARSHIP**

7

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

13 Efficiency Studies: Wheatland-Chili Central School District, 2008. Update, 2011. Genesee Valley
14 BOCES (19 districts), 2012, Geneseo and York Central Schools, 2012, Wyoming Central School,
15 2013.
16

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

22 Leadership Development: Created and oversee comprehensive leadership coaching program in
23 conjunction with the WFL BOCES. Principal Investigator of TQLP clinically rich leadership
24 training model in conjunction with the Rochester City School District.
25
26

27 **SELECT PUBLICATIONS**

28

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

44 **SELECT PRESENTATIONS & WORKSHOPS**

45

46 “Implementing Technology in the High School Curriculum,” New York State School Boards
47 Association Annual Convention, 1991.
48 “Networking for Success,” IBM National Education Technology Conference, 1992, 1993, 1994.
49 “Technology in New School Construction,” IBM Minnesota, 1992.

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

15
16 Numerous other speaking presentations.

17 18 **ORGANIZATIONAL HONORS AND AWARDS**

19
20 National Blue Ribbon School Award, Harry Hoag School, 1987.
21 Regents Challenge Middle School Recognition, 1991-1992.
22 Regents Citation as Exemplary Excellence & Accountability Program Participant, 1992.
23 National Blue Ribbon School, Canandaigua Academy, 1995-1996.
24 American School Board Journal’s Pinnacle Award, 1995; Magna Award, 1996, 1998, 2006

25 26 **PERSONAL HONORS**

27
28 Yearbook Dedication (Fort Plain, 1984)
29 William J. Mitchell Award (Canandaigua Chamber of Commerce, 1995)
30 Four-Way Test Vocational Award (Canandaigua Rotary Club, 1999)
31 New York State Superintendent of the Year (American Association of School Administrators, 1999)
32 Paul Harris Fellow (Canandaigua Rotary Club, 2000)
33 Chapter V Distinguished Service Award, NYSPHSAA, 2006
34 NYSCOSS Distinguished Service Award, 2009.

35 36 **PROFESSIONAL ASSOCIATIONS**

37
38 New York State Council of School Superintendents, Executive Committee
39 Horace Mann Association
40 Association for Supervision and Curriculum Development
41 American Association of School Administrators
42 Learning Forward

43 44 **ASSOCIATED PROFESSIONAL ACTIVITIES**

45
46 Completed Xerox Total Quality Management Training
47 Senior Examiner, Governor's Excelsior Award Program
48 Certified Trainer, Seven Habits of Highly Effective People, Four Roles of Leadership

1 Member, Commissioner’s Advisory Council

2

3 **COMMUNITY INTERESTS**

4

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

9

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

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

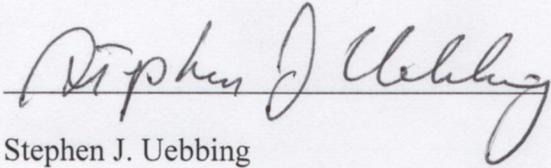
Selected Works Referenced

- 1
2 Baker, B. (2013). Evaluation of New York State's School Finance System. (Unpublished
3 manuscript).
- 4 Baker, B. (2010). New York State School Finance Policies fail to provide meaningful high
5 school education for children attending small city school districts. (Unpublished
6 manuscript).
- 7 Chambers, J. (2004 March). et. al. The New York Adequacy Study: determining the cost of
8 providing all children in New York an adequate education. American Institute for
9 Research and Management Analysis and Planning Inc.
- 10 Demchuk, M. (2009). The prenatal and postnatal influences on the cognitive development of
11 economically disadvantaged African-American adolescents. Unpublished Dissertation,
12 University of Rochester.
- 13 Dobbie, W. & Fryer, R.G. (2009, November). Are High Quality Schools Enough to Close the
14 Achievement Gap? Evidence from a Social Experiment in Harlem National Bureau of
15 Economic Research Working Paper No. 15473.
- 16 Ehrenberg, R.G., Brewer, D.J., Gamoran, A., & Willms, J.D. (2001, May). Class size and student
17 achievement. *Psychological Science in the Public Interest*. 1-30.
- 18 Ertam, I., Dogan, D., Gok C., Kizilates, S. & Caliskan, A. (2008). A guide for monitoring child
19 development in low and middle income countries. *Journal of the American Academy of*
20 *Pediatrics*. 121 (3), 581-589.
- 21 Essential Resources: The constitutional requirements for providing all students in New York a
22 sound basic education, a publication of the Campaign for Fiscal Equity of Teachers
23 College.
- 24 Hart, B., & Risley, T. (1995). *Meaningful Differences in the Everyday Experience Of Young*
25 *American Children*. Baltimore, MD, US: Paul H Brookes Publishing.
- 26 Hedges, L., Greenwald, R., & Laine, R. (1996, Fall). The effect of school resources on student
27 achievement. *Review of Educational Research*. 361-396.
- 28 Illig, D.C. (1997). Reducing class size: a review of the literature and options for consideration.
29 California Research Bureau.
- 30 Jensen, E. (2009). *Teaching Children With Poverty: What Being Poor Does To Kids' Brains*
31 *And What We Can Do About It*. Arlington, Va.: ASCD.
- 32 Knickman, J. & Reschovsky, A. (1980). *The Implementation of School Finance Reform Policy*
33 *Sciences*.

- 1 Lukemeyer, A. (1991). *Courts as Policymakers, School Finance and Reform Litigation*. LFB, El
2 Paso, Texas: Scholarly Publishing.
- 3 Lyons, John (2001) *CEFPI Brief, Issue Trak, 2001 - igreenbuild.com*
- 4 Marzano, R. & Waters, T. (2009). *District Leadership that Works: Striking the Right Balance*.
5 Bloomington, In.: Solution Tree.
- 6 Mosteller, F. (1995, Summer-Fall). The Tennessee study of class size in the early school grades.
7 *The Future of Children*. 113-137.
- 8 Nye, B., Hedges, L. & Konstantopoulos, S. (1999, June) The long term effects of small classes: a
9 five year follow-up of the Tennessee class size experiment. *Education Evaluation and*
10 *Policy Analysis*. 127-142.
- 11 Payne, R. (1998). *A Framework for Understanding Poverty, Highlands, Texas aha! Process, Inc.*
- 12 Putman-Westchester School Boards Association. (2013). Facts and figures.
- 13 Ravitch, Diane, (2012) *Reign of Error: The Hoax of the Privatization Movement*. New York:
14 Alfred A. Knopf.
- 15 Reyes, et. al. (2004, May, 2009, June). Developmental effects of exposure to environmental
16 tobacco smoke and material hardship among inner-city children. *Neurotoxicology and*
17 *Teratology*, 26;3, 373-386.
- 18 Sanders-Philips, K. (1989). in Berry, G. & Asamen, J. K., *Black students: psychosocial issues*
19 *and academic achievement*. Newberry Park, California: Sage Publications.
- 20 Schell, L., Gallo, M., Denham, M., & Ravenscroft, J. (2006). Effects of pollution on human
21 growth and development, an introduction. *Journal of Physiological Anthropology*, 25(3),
22 103-112.
- 23 Sparkman, W.E. (1976, March 14-16). Municipal overburden. Manuscript presented at the
24 Annual Meeting of the American Education Finance Conference. 19th, Nashville,
25 Tennessee.
- 26 Spezio, R. (2009). The impact of a neurofeedback program on primary grade reading scores of
27 children with lead poisoning. Dissertation, University of Rochester.
- 28 Tough, P. (2006, November 26). What it takes to make a student. *New York Times Magazine*.
- 29 Wachs, T. & Gruen, G. (1982). *Early experiences and human development*. Plenum Press, NY.
- 30 Wenglinsky, H. (1997, July). How money matters: the effect of school district spending on
31 academic achievement, *Sociology of Education*, 221-37.

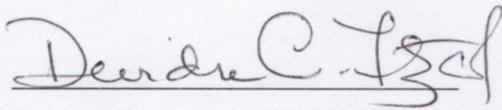
- 1 Wenglinsky, H. (1998). Finance equalization and within-school equity: the relationship between
- 2 education spending and the social distribution of achievement. *Educational Evaluation*
- 3 *and Policy Analysis*, 20(4), 269-283.
- 4
- 5

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



Stephen J. Uebbing

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



Notary Public

DEIRDRE C. FITZGERALD
Notary Public, State of New York
Ontario County No. 01F16199143
Commission Expires January 12, 2016