

**CFE Evaluation of Mount Vernon School District
Final Report In Lieu of Direct Testimony**

Maisto v. State of New York

Dr. Stephen Uebbing

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

The CFE Evaluation Framework

I am familiar with the Court of Appeals rulings in the Campaign for Fiscal Equity (CFE) case, most importantly Campaign for Fiscal Equity v. State, 86 N.Y.2d 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.2d 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 Mount Vernon School District (MVSD) is providing students a sound basic education. Specifically, I examined the educational opportunities available to students in MVSD 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 Mount Vernon 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 State's expert witness report regarding Mt. Vernon.

Key Findings

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

Community, District and Student Profile:

1. Mount Vernon (MV) is a "small city" located in Westchester County, with a population of approximately 68000 residents. Mount Vernon, although small in size, has many of the same attributes as New York's larger cities: high poverty, low per capita income, low property wealth and high property tax rates. MV's largest employer is the school district. MV's per capita income is \$27,792, well below neighboring municipalities, and a little over half of the average per capita income of Westchester County. MV also has comparatively low level of adults with college degrees and very low home values especially when compared with other school districts in Westchester County.

2. In this analysis I compare Mt. Vernon with other Westchester County districts and one Nassau County District. The districts which with I compare are upper middle class districts serving a majority of white students.

3. The rate of poverty among children living in Mount Vernon, according to the latest United States Census Small Area Income and poverty Estimate is 27.6%, between three and nine times as high as the child poverty rate of surrounding communities in Westchester County. In addition, in 2013-2014, the district identified 563 homeless students receiving services. Of this number, 219 were living in shelters including transitional housing or awaiting foster care; 340 were "doubled up" i.e. living with another family and 4 were living in hotels/motels.

4. The Mount Vernon School District (MVSD) provides free public education to children residing in Mount Vernon. MVSD has an enrollment of 8182 students, kindergarten through grade 12, in the 2013-2014 school year. Of these students, 76.9% are low income as measured by eligibility for the federal free and reduced priced lunch program (FRL). Of this group, 69.5% are eligible for free lunch and 7.5% are eligible for reduced-price lunch. 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, recently \$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.

5. 20% of MVSD students are classified as students with disabilities, requiring special education programs and services.

6. 76% of MVSD students are African American, 17% are Latino, 5% are white and 1% are Asian. 9% of the student population is Limited English Proficient.

7. MVSD is classified by the State Education Department as a "high need/resource capacity school district." This classification is based on a need/resource index over 70%. The index is a ratio of the estimated poverty percentage to the Combined Wealth Ratio (CWR). SED defines this as follows: The need/resource capacity index, a measure of a district's ability to meet the needs of its students with local resources, is the ratio of the estimated poverty percentage 1 (expressed in standard score form) to the Combined Wealth Ratio 2 (expressed in standard score form). A district with both estimated poverty and Combined Wealth Ratio equal to the State average would have a need/resource capacity index of 1.0.

8. MVSD measures as a low wealth school district, utilizing the SED's "Combined Wealth Ratio" (CWR) especially as compared to other downstate districts. The CWR is an index of the total property wealth and income wealth behind each of the district's students. MVSD has a CWR of .795 according to the districts 2013-14 SED output report. Mt. Vernon's relative wealth has decreased as the 2013 CWR was .868, and thus is even further below the state average of 1.00. Mount Vernon sits in a county where some districts are four times as wealthy as the average district in New York State.

9. MVSD measures very high on the SED's Pupil Need Index (PNI). MVSD'S PNI for 2013-14 CHECK is 1.629. PNI is an index of relative pupil need ranging from 1.0 to 2.0. The Rochester City School District, which is judged the third poorest urban area in the nation, has a PNI of 1.898. The PNI for New York City is 1.786. Scarsdale, just a few miles to the north, has a PNI of 1.032. Mt. Vernon's PNI, 1.629 is very high, especially compared with other districts in Westchester County.

10. MVSD operates sixteen schools for 8182 students. MVSD also houses its central district office in a separate building.

11. MVSD operates eleven elementary schools. In the 2012-13 school year, Parker Elementary School served 309 students, K through 6; Columbus Elementary School 535 students, preK through 6; Edward Williams Elementary School 498 students, preK through 6; Graham Elementary School 433 students, preK through 6; Grimes Elementary School 484 students, K through 6; Hamilton Elementary School 380 students, K through 6; Lincoln Elementary school 773 students K through 6; Longfellow Elementary School 354 students, preK through 6; Pennington Elementary School 293 students, preK through 6; Traphagen Elementary School 295 students, preK through 6; and William Holmes Elementary School 360 students, preK through 6.

12. MVSD operates two middle schools. A.B. Davis Middle School serves 799 students, grades 7 and 8; and Longfellow Middle School serves 564 students, grades 7 through 9. The district also operates three high schools. Mandela High School serves 177 students, grades 9 through 12; Mount Vernon High School serves 1,313 students, grades 9 through 12; and Thornton High School serves 706 students, grades 9 through 12.

Essential Inputs

A. School Buildings. I visited three school buildings and the Central office:

13. Graham Elementary School was built in 1897, with an addition built in 1921. The main entrance is subterranean, with exposed pipes, creating a feeling of entering into a basement. There is inadequate ventilation and some spaces are not ADA accessible. The media center is minimal inadequate, lacking technology and enough space to accommodate more than one class at a time. Given the age and condition of Graham Elementary school, it is best to replace this building.

14. Davis Middle School has seven separate stories, as it was once a high school. During my visit, I noted that some spaces including the gymnasium - were inaccessible to students and staff with wheelchairs; The gymnasium floor was warped and, in several spots, there were sections that deteriorated, exposing nails. This floor needed to be replaced. An oversized mercury vapor light was missing in the gym, having fallen from the rafters some weeks earlier. Throughout the school, the roof has been leaking for years. There were numerous examples of water intrusion through the outer walls.



Water
Intrusion in
MS Nurses
office.

For example, in the nurse's office the walls were bowed from the moisture. At one point, I asked to use the bathroom, but the closest available restroom was closed because birds had entered through a hole in the outer room and there were droppings on the floor. Air quality was an issue throughout the building. Staff I talked to complained about a lack of air flow. Given the age and condition of Davis Middle School, it is best to replace this building.

15. Mount Vernon High School was, at the time of my visit, in a disturbing state of disrepair. Fencing and paving, as throughout the rest of the district, needs to be repaired or replaced. Windows do not fit correctly and, as a result, there are gaps along the sides of the windows that allow cold air to pour in during the winter. I talked to teachers who told me that it is very difficult to maintain an academic environment when students are shivering from the cold air.



Window gaps
sat MV HS

A few days before my visit, there was a flood in the building. A number of classroom spaces had to be "condemned" according to the principal. In April 2010, one of the auditorium walls collapsed. This was not a function of an earthquake or any other natural event, the wall simply collapsed. When it did so, concrete blocks crashed through the roof of adjoining classrooms. Remarkably, no one was injured, but that event epitomizes the status of school infrastructure in Mount Vernon. There are numerous examples within the high school of the dysfunction and disrepair of the building; an abandoned pool, unused career and technical education spaces and "condemned" areas are symbolic of larger issues in Mount Vernon. Although the building is only fifty years old, it may be more cost-effective to replace it, given its condition.

16. In order to calculate a very rough estimate for replacement of these buildings, I use 590,000 sq. ft. for a new high school, (160 sq. ft. per student x 2600 students), 114,000 sq. ft. for a new middle school (120 sq. ft. per student x 950) and 60,000 sq. ft. for an elementary school (100 sq. ft. per student x 600 students). Student numbers assume successful efforts to keep students in school through graduation. Using these rough estimates, the district could build 590,000 sq. ft. of new space if it replaced the High School, Davis and Graham.

B. Appropriate Class Size

17. Class size for kindergarten are large, as high as 28 students per class. In the 2012-13 school year, the district avoided an increase in class size to 30 by using reserves and fund balance, which is unsustainable. The fund balance is not recurring revenue, and using it for recurring expense will lead to an eventual shortfall. In 2013-2014, the district again used its reserves to reduce class sizes in Kindergarten and/or to place a teaching assistant in a class with an enrollment greater than 25 students.

18. Class sizes average 22 students in the remainder of elementary grades are well above the class size recommended by the AIRA professional judgment panel of 14.88.

19. Average class size in 8th grade core classes range from 21-24; about the same as many of Mount Vernon's neighboring districts, which have dramatically lower student need. This class size means that teacher loads are between 105-120 students. It is to be noted that Davis Middle School, ranked as one of the lowest achieving schools in the state, received a three year School Improvement Grant for 2014-2015 to create smaller learning communities with class sizes averaging 21 students as opposed to the 27 plus students teachers were assigned prior to 2014-2015 grant year. Again, this cannot be sustained when the grant sunsets in 2017. In order to attain appropriate class size in secondary school in Mount Vernon, I recommend ELA teacher loads of between 75-85 students.

20. Average class size in 10th grade core classes range from 22-24, larger than many of Mount Vernon's neighboring districts, which have dramatically lower student need. Again, this class size translates to teacher loads of between 105-120 students, well above my recommendation for ELA teachers in secondary school, which would be between 75-85.

C. Qualified Teachers and Other Personnel

21. MVSD lacks sufficient numbers of elementary school teachers to staff classes at appropriate class sizes. The American Institutes for Research (AIRA) recommends an elementary class size of 14.88 for high poverty districts like Mount Vernon. To achieve this class size would require the addition of over 100 additional sections.

22. Currently, Mt. Vernon employs 18 certified reading teachers in its elementary schools who service 774 pupils. Thus, the ratio of reading teacher to student is 1:41. Approximately 1600 students who need additional AIS support in reading, based on the 2013 testing, do not receive support from a certified reading specialist. One approach to provide adequacy would be to have a shared reading teacher co-teach every two (2) classrooms at grade 1 and every three (3) classrooms at 2-6. Given my recommended sectioning, that would require an increase of 63 certified reading teachers at the elementary level. Any reasonable approach will require many new reading specialists in addition to lower class size and provide coaching and supervision. . There are six (6) reading teachers assigned to secondary students. Looking at cohort exit results in ELA, this is clearly not enough, and is reflective of the district's current AIS system at the secondary level. Principals felt that every secondary school needed to double the number of reading teachers currently available.

23. MVSD has only 18 social workers to serve the entire district. This is insufficient to provide supports for students with emotional and behavioral problems that impact their academic performance. The ratio of social workers to students in the district is currently 1:470. When I visited Graham Elementary School, there was only one social worker for 500 students, 88% of whom were eligible for Free and Reduced Price Lunch, and 21% of whom had a disability. As discussed below, in paragraph 45, attendance rates at Mount Vernon's high schools are unacceptably low. Without a vibrant link between home and school starting at the pre-k level, chronic attendance issues will not be resolved. School social workers are a big part of that solution.

24. The National Association of Social Workers recommends a ratio of 1:250 where there are average needs students, and 1:50 for schools providing services to students with intensive needs. To meet the standard for districts with intensive needs, 151 additional social workers would be required. To reach the basic level of 1:250 would require the addition of 15 social workers. I recommend providing additional school social workers to bring the ratio to 1:230 recognizing the particularly high needs found in the district.

25. MVSD has three grant funded counselors in its eleven elementary schools. These three positions will sunset at the end of the current school year and it is unlikely that the district can sustain the positions using tax levy funds. While social

workers move in and out of buildings, a counselor would stay in one school and be available for students and to work directly with teachers and the administration to support students. In addition, the counselor caseloads at the secondary-school level approach 1:300. I suggest reducing that caseload to be more consistent with the ratio present in average-need districts (1:230).

26. MVSD has a shortage of speech therapists, who can often support achievement in ELA. For example, Davis Middle School had only one speech therapist, despite the fact that 28% of its students are classified as students with disabilities.

27. A common theme I heard from almost every administrator I interviewed was that the district did not have the capacity to provide the level of professional development necessary to fully implement Response to Intervention, the common core state standards or any of the reform initiatives proposed by the Regents with the level of fidelity necessary to ensure success. The assistant superintendent proposed academic coaches for each building, which would total about 20 additional academic coaches for the district. It was also proposed that teacher time be extended by at least 5% to accommodate professional development, whether this extension is after school or during the summer or some other time would be a subject of collective bargaining. What we do know is that extended time usually does not require the same costs as regular time, as this is often an hourly supplement. I recommend 120 additional hours of professional development for every teacher and administrator in the district, I also recommend additional coaches.

Just adding people will not work. Increased capacity and a commitment to best practice must both exist in order to provide a sound and basic education to all children in the Mount Vernon City School District. Professional development that is ongoing, embedded, relevant, and rigorous is key to establishing and maintaining best practice. The Regents have clearly defined what best practice looks like in the Diagnostic Tool for School and District Effectiveness (DTSDE). Without increases in capacity and a commitment to professional development, Mount Vernon has no chance to meet the higher levels identified in the DTSDE document.

28. I strongly advocate increasing supervision. Administrators told me they cannot assume strong instructional

leadership due to the ongoing tasks associated with student management. Additional administrators and behavioral specialists are needed, especially at the secondary level: Assuming one (1) administrator and one (1) behavioral specialist at each secondary building and two (2) at Mount Vernon High School. The behavioral therapist provides a great option for students with ongoing behavior issues short of suspension.

D. Platform of Expanded Services for At-Risk Students

29. MVSD 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.

30. MVSD is not providing at-risk students who are not meeting proficiency benchmarks on mandated State assessments.

31. MVSD needs to add substantial levels of Academic Intervention Services (AIS) for students at-risk of academic failure. In my interviews with district officials, they were clear that one of the programs most affected by recent budget cuts and continued financial stress was their AIS plan. Principals were clear that additional and improved AIS support services were needed, that group sizes needed to be reduced, and that staff with specialties in AIS needed to be recruited. For example, any ELA teacher can provide AIS for English. The AIS provider should have a degree in reading or perhaps special education and act as a dedicated AIS support both in class and on a pull-out basis. This approach of using dedicated AIS providers is not used extensively in Mount Vernon, and clearly school leadership would like to develop, and in some cases redevelop this level of service. The Assistant Superintendent for Accountability, Innovation and Grants Management Emphasized that they barely met the letter of the law, and did not have a robust highly effective AIS plan, and that condition was a function of budget cuts.

32. Mount Vernon is particularly deficient in its support for students requiring Academic Intervention Services in reading. In the 2013 testing program, only about 18% of Mt. Vernon elementary students scored at the proficient level in ELA. Almost 38% scored at Level 1, below basic. That would suggest that up to 82% of Mt. Vernon's elementary students, or nearly 3200 children, require AIS services. Even if services

were only provided to students scoring at Level 1, below basic, nearly 2400 students would require such services. Currently, Mt. Vernon employees 18 certified reading teachers in its elementary schools who service 774 pupils. Approximately 1600 students who need additional AIS support in reading, based on the 2013 testing, do not receive support from a certified reading specialist..

33. At the secondary level, AIS support requires subject certified teachers. Based on my discussions with district principals, a designated AIS provider in each subject area should be provided in each building. This would require an additional 20 subject area teachers. Among other advantages, it would allow AIS to be integrated with the Career and Technical Education (CTE) program. This is a much better alternative than offering AIS instead of CTE. If Mount Vernon were able to lower secondary academic class sizes as noted above, some of these additional teachers could be included in the recommended increases for secondary faculty of 50 teachers.

34. Students with disabilities also experience the impact of budget cuts. To be sure, the district appears to be meeting its requirements under Part 200 of the Commissioners Regulations, but its service options are limited and too often students are placed in programs outside of the regular classroom because the in-class supports necessary to make inclusion a success are not always available. Statewide, 57.3% of SWD are placed in regular classroom settings for at least 80% of the time and 11.7% of students are placed in regular classroom settings 40-70% of the time. In Mount Vernon, with a classification rate over 25% above the state average, only 48.3% of students are placed in regular classroom settings at least 80% of the time while 25.6% are placed in regular classroom settings 40-70% of the time.

F. Instructional Materials

35. Instructional materials districtwide are in need of replacement and updating. There are virtually no classroom sets of common core based reading materials. Libraries are characterized by empty shelves.

G. Curriculum

36. It is unclear to me that students receive the full allotment of physical education required by New York State regulations at any grade level NYS requires three quarters of a unit of study during Grades 7-8 in Home and Career Skills. The middle school principal I talked with complained she did not have enough staff to "make" this requirement.

37. It is unclear to me that students receive the full allotment of special classes, including Art and Home and Career Skills in the middle grades.

38. At Davis Middle School, for nearly 900 pupils, there is only one (1) Language Other than English (LOTE) teacher who offers Spanish to handful of honors 8th graders. Neighboring districts offer four languages, often as early as kindergarten.

39. At the high school level, there are fewer foreign languages offered than in neighboring districts Eastchester offers four (4) languages; Chappaqua, Rye and Scarsdale also offer four (4), including Chinese; several districts in the BOCES, including Hastings, Harrison, Blind Brook and White Plains, start Spanish as early as kindergarten. Irvington offers ancient Greek. Latin is a familiar offering throughout the county. Not so in Mount Vernon.

40. Mount Vernon High School's principal lamented about too few advanced placement offerings, electives, and in-house Career and technical offerings. Despite the availability of the required physical space, programs in culinary arts and television production were either not developed or discontinued for budgetary reasons. The pool is empty and therefore students cannot learn a lifetime lifesaving skill- swimming.

C. Outputs

41. The State administers assessments for all New York students in ELA and mathematics at grades 4 and 8 and at commencement for high school. The state sets the standard for proficiency on these assessments at achievement levels that are designed to align with the National Assessment of Educational Progress (NAEP) for grades 3-8 and, most recently, to

demonstrate college and career readiness at the commencement level.

42. I examined ELA and mathematics assessment results for MVSD elementary, middle and high school students grade from 2011-2013. 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 MVSD students.

43. In both ELA and Math in 2011-12, the majority of Mount Vernon elementary and middle school students did not meet proficiency. 58% of all Mount Vernon elementary and middle school students failed to reach proficiency in ELA, with 61% of African Americans, 56% of Latinos, 43% of Asians, 40% of Whites, 82% of Students with Disabilities, 57% of Limited English Proficient students and 61% of Economically Disadvantaged students also failing to meet proficiency. In Math in 2011-12, 52% of all Mount Vernon elementary and middle school students failed to reach proficiency, with 54% of African Americans, 51% of Latinos, 33% of Asians, 33% of Whites, 72% of Students with Disabilities, 54% of Limited English Proficient students and 54% of Economically Disadvantaged students also failing to meet proficiency.

44. On the new Common Core statewide tests in 2013, Mount Vernon elementary and middle school students lagged well behind the state average and its neighboring districts. In 4th grade ELA tests, the state average proficiency rate was 30%, and the neighboring districts' rates ranged from 50%-68%. Mount Vernon's 4th graders' proficiency rate was 21%. In 4th grade math, the state average was 36%, with the neighboring districts ranging from 54%-73%. In Mount Vernon only 19% of 4th graders scored proficient.

45. On the 8th grade 2013 ELA tests, the state average was 34%, with neighboring districts' rates ranging from 54%-75% proficient. Only 19% of Mount Vernon 8th graders scored proficient on the 8th grade ELA test. In math, the statewide 8th grade average was 28%, with neighboring districts' rates ranging from 48%-75% proficient. Only 4% of Mount Vernon 8th graders

scored proficient on the 2013 math assessment. Between 79-96% of students in Mount Vernon failed to meet state benchmarks in English Language Arts and math grades 4 and 8, portending serious issues in high school.

46. At-risk children fared poorly on the Common Core assessments in secondary school in 2013. With level 3 as proficiency, 61% of economically disadvantaged students failed to reach proficiency in ELA and 86% failed to reach proficiency in mathematics as secondary students in Mount Vernon. The very low percentage of SWD demonstrating proficiency is particularly disturbing as 90% failed to reach proficiency in ELA while 95% failed to demonstrate proficiency in mathematics.

47. On the high school Regents exams, the percent of students scoring in the proficient range lagged far behind their peers in neighboring districts. The percent of Mount Vernon student scoring proficient in 2013 was as follows: ELA- 68%, Math-68%, Global History-61%, US History-70%, Science-69%. The percentages in neighboring districts for all tests ranged between 95%-99%.

48. Even more disturbing are Mount Vernon's students' performance on measures of college readiness. Currently, New York State is focusing on the concept of "college and career readiness" which the state defines, in part, as a grade of at least 80% on mathematics Regents Examination and 75% on the English Language Arts Regents. In 2013, only 33.7% of the Mount Vernon's graduation cohort attained this goal in ELA, down from 39.2% in 2010. In Math, only 9.56% of Mount Vernon's graduation cohort attained the goal, down from 16.2% in 2010. In 2012, only 9.3% of Mount Vernon students in the class of 2012 met the Regents' Aspirational goals in both subjects, including 9.6% of females and 8.8% of males. In other words, less than one in ten students of the Mount Vernon cohort that started school in September of 2008 graduated from school in June of 2012 having achieved the key-career and college-ready benchmarks of the Board of Regents. Only one (1) student with disabilities met these criteria.

49. For the 2012-13 school year, Mount Vernon High School had an attendance rate of 76.85%. Thornton High School was 83.72% and Mandala was 61.53%. Attendance rates in successful schools tend to be well above 90%.

50. Mount Vernon's graduation rates, both overall and disaggregated into subgroups, lagged significantly behind the state average and its neighboring districts. While the state graduation rate average is 80, and Mount Vernon's neighboring districts' graduation rates ranged from 93%-99%, Mount Vernon's graduation rates are as follows: All- 68%, African Americans- 69%, Latinos- 60%, Economically Disadvantaged- 72% and Students with Disabilities- 5%.

51. Three years of decline in student performance and graduation rate resulted in eight schools designated as Focus and Priority, and the District as a Focus District.

D. Budget and Funding (Causation)

52. The local tax rate for MVSD was \$26.94 in 2012-13, the highest in southern Westchester County. The rate for the Mount Vernon City School District is the highest in the BOCES and 51.5% above the BOCE average. When the Mount Vernon rate is excluded from the average, and measured against the rest of the county, it is 56.8% higher than the average. It is also 47.6% above the average True Value Tax Rate for all school districts in New York State.

53. MVSD has a combined wealth ratio of .868, which does not truly reflect the lack of wealth of residents, as 60% in Mount Vernon are renters. Nonetheless, MVSD has the lowest CWR in the Southern Westchester BOCES and thus from the perspective of CWR, Mount Vernon is among the poorest districts in downstate New York. From the perspective of the students it serves, it is among the poorest district in the State.

54. MVSD has the highest local tax rate and the highest proportion of low income (at-risk) students among surrounding districts in Westchester County.

55. MVSD spends \$22,741 per pupil, lower than all but one in the comparison group in Westchester County, despite having by far the highest levels of students with need for an expanded platform of instructional and support programs and services and the highest local tax rates.

56. For the 2014-2015 year, the State cut aid to MVSD through the Gap Elimination Adjustment (GEA) in the amount of \$9,308,175, more than twice as much as the rest of the

comparison group combined. MVSD lost a total of \$51,155,560 in state aid since the 2010-11 school year or about \$6252 per pupil.

57. MVSD has experienced significant reductions in state aid in 2012 and 2013 resulting in cuts to essential staff and programs and services needed to provide a meaningful high school education, particularly for the districts large proportion of low income (at-risk) students.

CONCLUSIONS

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

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

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

3. MVSD urgently needs to replace dilapidated and out-moded school building but lacks the local fiscal capacity to undertake this, or other, major capital projects.

4. MVSD 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 the elementary grades; and an expanded platform of services for low-income, academically at-risk students, including AIS and RTI services, instrumentalities of learning, including books and technology, and appropriate curriculum.

5. MVSD 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 MVSD students overall.

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

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

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

9. MVSD 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 **Maisto v. New York State: The Case for Mount Vernon**

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

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8 **About Mount Vernon City School District**

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

24 Mount Vernon was incorporated as a city in 1892. Two years later, in 1894, the people
25 of Mount Vernon rejected a proposal to become part of New York City and remained
26 independent. Over the years it developed as a first-ring suburb of New York City. The northern
27 section of the city, literally north of the railroad tracks, includes many well maintained homes
28 and attractive apartment buildings. The southern section of the city is a high-need area with
29 numerous rental properties, many in poor repair. During the 1960s and 1970s Mount Vernon
30 was the subject of an intensive, very emotional debate regarding desegregation. In December of
31 1975, New York State Commissioner of Education Ewald Nyquist accepted a formal plan to
32 desegregate the school district. The issue of desegregation largely dissipated, I assume, as a
33 function of whites leaving the city or choosing non-public schools. Today only about 28% of the
34 city’s population is white, while approximately 60% is African American, with a substantial
35 portion of the remaining reporting as Latino or Western Caribbean. The school population does
36 not reflect the community population. Only 5% of Mt. Vernon students reported as white, while
37 93% reported as African American or Latino, according to the district’s 2012-13 NYS School
38 Report Card. It appears that as happened in many places in this country after Milliken v.
39 Bradley, integration was defeated by white flight.

1 The district's official statement of August 23, 2012, indicates the full valuation of the
2 school district as \$5,020,190,031. The approved 2013-14 school budget was \$224,730,413 of
3 which only about \$73 million was expected from New York State, leaving approximately 67.5%
4 to be raised from other sources, primarily local property tax revenues. This results in a very high
5 true value tax rate, which stood at \$26.94 in 2012-13, the highest in southern Westchester
6 County and, as I explain later, substantially higher than the New York State average true value
7 tax rate. The 2014-15 school budget is \$227,475,244 and includes a property tax levy increase
8 of .05%.

9 The largest employer within the school district is the district itself, with over 1,600
10 employees. Second is the local hospital (750) followed by Wartburg Adult Care Community
11 (672), Target Corporation ((375), Transcare Ambulance Service (360), Unitex Linen Supply
12 (304), Mount Vernon Neighborhood Health Center (260), Landauer Medical Equipment (248)
13 and First Student (245) which provides school bus services. Three of the top ten employers are
14 education or social service oriented, five are health related (Unitex brands itself as a health care
15 service provider), and one is retail. Of the ten largest taxpayers in the district, two are utilities.
16 Seven are apartment complexes. One is a large retail property. (*Source: Official Statement*)

17 Based on final equalization rates, the district has exhausted almost 35% of its debt limit,
18 which as a city district is 5% of the full assessed valuation of taxable real property. This is
19 concerning, as the district's facilities, as will be explained in some detail later, are in generally
20 substandard condition and one school building is 117 years old.

21 Municipal Overburden. No discussion of the problems facing any city, including small
22 cities, is complete without some discussion of the issue of municipal overburden. In simple
23 terms, municipal overburden refers to the additional costs associated with being a city. For
24 example, New York City needs to provide security for the United Nations, traffic control around
25 airports and crowd management for the Macy's Thanksgiving Parade. Almost 40 years ago,
26 Sparkman (1976) noted, that it is more expensive to provide services in cities due to the more
27 needy populations that tend to reside in cities. Additionally, city tax bases are sometimes
28 decreasing instead of increasing; city infrastructure tends to be older, and cities often find
29 themselves providing additional services for non-city residents who use or visit the city. For
30 example, Mount Vernon Hospital is an acute care hospital. The city also contains a specialty
31 hospital, St. John's Riverside Hospital. Both of these facilities are used by the surrounding
32 community and require the support of municipal services. Knickman and Reschovsky (1980)
33 argued that there should be some adjustment in state aid formulas to make up for the impact of
34 municipal overburden on city school districts.

35 There is an argument that the concept of municipal overburden is equally applicable to
36 city schools. Cities are more likely to attract newcomers to this country who are often non-
37 English speakers, thus generating additional services. Cities tend to have more poverty. Children
38 from poverty, as will be documented later, sometimes face extreme challenges in school. Cities
39 have more toxicity of almost every variety including air, noise, lead, chemical, pests, social etc.
40 Children who grow up in a toxic environment are more likely to experience difficulty in school.
41

1 City school districts tend to serve a more needy population and are often located in higher crime
 2 areas. According to the Assistant Superintendent for Business, Mount Vernon has 100 security
 3 personnel. This is an expense that could be used to provide additional teachers. In comparison,
 4 there are currently no full time security personnel in the Canandaigua City School District, an
 5 average-need upstate small city school district. City Schools also deal with children with extreme
 6 social challenges. For example, according to Mount Vernon Assistant Superintendent Gertrude
 7 Karabas, the 2013-14 McKinny-Ventro data indicates 563 homeless students served by the
 8 district.

9
 10 Earlier I alluded to a critical issue facing small cities, especially Mount Vernon, which is
 11 the 5% cap on debt limit. Whereas many non-city districts have experienced increases in total
 12 assessed value in recent years, many small cities are faced with stagnation or even declines in
 13 assessed valuation. When debt limit is tied to declining assessed valuation, the district is limited
 14 in its ability to bond for capital expenses. Non-city districts have a debt limit cap of 10% of what
 15 is often an increasing assessed valuation. Mount Vernon has several schools that are very old
 16 and in poor repair which suggests a need for a capital improvement program. Moreover, non-
 17 city districts are permitted to deduct state building aid from their debt calculations. This is not
 18 the case with small city districts and the already lower debt limit is further reduced sometimes by
 19 over 80%.

20
 21 **Comparisons.** In the following charts, I compare Mount Vernon with other Westchester
 22 County Schools as well as one Nassau County school district. Each of these districts is a close
 23 neighbor to Mount Vernon. These districts are typical for this area and serve primarily upper
 24 middle class, mostly white students. The Nassau district is only nine miles from Mount Vernon,
 25 yet also presents a sharp contrast. All, except Mount Vernon, have poverty levels under 10%,
 26 free meal rates under 10% and per capita income over \$50,000 with some over \$90,000. The
 27 comparison districts include more college-educated adults, and have Pupil Needs Index numbers
 28 well below Mount Vernon’s.

29 The purpose of the comparison group is to show the disparity between Mount Vernon and
 30 its wealthy neighboring districts with much fewer numbers of economically disadvantaged
 31 children, especially children of color.

32 I discuss the Comparison Group in greater depth when we introduce student achievement
 33 gaps, but introduce it here to properly frame the contrast with the Mount Vernon City School
 34 District.

35
 36 **Mount Vernon and Comparison Group Demographics**
 37

Student Data	Mount Vernon	Chappaqua	Eastchester	Mamaroneck	Port Washington	Rye	Scarsdale
Enrollment (1)	8182	3962	3140	5074	5091	3209	4739
Children in Poverty (n)	2259	124	216	425	372	105	154

(census) (2)							
Poverty %	27.6%	3.2%	6.9%	8.4%	7.4%	3.3%	3.2%
Free/Reduced (3)	77	1.8	0	14.9	15.7	2	0
Econ Disadv (1)	77	2	0	14	15	0	0
SWD (1)	20	11	13	12	15	7	8
Af Am (1)	76	5	1	3	2	2	1
Latino (1)	17	4	11	18	17	5	6
White (1)	5	81	73	73	68	85	73
Asian (1)	1	9	12	5	11	8	15
All others (1)	1	1	3	1	2	1	5
LEP (1)	9	1	5	3	7	4	2
Attendance (1)	92	97	96	96	96	92	97
Suspension (1)	15 (n=1210)	0	1	1	2	1	9

1

Community	Mount Vernon	Chappaqua	Eastchester	Mamaroneck	Pt Wash'ton	Rye	Scarsdale
Per Capita Income (2)	27,792	96,304	52,047	76,385	60,989	88,749	110,759
% Adults with Bachelors (2)	24.4	78.9	54	64.3	59.8	71.6	85.5
Average housing value (\$1000s)	418,900	904,100	541,600	790,800	777,500	799,559	973,027
CWR (4)	.795	2.511	1.593	2.72	2.637	3.556	4.099
PNI (4)	1.629	1.029	1.044	1.123	1.160	1.046	1.032
Income/TWPU (4)	128,492	515,592	243,496	520,095	491,025	723,712	938,253
Value/TWPU (4)	467,342	1,111,009	982,138	1,333,881	1,333,469	1,594,198	1,492,716
Total GEA reduction \$ (4)	51,155,660	5,649,121	3,760,682	4,890,842	5,872,268	2,311,898	3,945,613
Total GEA PP \$	6252.22	1425.83	1197.67	963.903	1153.46	720.442	832.583

2 Sources (1) 2013 New York State School Report Card;(2) US Census; 5/14, (3) NTSED Child Nutrition Report, 3/14; (4) NYSED 2013-14 Output Reports

4 It is notable that the total percentage of students eligible for the Federal Free and
5 Reduced Lunch (FRL) Program in Mt. Vernon is 77% as of the May, 2014 NYSED Child
6 Nutritional Management System report. 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. Students are considered economically disadvantaged if they are
11 eligible for the National School Lunch Program.

12

1 The United States Census publishes estimates of poverty for school districts. According
2 to recent census data, there are 2,259 school aged children in the Mount Vernon School District
3 living in families under the poverty level. Using the 2012-13 enrollment listed in the School
4 Report Card of 8,182, the poverty rate among the Mount Vernon student body was 27.6% while
5 the documented number of economically disadvantaged students is 77%. The poverty rate for all
6 persons in Westchester County was 8.9% and 14% for the City of Mount Vernon
7 (*quickfacts.census.gov*). The percentage of students eligible for FRL is almost always
8 underestimated as not all eligible students enroll. Therefore, it is reasonable to estimate that at
9 least 85% of Mount Vernon students are economically disadvantaged. Furthermore, it is
10 reasonable to estimate that some of the remaining portion of the student body lives in families
11 that are just above the FRL level. Again, according to latest Census figures, per capita income in
12 Mount Vernon is only \$27,792 against a county average of almost \$48,306 and a state average of
13 \$31,796. Mount Vernon is a poor community in a very wealthy county.

14 Mount Vernon is classified as a High Need/Resource Capacity Urban-Suburban School
15 District by the New York State Education Department. This classification is based on a
16 need/resource index over 70%. The index is a ratio of the estimated poverty percentage to the
17 Combined Wealth Ratio (CWR).

18 The Free and Reduced Meal numbers represented in this data are from the May 2014
19 reports filed by the districts with the New York State Education Department.
20 (<http://portal.nysed.gov/>) The exceptions are Scarsdale, Eastchester and Rye. Those numbers
21 are from the most recent School Report Cards for those districts as there were no reports on the
22 SED website. This may indicate that FRL numbers are so low in those districts they chose not to
23 access the program.

24 Understanding how being economically disadvantaged can affect school readiness and
25 later school performance is critical in evaluating the capacity needs of very low-wealth school
26 districts. The effects of growing up in an economically disadvantaged family, which I suspect
27 characterizes close to 85% of the Mount Vernon student body, can have detrimental effects on a
28 child's readiness to be successful in school. A good beginning is fundamental to school success.
29 We know that a child who is still not reading by third grade is likely to fail to graduate from high
30 school, and we know that poverty has detrimental effects on school readiness.

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

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

6 There is good reason to believe that very young children in Mount Vernon are more
7 likely to be exposed to toxins in uterus and as infants and toddlers. Daryl M. Blackstone gave a
8 paper at the Environmental Justice Conference in 2009 entitled *Environmental Injustice: Does It*
9 *Exist in Mount Vernon, N.Y.* In it he examines the level of environmental hazard present within
10 the city, which is disturbing, especially as it compares to the rest of Westchester County.

11 *There are also a good amount of industrial facilities. The most visible are the numerous*
12 *oil/fuel storage and dispensing facilities as well as other pollution-emitting industries that are*
13 *clustered in a major industrial area that is very close to the residential community. The visible*
14 *structures, smoke emissions, polluted waters make an aesthetically unpleasing picture so close to*
15 *homes, parks and playgrounds. Mount Vernon (MV) has seven (7) water discharges*
16 *(EnviroMapper 2006). There is one (1) superfund facility located within Mount Vernon*
17 *(CERCLIS 2006). It is (not) presently and has never been on the National Priorities List (NPL).*
18 *There are nine (9) water discharge sources. Furthermore, there are two hundred and ninety*
19 *(290) hazardous waste sites within its borders and fifty-two (52) sites located along its border in*
20 *neighboring towns and cities. There are fourteen (14) toxic releasing industries within its*
21 *borders and six (6) more along its borders. Finally, there are twenty- six (26) air pollution*
22 *sources within the city and sixteen (16) in neighboring cities and towns.*

23 *Mount Vernon has detailed published stats (TRI 2004). Its fugitive air emissions totaled*
24 *eighty- eight (88) pounds. Point source emissions totaled 5,846 pounds. There was 5,934*
25 *pounds of total on-site disposal or other releases, 711 pounds of total off-site disposal or other*
26 *releases. The total on and off-site disposal or other releases equaled 6,644 pounds. Finally,*
27 *there was 5,934 pounds of total air emissions. The major MV pollutants reported environmental*
28 *releases from TRI sources in 2004 included five (5) pounds of Hydro quinine, 3,310 pounds of*
29 *Ammonia, 176 pounds of Cyanide compounds, 723 pounds of Lead, 41 pounds of Lead*
30 *compounds, 2 pounds of Nitric Acid, 632 pounds of Zinc compounds, 1,017 pounds of Glycerol*
31 *ethers, 67 pounds of Copper, 568 pounds of N-Methyl-2-Pyrrolidone and 101 pounds of silver*
32 *(TRI 2004). Blacks in Mount Vernon are exposed to greater amounts of environmental releases*
33 *according to the data provided by Toxics Release Inventory (TRI 2004). Five (5) pounds of*
34 *hydro quinine are produced in Westchester County and is solely produced in Mount Vernon.*
35 *This is true of 100% of the Ammonia released in the county. In fact, 100% of the Ammonia,*
36 *Cyanide compounds, Zinc, Glycerol compounds, N-Methyl-2-Pyrrolidone and Silver reported by*
37 *the TRI for Westchester County is released within the borders of Mount Vernon.*

38 *The average national lead level in Blacks is 5% greater than in Whites. (EJHU2003)*
39 *Mount Vernon had 723 pounds of the total 733 total pounds of lead in Westchester County. This*
40 *represents a staggering 98.6% of the total lead level being emitted in Mount Vernon.(emphasis*
41 *added)*

1 Lead has long been a concern in Mount Vernon. In the early 1990s, a *New York Times*
2 article reported that “In Mount Vernon, where more than 67,000 people drink city water, lead
3 levels in excess of 15 parts per billion were found in 40 of the 60 samples taken by the city. And
4 Richard A. Mauro, Superintendent of Mount Vernon's Water Department said nine (9) of the
5 samples show levels in excess of 50 parts per billion.” Children born in the late 1990s would be
6 high school students in Mount Vernon today.

7 Lead poisoning is an insidious disease shown to affect economically disadvantaged
8 children more so than their middle class peers. Spezio (2009) has documented studies linking
9 lead poisoning to cognitive development. Strikingly, Spezio asserts that lead poisoning often
10 presents in a similar manner as attention deficit disorder and, in fact, may be mistaken for
11 ADHD. According to Demchuk (2009), nearly 80% of children classified as learning disabled
12 fail to master basic reading skills by fourth grade and the dropout rate for these children is more
13 than two and one-half times the rate than for children who are not learning disabled.

14 Since the 1970s lead poisoning in the general population has declined due to the removal
15 of lead from gasoline. However, children growing up in older homes are much more likely to
16 come in contact with lead due to its presence in building materials, especially paint.

17 In addition to environmental concerns, economically disadvantaged children are also
18 affected by parenting and child care practices. Sanders-Philips (1989), Jensen (2009) and others
19 have documented the very different life experienced by an economically disadvantaged toddler
20 than a middle class toddler. Betty Hart and Todd R. Risley, University of Kansas psychologists,
21 found that vocabulary development among middle class toddlers far outpaces vocabulary
22 development by toddlers in economically disadvantaged homes. In a study of utterances which
23 varied from single words to full conversations, middle class toddlers heard about 487 utterances
24 on average every hour, while their economically deprived peers heard only 178 utterances per
25 hour. Hart and Risley go beyond their utterance study to count total words reporting that high
26 income children hear approximately 30 million more words than their poverty stricken peers by
27 age five. Not only is there a total word gap, but the type of language varies. Believing that
28 words matter, by age 3, children from professional homes are likely to hear about 500,000 words
29 of encouragement and 80,000 words of discouragement compared to 75,000 words of
30 encouragement and 200,000 words of discouragement in economically disadvantaged homes.
31 Hart and Risely (1995), Weizman and Snow (2001) and others argue that children growing up in
32 poverty arrive at school at a severe disadvantage in language development. Wachs (1982) and
33 others have reported that positive interaction between children and parents in economically
34 disadvantaged homes is alarmingly less than such interaction in middle class homes.

35 Many studies link a child’s success in school to the educational attainment level of the
36 mother. Therefore, another way to understand a community is by educational attainment among
37 adults. Again using Census data, 24.2% of adults in Mount Vernon have attained a bachelor’s
38 degree or higher. In Eastchester, which borders Mount Vernon, that number is more than twice
39 as high. In some of the other comparison districts that number is more than three times higher.
40 Understanding the educational attainment of adults in a community is useful in understanding the
41 needs of children when they first come to school. Again we see a language acquisition issue as
42 children from families with higher levels of income and parent education tend to experience a

1 very different language acquisition process than do children from families with lower income
2 and parent educational levels.

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

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

9 *Children of the poor are more likely to be born preterm or with low birth weight and*
10 *suffer cognitive impairments, learning disabilities and attention deficits...to suffer fetal alcohol*
11 *syndrome, severe cognitive, physical and behavioral problems...live in a dwelling infested with*
12 *rats and roaches...to have a parent who is incarcerated or unemployed...to be homeless...move*
13 *frequently and change schools frequently because their parents couldn't pay the rent...to have*
14 *asthma...to be hungry...to have toothaches and cavities...to be exposed to lead...to be chronically*
15 *absent.” (pp 96-7)*

16 Ruby Payne (1998) and others write about the tremendous challenges schools have in educating
17 children from poverty. These challenges imply not only different pedagogical approaches but
18 greater expenses if we are to actually provide a sound basic education to children from poverty.
19 But, as noted in Marzano (2009) U.S. schools tend to spend much less in schools with high
20 concentrations of economically disadvantaged children compared to middle and upper middle
21 class schools. When compared to other nations, the disparity is particularly acute. All this is
22 important when considering issues of schools and school funding because economically
23 disadvantaged students are more expensive to educate than their “school ready” peers from
24 affluent suburbs. Although some studies have shown no relationship between expenditures per
25 pupil and student achievement, that is due in part to the fact that economically disadvantaged
26 children do not simply need the same level of educational services as their middle class peers,
27 they need much more intense services. Additionally, schools serving middle class families often
28 do not incur the costs for safety and security, programs for non-English speakers, special
29 education and remedial costs that soak up so much of the urban school districts’ budgets. I know
30 of no place where a school district serving a preponderance of economically disadvantaged
31 children actually had the numbers of additional teachers necessary to help these children catch up
32 from their educationally deprived preschool years. The closest example, the Harlem Childrens’
33 Zone, demonstrated remarkable gains with funding that was raised, in part, from the private
34 sector.

35 Yet, some continue to argue that money is not part of the answer. Wenglinsky (1997)
36 and others take issue with the “money doesn’t matter” arguments “simply because if there were
37 enough money to dramatically reduce class size, provide all teachers high quality professional
38 development, and further provide the support faculty in speech, reading and math that
39 economically disadvantaged children need, than indeed, student achievement would increase.”
40 Ronald G. Ehrenberg, Dominic J. Brewer, Adam Gamoran, and J. Douglas Willms (2001)
41 actually support the class-size argument with quantitative analysis that suggests that class size is
42 one among other variables that can impact student achievement. They point to results from

1 several studies including the Tennessee Star Study that suggest that lowering class sizes at the
2 earliest grades can have long-term positive effects, especially on disadvantaged minority
3 students. Practitioners have known this for years. Ravitch (2013) notes the Scholastic/Gates
4 survey of teachers found that 90% of teachers believe having smaller classes would have a
5 positive effect on student achievement. She further notes the work of researchers that found that
6 smaller class size also helps to develop other skills and attributes that support success later in life
7 such as persistence, motivation and a sense of personal worth (p 245). Paul Tough (2012) argues
8 that the development of non-cognitive skills such as “grit and character” will do more to improve
9 the lives of economically disadvantaged children than improved test scores. He sees these non-
10 cognitive development issues as the key to overall student success.

11 Hedges and Greenwald argued as early as 1989 that economically disadvantaged students
12 suffer from lower levels of social capital meaning, among other things, understanding how to
13 interact with the larger educational community. This lower level of social capital demands much
14 higher levels of funding. In fact in 2004, Hedges and Greenwald, along with Lane, wrote that
15 “school resources are systematically related to achievement and that these relationships are large
16 enough to be educationally important.” (in Lukemeyer, Courts as Policymakers, School Finance
17 and Reform Litigation) Furthermore, Ferguson and Ladd (1996) argued that studies are finding
18 evidence that “money affects the quality of schooling and that the quality of schooling influences
19 not only test scores, but later earnings as well.” (Ferguson, 1991, p. 470 also in Lukemeyer)
20 Without a doubt, poverty matters and overcoming the effects of poverty on school readiness and
21 school performance requires an “expanded platform” of school services. This expanded platform
22 requires additional expenditures.

23 I would never argue that “throwing money” at low school performance will by itself
24 solve anything. School improvement in high poverty schools will be the product of skilled
25 people employing best practice. However, the best people and best practice without increased
26 funding will lack the capacity to actually create and sustain deep improvement. Without
27 substantial increases in funding targeted toward best practice, there is little hope of any
28 meaningful improvement.

29 Impressions. I visited Mount Vernon on Friday, April 26, 2013 and again in July 2014.
30 I entered the community from the Columbus Avenue Exit of the Cross County Parkway and
31 traveled south. This is an excellent way to see the economic diversity of the community. The
32 neighborhoods on North Columbus Avenue are very attractive, featuring large homes and stately
33 apartment buildings. I was told later by district officials that residents from this section of the
34 city tend to not send their children to district schools past the elementary years.

35 As one continues down Columbus Avenue, the neighborhood changes, eventually
36 dramatically. What started as attractive homes and stately apartments turns into an impoverished
37 urban center, with signs of local gangs and boarded up homes. I was struck by the age and
38 general condition of the housing within this portion of the city. The contrast between the north
39 and south portions of Mount Vernon is stark.

40 **Facilities**

1 I visited three schools during my April 26, 2013 visit to Mount Vernon: Graham
2 Elementary School, Davis Middle School and Mount Vernon High School. In addition, I visited
3 the Mount Vernon Central Administration Building. I was escorted on my visits by a
4 representative from Aramark Corp. which manages the facility operations but does not provide
5 employees. The maintenance and operations staff is made up of civil service unionized
6 employees. The Assistant Superintendent for Business joined us for part of the tour.

7 Our first visit was to Graham Elementary school which is a very old building located in
8 the stressed southern section of the district. It was pointed out to me that the “new addition” was
9 built in 1921. The main portion of the building was built in 1897. The main entrance to the
10 building feels like a service entrance in that it is sub-terrain, with exposed pipes throughout. The
11 children are greeted by security personnel, a sharp contrast to some of the suburban schools I
12 have visited. I interviewed the principal, who seemed very knowledgeable and caring, and
13 toured the building. Just a few miles away from Mount Vernon, children are educated in
14 modern, state-of-the-art facilities. Graham Elementary is neither modern nor state of the art.
15 The media center is minimal. I saw little in technology in classrooms. It was reported to me by
16 staff that air quality is problematic caused by inadequate ventilation. Some spaces are not ADA
17 accessible. The building appears to have exceeded its useful life. The overriding question one
18 asks when visiting Graham is why this building is still used as a school? Most districts would
19 have closed it long ago. It is nearing 120 years old.

20 If Graham was disturbing, Davis Middle School was more so. There are seven (7)
21 separate stories in Davis Middle School, which once served as the district’s high school. A fair
22 number of spaces in this building are not accessible to students or staff in wheelchairs. The gym
23 floor was warped and in several spots, there were sections that had deteriorated, exposing nails.
24 Sections of the roof leaked, and there were numerous examples of water intrusions through the
25 outer walls. The nurse’s office was one such example; the plaster walls had become bowed from
26 moisture. At one point, I had to use a restroom, but was told the closest available restroom had
27 been closed because birds had entered in through a hole in the outer wall and there were
28 droppings on the floor. I examined this room and found the report to be accurate. I was told this
29 was an ongoing concern.

30 As with Graham, I interviewed the principal at Davis, whom I found to be knowledgeable
31 about the educational and facility issues in her building. She toured the building with us,
32 pointing out its many deficiencies and concerns. There was virtually no classroom technology,
33 the roof had been leaking for years. As noted, the floor in the gymnasium needed to be replaced
34 in part because of ongoing roof leaks. She pointed out to me that one of the oversized mercury
35 vapor lights in the gym was missing, as it had fallen from the rafters some weeks earlier. Had
36 that light hit a child or staff member, the result could have been fatal. Fortunately, no one was
37 hurt. Air quality was reported to be an issue throughout the building.

38 We then toured Mt. Vernon High School. I was told that this building was once the pride
39 of the community. It opened in 1963 to accommodate the growing number of baby boomers in,
40 as Mount Vernon was known, the “City of Homes.” Famous alumni are featured in the
41 hallways including E.B. White, Art Carney and Dick Clark. In a *New York Times* article about
42 Mount Vernon following Mr. Clark’s death, Peter Applebome noted, “Its schools, once regarded
43 as among the best in the nation, are now regarded as among the most troubled in Westchester.

1 The city... is often viewed as one of the county's more conspicuous laggards, often associated
2 with drugs and crime." (*NY Times*, 4/20/12) Across from the display area housing the
3 distinguished graduates is a large central office. Within the office was the architects' original
4 rendering of the building, an impressive piece depicting the aspirations of an earlier generation.
5 I interviewed the principal, who was extremely knowledgeable. He toured the building with me
6 and the representative of Aramark.

7 Mount Vernon High School was in a disturbing state of disrepair. Fencing and paving, as
8 throughout the rest of the district, needs to be repaired or replaced. Windows do not fit correctly
9 and, as a result, there are gaps along the sides of the windows that allow cold air to pour in
10 during the winter. I talked to teachers who told me that it is very difficult to maintain an
11 academic environment when students are shivering from the cold air. A few days before my
12 visit, there was a flood in the building. A number of classroom spaces had to be "condemned"
13 according to the principal. In April 2010, one of the auditorium walls collapsed. This was not a
14 function of an earthquake or any other natural event, the wall simply collapsed. When it did so,
15 concrete blocks crashed through the roof of adjoining classrooms. Remarkably, no one was
16 injured, but that event epitomizes the status of school infrastructure in Mount Vernon.

17 There are numerous examples within the high school of the dysfunction and disrepair of
18 the building; an abandoned pool, unused career and technical education spaces and "condemned"
19 areas are symbolic of larger issues in Mount Vernon.

20 In summing up the facility issues in Mt. Vernon, the Interim Superintendent of Schools
21 told me that "not one building met acceptable standards for acceptable use...Kids and staff are
22 entering buildings that are not safe and or do not meet air, water, or temperature standards."

23 The end point of the discussion is simple. What would never be tolerated as adequate in
24 the surrounding middle class, white suburbs is supposed to be adequate in Mount Vernon.

25 In the Campaign for Fiscal Equity (CFE) case, Judge De Grasse ruled that the State had
26 an obligation to provide sufficient resources to allow all students access to a sound and basic
27 education. He outlined seven categories of resources that contribute to this obligation. Two
28 elements of that sound and basic education involve adequate facilities including "adequate and
29 accessible school buildings with sufficient space to ensure appropriate class size and
30 implementation of a sound curriculum and sufficient and up-to-date books, supplies, libraries,
31 educational technology and laboratories." Mount Vernon falls short in every dimension. During
32 my visit, the districts technology director told me that 75% of the computers in the district were
33 over five years old. Textbooks I examined were in deplorable condition. Graham Elementary
34 School, Davis Middle School, Mount Vernon High School and perhaps other schools within the
35 district fail to meet the most basic tests for "adequate and accessible school buildings."
36

37 **Program**

38 There are several questions to be considered in addressing the program adequacy of a
39 school district. First, does the program meet the fundamental requirements for K-12 schools in
40 New York State as contained in the Regulations of the Commissioner? Second, are there
41 adequate opportunities to meet the special needs of advanced students, students with disabilities

1 and students that struggle to achieve academic success, and finally, what do the educational
2 outcomes of the program tell us about program adequacy?

3 I based my analysis of the first issue, mandates, on a review of district materials and
4 interviews with the Superintendent, the Assistant Superintendent for Accountability, Innovation
5 and Grants Management and several principals. It is my judgment that the district may not be
6 meeting the minimal requirements of Part 100 of the Commissioners Regulations, especially at
7 the middle grades. It is not clear to me that students receive the full allotment of special classes,
8 including Art and Home and Career Skills, at these grades. Nor is it clear to me that students
9 receive the full allotment of Physical Education required by the regulations at any grade level.

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

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

21 When I asked about program deficiencies, there was almost unanimous agreement that
22 the district did not have the resources necessary to truly address the issues of its most needy
23 students. Specific areas of deficiency include academic intervention services and programs for
24 at-risk students. According to NYSED, Academic Intervention Services (AIS) are required for
25 all students who score below the designated performance levels (level 1 or level 2) on
26 elementary, intermediate, and commencement-level New York State assessments in English
27 Language Arts, mathematics, social studies, and science; students who are at-risk of not meeting
28 New York State standards as indicated through district-adopted procedures; students in grades K-
29 2 who lack reading readiness; and Limited English Proficient (LEP)/English Language Learners
30 (ELL) who do not achieve the annual performance standards. These services may be provided in
31 a number of ways including but not limited to:

- 32 • Extra period(s)/time during the regular school day
- 33 • Within-class staff that reduces student-teacher ratio
- 34 • Before and after-school sessions
- 35 • Summer school

36 Districts should use multiple measures to determine student eligibility for academic
37 intervention services. These multiple sources may include but are not limited to:

- 38
- 39 • Early reading assessments/literacy profiles
- 40 • Early assessment through literacy profile tools
- 41 • Elementary math assessments

- 1 • Performance on New York State assessments
- 2 • Performance on teacher created assessments
- 3 • Classroom performance
- 4 • Report card grades
- 5 • Observation and anecdotal records

6
7 Additionally, a student may be referred through recommendation by a teacher, counselor,
8 administrator, or other school staff and other measures identified by the district. (source;
9 <http://www.p12.nysed.gov/part100/pages/AISQAweb.pdf>)

10
11 An AIS plan that is robust and implemented with fidelity can have a positive effect on students
12 who are struggling to make progress. In my interviews with district officials, they were clear
13 that one of the programs most affected by recent budget cuts and continued financial stress was
14 their AIS plan. Whereas, prior to the last few years and the NYS budget cuts to low-wealth
15 school districts, they had begun to implement a more aggressive staff-dependent program, many
16 of those AIS positions were cut and student groups were increased. Principals were clear that
17 additional and improved AIS support services were needed, that group sizes needed to be
18 reduced, and that staff with specialties in AIS needed to be recruited. For example though any
19 ELA teacher can provide AIS for English, the AIS provider should have a degree in reading or
20 perhaps special education and act as a dedicated AIS support both in class and on a pull -out
21 basis. This approach of using dedicated AIS providers is not used extensively in Mount Vernon,
22 and clearly school leadership would like to develop, and in some cases redevelop this level of
23 service. The Assistant Superintendent for Accountability, Innovation and Grants Management
24 emphasized that they barely met the letter of the law, and did not have a robust highly effective
25 AIS plan, and that condition was a function of budget cuts. Indeed, she told me that reading
26 teachers routinely have case loads of 150. That is unworkable and clearly inadequate. Since the
27 Spring of 2013, time the district has used Federal funds to increase the number of certified
28 reading teachers but the case loads are still too high.

29 Students with disabilities also experience the impact of budget cuts. To be sure, the
30 district appears to be meeting its requirements under Part 200 of the Commissioners Regulations,
31 but its service options are limited and too often students are placed in programs outside of the
32 regular classroom because the in-class supports necessary to make inclusion a success are not
33 always available. Statewide, 57.8% of SWD are placed in regular classroom settings for at least
34 80% of the time and 11.7% of students are placed in regular classroom settings 40-70% of the
35 time. In Mount Vernon, with a classification rate over 30% above the state average, only 45.8%
36 of students are placed in regular classroom settings at least 80% of the time while 25.5% are
37 placed in regular classroom settings 40-70% of the time. (source: NYSED 2013-14 School
38 Report Card, Finance Supplement) It appears that too often Mt. Vernon is not able to invest the
39 funds necessary to achieve high quality district based programming, resulting in less inclusive,
40 often out of district placements for their students. Ironically, in the long run, the in-district
41 programming is less costly

42 There are other program deficiencies as well. As previously noted, I was given the
43 opportunity to inspect some of the textbooks issued to students. Many were tattered, torn and
44 outdated. The elementary principal I interviewed complained about a lack of common core

1 based reading materials. When I visited in 2013, the district was in critically short supply of up-
 2 to-date technology. Two of the three libraries I visited, Graham and Davis, were inadequate, in
 3 that there was no visible availability of technology typical to a school library media center.
 4 Again, I quote Judge De Grasse who indicated students are entitled to “sufficient and up-to-date
 5 books, supplies, libraries, educational technology and laboratories.”

6 Class sizes in Mount Vernon were the largest of the comparison group. There is only one
 7 foreign language offered and it begins at Grade 8. Many students do not receive foreign
 8 language.

9 The high school principal lamented about too few advanced placement offerings and not enough
 10 in-house Career and Technical offerings. There was an absence of a substantial fine arts
 11 program. Overall, I found the program offerings in Mount Vernon to be deficient in many ways.

12 The third aspect of program analysis is student achievement. To evaluate student
 13 achievement in the Mount Vernon City School District, I examined the current School Report
 14 Card and compared results with those of several surrounding districts. For the benefit of the
 15 reader, I reintroduce the demographic characteristics of those districts:

16
 17 **Mount Vernon and Comparison Group Demographics**
 18

Student Data	Mount Vernon	Chappaqua	Eastchester	Mamaroneck	Port Washington	Rye	Scarsdale
Enrollment (1)	8182	3962	3140	5074	5091	3209	4739
Children in Poverty (n) (census) (2)	2259	124	216	425	372	105	154
Poverty %	27.6%	3.2%	6.9%	8.4%	7.4%	3.3%	3.2%
Free/Reduced (3)	77	1.8	0	14.9	15.7	2	0
Econ Disadv (1)	77	2	0	14	15	0	0
SWD (1)	20	11	13	12	15	7	8
Af Am (1)	76	5	1	3	2	2	1
Latino (1)	17	4	11	18	17	5	6
White (1)	5	81	73	73	68	85	73
Asian (1)	1	9	12	5	11	8	15
All others (1)	1	1	3	1	2	1	5
LEP (1)	9	1	5	3	7	4	2
Attendance (1)	92	97	96	96	96	92	97
Suspension (1)	15 (n=1210)	0	1	1	2	1	9

19

<u>Community</u>	Mount Vernon	Chappaqua	Eastchester	Mamaroneck	Pt Wash'ton	Rye	Scarsdale
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Per Capita Income (2)	27,792	96,304	52,047	76,385	60,989	88,749	110,759
% Adults with Bachelors (2)	24.4	78.9	54	64.3	59.8	71.6	85.5
Average housing value (\$1000s)	418,900	904,100	541,600	790,800	777,500	799,559	973,027
CWR (4)	.795	2.511	1.593	2.72	2.637	3.556	4.099
PNI (4)	1.629	1.029	1.044	1.123	1.160	1.046	1.032
Income/TWPU (4)	128,492	515,592	243,496	520,095	491,025	723,712	938,253
Value/TWPU (4)	467,342	1,111,009	982,138	1,333,881	1,333,469	1,594,198	1,492,716
Total GEA reduction \$ (4)	51,155,660	5,649,121	3,760,682	4,890,842	5,872,268	2,311,898	3,945,613
Total GEA PP \$	6252.22	1425.83	1197.67	963.903	1153.46	720.442	832.583

1 Sources (1) 2013 New York State School Report Card;(2) US Census; 5/14, (3) NTSED Child Nutrition Report,
2 3/14; (4) NYSED 2013-14 Output Reports

3
4

5 Sources: 2013 New York State School Report Card, FRL Report, 4/14, US Census, NYSED Output Reports

6 The number of students in poverty comes directly from the United States Census Small
7 Area Income and Poverty Estimate (SAIPE) 2009-11. Enrollment and student characteristics as
8 well as attendance and suspension data are from the most current 2013 SRC. Other demographic
9 data is from the most recent census report. CWI and PNI are both from NYSED output reports.
10 Free and Reduced Lunch is from the NYSED child nutrition portal as of May, 2014. As noted,
11 Mount Vernon has the highest FRL rate and highest poverty rate of the sample. I intentionally
12 included low-need neighboring school districts all less than ten miles from downtown Mount
13 Vernon with the exception of Chappaqua which is nearly 20 miles away, but includes a number
14 of high profile public officials as taxpayers including, according to a April 22, 2011 *New York*
15 *Times* article, Governor Cuomo and President and Secretary Clinton.

16 In comparing district wealth, I use a measurement developed by the New York State
17 Education Department called “Combined Wealth Ratio” (CWR). This is an index of the *total*
18 *property value wealth* and *total income wealth* behind each student. The average Combined
19 Wealth Ratio throughout the state is 1.00. The Mount Vernon City School District has a CWR
20 of .795. This would suggest that Mount Vernon is a very low-wealth District, especially
21 compared to downstate districts in general and other districts in the comparison group
22 specifically. It is notable that the CWR in Mount Vernon actually decreased from the 2012-13
23 school year when it was .868. This is a relative large downward shift (.073) and indicates that
24 Mount Vernon is becoming less wealthy in comparison to the rest of the state.

25

26 A second measure we used is an index designed by the New York State Education
27 Department to measure pupil need. The Pupil Need Index (PNI) is a measurement that includes
28 FRL, and students with Limited English Proficiency and ranges from 1.0 to 2.0. The PNI is part

1 of the Foundation Aid calculation. Mount Vernon has a PNI of 1.629. This is a very high index
 2 number, especially when compared with their southern Westchester neighbors.

3
 4 The final numbers in the chart, GEA reduction and GEA PP indicate the total amount of
 5 state aid that has been reduced for each district since the introduction of the Gap Elimination
 6 Adjustment, introduced when the state was facing a deficit in order to close the budget gap.
 7 Mount Vernon, a very needy district, and much needier than any of the other schools in the
 8 group, had, by far, the largest amount of aid and aid per pupil deducted. Since inception, the high
 9 poverty students of Mount Vernon, who live in a community that cannot backfill lost state aid,
 10 have lost almost the same amount of money per pupil in education support (\$6252) than the six
 11 wealthier district combined (\$6293)

12
 13 Student outputs are presented as results on the NYS testing program. In order to fully
 14 understand the performance of Mount Vernon’s children against the comparison group, I used
 15 multiple data sets from different years of the NYS testing program. In the first comparison of
 16 student outputs, I present 3-12 cohort data for the **2010 - 2011 NYSSRC** for each of the
 17 comparison districts. I use this year because they are common data, prior to the adjustment in
 18 the NYS cut points, using an established common assessment.

19
 20
 21
 22 **Comparison Group- Student Outcomes: Selected Cohort Groups 2010-11 NYSSRC**

23

Assessment % Passing	Mount Vernon (rank of 7)	Chappaqua	Eastchester	Mamaroneck	Port Washington	Rye	Scarsdale
ELA 4	53 (7)	91	91	84	79	94	89
ELA 8	27 (7)	78	80	75	79	86	87
Math 4	61 (7)	95	97	91	84	97	92
Math 8	33 (7)	93	89	85	89	89	92
Science 4	90 (7)	99	95	94	95	100	98
Science 8	17 (7)	96	93	92	89	96	96
ELA HS	69 (7)	98	95	91	93	99	98
Math HS	57 (7)	97	93	90	93	99	97

24 *Source: 2010-11 NYSSRC*

25 In this analysis, Mount Vernon ranks lowest in every comparison. Almost three quarters
 26 of grade 8 students in Mount Vernon did not meet state benchmarks on English Language Arts,
 27 suggesting serious issues when these students enter high school. In fact, Mount Vernon has the
 28 lowest graduation rate and highest dropout rate of the comparison group. Based on these data,
 29 Mount Vernon children clearly are NOT receiving a sound basic education as required by the
 30 New York State Constitution. Mount Vernon’s children require a truly expanded platform of
 31 instructional support including a highly effective program of academic intervention services and
 32 a fully implemented Response to Intervention (RtI) model to support struggling students,. They
 33 need much smaller class sizes and specialized supports. Yet it was reported that the state budget
 34 cuts have resulted in sharp reductions to services for Mount Vernon’s children and an increase in
 35 class size.

I now turn to the **2012 School Report Card data** to summarize the low performance of students in the Mount Vernon City School District. With level 3 as proficiency, about **61% of economically disadvantaged elementary and middle school students failed to reach proficiency in ELA and 54% in mathematics. The percentage of students with disabilities failing to reach proficiency is 82% in ELA and 72% in mathematics.**

**Elementary and Middle School ELA Summary Performance of Mount Vernon Cohort
Groups by Subgroup – 2011-12**

Group	N	% Level 1	% Level 2	% Level 3	% Level 4	% Level 3+4
All	3727	11%	48%	40%	2%	42%
Black	2881	11%	49%	38%	2%	39%
Latino	541	10%	46%	42%	2%	44%
Asian	46	7%	37%	57%	0%	57%
White	251	8%	33%	55%	5%	60%
SWD	864	30%	52%	13%	5%	18%
LEP	421	17%	50%	32%	1%	33%
Eco Dis	2902	12%	49%	37%	2%	39%

Source: NYSSRC, 2011-12; <https://reportcards.nysed.gov/files/2011-12/ACC-2012-660900010000.pdf>

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

Group	N	% Level 1	% Level 2	% Level 3	% Level 4	% Level 3+4
All	3748	13%	40%	34%	13%	48%
Black	2889	13%	41%	34%	12%	46%
Latino	550	12%	39%	33%	15%	49%
Asian	46	2%	30%	39%	28%	67%
White	255	9%	25%	39%	27%	67%
SWD	868	26%	46%	19%	9%	28%
LEP	441	15%	38%	36%	10%	46%
Eco Dis	2918	13%	41%	34%	12%	46%

Source: NYSSRC, 2011-12; <https://reportcards.nysed.gov/files/2011-12/ACC-2012-660900010000.pdf>

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, 61% of economically disadvantaged students failed to reach proficiency in ELA and 86% failed to reach proficiency in mathematics as secondary students in Mount Vernon. The very low percentage of SWD demonstrating proficiency is particularly**

1 **disturbing as 90% failed to reach proficiency in ELA while 95% failed to demonstrate**
 2 **proficiency in mathematics.**

3 **Secondary ELA Summary Performance of Mount Vernon Cohort Groups**
 4 **by Subgroup - 2012-13**

Group	N	% Level 1	% Level 2	% Level 3	% Level 4	% Level 3+4
All	476	20%	45%	30%	6%	36%
Black	411	20%	46%	29%	5%	34%
Latino	46	20%	48%	26%	7%	33%
Asian	9					
White	9					
SWD	78	64%	26%	6%	4%	10%
LEP	10					
Eco Dis	310	15%	46%	32%	7%	39%

5 *Source: NYSSRC, 2011-12; <https://reportcards.nysed.gov/files/2011-12/ACC-2012-660900010000.pdf>*

6
 7 **Secondary Math Summary Performance of Mount Vernon Groups**
 8 **by Subgroup - 2012-13**

Group	N	% Level 1	% Level 2	% Level 3	% Level 4	% Level 3+4
All	476	20%	66%	13%	1%	14%
Black	411	19%	67%	12%	1%	13%
Latino	46	20%	67%	13%	0%	13%
Asian	9					
White	9					
SWD	78	73%	22%	3%	3%	5%
LEP	10					
Eco Dis	310	17%	69%	13%	1%	14%

9 *Source: NYSSRC, 2011-12; <https://reportcards.nysed.gov/files/2011-12/ACC-2012-660900010000.pdf>*

10 I conclude that these children are not receiving a sound basic education as required by the New
 11 York State Constitution due primarily to inadequate resources to meet their unique educational
 12 requirements.

13 In the next analysis, I present selected cohort data from the **2013 NYSSRC** for each of the
 14 comparison districts. These data use the newer common core cohort tests.

15
 16 **Comparison Group- Student Outcomes, Selected Cohort Data-2013 SRC**
 17

Assessment % Proficient	Mount Vernon (rank of 7)	Chappaqua	Eastchester	Mamaroneck	Port Washington	Rye	Scarsdale	NYS Average
ELA 4	21 (7)	67	68	52	50	64	66	30

ELA 8	12 (7)	71	62	60	57	63	70	34
Math 4	19 (7)	65	73	71	54	73	75	36
Math 8	4 (7)	75	48	55	61	59	61	28
Science 4	92 (7)	98	99	96	97	99	100	90
Science 8	40 (7)	98	90	89	86	98	94	73

1 *Source: 2013 SRC*

2

3 In this analysis, Mount Vernon ranks lowest in all of the comparisons. Between 79-96% of
 4 students in Mount Vernon failed to meet state benchmarks in English Language Arts and math
 5 grades 4 and 8, portending serious issues in high school. **Based on these data, I conclude**
 6 **Mount Vernon’s children require a highly effective program of academic intervention**
 7 **services and a fully implemented Response to Intervention (RtI) model to support**
 8 **struggling students. They also require much smaller class sizes, expanded pupil personnel**
 9 **support programs and wrap around services that recognize their unique needs.**

10 I continue with the **2013 data** and examine cohort scores with a focus on economic disadvantaged vs.
 11 non-economic disadvantaged students in the Mount Vernon City School District. I compare scores to
 12 the NYS average and the NYS average grade level scores on NAEP for grades 4 and 8. I further
 13 disaggregate the data to show both the percentage of students who are proficient and the percent
 14 below basic.

15

16 **Mt. Vernon Elementary and Middle School Performance by Economic Status-2013 NYS SRC**

	Mt. Vernon	Mt. Vernon	Mt. Vernon	Mt. Vernon	Mt. Vernon	Mt. Vernon	NYS	NYS	NYS
Exam	All Level 3-4	All Level 1	Eco-Dis Level 1	Non ED Level 1	Eco-Dis Level 3-4	Non ED Level 3-4	Level 1	Level 3-4	NYS NAEP Proficient
ELA 4	21	33	38	18	18	36	30	30	37
ELA 6	17	32	33	25	14	25	29	30	
ELA 8	12	46	47	43	11	14	30	34	35
Math 4	19	44	48	26	16	31	29	36	40
Math 6	13	43	45	35	11	20	29	31	
Math 8	4	26	72	65	3	5	31	28	32

17 *Source: 2013 SRC*

18 Mount Vernon students who are not economically disadvantaged scored at Levels 3 and 4
 19 (“Proficiency”) at a higher rate than the state average in 1 of 7 comparisons and just below the
 20 state average in two tests, ELA 6 and Math 4. In four of the comparisons, they were well below

1 the state average. In other words, Mount Vernon students who are not economically
 2 disadvantaged did about as well as all students in New York in three of the seven state tests. In
 3 one of the comparisons, ELA 4, performance was similar to the NYS NAEP average scores. In
 4 all cases, NYS average proficiency on the NAEP tests was higher than it was on the state tests.

5 In the next comparison, we examine high school outcomes. I present results for the
 6 cohort groups in secondary ELA and Mathematics, Global History and Geography, United States
 7 History and Science. This means the percentage of a graduation cohort passing requisite Regents
 8 Examination in that subject. For each outcome, I rank Mount Vernon against the rest of the
 9 comparison group. These data come from the district's 2013 New York State School Report
 10 Card.

11

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

Assessment % Proficient	Mount Vernon (rank of 7)	Chappaqua	Eastchester	Mamaroneck	Port Washington	Rye	Scarsdale
Sec ELA	68 (7)	97	96	95	97	98	97
Sec Math	68 (7)	97	95	96	97	98	98
Global His	61 (7)	95	96	92	96	98	96
US History	70 (7)	98	96	95	98	97	98
Science	69 (7)	97	98	95	98	97	99

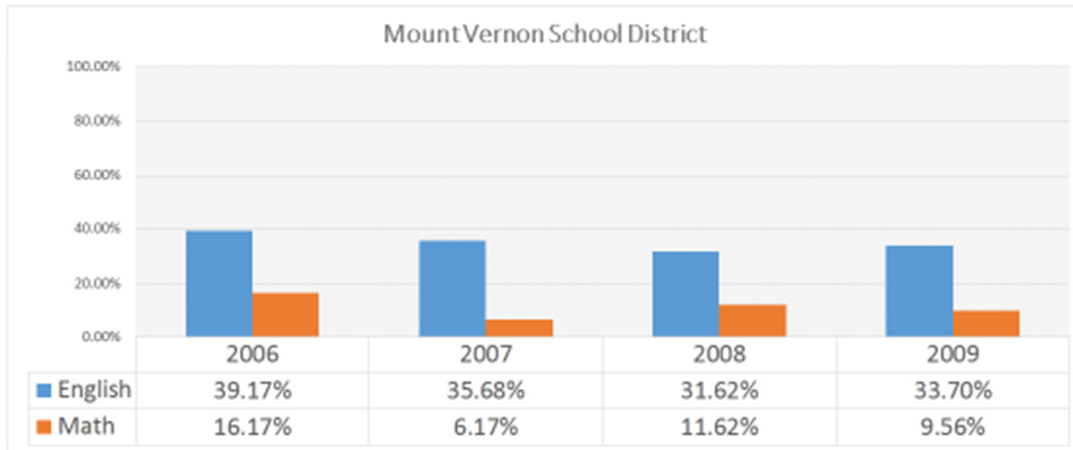
13 *Source: 2013 SRC*

14 Again, Mount Vernon's students are well behind the cohort group. In my opinion, this is a
 15 function of students failing to receive a sound basic education throughout their school
 16 experience.

17 Currently, New York State is focusing on the concept of "college and career readiness"
 18 which the state defines, in part, as a grade of at least 80% on mathematics Regents Examination
 19 and 75% on the English Language Arts Regents. I inquired of the Mount Vernon data office
 20 regarding these numbers. According to district officials, only 9.3% of Mount Vernon students in
 21 the class of 2012 met the Regents' Aspirational goals in both subjects, including 9.6% of females
 22 and 8.8% of males. In other words, less than one in ten students of the Mount Vernon cohort that
 23 started school in September of 2008 graduated from school in June of 2012 having achieved the
 24 key-career and college-ready benchmarks of the Board of Regents. Only one (1) student with
 25 disabilities met these criteria. Mathematics was the more formidable barrier. Clearly, the vast
 26 majorities of Mount Vernon students are not receiving a meaningful high school education as
 27 required by the New York State Constitution and require an expanded platform of services.

Graduation Cohort	2010	2011	2012	2013
ELA	39.17%	35.68%	31.62%	33.7%
Math	16.17%	6.17%	11.62%	9.56%

Percent of Students Reaching Aspirational Goals by Cohort as of August 2013



1

2 NYSED recently released data for the combined Aspirational Performance Measures (APM) for
 3 the 2013 and 2014 graduation classes. Statewide, 37% and 38% of students reached the APM
 4 for 2013 and 2014 respectively. In Mount Vernon, only 7% and 4% of students reached those
 5 levels. If the students of Mount Vernon City School District are to realize a meaningful high
 6 school education, they must have an expanded platform of Academic Intervention Services to
 7 provide remediation in both English and, especially in mathematics.

8 I conclude that these children are not receiving a sound basic education or a meaningful
 9 high school education as required by the New York State Constitution due primarily to
 10 inadequate resources to meet their unique educational requirements.

11 In the next chart, I present graduation rates for subgroups in the comparison district for
 12 2013. The chart that follows provides graduation rates for all students in the comparison groups
 13 for 2013.

14 **Four Year Graduation Rates of Mount Vernon Students by Subgroup**

Group	N	%	State Standard
All	549	68	80
Black	474	69	80
Latino	58	60	80
White	9	na	80
SWD	98	5	80
LEP	12	na	80
Eco Dis	342	72	80

15 *Source: 2013 SRC*

1
2
3
4 **Four Year Graduation Rates 2013**

Mount Vernon (rank of 7)	Chappaqua	Eastchester	Mamaroneck	Port Washington	Rye	Scarsdale
68 (7)	97	94	93	96	97	99

5 *Source: 2013 SRC*

6
7 **Deficient Resources**

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

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

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

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

17
18 ***A. Sufficient and Appropriate Academic Intervention Services (AIS),***
19 ***and/or Response to Intervention (RTI), and Other Nonacademic***
20 ***Support Services***

- 21 *1. Sufficient and appropriate additional instruction during the*
22 *regular school day or extended day, as well as through afterschool*
23 *and/or Saturday, extended year or summer programs⁷⁵ to improve*
24 *the performance of all students failing to achieve grade-level*
25 *performance in English language arts, mathematics, science, or*
26 *social¹ studies.⁷⁶*
27 *a) For English language learners, these services must ``be in*
28 *addition to, and not in place of, the bilingual and English as a*
29 *Second Language (ESL) instructional program requirements.⁷⁷*
30 *b) For students with disabilities, AIS must be provided on the*
31 *same basis as for nondisabled students and must be provided in*
32 *addition to, and not in place of, special education services;*
33 *accommodations and supports consistent with the students’*

⁷⁵ DeGrasse, 187 Misc.2d at 76-77, 115; 8 NYCRR §§ 100.1(g), 100.2(ee)(4)(i)(c).

⁷⁶ DeGrasse, 187 Misc.2d at 75-76, 115; 8 NYCRR §§ 100.1(g), 100.2(ee), 100.2 (ii).

1 individualized educational plan (IEP) must be provided when
2 AIS are delivered.⁷⁸

- 3 2. Sufficient and appropriate response to intervention procedures to
4 implement a multilevel intervention and prevention system,
5 including screening, academic and behavioral interventions
6 adjusted based on response, and progress monitoring.⁷⁹
7 3. Sufficient and appropriate nonacademic support services,
8 including guidance and counseling, coordination with services
9 from other agencies, services to improve attendance, and study
10 skills to address barriers to academic progress.⁸⁰
11

12 **Comment:** In the CFE decision Judge De Grasse indicated that at-risk
13 students were entitled to an expanded platform of academic services as necessary to
14 meet their needs. This notion of “expanded platform” requires additional funding.
15 This would suggest a robust system of supports that attack underperformance in an
16 effective manner. School leaders in Mount Vernon reported that they have, at best,
17 a minimum program to provide Academic Intervention Services to their students.
18 As I will demonstrate later in this report, this is especially true in the provision of
19 reading support. AIS groupings are much too large. Students in Mount Vernon,
20 despite extraordinary needs caused by poverty, do not receive an adequate
21 expanded platform primarily as a function of budget restraints and cuts resulting
22 from the loss of state aid in recent years and the general inadequacy of the state aid
23 formula, even if fully enacted.

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

26 **Comment:** Currently, approximately only 63% of Mount Vernon children
27 receive a structured pre-kindergarten experience. There are several Head Start
28 Programs, none of which is affiliated with the school district. Early interventions
29 are the best way to begin to ameliorate the effects of poverty on school performance.
30 When I visited Mount Vernon in 2013, the elementary principal I interviewed
31 indicated class sizes in Mount Vernon at the Kindergarten level were as high as 27
32 and were expected, at that time, to rise to 30, much higher than typically found in
33 suburban districts. In the end, the district used reserves and fund balance to avoid
34 a spike in class size. The concern is that use of reserves and fund balance is not
35 sustainable and, according to the Assistant Superintendent for Business, puts the
36 district on the edge of a fiscal cliff if the State does not provide more resources.

37 *It is critical that given the number of economically disadvantaged children in*
38 *Mount Vernon, class sizes and academic supports cannot be at the levels of other*
39 *schools with much lower numbers of economically disadvantaged children.*

40 —. *C. Sufficient Family Outreach and Communication*

1 — **I. Sufficient family engagement, including translation services as needed, to**
2 *ensure that parents play an integral role in assisting their child’s learning and that*
3 *parents are encouraged to be actively involved in their child’s education at school.*

4 — *a. Parents of “students receiving academic intervention services must be*
5 *provided with an opportunity to consult with the student’s regular classroom teacher(s),*
6 *and other professional staff providing academic intervention services,” receive quarterly*
7 *reports on the student’s progress and “information on ways to work with their child to*
8 *improve achievement; monitor their child’s progress; and work with educators to*
9 *improve their child’s achievement.”⁸⁴*

10 — *b. Each Title I school must “develop, with parents for all children ... a*
11 *school-parent compact that outlines how parents, the entire school staff, and students will*
12 *share the responsibility for improv[ing] student academic achievement and the means by*
13 *which the school and parents will build and develop a partnership to help children*
14 *achieve the State’s high standards.”⁸⁵*

15 — *c. Each Title I school must also:*

16 — *i. “provide assistance to parents ...in understanding such topics as*
17 *the State’s academic content standards and state student academic achievement*
18 *standards, State and local academic assessments ...and how to monitor a child’s progress*
19 *and work with educators to improve the achievement of their children;”⁸⁶ and*

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

23 **Comment: In my interactions with Mount Vernon school and district leaders, one**
24 **of the most consistent concerns I heard was for a shortage of qualified school social**
25 **workers and behavior intervention specialists in the district. If the district were to**
26 **actually meet the recommended staffing levels of the National Association of School**
27 **Social Workers for high-need districts, they have to increase the total number of**
28 **school social workers by nearly 1000%. Given the shortfall in school social workers,**
29 **and a very thin administrative structure overly stressed by new APPR regulations,**
30 **Mount Vernon cannot meet the requirements for sufficient family outreach and**
31 **communication identified in the CFE decision.**

32

33 **Fiscal Challenges**

34 Mount Vernon is a low-wealth district with very limited resources. The district struggles
35 to maintain community support in the face of a disproportionately high local tax effort. Though
36 an overwhelming percentage of New York school budgets were approved by the electorate over
37 the past two years, Mount Vernon lost its initial attempt in 2013 by a vote of 1169-773. The
38 issue was approved on the second attempt by a vote of 862-842. Turnout was dismal. Of 36,534

1 eligible voters, less than 5% actually voted on the districts \$224 million operating budget. (Source:
 2 district officials)

3 Last year, Mount Vernon used \$14,463,236 in fund balance to balance the 2013-14
 4 budget. This left the district with an unassigned fund balance of \$5,733,415. This represents
 5 approximately 2.5% of budget. This year the district used \$9,714,691 to balance the budget. The
 6 district has a reserve for certiorari of \$2,879,583. There are claims in excess of \$18 million.
 7

8 Clearly, the issues in Mt. Vernon are not a function of local effort. In the following chart,
 9 I illustrate true value tax rates for each of the school districts in the Southern Westchester
 10 BOCES except for Yonkers which is fiscally dependent large city district.

11 **True Value Tax Rates-Southern Westchester BOCES Districts 2013-14**

District	TV Rate
Ardsley	\$ 21.21
Blind Brook	\$ 17.12
Bronxville	\$ 13.59
Byram Hills	\$ 14.03
Dobbs Ferry	\$ 22.91
Eastchester	\$ 15.74
Edgemont	\$ 20.18
Elmsford	\$ 17.27
Greenburgh	\$ 13.33
Harrison	\$ 11.76
Hastings-on-Hudson	\$ 22.16
Irvington	\$ 19.85
Mamaroneck	\$ 13.18
Mount Pleasant	\$ 15.02
Mount Vernon	\$ 26.64
New Rochelle	\$ 17.99
Pelham	\$ 18.75
Pleasantville	\$ 18.56
Pocantico Hills	\$ 8.80
Port Chester	\$ 17.61
Rye	\$ 10.93
Rye-Neck	\$ 16.76
Scarsdale	\$ 15.30
Tarrytowns	\$ 22.76
Tuckahoe	\$ 17.49
Valhalla	\$ 17.11
White Plains	\$ 19.48
Average	\$17.24
% MV above	54.51%

average	
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Source: Putman-Westchester School Boards Association Facts and Figures, 2014

These data come from a publication by the Putman-Westchester County School Boards Association (PWCSBA) that contained information for all of its member districts. I selected only the data for the Southern Westchester County BOCES. The average True Value Tax Rate (TVTR) for all school districts in the Southern Westchester County BOCES, as reported by PWCSBA, is \$17.24 per thousand of full value. The rate for the Mount Vernon City School District is \$26.38, which is the highest in the BOCES and 54.51% above the BOCES average. A TVTR of \$26.64 is approximately 47% above the average true value tax rate for all school districts in New York State.

Against that obvious excessive local effort, Mount Vernon is one of the poorest school districts in New York State, as measured by the children it serves. As noted earlier, NYSED uses an index to measure wealth for state aid purposes known as Combined Wealth Ratio (CWR). This is an index of total property value per student and total income per student where the average for the state is 1.0. Both property values and incomes tend to be much higher in the New York City Metropolitan area and especially in Westchester County than the rest of the state. Mount Vernon has a CWR of .795 (down from .868 just last year). Generally, the CWR of New York City area school districts is well above 1.0. Only one other district in the Southern Westchester BOCES has a CWR of less than one; Yonkers is .932. The average CWR of the comparison group, without Mount Vernon is almost 3.0, which is three times higher than Mt. Vernon. Scarsdale, just to the north, is 4.1, up from 3.67 just last year, exactly opposite what happened in Mt. Vernon where CWR decreased.

CWR only measures the wealth of individuals and property within the district. It may not be fully aligned with the wealth of the families of the children who attend the school district. For example, Mount Vernon has a CWR of .795 with \$128,492 in income and \$467,342 (down from \$533,184 last year) in property value behind each child in the district. But income variation in Mount Vernon varies widely. Over 60% of residents are renters and nearly half of that group pays 35% or more of their income on rent alone. (US Census) Thus the majority of property value is not reflected in the wealth of the occupants. I compare Mount Vernon with an upstate suburban district with a similar Combined Wealth Ratio CWR. Webster Central School District, in Monroe County, has a CWR similar to Mount Vernon (.848 to .795). Webster has \$162,774 in income and \$414,162 in property value behind each child with about the same district enrollment. However, the children who attend the Webster Central School District are very different than those who attend Mount Vernon. According to NYSSRC data, only 13% of the students in Webster are eligible for free and reduced meals. The Pupil Needs Index is 1.12 and the number of students who generate extraordinary needs counts in the formula is 1,038. In Mount Vernon, 77% of students were eligible for FRL. The Pupil Needs Index is 1.629 and the number of students who generate extraordinary needs counts in the formula is 5,384.

Mount Vernon has the lowest CWR in the Southern Westchester BOCES and thus from the perspective of CWR, Mount Vernon is among the poorest districts in downstate New York. From the perspective of the students it serves, it is among the poorest district in the State.

I now turn back to the comparison group for further analysis, and for the sake of the reader, re-present the comparison data. Start with the fact that Mount Vernon is the poorest district in Southern Westchester County as a function of CWR, and makes the greatest local tax effort as a function of TV Tax Rate. Among the comparison group, Mount Vernon has the highest percentage of children eligible for Free and Reduced Meals, the highest percentage of children living in poverty and has the highest Pupil Need Indexes in the group.

Comparison Group-Economic Factors

	Mount Vernon	Chappaqua	Eastchester	Mamaroneck	Port Washington	Rye	Scarsdale
Enrollment	8182	3962	3140	5074	5091	3209	4739
Expenditure Per Pupil	23,523	26,423	22,947	25,587	25,641	21,573	27,795
EPP w/poverty	13,297	25,956	22,947	22,269	22,162	21,150	27,795
Expenditure For SWD	33,540	43,706	46,541	37,928	33,489	59,105	43,471
% SWD	20	11	13	12	15	7	8
Poverty (n)	2259	124	216	425	372	105	154
% poverty	27.6%	3.2%	6.9%	8.4%	7.4%	3.3%	3.2%
% Free/Reduced*	77	1.8	0	14.9	15.7	2	0
Per Capita Income	27,792	96,304	52,047	76,385	60,989	88,749	110,759
% Adults with Bachelors	24.6	78.9	54	64.3	59.8	71.6	85.5
Ave housing value (\$1000s)	418,900	904,100	541,600	790,800	777,500	799,559	973,027
CWI	.795	2.511	1.593	2.72	2.637	3.556	4.099
PNI	1.629	1.029	1.044	1.123	1.160	1.046	1.032
Income PP	128,492	515,592	243,496	520,095	491,025	723,712	938,253
Property PP	467,342	1,111,009	982,138	1,333,881	1,333,469	1,594,198	1,492,716
Total GEA reduction	51,155,660	5,649,121	3,760,682	4,890,842	5,872,268	2,311,898	3,945,613
GEA PP	6252.22	1425.83	1197.67	963.903	1153.46	720.442	832.583

*Based on May, 2004 NYSED Report. All other data from NYSED Outputreports and US Census.

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

- Based on Combined Wealth Ratio, Mount Vernon has the least capacity to fund its educational program and is the “poorest” district in the group.
- When poverty is factored in, Mount Vernon spends 56% of the comparison group average per pupil.
- We know from our analysis that Mount Vernon needs to spend more money providing support for students with disabilities and English language learners as well as more for AIS programs, leaving less for general education programs including enrichment programs. Mount Vernon employs 100 security officers.

- 1 • Mount Vernon has much higher numbers of children living in families in poverty
2 and children from families eligible for free and reduced meals. Children from
3 economically disadvantaged backgrounds require more expansive programs, or as
4 Judge De Grasse noted, “an expanded platform” of services. Yet the actual per pupil
5 expenditure difference between Mount Vernon and most of the schools in the group
6 suggest that the needy students in Mount Vernon are getting less in educational
7 programs than their wealthier neighbors.
- 8 • In the 2012-13 school year state budget, Mount Vernon lost \$11,956,764 in state aid
9 due to the “gap elimination adjustment” provision. That is \$1,414 per enrolled pupil
10 that year alone. In the 2013-14 final budget, Mount Vernon lost \$10,243,952 in Gap
11 elimination. **That is more than twice as much as the rest of the comparison**
12 **group combined**, a group of districts with much lower CWR and very few needy
13 pupils.
- 14 • These losses accumulate. According to the New York State Council of School
15 Superintendents, Mount Vernon, a high-need urban school district, with very high
16 numbers of students living in poverty, where over 25% of residents live in homes in
17 which English is not the primary language, lost a total of \$51,155,660 in state aid since
18 the 2010-11 school year or about \$6,252 per pupil almost as much as the rest of the group
19 combined.
- 20 • These losses only consider the loss due to the Gap Elimination Adjustment. They do not
21 consider the full implementation of the loss of Foundation Aid as which was developed
22 as a result of the CFE decision. The total underfunding of the Mt. Vernon City School
23 District considering both the GEA and the underfunding of Foundation Aid is
24 \$37,696,714 for the 2013-14 school year alone according to data provided by
25 NYSASCSD.
- 26

27 **Additional Resources Necessary**

28 I discussed with officials at the Mount Vernon City School District the additional
29 resources they believed were necessary to provide a sound basic education for their students.
30 This means resources that would allow students to be reading at grade level by third grade and
31 graduate with a meaningful high school education. These needs are in part a function of the Gap
32 Elimination Adjustment in the New York State budget which began in 2011 totaling over \$51
33 million for Mount Vernon and the freeze on Foundation Aid.

34 In this section, I provide a number of cost projections. These projections are based on my
35 23 years as a superintendent with extensive experience in building budgets. None of these
36 projections are precise, and are only provided to give the court a general sense of cost
37 requirements.

38 **Adequacy in Prekindergarten Program.** The provision of a sound basic education in
39 high poverty areas requires intensive support in the early childhood years with an expanded
40 platform of services in pre-kindergarten. However, the so-called universal pre-kindergarten
41 program is not universally available in Mount Vernon, despite the fact that the district supports it
42 with both local and grant funds in addition to the state allocation. **Currently only 63% of**

1 **Mount Vernon children receive a structured pre-kindergarten experience**, according to
2 district officials. There are typically 17-18 in-district half-time classes and five (5) agency-
3 operated half-time classes with up to 18 students per class serving approximately 400+ children.
4 That results in approximately 22 half-time classes requiring 11 full time equivalent (FTE)
5 teachers. In the CFE Decision, Judge De Grasse indicated that a sound and basic education
6 required “Pre-kindergarten and Kindergarten Programs to “meet the needs of students at risk of
7 low academic achievement” and further indicated that such students require an “expanded
8 platform” of services.

9 Half-day pre-kindergarten classes for 4 year old children are the norm in middle class
10 school districts. Students from high poverty districts need an expanded platform of services,
11 which I suggest means either half-day pre-k for both 3 and 4 year olds or full day pre-k for 4 year
12 olds. I base the following projections on a model in which Pre-K is expanded to full day for 4
13 year olds, and that class size is limited to 16 and further that the program is offered to all
14 children, which typically is approximately 600. This would require 37 FTE teachers which is an
15 additional 26 FTE, plus support. I base my estimate for this expansion on a base teacher cost of
16 \$100,000 plus \$44,000 in paraprofessional support. I then add in 35% only as a placeholder for
17 facilities and transportation. I estimate the cost for each additional class at approximately
18 \$187,200. Thus, the pre-k expansion projects at **\$5.05 million**.

19 One of the hallmarks of the New York State budget for 2014-15 was the provision of universal
20 prekindergarten for all districts. I asked the interim superintendent if Mount Vernon intended to
21 participate in the program. Once again, she explained, the State’s initiative favored wealthy
22 districts. Only districts that had the resources to upfront both the program and facility costs
23 could participate, as the aid would not be provided until the following year and then, she told
24 me, only in part.

25 **Improve program and provide adequate class size.** When reductions are made in
26 total class size, accompanied by intensive focus on best practice and supported by highly
27 qualified school leaders and teachers, it is much more likely that students will receive the
28 educational program they need to become career and college ready. In CFE II, Judge DeGrasse
29 used benchmarks for class size that were similar to averages found in districts around New York
30 City. The State Education Department accepted as constitutional compliance for purposes of the
31 contract for excellence, large class sizes. In the following table, I present class sizes as per the
32 2012 NYS School Report Card for each of the schools in the comparison group.

33
34
35
36
37
38

1

Class Size in the Comparison Group-2012 School Report Card

	Mount Vernon	Chappaqua	Eastchester	Mamaroneck	Port Washington	Rye	Scarsdale
K-6	20	21	22	22	21	20	20
Grade 8							
ELA	21	23	21	24	24	23	24
Math	23	23	21	24	25	22	20
Science	23	24	21	25	22	23	24
Social St.	24	23	20	25	25	22	24
Grade 10							
ELA	24	21	25	21	19	20	21
Math	24	19	21	25	22	23	21
Science	24	na	20	22	24	23	21
Social St.	22	23	22	24	22	22	22

2

Source, NYSRC 2013

3

I reflect back on the issues of readiness noted in the earlier part of this report. Children from economically disadvantaged circumstances are far less prepared as their “school-ready” middle class age cohorts when they first enter school. Yet, based on these data, the best that the youngest children in Mount Vernon could hope for are class sizes no better than those greeting their school-ready age cohorts in Rye and Scarsdale. As they progress through the system, they can expect to be disadvantaged against their middle class peers. Their high school science classes were the largest in the group along with one other district. They would have more students in their 10th grade ELA class, some of whom will be English language learners, as all but one of the districts in the group. With the lowest 8th grade ELA scores in the group, they will have among the largest classes. Their high school classes are consistently among the largest in the group.

4

5

As I mentioned earlier, I visited the school during preparation for the 2013-14 budget vote. At that time, the principal of Graham Elementary School told me there were 27 children scheduled per class for kindergarten and feared the number would reach 30. This is in a school, she pointed out, with 88% of the children eligible for Free and Reduced Meals and 21% classified as students with a disability. There is one school social worker in this building. Standards for school social workers are 1:250 in the best of circumstances. More intense issues require more support, with the National Association of School Social Workers recommending a ratio of 1:50 in schools with intense need. Graham is in the neediest neighborhood in the city. In a school of 500, most below benchmarks in reading, there were two (2) reading specialists.

6

7

The principal of Davis Middle School, which had virtually no classroom technology, told me that her core class sizes averaged 30 per class in the 2012-13 school year due to continuing budget reductions. In New York State, all school districts are required to offer languages other than English (LOTE) as an elective to eighth graders. The Canandaigua City School District is typical of schools in the Rochester, NY area. It offers two (2) languages to all students starting in grade 7, so that by the end of grade 8, all students may have finished their first year of a high school LOTE. Advanced students are able to take two (2) full years of language in middle school. The PWSBA Facts and Figures indicates that among the comparison group, studying

8

1 LOTE is a high priority. Eastchester offers four (4) languages; Chappaqua, Rye and Scarsdale
2 also offer four (4), including Chinese; several districts in the BOCES, including Hastings,
3 Harrison, Blind Brook and White Plains, start Spanish as early as kindergarten. Irvington offers
4 ancient Greek. Latin is a familiar offering throughout the county. Not so in Mount Vernon.

5 The principal of Davis Middle School told me last year that for nearly 900 pupils there
6 was only one (1) Language Other than English (LOTE) teacher who offers Spanish to a handful
7 of honors 8th graders. In other words, while their neighbors are creating opportunities for their
8 students to become world citizens, the students of Mount Vernon are realizing the absolute
9 minimum requirements of the Commissioner’s Regulations. When I asked the principal why this
10 was, the nine-year veteran noted ongoing budget reductions and an AIS model that forced the
11 school to offer AIS in place of LOTE. Thus, for many of the students, LOTE is replaced by AIS,
12 which is understaffed, thus driving up AIS class size. These AIS groups are often large and not
13 taught by AIS specialists, such as reading and special education certified teachers. The
14 alternative is to reduce class size and offer combinations of push-in and pull-out and before and
15 after-school support in small groups, but that is more expensive.

16 Foreign language was not the only concern for Davis. The school struggled with a
17 general lack of capacity. In a school where the vast majority of students were not meeting
18 benchmarks in ELA, there were only two (2) certified reading teachers to support a population of
19 nearly 900. On the 2013 ELA tests, nearly half of all Davis students scored at Level 1, which
20 indicates “Below Basic” skills. This would suggest as many as 600 students at Davis need
21 intense remediation in ELA, yet there are only two reading teachers in the building.

22 There was exactly one (1) speech therapist available to Davis students, despite the fact
23 that interventions from a speech therapist can often support increased achievement in ELA. The
24 principal told me that an astounding 28% of the students at Davis were classified as Students
25 with a Disability meaning that required special education services account for a larger part of per
26 pupil costs. The principal is concerned that in several areas, specifically Art and Home and
27 Career skills, the school may not meet requirements as per Part 100 of the Commissioner’s
28 Regulations.

29 As with Davis, the academic issues facing Mt. Vernon High School mirrored the physical
30 challenges in the building. The principal spoke with pride about the work of the faculty and
31 staff in raising graduation rates, but they are still too low. Yet, at that time he predicted average
32 class size to climb above 30 in some core classes for 2013-14. In some classes, he predicted,
33 classes would swell to 34. This is in a building populated by students from economically
34 disadvantaged families with a very high percentage of students with disabilities. The principal
35 indicated that 28.5% of the nearly 1,300 students in the building were classified as SWD.
36 Electives, especially programs for advanced placement students are limited. As for the in-
37 school programs, despite the availability of the required physical space, programs in culinary
38 arts, and television production were either not developed or discontinued for budgetary reasons.
39 Even the school’s pool is empty and unused, denying these students a chance to learn a lifetime,
40 lifesaving skill. Drowning is among the most common cause of death among low-income
41 children. I cannot imagine there is an empty pool in any of the comparison districts.

1 There are numerous studies arguing for and against class size reductions to improve
2 student achievement. As I noted earlier, class size is only one part of capacity, but a critical part.
3 Improvement requires increased capacity, use of best practice and high quality teachers and
4 school leaders supported by a thoughtful, apolitical governance structure. This report deals only
5 with capacity.

6 Most of the criticisms of class size reduction are either shortsighted, meaning they look at
7 very short-term results, or see class size as a single standalone variable. I see class size as part of
8 a series of complex relationships. The Harlem Childrens' Zone (HCZ) in New York City is an
9 example of an attempt to increase student achievement by incorporating increased capacity with
10 best practice, the best people and child-oriented governance in a high-needs urban area. Though
11 this is a long process that will have many ups and downs, the project has been generally very
12 successful. Harvard researchers Dobbie and Fryer Jr (2009) looked at the results of the HCZ
13 and found dramatic improvements leading them to declare that one school had “reversed the
14 black-white achievement gap in mathematics” and reduced it in English. Promise Academy, one
15 of the premier schools in the zone has had remarkable success, particularly in mathematics. In
16 the HCZ, class sizes are held at 18 in elementary school and 12-20 at the middle school level.
17 High schools classes, which are just coming on line, are at about 15.

18 The best known class size experiment occurred in Tennessee, where the legislature
19 dramatically reduced class sizes. Researchers such as Mosteller (1995) and Illig (1996) note that
20 class-size reduction had a significant and lasting impact on student achievement; Illig writes
21 “Children in small classes consistently out-performed children in large classes. The average
22 achievement differential was about twice the amount expected based on estimates published in
23 the literature... At the end of third grade, students in small classes in inner-city schools, on
24 average, scored 18 points higher on the SAT Reading Test than did their counterparts in regular-
25 sized classes. This compared to differences in suburban schools of +6 points, rural schools of +7
26 points, and urban schools of +4 points. Comparable differences also existed for the SAT Math
27 Test.”

28 The class size issue in Mount Vernon is clouded by the very needy population of students
29 it serves. Earlier, I compared Mount Vernon with Webster Central School in Monroe County, a
30 district with similar enrollment, income per student and property value per student as measured
31 by CWR. For the 2012-13 school year, Mount Vernon was listed as having 8,363 students and
32 638 teachers who provide 2,112 separate classes, based on the latest School Report Card.
33 Webster, an upstate suburban district, has only 284 more students but 30 more teachers offering
34 2,509 classes, which suggests a richer experience for the students of this “average need/resource
35 capacity” upstate district. However, it goes much further. Webster has a classification rate for
36 SWD of 9% against the Mount Vernon rate of 20% suggesting that many of the 2112 classes
37 offered in Mount Vernon are specific to SWD while many more of the classes offered in Webster
38 serve to help students achieve college and career readiness and gain acceptance to college.
39 Webster is considered a relatively high performing district, suggesting that fewer of its classes
40 are AIS classes and more are enrichment classes. In Mount Vernon, so many middle school
41 students are enrolled in so many AIS classes, that there is only a minimal LOTE program at
42 Davis Middle School.

1 In addition to looking at the research on class size, I employed my own professional
2 judgment as a practitioner. In the early 1980s, I was superintendent of schools in a rural school
3 with a very high percentage of economically disadvantaged children. We had very poor results
4 among our elementary school children putting us on the verge of becoming what was called a
5 Resource Allocation Plan School (RAP) at the time. Our school improvement plan called for
6 increasing the number and role of certified reading teachers, reducing class size and using best
7 practice in curriculum and instruction. The elementary school, on the verge of State designation
8 in 1982, was selected as a National Blue Ribbon School in 1986 with test scores that had
9 improved by nearly 30%. My beliefs around increased capacity, best practice, best people and
10 apolitical governance are informed by my experience as a school district leader as well as the
11 research.

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 that class size is a “particularly important issue at
15 the elementary level where there exists a more significant empirical research base on the
16 influence of class size on student outcomes generally and on the potential for class size reduction
17 to aid in reducing achievement gaps between poor and non-poor, minority and non-minority
18 children.” According to Baker, the AIRA professional judgment panels recommend class sizes
19 for elementary grades in high-poverty districts lower than those I recommend in this report.
20 Specifically, they recommend that for Mount Vernon, average elementary classes sizes be **14.88**
21 pupils.

22 If the Mount Vernon City School District were to provide class sizes similar to those
23 recommended by the AIRA professional judgment panel, or what is found in the Harlem
24 Children’s Zone, or even other city districts that have tackled the class size issue such as
25 Cincinnati, Ohio, they would need to increase substantially the size of their faculty. Adequate
26 class sizes in high poverty areas must be smaller than classes found in middle class school
27 districts. To reach the AIRA recommended levels, grades K-6 would require approximately 105
28 additional sections.

29 In my own experiences, I found that limiting class size to 16 at kindergarten, 17 at grade
30 1, and so on, up to 20 at grade 6, augmented with reading specialists with case loads of 30 or
31 less, was an effective way to provide adequacy for economically disadvantaged children. I deal
32 with AIS support and literacy later, but based on the district’s reported class sizes in 2013,
33 lowering class size to these numbers would require only **48 additional sections districtwide**.
34 Even this would only be effective with a real commitment to AIS support. Forty-eight (48)
35 additional sections may cost approximately \$7.5 million with paraprofessional and support
36 faculty support.

37 I advocate limiting ELA teacher loads to 75-85 at the secondary level augmented by a
38 best practice requirement of high levels of parent communication and daily writing assignments
39 returned the next day. Similar numbers are required in mathematics, with similar assignment
40 requirements. Science classes, with their labs, must also be limited. Other teacher loads can be
41 held closer to 100. Note that small classes are particularly important at grade 9, as research
42 suggests this is the pivotal year in a student’s high school experience. This would mean average
43 class sizes of 16-17 in English, mathematics and science classes and 20 in other classes. Class

1 sizes in Mount Vernon averaged 27 at grade 10 in 2011-12, according to the NYS School Report
2 Card. They are lower in 2013-14.

3 It must be emphasized that current teacher loads have produced low test scores and low
4 graduation rates.

5 I asked the district for estimates to move current class loads the numbers that I believe would
6 allow for adequacy. The district estimates as many as 100 additional secondary teachers would
7 need to be employed to meet the reduced class sizes I recommend, with 30 alone in ELA.
8 Assuming the district met only half of this target, 50 additional teachers would be required at a
9 cost of approximately **\$5 million**.

10 These class size assumptions are not overly generous. In one average-need upstate small
11 city, with a FRL rate of less than 24%, class sizes are under 20 in every high school category.
12 Based on the 2011-12 report cards, Mount Vernon had among the largest class sizes in the
13 comparison group. Just a few miles away, upper middle class school-ready students were
14 enjoying secondary class sizes as small as 14 against 27 in Mount Vernon.

15 **Provide adequate support for struggling students.** Mount Vernon is particularly
16 deficient in its support for students requiring Academic Intervention Services. In the 2013
17 testing program, only about 18% of Mt. Vernon elementary students scored at the proficient level
18 in ELA. Almost 38% scored at Level 1, below basic. That would suggest that up to 82% of Mt.
19 Vernon's elementary students, or nearly 3200 children, require AIS services. Even if services
20 were only provided to students scoring at Level 1, below basic, nearly 2400 students would
21 require such services. Currently, Mt. Vernon employs 18 certified reading teachers in its
22 elementary schools who service 774 pupils. Approximately 1600 students who need additional
23 AIS support in reading, based on the 2013 testing, do not receive support from a certified reading
24 specialist. Students from high-poverty backgrounds need intense support in developing reading
25 skills. They come to school with deficient language acquisition. If we are serious about
26 providing every student with a sound basic education, an expanded platform of services,
27 especially in reading, is essential.

28 One approach to provide adequacy would be to have a shared reading teacher co-teach
29 every two (2) classrooms at grade 1 and every three (3) classrooms at 2-6. Given my
30 recommended sectioning, that would require an increase of 63 certified reading teachers at the
31 elementary level. Any reasonable approach will require many new reading specialists in
32 addition to lower class size and coaching and supervision. This approach projects at
33 approximately \$6.3 million just at the K-6 level. There are six (6) reading teachers assigned to
34 secondary students. Looking at cohort exit results in ELA, this is clearly not enough, which is
35 reflective of the district's AIS system. Principals felt that every secondary school needed to
36 double the number of reading teachers currently available. That would project to an additional
37 \$6 hundred thousand.

38 That does not tell the entire AIS story. Students often need additional support in ELA
39 beyond reading, mathematics, science and social studies. At the elementary level, mathematics
40 support might be provided using a blend of teachers and teaching assistants. Lower class size

1 would go a long way in allowing the classroom teacher to provide directly for struggling
2 students.

3 What would be the best strategy to provide adequacy at Mount Vernon? Must we lower
4 class size to 14.22 and provide a reading teacher for every 30 needy pupils and increase other
5 AIS support throughout the district? While class sizes of 14.22 with intense support from
6 reading teachers with caseloads of 30 would meet the needs of the students in Mount Vernon, it
7 is not clear to me that both very low class sizes and low caseload sizes for reading teachers are
8 essential to achieve adequacy. I believe the lower class sizes I suggested at the elementary level
9 (\$7.5 million) with added AIS support in reading so that ELA is team-taught with a reading
10 specialist (\$6.3 million) and additional support in mathematics would revitalize the elementary
11 program as long as the reading teachers truly teamed with the classroom teacher and were not
12 seen as an outside resource pushing in. My sense is that a faculty increase totaling **\$13.8 million**
13 would be adequate at the K-6 levels.

14 At the secondary level, AIS support requires subject certified teachers. Based on my
15 discussions with district principals, a designated AIS provider in each subject area should be
16 provided in each building. This would require an additional 20 subject area teachers. Among
17 other advantages, it would allow AIS to be integrated with the Career and Technical Education
18 (CTE) program. This is a much better alternative than offering AIS instead of CTE. In total, a
19 bolstering of AIS at the secondary level to provide a sound basic education and a meaningful
20 high school education would require approximately \$2 million. If Mount Vernon were able to
21 lower secondary academic class sizes as noted above, some of these additional teachers could be
22 included in the recommended increases for secondary faculty. Therefore, it is my general
23 estimate that a faculty increase totaling **\$6.3 million** would be adequate at the secondary level.

24 **Provide adequate support to meet social emotional needs of students.** If Mount
25 Vernon is deficient in general class size and support for students with AIS needs, it is equally
26 deficient in terms of its support for the social and emotional health of its students.

27 In the NYSED Diagnostic Tool for School and District Effectiveness (DTSDE), six
28 tenants are presented which together create a framework of a K-12 school operation. Tenant
29 Five is Student Social and Emotional Developmental Health. According to best practice, as per
30 the DTSDE, an effective school district identifies, promotes, and supports social and emotional
31 development by designing systems and experiences that lead to healthy relationships and a safe
32 effective environment that is conducive to learning for all students. Mount Vernon has the
33 highest dropout rate and lowest graduation rate for the comparison group. Yet, the ratio of
34 school social workers is disturbingly low in Mount Vernon. The situation with school
35 counselors is worse. In the entire district, there is not a single elementary counselor. Officials at
36 Mount Vernon believe they can begin to address these issues with a more vibrant system of
37 student-family support, which would require additional social workers, counselors and
38 attendance personnel districtwide.

39 There were only 18 school social workers currently employed in the district in 2013. The
40 National Association of School Social Workers suggests a ratio of one (1) school social worker
41 for each school building serving up to 250 general education students, or a ratio of 1:250
42 students. When a school social worker is providing services to students with intensive needs, a

1 lower ratio, such as 1:50, is suggested (NASSW, 2012). The Mount Vernon City School District
2 currently has a social worker ratio of 1:470. To meet the national standards for intensive
3 populations, 151 additional social workers would have to be hired. Assuming that Mount
4 Vernon does not have quite the level of intensity as some large urban areas, we can choose to
5 consider a lower level of service to provide an adequate level of service.

6 How important can these social workers be? For the 2012-13 school year, Mount Vernon
7 High School had an attendance rate of 76.85%. Thornton High School was 83.72% and Mandala
8 was 61.53%. Attendance rates in successful schools tend to be well above 90%. Without a
9 vibrant link between home and school starting at the pre-k level, chronic attendance issues will
10 not be resolved. School social workers are a big part of that solution. Therefore, I recommend
11 that the Mount Vernon City School District have a complement of school social workers to at
12 least begin to meet the standards of the NASSW for high-poverty districts and provide support at
13 a ratio of no more than 1:200. Such a recommendation would require the addition of 24 social
14 workers districtwide at a cost of approximately \$5.5 million, based on a per staff cost of
15 \$110,000 for a total of **\$2.64 million**. To reach even the basic level of 1:250 would require an
16 additional 15 social workers or \$1.65 million.

17 In addition, every elementary school should have a school counselor. Social workers are
18 constantly moving in and out of buildings. Counselors are available to students throughout the
19 day and work directly with teachers and administration to support student needs. There are 11
20 elementary schools in Mount Vernon, each one without a school counselor. If the Mount Vernon
21 City School District was to provide an adequate system to meet the social and emotional needs of
22 its students, they would staff each of those schools with at least one (1) counselor. I project that
23 cost to be approximately **\$1.2 million**.

24 When I visited in 2013, counselor loads at the secondary level approached 1:300. Given
25 the intense needs these students bring to school every day, I suggest lower counselor ratios, more
26 consistent with what is found in average-need districts (approximately 1:230). This would
27 require approximately six (6) additional counselors at a cost of approximately **\$660 thousand**
28 dollars.

29 In total, I recommend additional expenditures for social workers of \$2.64 million and
30 counselors of \$1.87 million. These additional staff create additional supervision issues, and thus
31 I suggest at least one (1) additional supervisor with clerical support at a cost of \$220 thousand.
32 In total, I suggest that to provide a system of adequacy in meeting the social and emotional needs
33 of Mount Vernon students would project at approximately **\$4.73 million**.

34 **Provide high quality professional development for all instructional staff.** A common
35 theme I heard from almost every administrator I interviewed was that the district did not have the
36 capacity to provide the level of professional development necessary to fully implement RtI, the
37 common core state standards or any of the reform initiatives proposed by the Regents with the
38 level of fidelity necessary to ensure success. The assistant superintendent proposed academic
39 coaches for each building, which would total about **20** additional academic coaches for the
40 district.

41

1 It was also proposed that teacher time be extended to accommodate professional
2 development, whether this extension is after school or during the summer or some other time
3 would be a subject of collective bargaining. What we do know is that extended time usually
4 does not require the same costs as regular time, as this is often an hourly supplement. Assuming
5 120 additional hours of professional development for every teacher and administrator in the
6 district, at a cost of \$50 per hour inclusive of outside support, I project a very rough estimate of
7 \$4 million in professional development costs. This along with additional coaches would cost
8 approximately **\$5.8 million**, a small slice of the total cost of faculty and administration. Just
9 adding people will not work. Increased capacity and a commitment to best practice must both
10 exist in order to provide a sound basic education to all children in the Mount Vernon City School
11 District. Professional development that is ongoing, embedded, relevant, and rigorous is key to
12 establishing and maintaining best practice. The Regents have clearly defined what best practice
13 looks like in the Diagnostic Tool for School and District Effectiveness (DTSDE). Without
14 increases in capacity and a commitment to professional development, Mount Vernon has no
15 chance to meet the higher levels identified in the DTSDE document.

16
17 Finally, I strongly advocate increasing supervision. Administrators told me they cannot
18 assume strong instructional leadership due to the ongoing tasks associated with student
19 management and the requirements of APPR.. Additional administrators and behavioral
20 specialists are needed, especially at the secondary level. Assuming one (1) administrator and one
21 (1) behavioral specialist at each secondary building and two (2) at Mount Vernon High School,
22 the district would require approximately **\$2.1million** in building-level support.

23 Capital Improvements

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

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

42 Finally, schools are required by law to meet the requirements of the Americans with
43 Disabilities Act for access to all programs and services. When access is denied due to building

1 shortcomings, not only is the quality of education programing available to SWD affected, but the
2 civil rights of those individuals are also compromised. School leaders were able to point out
3 numerous ADA issues within the Mount Vernon City School District.

4 In my interviews with the Assistant Superintendent for Business, he estimated that to
5 bring the district up to the standards of the CFE decision would require massive capital
6 improvements in excess of \$300 million. Given the condition of Mount Vernon High School,
7 Davis Middle School and Graham Elementary School, I concur that massive capital investments
8 are necessary. Davis and Graham are best replaced given their age and condition. Though
9 Mount Vernon High School is only 50 years old, my initial assessment is that it might well be
10 more cost effective to replace the building than to totally renovate it.

11 In order to calculate a very rough estimate for replacement, I use 590,000 sq. ft. in total
12 new construction which includes a new high school, (160 sq. ft. per student x 2600 students or
13 416,000 sq. ft.), a new middle school (120 sq. ft. per student x 950 or 114,000 sq. ft.) and an
14 elementary school (100 sq. ft. per student x 600 students 60,000 sq. ft.). Student numbers
15 assume successful efforts to keep students in school through graduation. Using these rough
16 estimates, the district could build 590,000 sq. ft. of new space if it replaced the High School,
17 Davis and Graham. Providing for approximately 590,000 sq. ft. of new school construction in
18 downstate New York could easily cost approximately \$226 million at \$400 per square foot of
19 total project cost. I have no precise information regarding the costs of other districtwide
20 improvements, but it is clear that the business administrator's rough estimate of \$300,000,000 is
21 not unreasonable. A bond of this amount, could add \$20-23 million per year to the annual
22 budget over 25 years. Most of this amount would be eligible, I assume, for State building aid,
23 which in the case of Mount Vernon is approximately 62.5%. This would result in a local share
24 for a project of approximately \$8 million. Again, these estimates are not precise and only
25 provided to give the court some measure of the depth of the problems in Mount Vernon.

26 Bruce Baker of Rutgers University provides analysis that indicates that the underfunding
27 of Foundation Aid amounts to nearly \$25 million annually in lost aid for Mount Vernon, a
28 shortfall of \$2,881 per pupil (p. 20). My own estimates for staffing increases are general in
29 nature and may be too low. However these recommendations would add approximately **\$37.78**
30 **million** to the current school budget of \$227,475,244. With an additional \$8 million of debt
31 service, that becomes an increase of **20%**. That amount is less than the over \$51 million Mount
32 Vernon has lost as a result to state aid reductions since 2009. My recommendation for increased
33 personnel support can be summarized as follows:

Initiative	Millions \$
Provide expanded pre-k	5.05
Provide adequate Elem Faculty	9
Provide adequate Sec Faculty	6.3
Provide adequate Social & Emotional support	4.73
Adequate Professional Development	5.8
Adequate supervision	2.1
Total	37.78

34

1 When I shared my views with officials from Mount Vernon, they were concerned that
2 local taxpayers would revolt. I therefore must emphasize Mount Vernon is making an
3 extraordinary local effort already. These additional funds must come from State sources. I must
4 further emphasize that I am suggesting an increase of 18% in expenditures to provide a sound
5 basic education and a meaningful high school education for students in Mount Vernon.

6 Without doubt, if the Mount Vernon City School District is to meet the criteria of a sound
7 and basic education required by Judge DeGrasse, and if it has any chance to provide a
8 meaningful high school education for its students, substantial increases in state support are
9 imperative.

10 Respectfully submitted,



11
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14 University of Rochester

1 **Resumé**

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

6 7 **CLINICAL SCHOLARSHIP**

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

14 Efficiency Studies: Wheatland-Chili Central School District, 2008. Update, 2011. Genesee Valley
15 BOCES (19 districts), 2012, Geneseo and York Central Schools, 2012, Wyoming Central School,
16 2013.
17

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

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

28 **SELECT PUBLICATIONS**

29
30 “Lengthening the Race: A Look at Increasing Graduation Requirements and the Effect Upon
31 Dropout Rates,” (with James Conway). The Journal of the NYSCOSS, January, 1989.
32 “The School Boards' Role in Planning and Overseeing a Capital Project,” (with Caroline Shipley).
33 The Journal of the NYSSBA, November, 1990.
34 “Information Processing and Technology at Canandaigua Academy,” (with John Cooper & James
35 Lynch). Case Study for the Association for Supervision and Curriculum Development, 1991.
36 “What Do Parents Really Want from Their Middle Schools?” (with John Cooper). Middle School
37 Journal, September, 1992.
38 “Ten Survival Tips for Capital Projects.” The School Administrator, June, 1993.
39 “Planning for Technology”, The Executive Educator, November, 1993.
40 “Better Than the Good Old Days”, NYSSBA Journal, February, 1995.
41 “The Role of the School Business Official on the Education Leadership Team,” The Journal of
42 School Business Officials International, December, 1997.
43 *The LifeCycle of Leadership*, with Mike Ford, Learning Forward, 2011.
44

45 **SELECT PRESENTATIONS & WORKSHOPS**

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

19
20 Numerous other speaking presentations.

21

22 **ORGANIZATIONAL HONORS AND AWARDS**

23

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

29

30 **PERSONAL HONORS**

31

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

39

40 **PROFESSIONAL ASSOCIATIONS**

41

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

1 Learning Forward

2

3 **ASSOCIATED PROFESSIONAL ACTIVITIES**

4

5 Completed Xerox Total Quality Management Training

6 Senior Examiner, Governor's Excelsior Award Program

7 Certified Trainer, Seven Habits of Highly Effective People, Four Roles of Leadership

8 Member, Commissioner's Advisory Council

9

10 **COMMUNITY INTERESTS**

11

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

16

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

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Resumé

STEPHEN J. UEBBING

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Canandaigua, New York 14424

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suebbing@warner.rochester.edu

PROFESSIONAL PREPARATION

Doctor of Education
State University of New York at Buffalo, 1987
Master of Science, Bachelor of Arts
State University of New York, College of Arts and Science at Geneseo, 1980, 1972

PROFESSIONAL EXPERIENCES, K-12 SCHOOL ADMINISTRATION

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

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

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

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2 **PROFESSIONAL EXPERIENCES, TEACHING AND SCHOLARSHIP**

3
4 Current- Professor, The Warner Graduate School of Education and Human Development, the
5 University of Rochester. Teach courses in leadership, human resources, school law and decision
6 making. Develop outreach programs to area schools. Research issues involving leadership and
7 school improvement.

8
9 1997-2006– Adjunct Professor, University of Rochester, SUNY Brockport and SUNY Oswego.
10 Teach courses in Organizational Leadership and Legal Basis in Education; advise students during
11 practicum.

12
13 1972-1982 - Teacher, Letchworth Central School, Gainesville, New York. Taught high school social
14 studies; coached various levels of football, basketball and baseball; served as advisor to school
15 newspaper and various student government groups; served as Teachers' Association President.

16
17 **CLINICAL SCHOLARSHIP**

18
19 Comprehensive Strategic Planning: Gananda Central School District (2008), Geneva City School
20 District (2009-10), Byron Bergen Central School District (2010-11), Gates-Chili Central School
21 District (2011-12), Homer Central School District, (2012-13) Canandaigua City School District
22 (2013).

23
24 Efficiency Studies: Wheatland-Chili Central School District, 2008. Update, 2011. Genesee Valley
25 BOCES (19 districts), 2012, Geneseo and York Central Schools, 2012, Wyoming Central School,
26 2013.

27
28 School Improvement: Led NYSED Joint Intervention Team, Geneva High School, 2010. NYSED
29 approved Outside Education Expert. Led NYSED Focus School Review, Geneva City School
30 District, Geneva Middle School (2014) West Street School, (2013), Led district focus school
31 reviews (5), Batavia City School District, Medina Central School District, Geneva City School
32 District 2013.

33
34 Leadership Development: Created and oversee comprehensive leadership coaching program in
35 conjunction with the WFL BOCES. Developed clinically rich leadership training model in
36 conjunction with the Rochester City School District.

37
38 Superintendent Designee, Rochester City School District Educational Partnership Organization
39 intervention for East High School, 2014.

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42
43 **SELECT PUBLICATIONS**

44
45 “Lengthening the Race: A Look at Increasing Graduation Requirements and the Effect Upon
46 Dropout Rates,” (with James Conway). The Journal of the NYSCOSS, January, 1989.

1 “The School Boards' Role in Planning and Overseeing a Capital Project,” (with Caroline Shipley).
2 The Journal of the NYSSBA, November, 1990.
3 “Information Processing and Technology at Canandaigua Academy,” (with John Cooper & James
4 Lynch). Case Study for the Association for Supervision and Curriculum Development, 1991.
5 “What Do Parents Really Want from Their Middle Schools?” (with John Cooper). Middle School
6 Journal, September, 1992.
7 “Ten Survival Tips for Capital Projects.” The School Administrator, June, 1993.
8 “Planning for Technology”, The Executive Educator, November, 1993.
9 “Better Than the Good Old Days”, NYSSBA Journal, February, 1995.
10 “The Role of the School Business Official on the Education Leadership Team,” The Journal of
11 School Business Officials International, December, 1997.
12 *The LifeCycle of Leadership*, with Mike Ford, Learning Forward, 2011.
13

14 **SELECT PRESENTATIONS & WORKSHOPS**

15
16 “Implementing Technology in the High School Curriculum,” New York State School Boards
17 Association Annual Convention, 1991.
18 “Networking for Success,” IBM National Education Technology Conference, 1992, 1993, 1994.
19 “Technology in New School Construction,” IBM Minnesota, 1992.
20 “The Superintendent's Perspective,” New York State School Boards Association New School Board
21 Member Seminar, Keynote, 1993, 1994, 1995, 1999.
22 “Planning School Buildings for 2010,” National School Boards Association Annual Convention, 1994.
23 “How Do U.S. Kids Really Compare?,” NYSSBA Annual Convention, 1995.
24 “Optimizing Building Design for Higher Academic Standards,” New York State School Boards
25 Association Annual Convention, 1997.
26 “Connecting Administrators, Schools, and Students in a Virtual Learning Community,” The National
27 Conference on Education, American Association of School Administrators, February, 1999
28 “Preventing Students from Falling through the Cracks,” New York State Association of Small City
29 School Districts, March 1999.
30 “Character Education That Works,” NYSED Regional Conference on Violence Prevention,
31 Rochester, NY, February 2000 and NYSASCSD Annual Conference, August 2000.
32 “The LifeCycle of Leadership” National Learning Forward Conference, 2012, NYSSBA, 2012,
33 Alberta Principals Association, 2013.
34

35 Numerous other speaking presentations.
36

37 **ORGANIZATIONAL HONORS AND AWARDS**

38
39 National Blue Ribbon School Award, Harry Hoag School, 1987.
40 Regents Challenge Middle School Recognition, 1991-1992.
41 Regents Citation as Exemplary Excellence & Accountability Program Participant, 1992.
42 National Blue Ribbon School, Canandaigua Academy, 1995-1996.
43 American School Board Journal's Pinnacle Award, 1995; Magna Award, 1996, 1998, 2006
44

1 **PERSONAL HONORS**

- 2
- 3 Yearbook Dedication (Fort Plain, 1984)
- 4 William J. Mitchell Award (Canandaigua Chamber of Commerce, 1995)
- 5 Four-Way Test Vocational Award (Canandaigua Rotary Club, 1999)
- 6 New York State Superintendent of the Year (American Association of School Administrators, 1999)
- 7 Paul Harris Fellow (Canandaigua Rotary Club, 2000)
- 8 Chapter V Distinguished Service Award, NYSPHSAA, 2006
- 9 NYSCOSS Distinguished Service Award, 2010.

10

11 **PROFESSIONAL ASSOCIATIONS**

- 12
- 13 New York State Council of School Superintendents, Executive Committee
- 14 Horace Mann Association
- 15 Association for Supervision and Curriculum Development
- 16 American Association of School Administrators
- 17 Learning Forward

18

19 **ASSOCIATED PROFESSIONAL ACTIVITIES**

- 20
- 21 Completed Xerox Total Quality Management Training
- 22 Senior Examiner, Governor's Excelsior Award Program
- 23 Certified Trainer, Seven Habits of Highly Effective People, Four Roles of Leadership
- 24 Member, Commissioner's Advisory Council

25

26 **COMMUNITY INTERESTS**

27

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

32

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

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36 Other Activities: Sunday School Teacher, Youth Baseball and Softball Coach, CCIA Health Clinic

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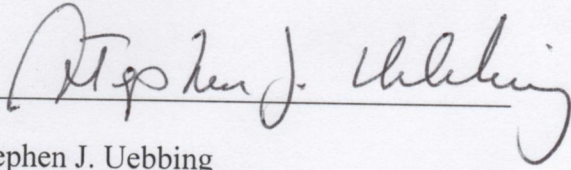
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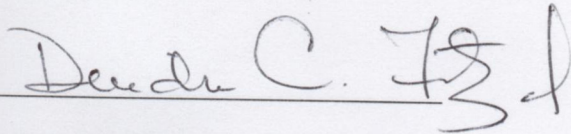
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I hereby affirm that the foregoing report is true and accurate to the best of my knowledge.



Stephen J. Uebbing

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



Notary Public

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