

**CFE Analysis of the Port Jervis School District  
Final Report In Lieu of Direct Testimony**

**Maisto v. State of New York**

**Dr. Stephen Uebbing**

**December 2014**

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

**Purpose of the Final Report**

This final report presents the findings and conclusions from my assessment and evaluation of whether the Port Jervis 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.2<sup>nd</sup> 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.2<sup>nd</sup> 893 (2003), the Court of Appeals ruling upholding and affirming Judge DeGrasse's 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 Port Jervis School District (PJSD) is providing students a sound basic education. Specifically, I examined the educational opportunities available to students in PJSD 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 Port Jervis School District focused mainly on the availability of essential CFE inputs in district schools and recent performance outputs of district students. However, I also examined relevant factors related to the district's basic

community, school and student profile and fiscal capacity and funding levels.

My evaluation consisted of the following: 1) review of data; 2) visits and interviews with district officials; 3) follow-up with district personnel; 4) review of appropriate literature on New York school finance and educational research and policy, as set forth in the Appendix of my initial report; and 5) review of the State's expert witness report on PJSD.

### **Key Findings**

The following are my key findings based on my initial 2013 report on PJSD, updated in June 2014 for this case.

#### Community, District and Student Profile:

1. Port Jervis (PJ) is a "small city" located in Orange County, with a population of approximately 8800 residents. Port Jervis, 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. These conditions are the result of decades of low property wealth and household income. PJ's largest employer is the Bon Secours County Hospital. PJ per capita income is \$24,062, by far the lowest when compared with other school districts in the area. PJ also has the lowest level of adults with college degrees and the lowest home values in the County.

2. For my evaluation, I compared the Port Jervis School District (PJSD) with six neighboring school districts, which I refer to as the "comparison group." I selected these districts for comparison because all were in the immediate vicinity of PJSD, all were below the New York State average in total wealth, but all were wealthier than Port Jervis.

3. The rate of poverty among children attending the PJSD according to the 2012 Small Area Income and Poverty Estimate of the US Census was 19.7%, more than double the child poverty rate of the comparison districts. These are children in families below the federal poverty level.

4. PJSD provides free public education to children residing in Port Jervis. PJSD had an enrollment of 2836 students, kindergarten through grade 12, in the 2012-13 school year. Of these students, 58.3% were low income as measured by eligibility for the federal free and reduced priced lunch

program (FRL). FRL eligibility is used by the State Education Department to measure student poverty in New York school districts from year-to-year. To qualify for Free Lunch, a family of four must have an income less than 130% of the federal poverty level, or \$28,665, and to qualify for reduced priced lunch, a family of four must have an income less than 185% of the federal poverty level, or \$40,793.

5. The 58.3% of PJSD students eligible for nutritional assistance through the FRL program breaks down as 49% eligible for free lunch and 9.3% eligible for reduced price lunch (as of March 2014). This means that almost half of PJSD students are from households at the lowest poverty level.

6. The PJSD has the highest student poverty rate as measured by eligibility for FRL among the comparison school districts. PJSD has over twice the number of poor students as five of the comparison districts and is 20% higher than Pine Bush school district, the only other district in Orange County with a FRL rate over 30%.

7. 17% of PJSD students are classified as students with disabilities under the federal Individuals with Disabilities Education Act (IDEA), thus having special needs requiring special education programs and services.

8. 75% of PJSD students are white and 9% are African American. The PJSD has a growing number of Latino students. Latinos comprise 12% of the PJSD enrollment, more than double the number in the 2005-06 school year.

9. PJSD is classified by the State Education Department (SED) 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 (expressed in standard score form). A district with both estimated poverty and CWR equal to the state average would have a need/resource capacity index of 1.0. The SED classification of district need includes measures of student poverty, limited English proficiency (LEP) and sparsity.

10. PJSD is also classified as a very low wealth school district, utilizing the SED's "Combined Wealth Ratio" (CWR). The CWR is an index of the total property wealth and income wealth behind each of the district's students. PJSD has a CWR of .499 according to the SED's 2013-14 Output Reports data, far below the state average of 1.00. In other words, PJSD has only half the wealth of the average wealth school district in the state.

11. PJSD measures very high on the SED's Pupil Need Index (PNI). PJSD'S PNI according to the 2013-14 Output Report is 1.491. Pupil need is measured on a State index in which 1.0 is the lowest possible need and 2.0 is the highest possible need. Pupil need in PJSD is substantially higher than any of the comparison districts, all of which are below the state average in total district wealth.

12. PJSD operates four schools for 2836 students. PJSD also houses its central district office in a separate former school building.

13. PJSD operates two elementary schools - the Hamilton Bicentennial School and the Anna S. Kuhl Elementary School. In the 2012-13 school year, the Hamilton school served 519 students, grades K through 6, and Kuhl Elementary served 911 students, also grades K through 6.

14. PJSD operates the Port Jervis Middle School, which served 485 students, grades 7 and 8, in 2012-13. The district also operates Port Jervis High School, with 921 students, grades 9 through 12, in 2012-13.

### Essential Inputs

#### A. School Buildings:

15. The Port Jervis Middle School, unlike most middle schools, is in a building that only has space for the 7<sup>th</sup> and 8<sup>th</sup> grades. This limitation means there is a constant churn of students through the school for just two grades, making it difficult to create the stability needed to address the needs of students during this critical point in a child's educational and developmental experience.

16. There are serious deficiencies in the space, size and condition of the Middle School that render the school inadequate to provide the core instructional program and other programs and

services needed by students in the 7<sup>th</sup> and 8<sup>th</sup> grades. These deficiencies include:

a) Lack of an Auditorium: there is no space for assemblies, school performances, school-wide meetings and other essential activities necessary to foster a strong school-wide environment. The former auditorium space was eliminated to provide an elevator to the second floor and house music instruction since the building does not contain a music room or other appropriate space for the school band, chorus and other performing arts activities. The former auditorium is divided into two spaces separated by folder divider. The divider doesn't prevent sound from reverberating throughout the space and the overall acoustics of the room are inadequate, a problem when the band and chorus practice at the same time. The former auditorium is an inadequate space for music and related instruction.

b) Guidance: there are no appropriate rooms for guidance counselors. Guidance counselors are consigned to makeshift closet size offices in the balcony space of the former auditorium, where there are no windows and no privacy.

c) Gymnasium: the gym is undersized, and has no space for spectators, poor acoustics, and an uneven and unsafe floor. The gym is inappropriately located in an academic wing. Noise from the gym transmits to first floor classrooms.

d) Cafeteria: the space serving as the school cafeteria is on the third floor, above the gymnasium. It is inappropriately located in an academic wing, undersized, and has poor acoustics. The noise from the gym impacts adjacent academic classrooms.

e) Library: the space is undersized, uninviting, poorly equipped, and lacking in the books, media and technology necessary to support current academic programs. The space is grossly inadequate as the library/medial hub for the school's academic program.

f) Technology: there is one "computer room" to serve all students, containing old, outdated computers lined up in rows.

g) Science: classrooms lack adequate space for preparation, experiments and storage, encroaching on the space available for student instruction.

h) Principal's Office: not conveniently located for access to parents and visitors and separated from counselor's office, an important feature to provide support for parents/students.

i) Floors: not level throughout the building, creating a physically challenging and unwelcoming environment for students and faculty, especially students with physical disabilities.

j) Security: the security in the school is inadequate. There are no cameras, and no other security measures to stop intruders from entering. Only one person is stationed at a single security checkpoint.

17. PJSD makes appropriate effort to keep the Middle School Building maintained and clean. The structure, however, is wholly inadequate to support a comprehensive instructional program, including the performing arts and health and physical education, along with appropriate space for counseling, social services and other necessary supports. It lacks sufficient technology, storage and supplies, and is deficient in important school wide spaces, including library/media center, gymnasium and cafeteria.

18. The Middle School needs to be replaced with a new facility. I estimate the cost of building a new middle school at approximately \$60 million, requiring the addition of approximately \$4 million per year to the local budget and over \$1.2 million per year to the local tax levy.. The only other option available to PJSD would be to convert the high school to the middle school and build a new high school, at an estimated cost of \$81 million. PJSD's high tax rates, low tax base and debt limitations make it extremely unlikely that the district can properly address the seriously inadequate conditions at the Middle School.

#### B. Appropriate Class Size

19. Kindergarten classes are too large. Class sizes for kindergarten are as high as 26 students per class.

20. While the average class size in the remainder of the elementary grades is 20, this level is too high to meet the needs of the large number of economically disadvantaged students who are academically at-risk and in need of more intensive instruction and other interventions.

### C. Qualified Teachers and Other Personnel

21. PJSD lacks sufficient numbers of elementary school teachers to staff classes at appropriate class sizes. There is a need for at least 13 additional elementary teachers to reduce class size. Lowering class size in kindergarten and early grades is crucial in PJSD given the high numbers of students in poverty and at-risk of academic failure.

22. PJSD has only four social workers to serve the entire district, a level clearly insufficient to provide supports for students with health, emotional, behavioral and other problems that impact student academic performance and result in absenteeism and reduced instructional time in class. Social workers are also essential to ensuring classroom teachers can remain fully focused on providing quality instructional time for all students. The National Association of School Social Workers recommends a ratio of one school social worker for every 250 pupils in an average need districts. The existing ratio in PJSD, a high need district, is approximately 1:700, far in excess of the levels needed to properly serve PJSD's sizeable at-risk student population.

23. PJSD lacks the resources to provide an appropriate level of professional development necessary to prepare and support classroom teachers to improve their instructional practice, meet SED demands for more rigorous instruction through the new common core standards, and boost academic performance of students, particularly PJSD's at-risk student population.

24. PJSD lacks sufficient numbers of high level "teacher leaders" or "master teachers" needed to provide coaching, mentoring and support for elementary classroom teachers in language arts and mathematics literacy instruction.

25. PJSD lacks sufficient resources to provide the additional paid teacher time to provide high quality professional development.

### D. Platform of Expanded Services for At-Risk Students

26. PJSD 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.



19. There is not a sufficient pre-kindergarten program for all children. In fact, the district itself does not offer any preschool programming.

27. In 2013, from 76-93% of 4<sup>th</sup> and 8<sup>th</sup> graders did not meet SED proficiency benchmarks on ELA and mathematics state tests.

28. PJSD is not providing its students performing below SED proficiency benchmarks on mandated State assessments with essential intervention services needed to improve proficiency.

29. There is an urgent need in PJSD to add substantial levels of Academic Intervention Services (AIS) for students at-risk of academic failure. These services are required by SED regulations and could include smaller class sizes, additional time before and after school, small group or individual interventions or other specialized instructional approaches. PJSD is currently not staffed to provide AIS at the level necessary to meet student need and boost performance of students at-risk of academic failure.

30. Due to recent budget cuts, PJSD lacks the qualified teachers and support staff to provide at-risk students with an expanded platform of services, including: extra periods or time during the regular school day, with in-class staff to work with students in small groups or one-on-one; before- and after-school academic instruction; and summer school.

31. PJSD needs at least 10 additional teachers qualified to provide appropriate and sufficient AIS and other non-academic support services for at-risk students, which is necessary to respond to the urgent need to improve the district's overall academic performance on State assessments.

32. Response to Intervention (RTI) which is required by SED Regulations, includes a full continuum of intervention services in order to be effective. Port Jervis does not have a full range of interventions for its students. The result is not enough options to keep a student from entering special education.

33. Due to budget cuts, PJSD recently cut the one guidance counselor in the district assigned to work with high risk students. PJSD needs additional counselors to work with students to sustain and improve its 75% graduation rate, which is 5 points below the minimum standard set by SED.

34. PJSD does not have programs specifically oriented to supporting students who are at risk of dropping out of school.

35. Port Jervis does not have the full continuum of services for students with disabilities. For example, they do not offer a Multi-Intervention Program for Students with Autism Spectrum Disorder. These programs are common in more affluent districts and allow students with autism to remain in a more inclusive setting.

### C. Outputs

36. The State administers assessments for all New York students in ELA and mathematics at grades 3-8 and the Regents' Examinations in high school. The SED sets the standard for students to demonstrate proficiency on these assessments.

37. I examined ELA and mathematics assessment results for PJSD elementary, middle and high school students from the 2011-12 and 2012-13 school years. I examined the assessment results for economically disadvantaged (poor) students, African American and Latino students, and students with disabilities to evaluate the performance of important subgroups of PJSD students.

38. According to 2011-12 data from SED, a significant portion of PJSD students are not meeting State academic standards, as measured by performance on State English Language Arts (ELA) and mathematics assessments.

39. On the 2011-12 State assessments, 56% of all PJSD elementary and middle school students scored below Level 3 in ELA, the State standard for proficiency.

40. On the 2011-12 State assessments, 44% of all PJSD elementary and middle school students scored below Level 3 in mathematics, the State standard for proficiency.

41. On the 2011-12 State assessments, 51% of all PJSD elementary and middle school students who are economically disadvantaged scored below Level 3 in ELA, the State standard for proficiency.

42. On the 2011-12 State assessments, 52% of all PJSD elementary and middle school students who are economically disadvantaged scored below Level 3 in mathematics, the State standard for proficiency.

43. On the 2011-12 State assessments, 60% of all PJSD elementary and middle school students who are African American scored below Level 3 in ELA, the State standard for proficiency.

44. On the 2011-12 State assessments, 49% of all PJSD elementary and middle school students who are African American scored below Level 3 in mathematics, the State standard for proficiency.

45. On the 2011-12 State assessments, 62% of all PJSD elementary and middle school students who are Latino scored below Level 3 in ELA, the State standard for proficiency.

46. On the 2011-12 State assessments, 48% of all PJSD elementary and middle school students who are Latino scored below Level 3 in mathematics, the State standard for proficiency.

47. On the 2011-12 State assessments, 89% of all PJSD elementary and middle school students who are students with disabilities scored below Level 3 in ELA, the State standard for proficiency.

48. On the 2011-12 State assessments, 80% of all PJSD elementary and middle school students with disabilities scored below Level 3 in mathematics, the State standard for proficiency.

49. On the 2011-12 State assessments, 33% of all PJSD secondary (high school) students scored below level 3 in ELA, and 55% of all PJSD secondary students scored below level 3 in mathematics, the State standard for proficiency.

50. On the 2011-12 State assessments, 44% of low income PJSD secondary students scored below level 3 proficiency and 60% scored below level 3 on mathematics, the State standard for proficiency.

51. On the new Common Core statewide tests in 2013, PJSD elementary and middle school students ranked lowest of the comparison schools in almost every area. On the 4<sup>th</sup> grade ELA test, the state average proficiency rate was 30% and comparison district rates were 22-48%, whereas PJSD's proficiency rate was 18%. On 4<sup>th</sup> grade math, the state average was 36%, with comparison districts ranging mainly from 30-51%, with one district at 14%. PJSD's proficiency rate was 20%.

52. On the 8<sup>th</sup> grade 2013 ELA test, the state average proficiency rate was 34%, and comparison district rates were 25-

50%. PJSD's proficiency rate was 24%. On the 8<sup>th</sup> grade math test, the state average was 28%, with comparison districts ranging from 11-51%, with one district at 14%. PJSD's proficiency rate was 7%.

53. Regents exam scores show that, for the entering 2009 cohort, on average, over 20% of Port Jervis students failed to achieve proficiency on the secondary cohort tests. For students with disabilities, that number is closer, on average, to 70%.

54. Currently, New York State is focusing on what they have labeled as "college and career ready" goals for all students which they define, in part, as a grade of at least 80% on the Algebra Regents Examination and 75% on the English Regents. The stark reality is that a very small percentage of Port Jervis students who start a graduation cohort in grade 9 (20% of the 2008-09 cohort) are proficient in mathematics as defined as at least 80% on the examination.

55. Throughout all grade levels, but particularly in high school, economically disadvantaged students and students with disabilities achieved proficiency at much lower levels than the overall student population.

56. All PJCS D students and all sub groups scored below the state standard of 80% of students graduating within four years of commencing high school. The four year rate for all students was 76% in 2013 and 75% in 2014. In 2013, the four year graduation rate was 48% for students with disabilities and 67% for economically disadvantaged students. In 2014, the four year graduation rate was 43% for students with disabilities and 67% for economically disadvantaged students.

#### D. Budget and Funding (Causation)

57. The local tax rate for PJSD is \$27.75 per \$1000 of assessed property valuation. PJSD is 17.4% above the average tax rate for school districts in Orange County and approximately 56% above the tax rate for all New York school districts.

58. PJSD has a combined wealth ratio of .499, less than half of the state average and far below more affluent suburban school districts in the state.

59. PJSD has the highest local tax rate and the highest proportion of low income (at-risk) students among the comparison group.

60. PJSD spends \$12,468 per pupil when poverty is factored in, the lowest level among the comparison group of school districts, despite having the highest levels of students with need for an expanded platform of instructional and support programs and services and the highest local tax rates.

61. In 2013, the State cut aid to PJSD through the Gap Elimination Adjustment (GEA) in the amount of \$2,175,209 or \$1220 per pupil.

62. PJSD has experienced significant reductions in state aid since 2010 through the Gap Elimination Adjustment and the failure of the State to fully fund foundation aid. This has resulted in cuts to essential staff and programs and services needed to provide a meaningful high school education, particularly for the district's large proportion of low income (at-risk) students.

## CONCLUSIONS

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

1. PJSD serves a community of lower income households, with low property wealth and high local tax rates. Despite these factors, PJSD has made a substantial local effort to support its students and schools but lacks the local fiscal capacity to upgrade its school buildings and support its educational program with the teachers, counselors, social workers, intervention services and other resources essential to improving the district's overall academic performance and the performance of the district's significant at-risk student population.

2. A significant portion of PJSD students are low income and academically at risk. These students urgently need an expanded platform of essential services to provide the opportunity for a meaningful high school education, services which PJSD is currently unable to provide.

3. PJSD must replace the dilapidated and outmoded Middle School building but lacks the local fiscal capacity to undertake this, or other, major capital projects.

4. PJSD 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 at kindergarten and the elementary grades; and an expanded platform of services for low-income, academically at-risk students, including AIS and RTI services, instructional before and after school and summer school, and drop-out prevention counseling.

5. PJSD students are, at all grade levels, performing well below State proficiency standards.

6. PJSD's graduation rate is below the State standard.

7. PJSD has experienced significant reductions in state aid under the GEA mechanism and failure of the state to full fund Foundation Aid, resulting in cuts to necessary programs, staff and services.

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

9. PJSD 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.

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## **Maisto v. New York State: The Case for Port Jervis**

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

### **About Port Jervis City School District**

Port Jervis is one of fifty seven small city school districts in New York State. A small city school district is one in which according to the latest federal census, has fewer than one hundred twenty-five thousand inhabitants. Approximately 250,000 children attend New York State small city school districts in communities totaling over 1.5 million residents. According to the New York State Association of Small City School districts, small cities often have similar demographic characteristics as the five large city school districts in New York State, including “higher percentages of disadvantaged students, limited English proficient students, dropouts and students with special educational needs. Small city school districts are also typically characterized by higher percentages of families living on incomes below 200% of the poverty level, minority children, unemployment and single parent families.” (NYSASCSD) However, characteristics of NYS small city districts vary greatly. For example, the Rye City School District in Westchester County is a low need school district with substantial wealth per pupil while Albany, Utica and Schenectady are high need urban districts much closer to the “big five” in their demographic characteristics. Port Jervis is unique. It is a very small city with a high concentration of economically disadvantaged students, but relatively low numbers of minority students. In the following chart, we compare Port Jervis with several of its neighbors, none of whom would be considered wealthy, but all of which are average need districts a short distance from Port Jervis.

According to the 2012-13 NYS School Report Card, Port Jervis operates four schools for 2836 students. PJSD also houses its central district office in a separate former school building.

The district operates two elementary schools – the Hamilton Bicentennial School and the Anna S. Kuhl Elementary School. In the 2012-13 school year, the Hamilton school served 519 students, grades K through 6, and Kuhl Elementary served 911 students, also grades K through 6. Additionally, PJCS D operates the Port Jervis Middle School, which served 485 students, grades 7 and 8, in 2012-13. The district also operates Port Jervis High School, with 921 students, grades 9 through 12, in 2012-13.

## Port Jervis and Comparison Group Demographics

	Port Jervis	Goshen	Minisink Valley	Monroe-Woodbury	Pine Bush	Valley	Warwick Valley
Enrollment (1)	2836	2853	4100	7034	5589	4566	3860
% in poverty	19.7%	8.4%	7.2%	8.9%	9.3%	9.6%	9.5%
% Economically Disadvantaged (1)	59	23	19	17	35	35	13
% Free/Reduced Lunch (2)	58.3	20.5	20.9	19.4	36.6	29.5	13.2
% Limited English Proficient (1)	1	3	1	3	1	1	1
% Students with Disabilities (1)	17	12	13	13	13	16	13
% Af Am (1)	9	5	5	7	11	10	5
% Latino (1)	12	16	13	19	16	18	9
% White (1)	75	75	80	67	68	69	83
% All others (1)	4	4	2	7	5	2	3
Avg Attendance (1)	93	96	94	95	95	95	95
Suspension Rate (1)	9	4	5	3	17	7	3
Per Capita Income (3)	24062	31586	30760	38303	28783	28033	40167
% Adults w/ Bachelors (3)	15.53	30.68	25.55	42.2	24.91	22.7	41.1
Avg home value (\$1000s) (3)	202.4	365	316.9	362	306.3	286.7	366.9
CWR (4)	.499	.974	.648	.872	.635	.691	.986
PNI (4)	1.491	1.163	1.173	1.138	1.287	1.253	1.092

2 *1:2013 NYSSRC, 2:3/14, NYSED Child Nutrition Knowledge Center, 3:US Census 4:NYSED Output Reports*

3           The Free and Reduced Lunch percentages reflect the March, 2014 report on the New  
4 York State Education Department Child Nutrition Management System. It is notable that the  
5 total percentage of students eligible for the Federal Free and Reduced Lunch Program is 58.3%.  
6 To qualify for free lunch status, a family must be within 130% of the Federal Poverty Guidelines.  
7 To qualify at the reduced level, a family must be between 131% and 185% of the Federal  
8 Poverty Guidelines. For a family of four (4), the poverty level was recently an annual income of  
9 \$22,050, so a family income up to \$28,665 would qualify for at the free level. At the reduced  
10 level, a family income of up to \$40,793 would qualify. Students are considered economically  
11 disadvantaged if they are eligible for the National School Lunch Program.

12           The United States Census publishes an annual estimate of poverty for school districts.  
13 According to the 2012 Small Area Income and Poverty Estimate, there were 558 school aged  
14 children in the Port Jervis School District living in families under the poverty level. Using the  
15 2012-13 enrollment listed in the school report card of 2836, the poverty rate among the Port  
16 Jervis student body is 19.7% while the documented number of economically disadvantaged  
17 students is 58.3% as per the FRL rate. The 2013 school report card lists the percentage of



1 economically disadvantaged students as 59%. FRL is almost always underestimated as not all  
2 eligible students enroll. Additionally there are always some families that live just above the  
3 threshold. Therefore, it is reasonable to estimate that approximately two-thirds of Port Jervis  
4 students are economically disadvantaged. Based on my visit to the district, and interviews with  
5 administration, faculty and staff, I discerned a very small traditional middle class living in Port  
6 Jervis.

7           According to latest Census figures, per capita income in Port Jervis is only \$24,062  
8 against a county average of almost \$29,000 and a state average over \$40,000. Rockland County,  
9 one of Orange County's closest neighbors, has a per capita income of almost \$35,000. In other  
10 words, Port Jervis is a poor community in a county that is less wealthy than the state average.

11 Municipal Overburden. No discussion of the problems facing any city, including small cities, is  
12 complete without some discussion of the issue of municipal overburden. In simple terms,  
13 municipal overburden refers to the additional costs associated with being a city. For example,  
14 New York City needs to provide security for the United Nations, traffic control around airports  
15 and crowd management for the Macy's Thanksgiving Parade. Almost 40 years ago, Sparkman  
16 (1976) noted, that it is more expensive to provide services in cities due to the more needy  
17 populations that tend to reside in cities. Additionally, city tax bases are sometimes decreasing  
18 instead of increasing; city infrastructure tends to be older, and cities often find themselves  
19 providing additional services for non-city residents who use or visit the city. For example, Port  
20 Jervis is home to Bon Secours County Hospital, an acute care hospital. This facility is used by  
21 the surrounding community and requires the support of municipal services. Knickman and  
22 Reschovsky (1980) argued that there should be some adjustment in state aid formulas to make up  
23 for the impact of municipal overburden on city school districts.

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

31           A critical issue facing small cities is the 5% cap on debt limit. Whereas many non-city  
32 districts have experienced an increase in total assessed value in recent years, many small cities  
33 are faced with stagnation or even declines in assessed valuation. When debt limit is tied to  
34 declining assessed valuation, the district is limited in its ability to bond for capital expenses.  
35 Non-city districts have a debt limit cap of 10% of what is often an increasing assessed valuation.  
36 Port Jervis has one school that is very old and in poor repair, which suggests a need for a capital  
37 improvement program. This creates a hardship for Port Jervis. Moreover, non-city districts are

1 permitted to deduct state building aid from their debt calculations. This is not the case with  
2 small city districts, thus the already lower debt limit is further reduced, sometimes by over 80%.

3 Port Jervis is classified as a High Need/Resource Capacity Rural School District by the  
4 New York State Education Department. SED defines such districts as follows:

5 *All districts at or above the 70th percentile (1.1835) that have:*

6 *1) fewer than 50 students per square mile; or*

7 *2) fewer than 100 students per square mile and an enrollment of less than 2,500*

8 The effects of growing up in an economically disadvantaged family, which I suspect  
9 characterizes about two thirds of the Port Jervis student body, can have detrimental effects on a  
10 child's readiness to be successful in school. A good beginning is fundamental to school success.  
11 We know that a child who is still not reading by third grade is likely to fail to graduate from high  
12 school. The effects of poverty begin to accumulate as early as conception. Pregnant woman  
13 living in poverty are more likely to be exposed to chemical contamination, especially lead  
14 poisoning, tobacco, alcohol, various drugs, both legal and illegal as well as physical hardships  
15 (Rauh et. al. 2004). Women in poverty are more likely to suffer from poor nutrition, smoke, and  
16 use alcohol and drugs (Ertam et. al., 2008). According to Demchuk, (2009), the National  
17 Institute of Health claims that tobacco use during pregnancy can result in low birth weight and  
18 severe complications for a newborn baby. A disproportionately large percentage of women in  
19 poverty reportedly smoked during pregnancy, as high as 40%. Eric Jensen (2009) provides  
20 extensive documentation of the effects of poverty on education starting in the uterus and  
21 continuing through the school experience. The United States ranks 131<sup>st</sup> of 184 countries in  
22 preterm births. This leads to less healthy babies who are more likely to be referred as a student  
23 with a disability, a disability that could often be avoided with appropriate prenatal care. (Ravitch,  
24 2013)

25 Infants and toddlers living in families of poverty are exposed to higher levels of  
26 pollutants and disease than their middle class peers. In one study, Schell, et. al. (2006) found  
27 that 58% of children living in inner city poverty lived in homes with cockroaches. The  
28 droppings from these insects have been demonstrated to contribute to asthma, a disease which  
29 attacks urban children at epidemic proportions ([www.epa.gov/asthma/pests.html](http://www.epa.gov/asthma/pests.html)) .

30 Lead poisoning is an insidious disease shown to affect economically disadvantaged  
31 children at a higher rate than their middle class peers. Spezio (2009) has documented studies  
32 linking lead poisoning to cognitive development. Strikingly, Spezio asserts that lead poisoning  
33 often presents in a manner similar to the learning disability attention deficit hyperactive disorder,  
34 and, in fact, may be mistaken for ADHD. According to Demchuk (2009), nearly 80% of  
35 children classified as learning disabled fail to master basic reading skills by fourth grade and the

1 dropout rate for LD children is more than two and one half times the rate than for children who  
2 are not learning disabled.

3 Since the 1970s lead poisoning in the general population has declined due to the removal  
4 of lead from gasoline. However, children growing up in older homes, usually as renters, are  
5 much more likely to come in contact with lead due to its presence in building materials,  
6 especially paint.

7 The impact of poverty on child development is most obvious when examining parenting  
8 and child care. Sanders-Philips (1989) and others have documented the very different life  
9 experienced by an economically disadvantaged toddler than a middle class toddler. Wachs  
10 (1982) and others have reported that positive interaction between children and parents in  
11 economically disadvantaged homes is strikingly less than such interaction in middle class homes.  
12 Hart and Risley (1995, 2004) have demonstrated the vast difference in vocabulary development  
13 experienced by children living in poverty when compared to their middle class and upper middle  
14 class peers. In a study of utterances which varied from single words to full phrases, middle class  
15 toddlers heard about 487 utterances on average every hour, while their economically deprived  
16 peers heard only 178 utterances per hour. Hart and Risley go beyond their utterance study to  
17 count total words. They report that high income children hear approximately *30 million* more  
18 words than their poverty stricken peers by age five. Not only is there a total word gap, but the  
19 type of language varies. Believing that words matter, by age 4, children from professional  
20 homes are likely to hear about 560,000 words of encouragement and 80,000 words of  
21 discouragement compared to 75,000 words of encouragement and 200,000 words of  
22 discouragement in economically disadvantaged homes. They estimate that 86-98% of  
23 vocabulary development by age 3 is derived from the parents' vocabulary. Making up lost  
24 ground to their middle and upper class peers is a daunting task.

25 Many studies link a child's success in school to the educational attainment level of the  
26 mother. Therefore, another way to understand a community is by educational attainment among  
27 adults. Again using U.S. Census data, 15.53% of adults in Port Jervis have attained a bachelor's  
28 degree or higher. In one comparison district close to Port Jervis, that number is almost three  
29 times as high. In some Westchester County districts, it is five times higher. Understanding the  
30 educational attainment of adults in a community is useful in understanding the needs of children  
31 when they first come to school. Again we see a language accusation issue as children from  
32 families with higher levels of income and parent education tend to experience a very different  
33 language acquisition process than do children from families with lower income and parent  
34 educational levels.

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

36 *Children born to poor mothers are less likely to receive regular medical care...to see a*  
37 *dentist...to have educated parents...to have books in their home...to be read to each day by a*

1 *parent...to be enrolled in a prekindergarten program...to have their own bedroom...to hear a*  
2 *large and complex vocabulary...to get three nutritious meals a day...live in sound housing (or) a*  
3 *safe neighborhood...to take family trips to the library or a museum.*

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

11 Ruby Payne, (1998) Eric Jensen (2009) and others write about the tremendous challenges  
12 schools have in educating children from poverty. These challenges imply not only different  
13 pedagogical approaches but greater expenses if we are to actually provide a sound basic  
14 education to children from poverty. But, as noted in Marzano (2009) U.S. schools tend to spend  
15 much less in schools with high concentrations of economically disadvantaged children as  
16 compared to middle and upper middle class schools. When compared to other nations, the  
17 disparity is particularly acute. All this is important when considering issues of schools and  
18 school funding because economically disadvantaged students are more expensive to educate than  
19 their “school ready” peers from affluent suburbs. Although some studies have shown no  
20 relationship between expenditures per pupil and student achievement, that is due in part to the  
21 fact that economically disadvantaged children do not simply need the same level of educational  
22 services as their middle class peers, they need much more intense services. There have been  
23 very few examples of school districts serving a preponderance of economically disadvantaged  
24 children that actually had the numbers of additional teachers necessary to help these children  
25 catch up from their educationally deprived preschool years. The closest example, the Harlem  
26 Children’s Zone, demonstrated remarkable gains with funding that was raised, in part, from the  
27 private sector.

28 Wenglinski (1997) and others take issue with the “money doesn’t matter” arguments  
29 noting that “simply because if there were enough money to dramatically reduce class size,  
30 provide all teachers high quality professional development, and further provide the support  
31 faculty in speech, reading and math that economically disadvantaged children need, than indeed,  
32 student achievement would increase.” Ronald G. Ehrenberg, Dominic J. Brewer, Adam  
33 Gamoran, and J. Douglas Willms (2001) support the class size argument with quantitative  
34 analysis that suggests that class size is one among other variables that can impact student  
35 achievement. They point to results from several studies including the Tennessee Star Study that  
36 suggest that lowering class sizes at the earliest grades can have long term positive effects,  
37 especially on disadvantaged minority students. Practitioners have known this for years. Ravitch  
38 (2013) notes the Scholastic/Gates survey of teachers found that 90% of teachers believe having  
39 smaller classes would have a positive effect on student achievement. She further notes the work

1 of researchers that found that smaller class size also helps to develop other skills and attributes  
2 that support success later in life, such as persistence, motivation and a sense of personal worth.(p  
3 245)

4           There are many other compelling studies. Hedges and Greenwald argued as early as  
5 1989 that economically disadvantaged students suffer from lower levels of social capital,  
6 meaning, among other things, understanding how to interact with the larger educational  
7 community. This lower level of social capital demands much higher levels of funding. In fact, in  
8 2004, Hedges and Greenwald, along with Lane, wrote that “school resources are systematically  
9 related to achievement and that these relationships are large enough to be educationally  
10 important” (in Lukemeyer, Courts as Policymakers, School Finance and Reform Litigation).  
11 Furthermore, Ferguson and Ladd (1996) argued that studies are finding evidence that “money  
12 affects the quality of schooling and that the quality of schooling influences not only test scores,  
13 but later earnings as well.” (Ferguson, 1991, pp.470) Without a doubt, poverty matters and  
14 overcoming the effects of poverty on school readiness and school performance requires an  
15 “expanded platform” of school services. This expanded platform requires additional  
16 expenditures. I would never argue that “throwing money” at low school performance among  
17 economically disadvantaged children will by itself solve anything. Increased funding must be  
18 accompanied by the use of best practice implemented by skilled, passionate educators. However,  
19 I am absolutely certain that without substantial increases in funding targeted toward best practice  
20 and supporting the continuation of skilled passionate educators, there is little hope of any  
21 improvement.

22           Port Jervis is the poorest district in Orange County, a relatively poor county, especially in  
23 comparison to other metro area counties. Orange County has traditionally benefitted from its  
24 proximity to the New York City Metropolitan Area realizing unemployment rates below the state  
25 and national rates. Unemployment in Orange County averaged less than 4.5% from 2002-2007.  
26 However, that rate climbed to 7.9% in 2009 and 8.3% in 2011, still lower than the state and  
27 national rate, but far too high. By April, 2014, the county unemployment rate had lowered to  
28 6.3%.

29           The largest taxpayers in the Port Jervis district include Orange and Rockland Utility,  
30 which has approximately \$31.3 million in assets located in the district, Kolmar Laboratories,  
31 Gary and Kathy Spears Mobile Home Park, the Hartford Club, and N-H Farms, which is a large  
32 equestrian center. The largest employer in the district is Bon Secours County Hospital, which  
33 occupies a central position in the city. Kolmar Laboratories is the second largest taxpayer as  
34 well as the largest private sector employer. The school district, Summit Research Labs and the  
35 City of Port Jervis complete the list of largest employers.

36           The relatively low economic wellbeing of the community is reflected in the list of largest  
37 taxpayers. Utility companies are always large taxpayers as their poles and lines are taxable.  
38 Absent from the list of large taxpayers are retail establishments such as malls or even larger

1 shopping centers. Instead, we find a Mobil home park, vacant land and the 9<sup>th</sup> and 10<sup>th</sup> ranked  
2 taxpayers, an apartment complex and a motel.

3 Impressions: I visited Port Jervis on Tuesday, January 15, 2013. Upon entering the  
4 community, I was struck by the age and general condition of the housing within the city. I have  
5 worked in Rochester, NY for the past 8 years. Rochester has the highest childhood poverty rate  
6 in the state and one of the highest in the nation. Yet, within the City of Rochester, there are very  
7 nice neighborhoods with expansive housing choices. I did not notice any areas of new or upscale  
8 housing in Port Jervis. When I asked about this in my interviews with school employees who are  
9 familiar with the community, I was told that there really were no new subdivisions, no upper  
10 middle class, or even real middle class neighborhoods. On January 26, I tested this observation  
11 further, with a real estate search on Yahoo Real Estate. There were 132 homes for sale with Port  
12 Jervis addresses. Some were in the Minisink Valley Central School District. All of the homes  
13 for sale in the Port Jervis school district were older. Many were less than \$200,000 in asking  
14 price, some less than \$100,000. Many appeared to be in disrepair.

15 Downtown Port Jervis reflects the same appearance as the housing stock. I noticed  
16 mostly older stores; I did not notice name franchisers downtown. I did not find a real shopping  
17 center in the community. Just a few minutes away, across the border into Pennsylvania, there are  
18 numerous shopping options, but none I noticed in the Port Jervis City School District.

19 It almost seems that Port Jervis stopped developing about 50 years ago, and unlike some  
20 small quaint villages that maintain their charm and stand in good repair, it started deteriorating.  
21 The people I talked to blame apartment conversion and public housing. Many of the homes that  
22 were designed for a single family have been converted to multiple family dwellings, often owned  
23 by absentee landlords. Indeed, according to the American Community Survey, an analysis of the  
24 U.S. Census Bureau, only about 66% of the homes in the Port Jervis School District are owner  
25 occupied; yet I noticed few apartment complexes in Port Jervis, as one might expect in a  
26 community in which a third of housing is not owner occupied. This stands in stark comparison  
27 with neighbor Minisink Valley with owner occupied levels of 90%.

## 28 **Facilities:**

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

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

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

12 I visited three of the four schools in the district as well as central office. Two of the  
13 school buildings I visited, Port Jervis High School and Anna S. Kuhl Elementary School were in  
14 good repair and reflected adequate instructional arrangements. Although I did not visit the  
15 second elementary school, the Hamilton Bicentennial School, I was assured that it was in good  
16 repair and offered appropriate instructional spaces. An unusual, but not unworkable aspect of the  
17 Port Jervis School District is the fact that the high school and Anna S. Kuhl Elementary School  
18 are physically connected.

19 I also visited the central office, which is housed in a very old school building. Although  
20 this building was antiquated, its general condition does not play a significant role in the  
21 instructional program offered to the students.

22 However, the general condition of the middle school, which houses grades 7 and 8, does,  
23 in my opinion, detract from the educational program offered to the students of Port Jervis. There  
24 was not a single space in the middle school that I viewed as appropriate to the needs of middle  
25 school students. First, the physical size of the building restricts usage to two grades. Thus,  
26 students are either “coming or going” at Port Jervis Middle School. Most middle schools house  
27 three or four grades. As middle school is viewed as the transition school, from the elementary  
28 years to the more rigorous high school years, it generally includes sixth grade and often fifth  
29 grade. This is not an option in Port Jervis given its current school structures.

30 The core spaces at Port Jervis Middle School are completely inadequate to provide for a  
31 sound basic education.

- 32 • There is no auditorium. What was once an auditorium was carved up many years ago  
33 to provide for an elevator.
- 34 • The main floor of the former auditorium is now used for music instruction. The  
35 acoustics are not appropriate for music education, even if only one group is practicing  
36 at a time. However, that is not always the case in Port Jervis Middle School. The  
37 front half is band, the back half is chorus. The two sides are separated by a thin  
38 folding divider that is totally ineffective as a sound barrier. Thus, when the band and

1 chorus are both practicing, they have to put up with each other's rather voluminous  
2 sound. This is absolutely unworkable in any kind of serious music education effort. It  
3 is a clear example of physical space inadequacies impacting the district's ability to  
4 provide a sound basic education.

- 5 • The former auditorium contained a balcony, and once was probably quite impressive.  
6 However, the balcony now houses the counseling suite, including stadium seating for  
7 a waiting area. There are no windows and virtually no privacy in the closet size  
8 counselor offices. Appropriate and adequate counseling cannot be carried out without  
9 confidentiality. Counselors have an extraordinary challenge in addressing the social  
10 emotional needs of their students in that setting. This is another example of physical  
11 space inadequacies impacting the district's ability to provide a sound basic education.
- 12 • The gymnasium is undersized allowing for no spectators. The floor is uneven and  
13 wavy, and fundamentally unsafe. The acoustics are terrible, and thus the room is very  
14 loud. To make matters worse, the gymnasium transmits sound into the academic  
15 classrooms on the first floor. This is another example of physical space inadequacies  
16 detracting from the district's ability to provide a sound basic education.
- 17 • If the acoustics are poor in the gymnasium, housing the cafeteria immediately above  
18 it does not help. I did not witness food service, but was struck by a cafeteria on the  
19 third floor, seemingly undersized and spilling out sound directly into academic areas.  
20 In any kind of appropriately designed school building, the parts of the building that  
21 naturally are noisy are designed to be somewhat remote from the parts of the building  
22 that need to be quiet. Reasonable, quite instructional are fundamental to a sound basic  
23 education. This is not the case in Port Jervis Middle School.
- 24 • A school's library media center (LMS) should be the academic heart of the building.  
25 It needs to be a place where books, media, technology and students are actively  
26 integrated in ongoing learning. As I have been involved in the design of several  
27 library media centers, I am well acquainted with both the minimal and optimal  
28 elements for an effective LMS. The LMS at Port Jervis Middle School is grossly  
29 inadequate to meet the needs of the students that use it. Not only is it not up to  
30 standards for providing a sound basic education in the 21<sup>st</sup> century, it cannot be  
31 argued that it is up to standards to meet that task for most of the 20th century. There  
32 are a few older computers assigned to the LMS, but far too few to meet the needs of  
33 the number of students who should be using the library. It is undersized, poorly  
34 equipped and certainly not inviting to the kinds of interaction we know engages  
35 students in effective learning. Again, this is a clear example of physical space  
36 inadequacies impacting the district's ability to provide a sound basic education.
- 37 • Technology was simply inadequate. I noted one "computer room" with older  
38 desktops lined up in rows. The teacher in the room told me the computers were old  
39 and slow. They certainly appeared to be old and slow. This is another clear example



1 of inadequate resources impacting the district’s ability to provide a sound basic  
2 education.

- 3 • There was very little that was positive about the rest of the building. The principal’s  
4 office is not centrally located, and is not convenient to parents or visitors. It is also  
5 not convenient to the counseling office, which makes the kind of collaboration  
6 necessary to support students and families more difficult. The location of the office  
7 provides essentially no overall security.
- 8 • In wake of recent events at Sandy Hook Elementary School, the district has bolstered  
9 security at the middle school but still has a wholly inadequate system in place. At  
10 best, the security system in place at the middle school screens visitors. However, it  
11 could not stop an intruder.
- 12 • Science classrooms, although generally large enough for students, do not include  
13 adequate preparation and storage areas. This is an important shortcoming, as things  
14 that should be in appropriate storage or preparation rooms made their way into the  
15 classroom, thus limiting space available to students.
- 16 • Floors throughout the building are not level. Many classrooms have a hump between  
17 the room and the corridor. This is a particularly unfriendly environment for  
18 physically challenged students and a possible liability due to tripping hazards.

19 Although it is easy to list the building’s deficiencies, it is difficult to identify strengths.  
20 When I asked teachers about what they saw were the strengths of the building, they struggled,  
21 and finally mentioned adequate student lockers. I did notice that the building appeared to be  
22 appropriately cleaned. I visited toward the end of the school day, and made sure to note the  
23 condition of the rest rooms. Based on those observations, I thought the cleaning program more  
24 than adequate. My visits to the other buildings would confirm that the district’s maintenance and  
25 operations staff were doing a very credible job. The problem in the middle school was  
26 inadequate infrastructure caused by inadequate resources.

27 In the Campaign for Fiscal Equity case, Judge De Grasse ruled that the State had an  
28 obligation to provide sufficient resources to allow all studies access to a sound and basic  
29 education. He outlined seven categories of resources that contribute to this obligation. Two  
30 elements of that sound and basic education involve adequate facilities including “adequate and  
31 accessible school buildings with sufficient space to ensure appropriate class size and  
32 implementation of a sound curriculum and sufficient and up-to-date books, supplies, libraries,  
33 educational technology and laboratories.” Port Jervis Middle School meets neither criterion.  
34 Port Jervis should seek to replace its middle school. Renovation would be too expensive and the  
35 community would not meet its overall goals despite enormous expense. The problem with new  
36 construction is up front cost. I was able to access cost estimates for new construction. Assuming  
37 that the district built a new three grade middle school of approximately 155,000 sq. ft., and  
38 further assuming that the total project cost of that building were no less than \$384 per sf, the total  
39 cost of a new middle school would be approximately **\$59.4 million**. In my estimation, that would

1 be the minimal cost for this solution as an actual construction project might be several years  
2 away and there would be inflationary pressures on that estimate. Port Jervis has a selected  
3 building aid ratio of 75.9. Projects often include some non-aidable aspect, so it is reasonable to  
4 project that the community would be responsible for approximately 30% of a capital project.  
5 This could add approximately \$4 million per year to the local budget and over **\$1.2 million** per  
6 year to the local tax levy for a community that is the poorest and highest taxed in Orange County  
7 and a 5% constitutional debt limit, half of what is allowed in central schools. Moreover, Port  
8 Jervis is unable to deduct building aid from the debt computation as non-cities can, thereby  
9 effectively lessening the debt ceiling by at least another 50% thus limiting the capacity of small  
10 city schools districts to provide the infrastructure needed for a sound basic education.

11  
12 The optimal solution would be to convert the high school to a middle school, and build a new  
13 high school. High schools are larger and more expensive than middle schools, so assuming a  
14 205,000 sq. ft. high school, and \$308 per sf, an estimate for this solution is at least **\$81.3 million**.  
15 Under the current regressive approach to state support for small city schools, this may not be  
16 possible for Port Jervis.

17

18

19 **Program:**

20 There are several questions to be considered in addressing the program adequacy of a school  
21 district. First, does the program meet the mandates of the Commissioners Regulations? Second  
22 are there adequate opportunities to meet the special needs of advanced students, students with  
23 disabilities and students that struggle to achieve academic success? Finally, what do the  
24 educational outcomes of the program tell us about program adequacy?

25 I based my analysis of the first issue, mandates, on a review of district materials and  
26 interviews with the Assistant Superintendent for Instruction, one of the principals, the special  
27 education administrator and several teachers. It is my judgment, based on these interviews, that  
28 the district is meeting the minimal requirements of Part 100 and 200 of the Commissioners  
29 Regulations.

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

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

4 When I asked school leaders about program deficiencies, there was almost unanimous  
5 agreement that the district did not have the resources necessary to truly address the issues of it’s  
6 most needy students. Based on my analysis, I concur. Specific areas of deficiency include  
7 academic intervention services and programs for students with disabilities. Generally, Academic  
8 Intervention Services (AIS) are required for all students who score below the designated  
9 performance levels (level 1 or level 2) on elementary, intermediate, and commencement-level  
10 New York State assessments in English Language Arts, mathematics, social studies, and science;  
11 students who are at-risk of not meeting New York State standards as indicated through district-  
12 adopted procedures; students in grades K-2 who lack reading readiness; and Limited English  
13 Proficient (LEP)/English Language Learners (ELL) who do not achieve the annual performance  
14 standards. These services may be provided in a number of ways including but not limited to:

- 15 • Extra period(s)/time during the regular school day
- 16 • Within-class staff that reduces student-teacher ratio
- 17 • Before and after-school sessions
- 18 • Summer school

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

- 21 • Early reading assessments/literacy profiles
- 22 • Early assessment through literacy profile tools
- 23 • Elementary math assessments
- 24 • Performance on New York State assessments
- 25 • Performance on teacher created assessments
- 26 • Classroom performance
- 27 • Report card grades
- 28 • Observation and anecdotal records

29  
30  
31 Additionally a student may be referred through recommendation by a teacher, counselor,  
32 administrator, or other school staff and other measures identified by the district.

33  
34 An AIS plan that is robust and implemented with fidelity can have a dramatic effect on  
35 students who are struggling to make progress. In my interviews with district officials, they were  
36 adamant that one of the programs most affected by recent budget cuts was their AIS plan.  
37 Whereas they previously had begun to implement a more aggressive staff dependent program,  
38 those AIS positions were cut and student groups were increased. It is clear that additional and

1 improved AIS support services were needed, that group sizes needed to be reduced, and that staff  
2 with specialties in AIS needed to be recruited. For example, any ELA teacher can provide AIS  
3 for English. However, an AIS provider should have a degree in reading or perhaps special  
4 education and act as a dedicated AIS support both in class and on a pull out basis. This approach  
5 using dedicated AIS providers is not used extensively in Port Jervis, and clearly school  
6 leadership would like to develop, and in some cases redevelop this level of service. The  
7 Assistant Superintendent for Instruction emphasized that they barely met the letter of the  
8 regulation, and did not have a robust highly effective AIS plan, and that was a function of budget  
9 cuts. This is especially true at the Middle School.

10 A specific budget cut that will impact student success is in the area of counseling  
11 services. According to the most recent SED reports, the Port Jervis City School District had a  
12 2014 graduation rate of 75% as compared to its neighbor Minisink Valley, with 92%. The  
13 district has long been aware that its dropout rate was too high. To counteract that trend, the  
14 district introduced a position called “graduation counselor” which was a single counselor  
15 devoted to supporting students who were falling behind in credit accumulation and thus not  
16 graduating. That position was cut due to the recent reductions in state funding.

17 Students with disabilities also experience the impact of budget cuts. Although the district  
18 appears to be meeting its requirements under Part 200 of the Commissioners Regulations, its  
19 service options are limited and too often students are placed in programs outside of the regular  
20 classroom because the in class supports necessary to make inclusion a success are not always  
21 available. State wide, 57.8% of SWD are placed in regular classroom settings for at least 80% of  
22 the time and 11.7% of students are placed in regular classroom settings 40-70% of the time. In  
23 Port Jervis, only 40.7% of students are placed in regular classroom settings at least 80% of the  
24 time while 28.9%% are placed in regular classroom settings 40-70% of the time.

25 In my interview with the Director of Pupil Services, she shared her frustration in not  
26 being able to offer the full range of services found in other districts. Nowhere is this more  
27 pronounced than in the district’s program for students with Autism Spectrum Disorder. This is  
28 the fastest growing disability in the nation, now estimated to affect 1 in 80 children. Recently,  
29 the Director had a telephone call from a parent considering moving into the district. This parent  
30 asked specific questions about the District’s program for students with Autism Spectrum  
31 Disorder. The Director could only indicate that they were provided services as required by state  
32 regulation. Many districts offer a Multi-Intervention Program for Students with Autism  
33 Spectrum Disorder. These programs, though initially expensive, tend to have a long term  
34 positive affect on the student and often, in the long term, actually are less costly as the student is  
35 able to operate effectively in an inclusive setting. However, the initial expense requires an  
36 investment that a district like Port Jervis may not be able to make given the NYS School funding  
37 scheme that fails to fund programs for SWD until the year following implementation. This is yet  
38 another example of how the state funding scheme disproportionately punishes low wealth  
39 schools that cannot easily have their local taxpayers upfront the money for innovative programs

1 for SWD. Ironically, this could end up costing everyone involved more. Port Jervis, according  
 2 to its school report card, spends \$10.647 per student for regular education programming, slightly  
 3 more than similar schools but less than the state average. However, they spend \$31,337 per  
 4 student for services for SWD which is about \$1000 more per student than the state average but  
 5 much more than the similar schools average which is \$25,823. Shifting to innovative inclusive  
 6 instruction, in which more students are able to be educated with their non-disabled peers may  
 7 require a greater initial investment to support the regular classroom teacher, but result in better  
 8 programs that may cost less in the long run.

9 The third aspect of program analysis is student achievement. How effective is the school  
 10 program in providing a sound basic education to its students? To evaluate student achievement in  
 11 the Port Jervis City School District, I examined the current school report card and compared  
 12 results with those of several surrounding districts. For the benefit of the reader, I reintroduce the  
 13 demographic characteristics of those districts:

14  
 15  
 16

**Comparison District Characteristics**

	Port Jervis	Goshen	Minisink Valley	Monroe-Woodbury	Pine Bush	Valley	Warwick Valley
Enrollment (1)	2836	2853	4100	7034	5589	4566	3860
% in poverty	19.7%	8.4%	7.2%	8.9%	9.3%	9.6%	9.5%
% Economically Disadvantaged (1)	59	23	19	17	35	35	13
% Free/Reduced Lunch (2)	58.3	20.5	20.9	19.4	36.6	29.5	13.2
% Limited English Proficient (1)	1	3	1	3	1	1	1
% Students with Disabilities (1)	17	12	13	13	13	16	13
% Af Am (1)	9	5	5	7	11	10	5
% Latino (1)	12	16	13	19	16	18	9
% White (1)	75	75	80	67	68	69	83
% All others (1)	4	4	2	7	5	2	3
Avg Attendance (1)	93	96	94	95	95	95	95
Suspension Rate (1)	9	4	5	3	17	7	3
Per Capita Income (3)	24062	31586	30760	38303	28783	28033	40167
% Adults w/ Bachelors (3)	15.53	30.68	25.55	42.2	24.91	22.7	41.1
Avg home value (\$1000s) (3)	202.4	365	316.9	362	306.3	286.7	366.9
CWR (4)	.499	.974	.648	.872	.635	.691	.986
PNI (4)	1.491	1.163	1.173	1.138	1.287	1.253	1.092

1 1:2013 NYSSRC, 2:3/14, NYSED Child Nutrition Knowledge Center, 3:US Census 4:NYSED Output Reports

2 Again, the number of students in poverty comes directly from the most current United  
3 States Census Small Area Income and Poverty Estimate (SAIPE) 2012 data.. Enrollment and  
4 student characteristics as well as attendance and suspension data are from the most current SRC.  
5 Other demographic data is from the most recent census report. CWI and PNI are both from  
6 NYSED output reports. As noted, Port Jervis has the highest FRL rate and highest poverty rate  
7 of the sample.

8 In comparing district wealth, I use a measurement developed by the New York State  
9 Education Department called “Combined Wealth Ratio” (CWR). This is an index of the *total*  
10 *property wealth* and *total income wealth* behind each student. The average Combined Wealth  
11 Ratio throughout the state is 1.00. The Port Jervis City School District has a CWR of .499.  
12 This would suggest that Port Jervis is a very low-wealth District, especially compared to  
13 downstate districts in general and other districts in the comparison group specifically.  
14 A second measure we used is an index designed by the New York State Education Department to  
15 measure pupil need. The Pupil Need Index (PNI) is a measurement that includes FRL, students  
16 with Limited English Proficiency, and density. The PNI is part of the Foundation Aid  
17 calculation. Port Jervis has a PNI of 1.491. This is an especially high index number considering  
18 that the district has very few students with Limited English Proficiency which is part of the  
19 formula.

20  
21 Student outputs are presented as results on the NYS testing program. In the first comparison of  
22 student outputs, I present 3-12 cohort data for the 2012-13 NYSSRC for each of the comparison  
23 districts. As a summary to this section, I present data from the 2012 SRC.

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

26

Assessment % Passing	Port Jervis (rank of 7)	Goshen	Minisink Valley	Monroe- Woodberry	Pine Bush	Valley	Warwick Valley
ELA 4	18 (7)	35	22	37	34	40	48
ELA 8	24 (7)	42	44	50	29	25	45
Math 4	20 (6)	14	38	48	30	43	51
Math 8	7 (7)	35	24	51	11	22	35
Science 4	89 (7)	92	93	97	97	98	98
Science 8	70 (7)	85	86	88	74	85	86
Sec ELA	81 (7)	87	87	91	85	88	95
Sec Math	78 (7)	85	87	93	86	90	94

27  
28 In this analysis, Port Jervis ranks lowest of all the comparison schools in almost every  
29 area. Only 7% of grade 8 students in Port Jervis met state benchmarks on Math, suggesting

1 serious issues in high school. In fact, Port Jervis has the lowest graduation rate and highest  
 2 dropout rate of the comparison group. Based on these data, Port Jervis children require a highly  
 3 effective program of academic intervention services and a fully implemented Response to  
 4 Intervention (RtI) model to support struggling students. Yet, it was reported that the state budget  
 5 cuts have resulted in sharp reductions to AIS.

6 There is some necessary caution in using 2013 data as it reflects the newer Common Core  
 7 Learning Standards examinations and results may not be fully reliable. Thus, I now turn to the  
 8 **2012** School Report Card data to compare the performance of students in the Port Jervis City  
 9 School District on assessments prior to the introduction of the Common Core based standards  
 10 assessments. In this analysis, I also provide information on subgroup performance. With level 3  
 11 as proficiency, almost half of economically disadvantaged children fail to reach proficiency in  
 12 either ELA or mathematics as elementary/middle school students in Port Jervis. The percentage  
 13 of Students with Disabilities failing to reach proficiency is 89% in ELA and 80% in  
 14 mathematics., and this was using the prior assessments.

15

16 **Elementary and Middle School ELA Summary Performance of Port Jervis**  
 17 **Cohort Groups by Subgroup-2011-12**

18

	Number	Level 1	%	Level 2	%	Level 3	%	Level 4	%	% 3+4
All	1283	151	12%	569	44%	540	42%	23	2%	44%
Black	136	23	17%	59	43%	52	38%	2	1%	40%
Latino	132	15	11%	67	51%	50	38%	0	0%	38%
White	986	111	11%	435	44%	421	43%	19	2%	45%
SWD	238	113	47%	99	42%	18	8%	8	3%	11%
Eco Dis	759	114	15%	395	52%	361	48%	9	1%	49%

19 *Source: 2011-2012 NYS SRC <https://reportcards.nysed.gov/files/2011-12/ACC-2012-441800050000.pdf>*

20

21

22 **Elementary and Middle School Math Summary Performance of Port Jervis**  
 23 **Cohort Groups by Subgroup-2011-12**

	Number	Level 1	%	Level 2	%	Level 3	%	Level 4	%	% 3+4
All	1276	99	8%	465	36%	498	39%	214	17%	56%
Black	134	19	14%	47	35%	54	40%	14	10%	51%
Latino	132	14	11%	50	38%	48	36%	20	15%	52%
White	981	63	6%	360	37%	389	40%	169	17%	57%
SWD	235	68	29%	119	51%	38	16%	10	4%	20%
Eco Dis	755	71	9%	325	43%	273	36%	86	11%	48%

24 *Source: 2011-2012 NYS SRC <https://reportcards.nysed.gov/files/2011-12/ACC-2012-441800050000.pdf>*

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The secondary cohort results are also disturbing and that is hardly a surprise. When students do not receive a sound basic education at the K-8 level that prepares them for a meaningful high school education, it is unlikely they will be successful. With level 3 as proficiency, just more than half of economically disadvantaged children reach proficiency in ELA and only 23% demonstrate proficiency in mathematics as secondary students in Port Jervis. The score performance of SWD is more alarming. Only 17% show proficiency in ELA and 2% are proficient in mathematics. The very low percentage of every sub group of students failing to reach proficiency in mathematics is particularly disturbing. These are summary results from the 2012 School Report Cards on all secondary grades.

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

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

	Number	Level 1	%	Level 2	%	Level 3	%	Level 4	%	% 3+4
All	232	26	11%	50	22%	104	45%	52	22%	67%
Black	23									
Latino	20									
White	188	22	12%	33	18%	87	46%	46	24%	71%
SWD	42	21	50%	14	33%	7	17%	0	0%	17%
Eco Dis	111	12	11%	37	33%	45	41%	17	15%	56%

Source: 2011-2012 NYS SRC <https://reportcards.nysed.gov/files/2011-12/ACC-2012-441800050000.pdf>

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

	Number	Level 1	%	Level 2	%	Level 3	%	Level 4	%	% 3+4
All	232	36	16%	128	55%	55	24%	13	6%	29%
Black	23									
Latino	20									
White	188	28	15%	100	53%	47	25%	13	7%	32%
SWD	42	30	71%	11	26%	1	2%	0	0%	2%
Eco Dis	111	19	17%	67	60%	21	19%	4	4%	23%

Source: 2011-2012 NYS SRC <https://reportcards.nysed.gov/files/2011-12/ACC-2012-441800050000.pdf>

Again, subgroups under 30 are not reported. I now turn to the specific performance of the 2009 cohort group on each of the required NYS Regents' Examinations.

**Secondary Proficiency Levels of Port Jervis Secondary Groups 2009 Cohort**

		Math	Global	US	Science
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	ELA		History	History	
All	81	78	76	75	79
Black	79	86	79	79	86
Latino	71	65	76	53	53
White	81	77	74	75	80
SWD	35	21	27	33	35
Eco Dis	75	73	69	68	72

1 *Source: NYSSRC, 2012-13*

2 Based on the chart above, on average, over 20% of Port Jervis students failed to achieve  
 3 proficiency on the secondary cohort tests. For students with disabilities, that number is closer,  
 4 on average, to 70%. It is abundantly clear why the district continues to fall below the NYS target  
 5 of an 80% graduation rate. They are not receiving an adequate education throughout their school  
 6 program.

7 The charts below detail the low cohort graduation rates for the district, especially for  
 8 disadvantaged children, students with disabilities and children of color. These low graduation  
 9 rates, in my judgment, are caused by inadequate resources to meet the unique needs of these  
 10 students, and are a clear indication of the failure of the New York State system of public  
 11 education to provide a sound basic education and a meaningful high school experience to these  
 12 students.

13 **Four Year Graduation Rates of Port Jervis SHS by Subgroup-2013, 2014**

	2013 (%)	2014 (%)	NY State Standard
All	76	75	80%
Black	86	84	80%
Latino	41	-	80%
SWD	48	43	80%
White	78	73	80%
LEP	-	-	80%
Eco Dis	67	67	80%

14 *Source: NYSSRC, 2013-14*

15 Subgroups under 30 are not reported. In the following chart, I provide specific performance  
 16 information on Grade 4 and 8 ELA and mathematics as well as secondary cohort performance  
 17 for all students as well as SWD and economically disadvantaged students. Again, I use the 2012  
 18 data to avoid questions of reliability that may result from the 2013 data.

19 **Port Jervis Percent Proficiency 3-8 by Sub-group 2012**

Assessment % Passing	All Students	Students with Disabilities	Economically Disadvantaged
ELA 4	48	4	36
ELA 8	37	5	30

20

Math 4	60	15	52
Math 8	37	3	31
Sec ELA	77	41	78
Sec Math	75	24	74

Source: NYSSRC, 2011-12

Currently, New York State is focusing on what they have labeled as “college and career ready” goals for all students which they define, in part, as a grade of at least 80% on the Algebra Regents Examination and 75% on the English Regents. I inquired of the Port Jervis Counseling office regarding these numbers. They are illustrated in the chart below.

Cohort	2006-7	2007-8	2008-9
Graduation	2010	2011	2012
English	72%	75%	73%
Algebra	13%	13%	20%

The stark reality is that a very small percentage of Port Jervis students who start a graduation cohort in grade 9 are proficient in mathematics as defined as at least 80% on the examination.. If the students or Port Jervis City School District are to realize a meaningful high school education, they must have an expanded platform of services to provide remediation especially in mathematics. According the 2014 SRC, the percentage of students achieving the aspirational performance levels in Port Jervis remains low and well below the NYS average. Whereas the NYS average for all schools achieving the aspirational levels was 37% and 39% in the 2013 and 2014 cohorts respectively, only 27% and 20% of Port Jervis students achieved those levels.

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

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

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

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

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

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

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

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

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

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

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

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

32           **Comment: Port Jervis depends entirely on outside providers for a “universal”**  
33           **prekindergarten program that is not available to all students.**

34           **The 2012-13 class sizes in Port Jervis at the Kindergarten level were as high as 26,**  
35           **much higher than typically found in suburban districts. Class sizes of 26 are not**

1 aligned with developmentally appropriate practice. In 2013-14 Port Jervis was able  
2 to reduce those class sizes but was not able to reach a level that would prove  
3 adequate to provide a sound basic education to all of its children. *It is critical to*  
4 *realize that given the number of economically disadvantaged children in Port Jervis,*  
5 *class sizes and academic supports cannot be at the levels of other schools with much*  
6 *lower numbers of economically disadvantaged children.* These restraints are caused  
7 by inadequate state funding and severely limit the district's ability to provide a  
8 sound basic education to all children.

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

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

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

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

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

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

1           **required by the New York State Constitution to provide a sound basic education to**  
2           **all students.**

3    **Fiscal Challenges**

4           Port Jervis is a low wealth district with very limited resources. The district enjoys  
5    community support despite a disproportionately high local tax effort. In the following chart, I  
6    illustrate true value tax rates for each of the school districts in Orange County.

7                            **True Value Tax Rates-Orange County, NY 2013-14**

District	2013-2014 TV Rate
Chester	23.68
Cornwall	26.56
Florida	26.58
Goshen	22.57
Greenwood Lake	23.62
Highland Falls	18.49
Middletown	25.32
Minisink	22.41
Monroe-Woodbury	26.06
Newburgh	26.54
Pine Bush	22.98
Port Jervis	27.75
Tuxedo	13.55
Valley Central	23.29
Warwick	22.94
Washingtonville	25.85
Average	23.64
PJ % above average	17.4%

8    *Source: Orange Countygov.com*

9  
10           The 2013-14 True Value Tax Rate for the Port Jervis City School District is \$27.75 per  
11    \$1000 of True Assessed Value. The average for all school districts in Orange County was  
12    \$23.64. Port Jervis is 17.4% above the average for the county when its rate, which is the highest  
13    in the county, is included in the calculation.

14           A TVTR of \$27.75 is approximately 56% above the 2012-13 True Value Tax Rate for all  
15    school districts in New York State (\$17.79).



- 1 percentage of children eligible for Free and Reduced Lunch, has among the highest percentages
- 2 of children living in poverty and the highest Pupil Need Index in the group.

3 **Comparison Group-Economic Factors**

	Port Jervis	Goshen	Minisink Valley	Monroe-Woodbury	Pine Bush	Valley	Warwick Valley
Expend Per Pupil (1)	19,824	19,648	17,500	21,287	16,952	18,553	18,936
Similar District (1)	19,560	19,290	19,290	19,290	19,290	19,290	19,290
Per pupil exp with poverty (2)	12,468	15,974	14,706	18,194	12,557	13,743	16,758
Property Per TWPU (2)	305,613	595,314	391,221	521,907	371,564	429,869	581,055
Income Per TWPU (2)	76,889	150,597	101,704	138,299	103,424	104,815	159,099
CWR (2)	.499	.974	.648	.872	.635	.691	.986
Pupil need Index (2)	1.491	1.163	1.173	1.138	1.287	1.253	1.092
Enrollment (1)	2836	2853	4100	7034	5589	4566	3860
% in poverty	19.7%	8.4%	7.2%	8.9%	9.3%	9.6%	9.5%
% Eco Dis (1)	59	23	19	17	35	35	13
% FRL (3)	58.3	20.5	20.9	19.4	36.6	29.5	13.2
GEA amount (4)	2,175,209	1,672,268	3,446,766	4,193,527	5,971,101	4,238,673	2,456,607
GEA/pp with poverty	\$1,220	\$721	\$1,000	\$698	\$1,442	\$1,253	\$719
Total GEA/pp with poverty	\$6,688	\$4,045	\$5,390	\$3,853	\$7,738	\$6,683	\$3,983

4 Sources: 1:2013 SRC, 2:2013 Output reports, 3:March 2014 FRL Reports 4: NYSCOSS

- 5 There are a number of conclusions that can be drawn from these data, as follows:
- 6 • Based on Combined Wealth Ratio, Port Jervis has the least capacity to fund its
- 7 educational program and is the “poorest” district in the group.
- 8 • On the surface, it appears Port Jervis spends more per pupil than some schools in the
- 9 comparison group and more per pupil than NYS similar group districts. When poverty is

1 factored in, however, Port Jervis spends less than all but one of the comparison districts.  
2 This is a district making an enormous local effort to serve a very challenging population.

- 3 • Port Jervis has high numbers of children living in families in poverty and children from  
4 eligible for free and reduced lunch. Children from economically disadvantaged  
5 backgrounds require more expansive programs, or as Judge De Grasse noted, “an  
6 expanded platform” of services. Yet the actual per pupil expenditure difference between  
7 Port Jervis and other schools when poverty is factored in make a clear case that Port  
8 Jervis does not have adequate funding.
- 9 • In the 2013-14 state budget, Port Jervis lost \$2,175,209 in state aid due to the “gap  
10 elimination” provision. That is \$767 per enrolled pupil that year alone.
- 11 • According to the New York State Council of Superintendents, the enacted state budget  
12 for the 2014-15 school year will include a GAP adjustment of \$2,175,209. Since  
13 2010-11 when the state first started reducing school aid to solve its budget issues, the Port  
14 Jervis City School District has lost \$11,929,460. This amount represents a loss of  
15 \$4,206 per pupil. School districts had no choice but to cut services to students to make up  
16 for this loss as they also had to confront increases in mandated expenses. If poverty is  
17 factored in, that loss is \$6,688, the second highest in the comparison group.

### 18 Additional Resources Necessary

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

28 **Provide high quality pre-kindergarten services with wrap-around component.** Currently,  
29 the so-called NYS Universal Kindergarten Program is anything but universal, serving only a  
30 small portion of Port Jervis students. State support for the program is only \$304,775. What that  
31 buys is a program that is fundamentally inadequate as it only serves a small portion of all four  
32 year olds, is only half day and has no wrap around component. I recommend the program be  
33 expanded so that all children have access to a full day program with a wrap-around component.  
34 Such a program available to all students would cost approximately **\$3 million**, including  
35 transportation, according to the Port Jervis business official. Increased support for pre-k was  
36 approved as part of the 2014-15 NYS budget. However, Port Jervis would also require the  
37 construction of additional classrooms, which I note under building improvements.



1 **Create appropriate elementary class sizes.** Baker notes that the American Institute for  
2 Research and Management (AIRA) conducted a study of elementary class size guidelines  
3 required to provide an adequate level of education in New York State. The AIRA professional  
4 judgment panels recommend class sizes for elementary grades in high poverty districts closer to  
5 the numbers I recommend in this report. Specifically, Baker calculates that for Port Jervis,  
6 average elementary classes sizes be **15.42** pupils.

7 Port Jervis has class sizes considerably larger than 15.42. The district should establish class  
8 sizes of no more than 16 in kindergarten, 17 in grade 1 etc. until it reaches 20 in grade 4 and  
9 maintain those class sizes until grade 6.

10 Using the ramping-up approach, and continuing to recognize the impact of class size on children  
11 from economically disadvantaged homes, I project an additional 13 elementary teachers and 2  
12 support faculty just to make the class sizes workable for schools with high numbers of  
13 economically disadvantaged children. This would not put the Port Jervis City School District at  
14 the level noted by AIRA, but move to a level of manageable class size for all students.  
15 Approximately 14 new sections with aides and two support faculty, plus support faculty,  
16 classroom aides and materials projects to approximately **\$2.36 million**.

17 **Improve Academic Intervention Services.** It is not realistic to expect the core instructional  
18 program to provide the remediation necessary to overcome the effects of poverty on young  
19 children. A robust system of academic intervention does not rely on the core instructional  
20 program to overcome deficits caused by the effects of poverty. In a school with high numbers of  
21 economically disadvantaged children, a single reading specialist can be expected to support up to  
22 three to four classes, assuming that the class sizes in those classes are reasonable. In Port Jervis,  
23 this would mean about nineteen (19) specialists for grades K-6, an increase in reading specialists  
24 of approximately eight (**8**). This would allow a combination of primary and support instruction  
25 to the neediest students. Assuming a cost of \$100,000 per teacher with benefits, a total first year  
26 investment of **\$800k** would be required to provide the appropriate level of support in reading.

27  
28 Additional AIS support should also be provided in mathematics, as scores on NYS  
29 examinations are too low. I estimate about half the number of reading specialists are needed for  
30 math AIS support, or 10 specialists for a total cost of **\$1 million**.

31  
32 Very low scores on the grade 8 ELA and mathematics examinations suggest a need for  
33 increased academic intervention support. Two (2) additional reading teachers and two (2)  
34 additional mathematics teachers serving grades 7 and 8 would cost an additional **\$400k**.

35  
36 Additional support teachers are also needed at the high school level. I estimate that at  
37 least two (2) teachers each in mathematics and ELA for a total of four (4) are required to keep  
38 students on track to graduate. Very low performance on the Regents examinations in social  
39 studies and science suggest a need for additional academic intervention in those subjects as well,

1 resulting in four (4) additional teachers for a total of 8 at the high school level. I estimate initial  
2 costs of **\$800k** to improve academic intervention services at the high school.

3  
4 In the NYSED Diagnostic Tool for School and District Effectiveness (DTSDE), six  
5 tenants are presented which together create a framework of a K-12 school operation. Tenant  
6 Five is Student Social Emotional and Developmental Health. According to best practice, as per  
7 the DTSDE, an effective school district identifies, promotes, and supports social and emotional  
8 development by designing systems and experiences that lead to health relationships and a safe  
9 effective environment that is conducive to learning for all students. Port Jervis has the highest  
10 dropout rate and lowest graduation rate for the comparison group. Prior to the budget cuts, Port  
11 Jervis had a high school counselor specifically devoted to working with students at risk of not  
12 graduating. Port Jervis also has a high rate of student suspension.

13 Officials at Port Jervis believe they can begin to address these issues with a more vibrant  
14 system of student-family support. Currently there are only four (4) school social workers in the  
15 Port Jervis district. The National Association of School Social Workers has standards of 250:1,  
16 similar to school counselors. If the district were to meet these standards, they would need to add  
17 seven (7) school social workers. Assuming a cost of \$120,000 per social worker, this would  
18 result in additional expenditures of approximately **\$840k**.

19 Port Jervis has an immediate need to implement a robust system of credit recovery for its  
20 underperforming secondary students. Credit recovery can include tutoring, after school and  
21 evening classes, summer school, online programs and other approaches. At minimum, an  
22 aggressive credit recovery program, in addition to ongoing AIS would require two additional  
23 teachers at the high school, or **\$200,000**.

24 In total, I estimate that the basic costs for additional faculty to make it possible for Port  
25 Jervis to provide a sound basic education and provide a meaningful high school education  
26 including adding pre-kindergarten for all students is approximately **\$16.6 million** in the initial  
27 year. These costs would increase with inflation over the years. This does not include upgrading  
28 of instructional materials and technology, reinstatement of after school programs, clubs and  
29 intramurals that were cut as part of the many budget reductions made since 2008. Port Jervis has  
30 done a remarkable job of maintaining as much of its core program as possible and the  
31 community makes the highest local effort in the county. Still, they are far short of providing a  
32 sound basic education of all of their students.

### 33 **Professional Development**

34 A common theme I heard from almost every administrator I interviewed was that the district did  
35 not have the capacity to provide the level of professional development necessary to fully  
36 implement RtI, the common core state standards or any of the reform initiatives that are part of  
37 the Regents Reform Agenda with the level of fidelity necessary to insure success. The

1 Superintendent proposed an immediate addition of **10 teacher leaders** with expertise in literacy  
2 to support the general education classroom teachers. It was also proposed that teacher time be  
3 extended by at least 10% to accommodate professional development, whether this extension is  
4 after school or during the summer or some other time would be a subject of collective  
5 bargaining. What we do know is that extended time usually does not require the same costs as  
6 regular time, as this is often an hourly supplement. Assuming 120 additional hours of PD for  
7 every teacher and administrator in the district, at a cost of \$50 per hour inclusive of outside  
8 support, I project a rough estimate of \$1.45 million in professional development costs.  
9 Additionally, a PD specialist should be added. This along with the 10 teacher leader coaches  
10 would add approximately **\$1.34 million** to the PD initiative resulting in a total investment of  
11 approximately **\$2.79 million**, a small slice of the total cost of faculty and administration. Just  
12 adding people will not work. Increased capacity and a commitment to best practice must both  
13 exist in order to provide a sound basic education to all children in the Port Jervis City School  
14 District. Professional development that is ongoing, embedded, relevant, and rigorous is key to  
15 establishing and maintaining best practice. The Regents have clearly defined what best practice  
16 looks like in the Diagnostic Tool for School and District Effectiveness (DTSDE). Without  
17 increased capacity including a commitment to professional development, Port Jervis has no  
18 chance to meet the higher levels identified in the DTSDE document.

19

## 20 **Building Improvements**

21 Earlier in this report I estimated that the cost to provide a new middle school would be no  
22 less than **\$59.4 million** and the cost to build a new high school no less than **\$81.3 million**. I  
23 believe both of these estimates could be understated given inflation and the generally higher  
24 costs in the New York metropolitan area. But even these estimates are probably beyond the  
25 capacity for Port Jervis given its current building aid ratio and the already high tax rates in the  
26 district. Adding classrooms for pre-kindergarten could add additional costs to a capital project.

27 In total, I estimate to bring the district to the level of service by which they could in fact  
28 provide their students with a sound basic education and a meaningful high school education  
29 would cost approximately **\$12.2 million** in additional expenditures on the existing K-12  
30 education program plus additional investments in pre-K and building improvements, specifically  
31 a new middle school and pre-k classrooms .

32 According to the NYSASCSD, the total of the Gap Elimination Provision and  
33 underfunding of Foundation Aid in the Port Jervis City School District was **\$15,508,907 in the**  
34 **2013-14 school year**. This underfunding was passed on to the taxpayers in the form of the  
35 highest true value tax rates in the county, and the students, in terms of a diminished program that  
36 is not providing them too many of them with a sound basic education.

1 Without doubt, if the Port Jervis City School District is to meet the criteria of a sound  
2 basic education required by the New York State Constitution, and if it has any chance to provide  
3 a meaningful high school education, substantial increases in state support are imperative.

4 Respectfully submitted,

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6 Stephen J. Uebbing, Ed.D.  
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1 **Resumé**

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4 Canandaigua, New York 14424

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

5  
6 **CLINICAL SCHOLARSHIP**  
7

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

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

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

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

26  
27 **SELECT PUBLICATIONS**  
28

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

44 **SELECT PRESENTATIONS & WORKSHOPS**  
45

46 “Implementing Technology in the High School Curriculum,” New York State School Boards  
47 Association Annual Convention, 1991.

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

17  
18 Numerous other speaking presentations.

#### 19 20 **ORGANIZATIONAL HONORS AND AWARDS**

21  
22 National Blue Ribbon School Award, Harry Hoag School, 1987.  
23 Regents Challenge Middle School Recognition, 1991-1992.  
24 Regents Citation as Exemplary Excellence & Accountability Program Participant, 1992.  
25 National Blue Ribbon School, Canandaigua Academy, 1995-1996.  
26 American School Board Journal’s Pinnacle Award, 1995; Magna Award, 1996, 1998, 2006  
27

#### 28 **PERSONAL HONORS**

29  
30 Yearbook Dedication (Fort Plain, 1984)  
31 William J. Mitchell Award (Canandaigua Chamber of Commerce, 1995)  
32 Four-Way Test Vocational Award (Canandaigua Rotary Club, 1999)  
33 New York State Superintendent of the Year (American Association of School Administrators, 1999)  
34 Paul Harris Fellow (Canandaigua Rotary Club, 2000)  
35 Chapter V Distinguished Service Award, NYSPHSAA, 2006  
36 NYSCOSS Distinguished Service Award, 2009.  
37

#### 38 **PROFESSIONAL ASSOCIATIONS**

39  
40 New York State Council of School Superintendents, Executive Committee  
41 Horace Mann Association  
42 Association for Supervision and Curriculum Development  
43 American Association of School Administrators  
44 Learning Forward  
45

1 **ASSOCIATED PROFESSIONAL ACTIVITIES**

2

3 Completed Xerox Total Quality Management Training  
4 Senior Examiner, Governor's Excelsior Award Program  
5 Certified Trainer, Seven Habits of Highly Effective People, Four Roles of Leadership  
6 Member, Commissioner's Advisory Council

7

8 **COMMUNITY INTERESTS**

9

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

14

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

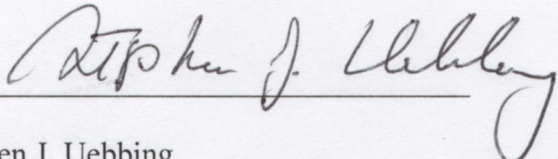
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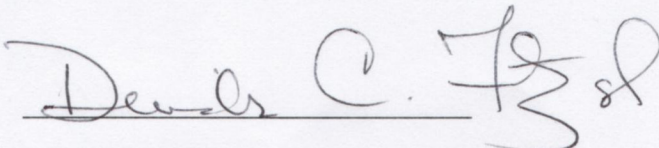
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I hereby affirm that the foregoing report is true and accurate to the best of my knowledge.

  
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Stephen J. Uebbing

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

  
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Notary Public

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