

THE EAST RAMAPO CENTRAL SCHOOL DISTRICT

Issues and Suggested Solutions

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EXECUTIVE SUMMARY

Moral hazard exists when an individual or an organization is protected from risk of penalty of some form for actions and policies which negatively effect others. The policies and actions of this school board have decreased the educational opportunities, and potentially the future quality of life, of thousands of East Ramapo public school children. Under current New York State school law such a board of education can continue in its behavior without consequence to its individual members. Relief from such governance is necessary.

We have focused on four major areas of concern:

1. Board of Education decisions since 2005 regarding educational and financial matters which have a negative impact on student achievement.
2. The absence of a commitment by this school board to every child's civil right to public education as established in State Education Law, Commissioner's Regulations, and the NYS Constitution.
3. School law, which does not hold school boards accountable for educational outcomes, has allowed a downturn in student performance in East Ramapo not seen in any other school district in Rockland County.
4. The failure of legal checks and balances to ensure that funds are spent for the authorized purpose.

The educational disservice to thousands of district students has been progressive over the past five years. We have seen deterioration of our educational programs, our buildings, and our financial resources. There is alienation and deep-seated mistrust between the community that uses and supports public education and the religious communities whose representatives dominate the current school board. The Board has failed to correct some actions found to be illegal by NYSED, leading to a loss of state funding. The legality of other actions is being investigated by various state and federal agencies. The incidents we describe in this document represent issues that in the aggregate reflect the fabric of overall poor policies, actions and inactions, which have led to this current urgent situation. East Ramapo needs a comprehensive fiscal and administrative overhaul in order to return to the task of educating children.

We conclude by offering recommendations to you, as requested, for moving forward. We suggest a few immediate steps as well as longer term directions. The attached document is a compilation of our thoughts, concerns, and supporting data. Clearly something needs to be done quickly to right the wrongs being perpetuated on all the children whose lives are being compromised.

BACKGROUND AND HISTORY

Since its creation as a central school district in New York State in 1952, the East Ramapo CSD has served a uniquely diverse community. Over the past forty to fifty year span, this diversity has multiplied. One of the results is the present student population that is comprised of a two times larger non-public student body than in the public schools.

During the 1970's and 1980's, this diverse student population with complex needs was supported through the passing of school budgets by the community. Various educational programs were put into place that enhanced student performance. These reform efforts were based on best practices which had proved successful in other like public school districts. The difficult economic downturn of the 1980's led to a strong no vote on budgets from the community and particularly from those affiliated with the non public schools. For the most part, many in this community had to make difficult economic choices. This was compounded by the view that non-public school students and their families were not direct beneficiaries of the public schools and their budget. The District, in turn, heard this loud message and did everything within its legal power to provide for a sound and equitable education for and to limit tax increases despite increased fixed operating and contractual costs.

Throughout the 1990's, East Ramapo's budget to budget increases as well as resulting tax increases were the lowest in Rockland County and among the lowest in New York State. During this time frame, two budgets were defeated. However, with modest adjustment, were passed on the second vote. Further, during this time period, the non public school community succeeded in electing some members to the Board of Education to assure, in their thinking, appropriate representation. The District's administrative staff and the majority of the Board felt that the District was working cooperatively with the non-public school community. Regular meetings were held with the non-public school administrators to discuss educational support issues and to assure that the district was providing all of the educational entitlements to the students who attend these schools. This cooperation led to many successes, among them, education law being passed which provided East Ramapo with additional State aid thereby covering a greater percentage of the cost of student transportation for both public and non-public student alike. All legally permissible services were provided to the students in non-public schools including transportation, textbooks, remedial reading and math services, professional development of staff, health/psychological services, technology equipment and software, Pre-kindergarten, as well as administrative support. There is a memo dated May 19, 1998, from Kathy Ahearn who was the Counsel and Deputy Commissioner for Legal Affairs for NYSED. In the memo she spells out what may and may not be provided for "Special Education ...to Students with Disabilities Enrolled in Religiously- affiliated Schools. This served as the guide for East Ramapo's decisions.

During this period, the District's sole focus was centered on improving the instructional delivery of educational services for students. The Superintendent, Board of Education members, teachers, administrators, support staff, parents, students and interested community members participated directly in these efforts. The process included: bi-weekly public study sessions by the Board with staff discussing school improvement plans; weekly staff meetings with the Superintendent reviewing professional development work on-going in the district; as well as, beginning of the year goal setting sessions with staff, Board members, parents, community members, and administrators; and follow up mid year assessment sessions.

These activities resulted in the “work” of the district: identifying the factors that influence student success and building capacity to improve our positive impact on those factors. These educational improvement activities led to the creation of various initiatives including: the use of student assessment data to inform instruction classroom by classroom; smaller learning communities at the High Schools; integrated family groupings at the elementary level; strengthening the Curriculum and Instruction department of the District; use of Instructional Facilitators at the elementary schools; reinforcing the District’s “experimental” Pre-Kindergarten program, full day Kindergarten; freshman learning centers; support for the National Teacher certification program; creation of instructional technology to enhance delivery of instruction; and many other individual school and classroom instructional activities. Sadly, the process which allowed these initiatives to be created and the initiatives themselves are no longer a part of the East Ramapo CSD because of the Board of Education’s policy decisions. Neither the analysis of educational practices and policies nor their impact have been a significant part of board meetings since 2009. The transparency that had been a priority of earlier school boards has disappeared completely over the past 4-5 years.

During this time the District assisted in the identification of students suspected of having a handicap. While the work of the Committee on Special Education continued to identify children regardless of where they would attend school, the ultimate recommended placement for religiously affiliated students became a key issue in the non-public school community. In many instances, the parents of these children agreed with the findings of the CSE, however, they did not agree with the recommended placement (according to law, the least restricted environment). These parents felt that the placements were not culturally or religiously sensitive to the children’s needs and background. Since there was nothing within law or Commissioner’s regulation to include these factors in student placement, the CSE did not accept the parents’ request. The parents did request and were granted an impartial hearing on the matter. In all of these hearings conducted by New York State Education Department approved hearing officers, the CSE’s recommendations were upheld except for rare technicalities.

It is believed by many residents of the community that the failure by the District to accept religious/cultural factors in special education placements for non-public school students spearheaded this community’s desire to hold the majority of the Board of Education’s nine seats. While, as indicated previously, the Board, for the past fifteen years had representation from the religiously affiliated non-public community, it was the Board election of May, 2005 that gave the majority to this segment of East Ramapo. Over the past several years that majority has grown from a simple majority to one in which seven of the nine member Board of Education have a direct affiliation with the religious non-public community.

STATEMENT OF THE PROBLEM

The plight of school-age children attending the East Ramapo Central School District (ERCSD) has been chronicled in print and video media for the past five years and was the subject of an NPR program heard by millions across the nation. During the past five years, each student's opportunities to learn have continued to diminish and the school system, once one of the highest performing districts for diverse populations, now has a dismal reputation. This decline is not simply attributable to funding challenges facing school districts all over the nation: the origin of the problem in East Ramapo is a more complex matter.

Public education in this nation is considered a civil right and a taxpayer financial obligation. East Ramapo serves two communities with differing perspectives on the role and responsibilities for public school education. One group sends its children to private schools and seeks to minimize their tax burden through increasingly severe budget cuts. The second group uses the public schools and wants top schools for its children, with all students performing at or above proficiency, regardless of; this community is willing to increase funding or reallocate funding in order to boost student performance. This raises the question of moral responsibility.

In East Ramapo, since 2005 the elected Board of Education, consisting of nine trustees, has consistently made decisions that reduce essential educational resources for the public school population and has shown no interest or knowledge about how the resulting conditions diminish the future aspirations of students, the overwhelming majority of whom are children of color and children whose families live at or below the federally determined poverty level. (Charts 1 & 2) Conditions essential to improve life chances for students of color and for those living at or below the poverty level appear in archived reports and media publications and are not repeated in this section.

CHART 1

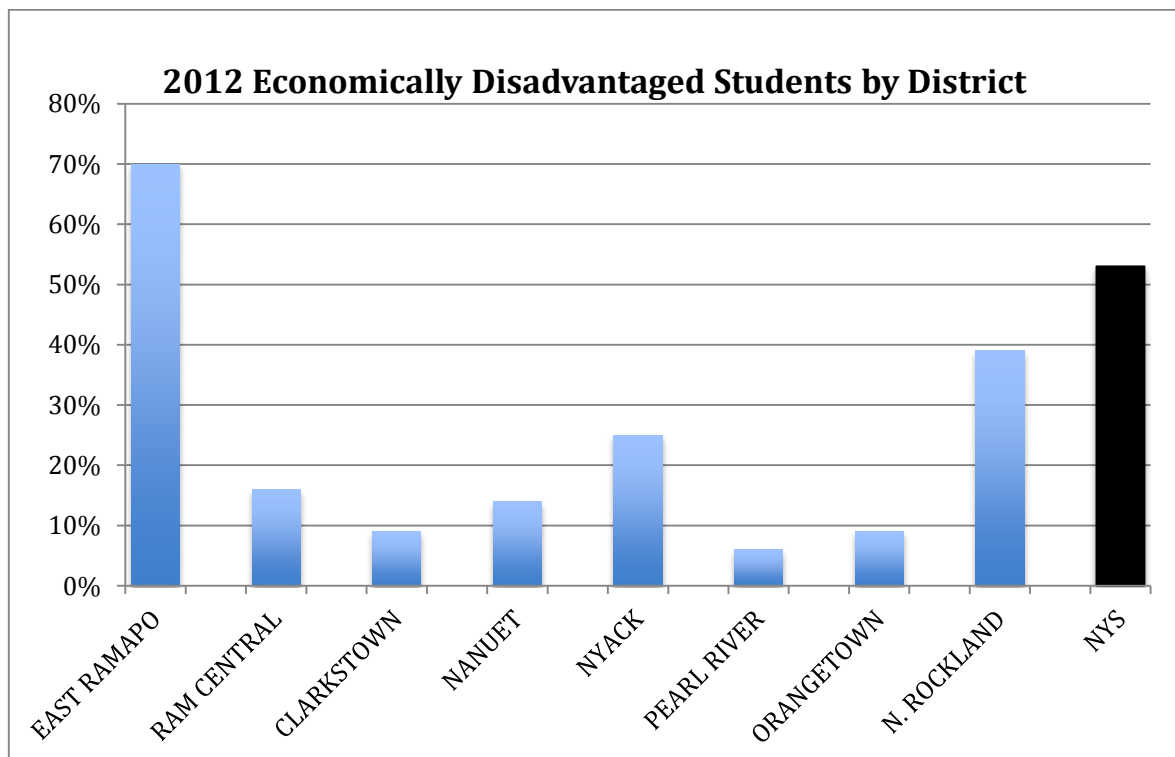
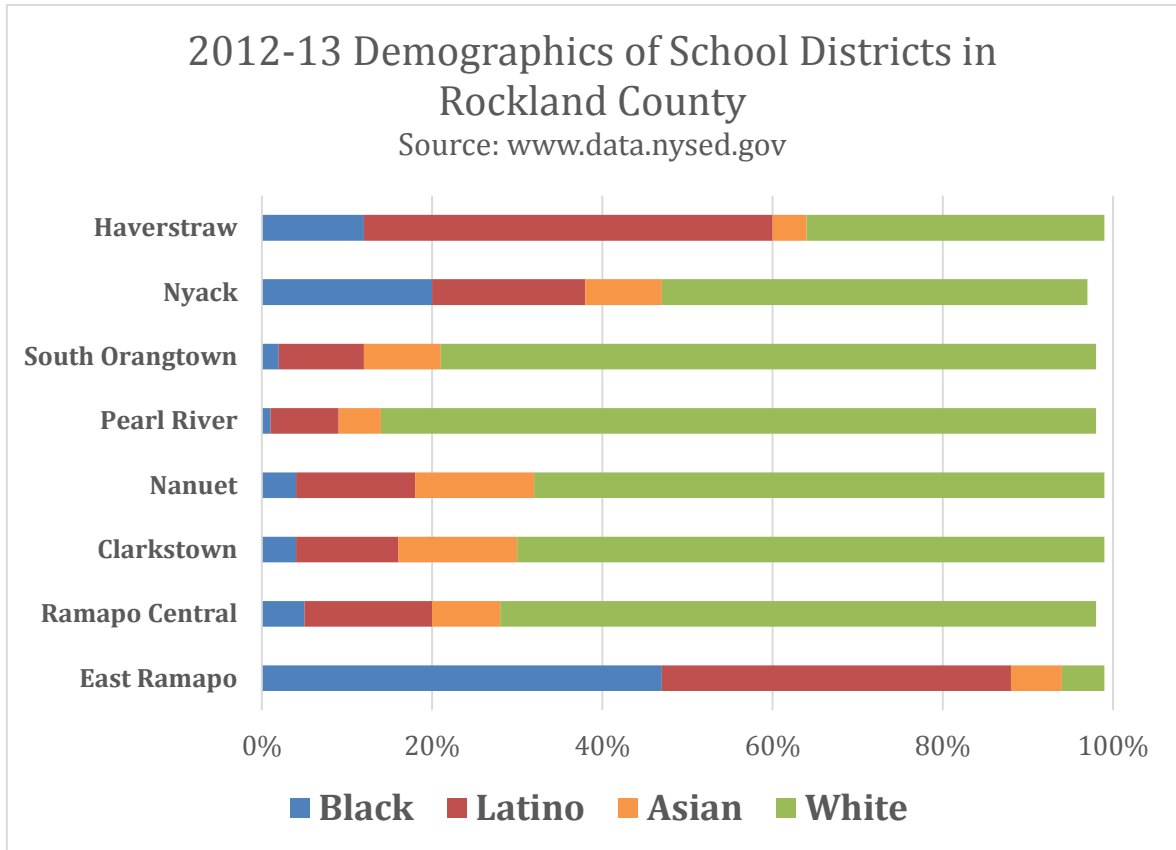


CHART 2



The laws which established local control of public education did not establish a mechanism for holding local school boards accountable for the academic success of its students. New York State Education Law, in its chapter on School District Liability and School Insurance, states that a school district cannot be held liable for educational malpractice. Such actions are barred “because the courts will not second-guess the professional judgments of school officials and educators in selecting and implementing educational programs.” (NYSSBA School Law Manual, 31st Ed., 26:11) What recourse does exist has not been effective. A letter dated December 13, 2011, brings a Federal audit to abrupt closure without conclusions. It does not even acknowledge the problem. In fact, this letter asserts that “closure of this audit should not be interpreted as agreement with or endorsement of areas reviewed.” (See Attachment 1)

The damage to our economic system by the loss of future potential taxpayers puts this community and by extension, this nation, once again “At Risk.” The issues that framed the 1983 publication of Secretary Bell’s Commission continue to exist today in East Ramapo. Our students are having their fragile lives unjustly blighted by a system of governance that consigns them to less than an adequate educational program, one which fails to prepare them for future roles as fully participating members of society.

In this communication we restate the problems that require attention and urgent resolution. We insist that the resolution focus on remediating continued violations of a student's civil rights to a sound, basic education that were guaranteed in the landmark case, Brown vs. The Topeka Board of Education decision which declared education to be a right which must be available to all children on equal terms. In 1965 Congress, in a bipartisan move, approved the Elementary and Secondary Education Act. The law has been reauthorized seven times by Congress and, again in 2000, with the bipartisan approval of President Bush's reauthorization as No Child Left Behind. In 2010 President Obama signed into law an amendment to NCLB that is intended to level the playing field for children of poverty and children of color. The premise recognizes local control of public education and, using the powers of federal funding mandates, seeks to hold all local school governing boards accountable for the academic success of America's most educationally fragile population. These are the children who enter the school doors in East Ramapo every day.

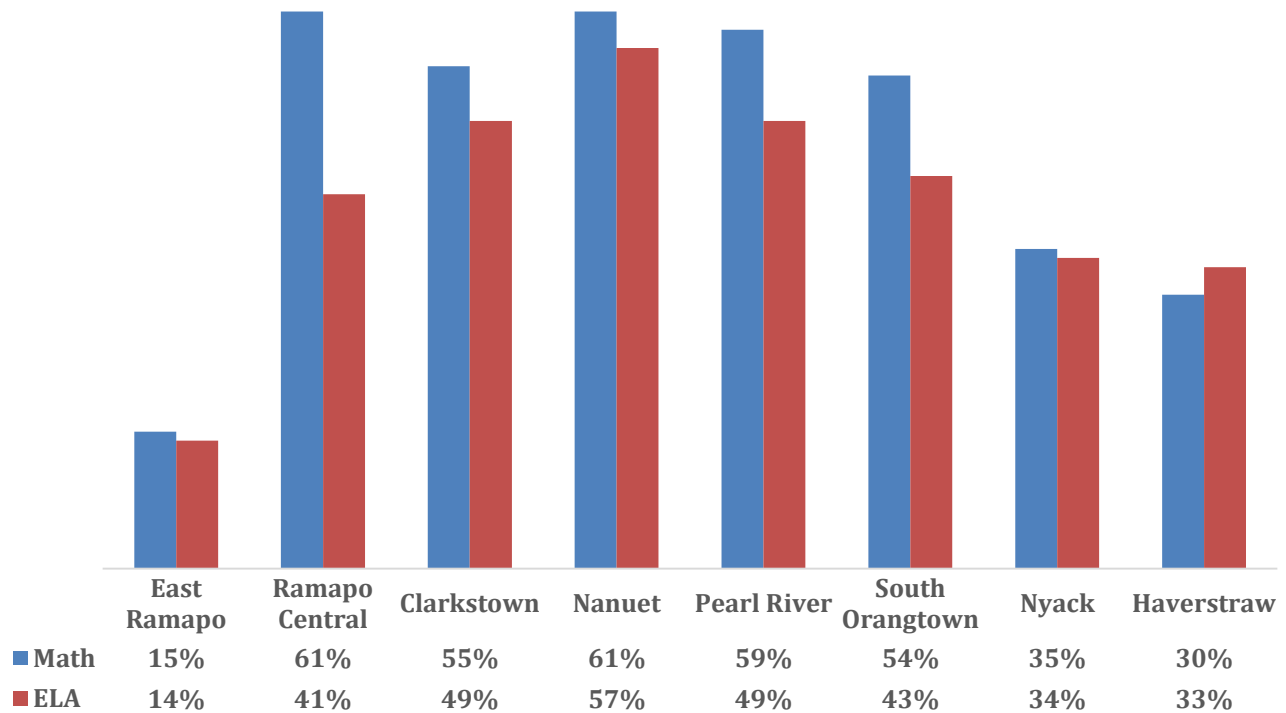
The NCLB law further seeks to ensure that local governing school boards be held accountable for meeting the intent and spirit of the law. The issue of consequences for failure to meet this mandate, after accepting federal dollars to do just that, has not been fully developed.

MANIFESTATIONS OF THE PROBLEM

1. Achievement disparities: A multi-year review of the state assessment results for students attending the East Ramapo Central School District looks at data on graduation and dropout rates, scores on the 3rd to 8th grade English and Math tests and on the Regents exams that are now required for high school graduation. It shows that ERCSD student performance is below the average for Rockland County. In fact, the MAJORITY of East Ramapo 3rd-8th grade students test at Level I, "Well Below Proficient." The data indicate that student test scores are far below the definition of a successful school developed by the State Education Department wherein at least 80% of students reach proficiency. (Charts 3-5)

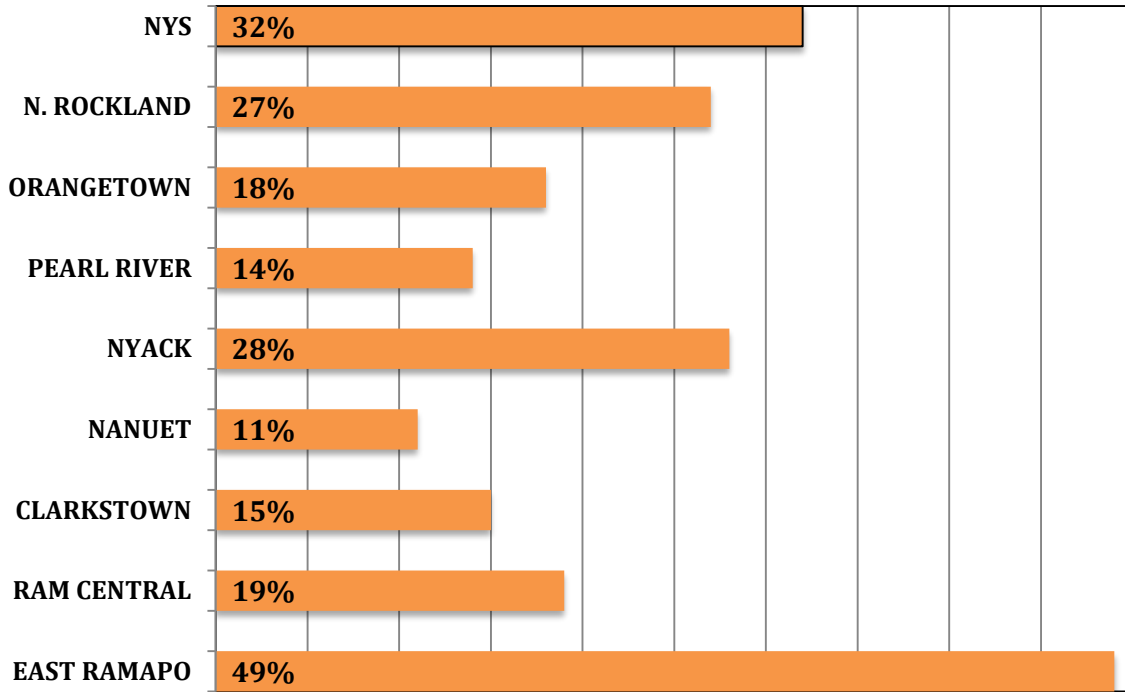
CHART 3

STUDENTS PROFICIENT AT MATH AND ELA
Grades 3-8 for the 2013 and 2014 School Year
Source: www.data.nysed.gov

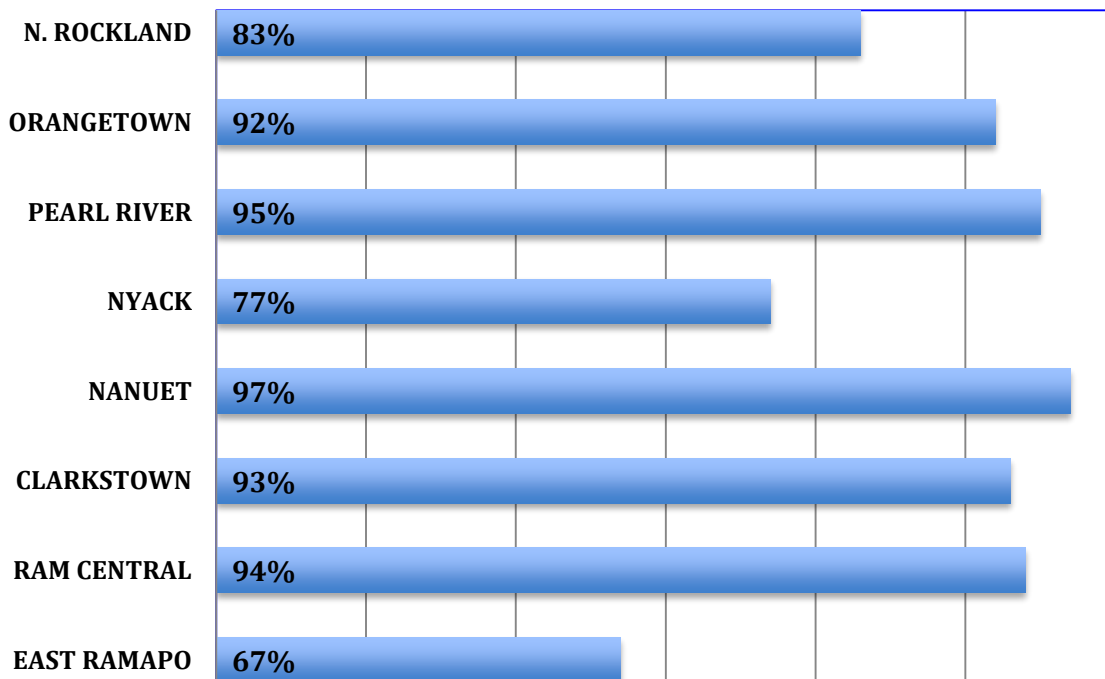


CHARTS 4 and 5

**3-8 grade students WELL BELOW PROFICIENT
(Level 1) in ELA 2013-14**



2013 GRADUATION RATES by SCHOOL DISTRICT



2. These chronically poor results demonstrate the Board of Education's failures to provide the opportunity for a sound basic education and are the direct consequence of their actions to reduce property taxes, support austerity budgets and to divert funds for expenditures that are not authorized in the budget presented to the public. (A comparison shows that all other districts in the county have increased their budgets by 50% during the past 10 years. Only East Ramapo has kept budget increases at 30% over the same time period.) The expenditures have been found in some instances to violate federal or state regulations. As a result of the Board of Education's failure to provide adequate funding for the public school students, it continues to fail to meet the constitutional parameters as defined by the NY Court of Appeals case referred to as the Campaign for fiscal Equity.
3. Failure to meet evolving educational goals and standards: Neighboring school districts use taxpayer, state and federal funds to upgrade facilities, expand the availability of technology tools, strengthen the college and technical programs to prepare students for post high school success and support the investment in professional development to maintain a well trained staff. The East Ramapo District has pursued an opposite path. During the five year period from 2009-14, when a combination of increasing costs and reduced state funding put severe pressure on public school programs, other district in Rockland raised property taxes by an average of 25%, East Ramapo only raised taxes by 9%.
4. Facilities are in disrepair; they are rapidly deteriorating and are dangerous to the health and well being of the entire school community. Buildings are marked by peeling paint; a rodent population in halls, cafeterias and classrooms; leaking roofs, and athletic fields that are poorly maintained. The buildings that the kids enter every day and live in for 6 hours a day, ALL have been identified as "Unsatisfactory" in the 2010-11 building inspections. (Attachment 2) All these conditions have a negative influence on lowered student achievement. This constitutes a Violation of Students Civil Rights.
5. Those residing in East Ramapo view the described problems from different perspectives. There is basically a public/secular community and a religious school-affiliated community, and they are at odds. At school board meetings, there is no public discussion of the impact and consequences of removing educational programs from the public schools to meet the bloc voters' demands both to reduce school taxes and to reduce spending on public school education in which they do not choose to participate.
6. Significant recurrent non-budgeted expenses, such as legal expenses, drain resources away from public school students. East Ramapo spent \$2,676,782 on legal expenses in just the last year. Clarkstown Central School District, with a similar total budget to East Ramapo, spent \$638,548 in the same period.

7. Actions taken by the district that have been found to be illegal are negatively impacting the budget. NYSED has stopped reimbursements for illegal special education placements. The sale of Hillcrest Elementary resulted in an investigation by the NYS Attorney General resulted in the arrest of the district's appraiser and increased legal costs for the district. (Attachment 3)
8. The district has opened school each year for the past three years with a revenue shortfall that fails to balance projected expenditures with anticipated revenue. The operating principle for districts facing revenue shortfalls is to institute a balanced approach to closing deficits, one that relies on a variety of strategies. A balanced approach helps to assure that no one segment of the school community bears the brunt of induced deficits. A balanced approach seeks to minimize educational harm to students. Instead the board does not present ideas to the public for review before implementation. The district continues to rely on onetime revenues, from the sale of buildings, for meeting recurring and mandated expenses. The threat of a fiscal cliff is ever present and harmful to student needs.
8. Real estate transactions affect the East Ramapo educational offerings in more subtle ways. In 2010 Hillcrest Elementary School was closed and its students were moved to the Freshman Center, which housed the 9th graders of Ramapo High School. The 9th graders were moved over to Ramapo HS creating an enrollment of approximately 1,450 students in a building whose functional capacity is 885. To state the obvious, the overcrowding in Ramapo HS is crippling.

Another concern relates to the question of how much of the Board's actions stem from individual special interests. Several of the school board trustees have/had direct ties to the real estate industry. (www.lohud.com/eastramapo) The non-public school community has an ever- increasing need for more school space. The conversion of public schools does ease the tight market for those engaged in the real estate business. (Attachment 4)

BOARD ACTIONS WHICH LED TO THE AFOREMENTIONED DISPARITIES

1. Board-approved budgets fail to meet the costs of mandated and contractual services nor the cost of programs necessary for improved student learning.
2. Program cuts are significantly beyond those of neighboring school districts. (Attachment 5)
3. Exhaustion of Reserve Funds in order to lower the tax rate
4. Board decisions which are perceived as satisfying private school demands:
 - a) Colton rental/sale
 - b) Hillcrest sale
 - c) Hiring of Minerva-D'Agastino law firm, which was known for its ability to circumvent Special Education regulations. That nomination did not include input from public school board members.
 - d) Unwillingness to reappointment Special Ed administrators to the Committee for Special Education so that the CSE would be unable to function (Fall 2009)
 - e) Special Ed placements contrary to state education regulation resulted in an inability to be reimbursed by NYS. The BOE and trustees fail to adhere to the spirit and intent of Commissioner's regulations Part 200. Failure includes failure to implement the provisions of section 200.6(a) of this Part and failure to provide special services or programs, to the extent appropriate to the needs of the student, to enable the student to be involved in the least restrictive environment and to have opportunities to progress in the general education curriculum.
 - h) Hiring a colleague of board members to serve as Treasurer for the district, a function previously handled by the Business Administrator as part of his duties. This was done with no prior board discussion and no prior consultation with the Superintendent.
5. Failure to honor the terms and conditions of Dr. Oustacher's contract led to the district needing to pay the salary of two Superintendents for two years and led to the taxpayers having to pay extensive legal fees to defend the district in the subsequent breach of contract law suit.

OUR PROPOSED SOLUTION AS REQUESTED

I. IMMEDIATE ACTIONS

- A. Regents put East Ramapo Central School District into a receivership while developing a long-term solution to the problems outlined in this paper.
- B. Appoint a forensic auditor with subpoena power. Some areas to be looked at include:
 1. All Federal Title expenditures (A Federal audit of East Ramapo's Title money expenditures was started 3 years ago and abruptly stopped two months later.) (Attachment 1)
 2. All contracts for private bus service
 3. Comparison of all legal bills from all firms hired by the district
 4. Insurance contracts for private school program
 5. Look at all contracts for services and the accompanying Board resolution and authorizing signature
 6. A five year budget forecast of both revenues and expenses.

II. LONGER TERM ACTIONS

- A. Establish an Independent Commission to study, recommend, and implement a long-term solution. We suggest possible scenarios:
 1. Reorganization of East Ramapo Central School District
 - Charter School District
 - Promise Neighborhood/Harlem Children's Zone prototypes
 - Ward system of governance
 2. Reorganization of the entire county
 - Dissolution of East Ramapo
 - Single County School District
 3. State level reorganization
 - Enlarge the scope of responsibility for the NYSED Office of Non-public School Services to include site visits and to include accountability for the use of Federal non-public school funds. There could be a statewide consolidation of all Non-public school services.

III. POLICY ISSUES REQUIRING EXAMINATION

- A. New, more equitable means for financing public education
- B. Non-citizen voting in school elections
- C. Government policy analysts should discuss and advise on the question of who should be making decisions about the nature and scope of educational programs available to students.

Attachment 1

UNITED STATES DEPARTMENT OF EDUCATION OFFICE OF INSPECTOR
GENERAL Audit Services New York Audit Region

Dr. Joel Klein, Superintendent of Schools
East Ramapo Central School District 105 South Madison Avenue
Spring Valley, New York 10977

December 13, 2011

Dear Dr. Klein:

Subject: Closure of Office of Inspector General Audit of East Ramapo School District Control
Number ED-OIG/A02L0005

This letter advises you of the closure of our subject audit. We will not be issuing an audit report. The objectives of the audit were to determine whether expenditures for mentor/tutors under Title I, Part A of the Elementary and Secondary Education Act of 1965, as amended, were allowable and in accordance with applicable laws, regulations, and guidance; and whether non-salary expenditures for Individuals with Disabilities Education Act (IDEA), Part B funds were allowable in accordance with applicable laws, regulations, and guidance.

Although we have conducted initial planning and fieldwork regarding the objectives, the work we performed was not extensive enough to answer the objectives described above and would not necessarily disclose all material weaknesses in the areas of our stated objectives.

The closure of this audit does not preclude further reviews of this or similar areas by the Office of Inspector General in the future, nor is our review to be construed as a substitute for any other reviews required by law, license, or accreditation. This audit closure also does not preclude the Department of Education from taking action concerning any aspect of the East Ramapo Title I or IDEA programs. In addition, closure of this audit should not be interpreted as agreement with or endorsement of areas reviewed.

In accordance with the Freedom of Information Act (5 U.S.C. § 552), reports and other products issued by the Office of Inspector General are available to members of the press and general public to the extent that information contained therein is not subject to exemptions in the Act. This letter will be made available on the Office of Inspector General internet Web site.

We wish to express appreciation for the cooperation and assistance extended by your staff during the audit. If you have any questions about the audit, please contact me at (646) 428-3888. No response to this letter is required.

Sincerely, /s/ Daniel Schultz, Regional Inspector General for Audit

electronic cc:

James Rose, Interim Assistant Superintendent for Finance, East Ramapo Central School District
James Conway, Director of Audit Services, New York State Education Department
Delores Warner, Audit Liaison Officer, Office of Elementary and Secondary Education

<https://www2.ed.gov/about/offices/list/oig/auditreports/fy2012/a02l0005.pdf>

Attachment 2

This is a summary of the East Ramapo Central School District building inspection reports completed during the 2010-11 school year. All of the building certificates expired 12/1/13. The last column is a listing of the estimated capital construction expenses anticipated for each building through the 2015-16 school year.

BUILDING	RATING	DATE OF INSPECTION	EST. CAPITAL \$ through 7/2016
SVHS	UNSATISFACTORY	1/4/11	\$6,524,000
CENTRAL ADMINISTRATION	SATISFACTORY	1/3/11	\$1,660,000
HEMPSTEAD	UNSATISFACTORY	1/3/11	\$1,525,000
POMONA MS	UNSATISFACTORY	12/1/10	\$2,545,000
HILLCREST	UNSATISFACTORY	1/4/11	\$0
FRESHMAN CENTER	UNSATISFACTORY	1/4/11	\$4,520,000
FLEETWOOD	UNSATISFACTORY	1/12/11	\$1,584,500
SUMMIT PARK	UNSATISFACTORY	12/1/10	\$1,797,500
GRANDVIEW	UNSATISFACTORY	1/3/11	\$2,168,000
MARGETTS	UNSATISFACTORY	1/3/11	\$1,719,000
RAMAPO HS	UNSATISFACTORY	1/4/11	\$3,123,000
LIME KILN	UNSATISFACTORY	1/3/11	\$1,450,000
ELMWOOD	UNSATISFACTORY	1/3/11	\$1,255,000
CHESTNUT RIDGE MS	UNSATISFACTORY	1/4/11	\$3,790,000
ELDORADO	UNSATISFACTORY	1/4/11	\$1,757,500
COLTON	UNSATISFACTORY	12/2/10	\$0
TRANSPORTATION	UNSATISFACTORY	12/3/10	\$0
CENTRAL WAREHOUSE	UNSATISFACTORY	12/3/10	\$155,000
BLDG & GROUNDS	UNSATISFACTORY	12/3/10	\$144,000
TRANSPORTATION GARAGE	UNSATISFACTORY	12/3/10	\$0
CENTRAL KITCHEN #1	UNSATISFACTORY	12/3/10	\$0
CENTRAL KITCHEN #2	-----	10/21/11	-----
CENTRAL KITCHEN #3	UNSATISFACTORY	12/3/10	\$0
NEW CENTRAL KITCHEN	SATISFACTORY	12/3/10	\$0
LITTLE RED SCHOOLHOUSE	-----	10/27/11	-----
		TOTAL	\$35,717,500

Attachment 3

INVESTIGATIONS

I. East Ramapo Parents Federal Class Action Ongoing Lawsuit
U.S. Southern District, White Plains Judge Cathy Seibel

Civil rights action by taxpayers and parents on behalf of ERCSD students vs. members of the District School Board, officials of the Board and its legal counsel.

Plaintiffs claim that the defendants have engaged in improper schemes and conspiracies with the intent and effect of:

- a) diverting Federal, State and local district public education funds to promote religion, private religious schools and institutions;
- b) gutting the district's funding for public schools thereby depriving its students of equal educational opportunities and their right to a sound basic education;
- c) segregating the district's students by placing Hasidic, white children in private religious schools and leaving poor, predominantly non-white, non-Hasidic black, Hispanic and Haitian children in the public schools.

Specific acts by the defendants include:

- a) use of Title I and Title III public school funds for the purchase of religious textbooks for students at private yeshivas;
- b) settling special education cases as a means of placing students in private religious schools (rather than public schools), including schools outside the district, at exorbitant costs, thereby depleting the public schools of much needed revenue;
- c) the sale of public school buildings for use by private religious institutions at below market value, and the failure to charge rent to the yeshivas for use of such buildings, thereby depriving public schools of much needed revenue;
- d) systematically cutting the funding of public school programs so as to reduce the number of advanced classes, teachers, counselors, sports and BOCES (Boards of Cooperative Educational Services) programs to prepare high school students for high skill jobs, as well as eliminating assistant principals, art and music classes, and SIFE (Students with Interrupted Formal Education) programs for immigrant students;
- e) retaining counsel to the Board at twice the cost of their former counsel and conspiring with him to commit many of the actions listed above
- f) public school funding cuts by the Board over several years have resulted in drastically increased class sizes in the ERCSD public schools and the district's students now perform well below their Rockland County peers in State mandated exams

Attachment 3: 2

- II. New York State Education Department Investigation Findings on Sale/Lease of School Buildings
- a) NYS Supreme Court voids lease of East Ramapo public school building to ultra-Orthodox congregation for not seeking best deal when arranging the lease of Hillcrest Elementary School to Congregation Avir Yakov
 - b) Arrest of District appraiser for falsifying building appraisal**
- III. New York Civil Liberties Union Investigation Findings
- a) **District placing of Orthodox Jewish children with disabilities into private religious schools such as Rockland Institute for Special Education (RISE) rejected by NYSED District’s alternative proposal to move all Orthodox Jewish special education students from RISE facility, and other private religious schools, to a building owned by the District challenged by NYCLU as creating religious and racial segregation violating Establishment Clause and Equal Protection Clause of the Federal Constitution.**
 - b) It is the District’s legal responsibility to ensure that every effort be made to integrate students into the public education school system.**
 - c) NYCLU is concerned over the Board’s failure to maintain its commitment to principles of public participation to ensure that educational decisions take into account all voices in the community.**
- IV. NY State Education Department (NYSED) Investigation Findings:
- a) District not in compliance with Commissioner of Education regulations in that the District “has engaged in a practice of placing students with disabilities in private schools when appropriate placements were available in public facilities”
 - b) Continued non-compliance with Federal Individuals with Disability Act (IDEA)
 - c) State finds that District’s conducting twelve “resolution meetings” in one day “belies consideration of individual factors in reaching important decisions, unless such meetings were pro forma for purposes of unilaterally changing the CSE (Committee on Special Education) placement recommendations to selected private and out-of-district public school programs.”

Attachment 3:3

d) While NYSED agrees that the district may agree to reimbursements for private school tuition to resolve IEP disputes, such agreements must consider whether the District offered free appropriate public education (FAPE) in the least restrictive environment (LRE) to the student with a disability. "If the District concedes in each of these cases that it failed to offer FAPE in the LRE to such students, then NYSED is compelled to address the District's failure to provide FAPE in so many instances

COSTS

Excessive Legal Fees Leading to Cuts in Student Services:

- a) District replaces counsel of 30+ years with new counsel at double the fees with no explanation.
- b) Outside counsel retained to defend Board in Parent Class Action law suit at rate of \$600/hour,
- c) Outside counsel retained to defend Board against charges of violating State and Federal laws at rate of \$600/hour
- d) Outside counsel retained to defend Board against NYCLU charges of violations of Establishment and Equal Protection clauses of the US Constitution at rate of \$600/hour
- e) Total legal fees just for past year amount to \$3 million and have resulted in drastic cuts in public school student services
- f) **The District's insurance company (indemnifier) denies coverage for Board members because "the District has not established that any of its board members are innocent insureds" - in other words, to be covered by the District's insurance board members would have to establish they had no knowledge of fraudulent and dishonest conduct concerning religious textbooks, paying religious school tuition, and transferring school property to religious schools, which they have failed to do.**

NOTE to Attachment 3: Documentation for this attachment exists that can be supplied.

Attachment 4

RAMAPO - The town Planning Board on Nov. 5, 2010, will review potential environmental impacts of a proposed new yeshiva near Pomona that would replace one that has operated illegally in a single-family house.

The Bobover Yeshiva of Monsey proposes a three-floor building for up to 250 students. Until that can be built on the 2 acres, it wants to install modular classrooms while using the existing building for administrative offices and a kitchen.

The yeshiva continues to operate in a single-family house at 609 Route 306, despite being cited for violations of town and state building codes since opening a year ago. Alan Simon, the town's planning and zoning administrator, yesterday said safety concerns appear to have been resolved.

The issue before the Planning Board, he said, will be whether the proposed facility would have significant environmental impacts. If the board determines that it will not have such impacts, the application could proceed to the Zoning Board of Appeals for variances to town codes over the size of the building, and the distance from adjoining properties. In a July letter, Ramapo's planning consultant told the town that the proposal was "significant development" in a neighborhood of single-family homes. "The expected growth to 250 students," wrote John Lange of Frederick P. Clark Associates, "presents a relatively dense development which is out of character with the surrounding neighborhood."

He cited as a comparison the Yeshiva of Spring Valley, which was approved for 800 students on 11 acres, or 72 students per acre. Bobover's plans would mean 125 students per acre. Carol Friedman, who has lived opposite the yeshiva site since 1965, shared those concerns. "What about the noise if they're going to make this for 250 kids," she said at her home. "What about the traffic? It doesn't belong here. This is a peaceful, residential area." She also objected to the continued operation of the school despite violations against it. "I have to do everything legally," Friedman said. "If I have to fix my porch, I have to get a permit."

Rockland's Department of Planning has been concerned that the existing school continued to operate without a special permit, a certificate of occupancy and an approved site plan. The county's planners also felt that the construction was too large as proposed, and offered about 5,500 square feet less outdoor recreational space than needed.

In a letter to the town in August, Mark Kurzman, a Pearl River attorney representing Bobover, said the yeshiva was needed to meet the demand of Ramapo's burgeoning Orthodox community. "For well over a decade," Kurzman stated, "there has been a serious, growing areawide need for yeshiva classroom space on all grade levels. He said yeshiva builders were competing with residential builders for land, adding that "the pressure is intensified by the fact that it has been well over 10 years since the (East Ramapo) school district has sold any of its sites as surplus." The school district is in the process of reviewing its properties for the potential of such a sale.

In his letter to the town, Kurzman said Ramapo was obligated under state and federal laws to cooperate with such proposals "by assisting and moving along projects in a manner befitting their highly preferred status."

Reach James Walsh at jawalsh@lohud.com or 845-578-2445.

<http://www.vosizneias.com/61828/2010/08/09/monsey-ny-ramapo-considers-approving-bobov-yeshiva-at-site-of-cow-slaughter/>

Attachment 5

ACADEMIC SCHOOL YEAR 2013-14

HIGH SCHOOL PROGRAM CUTS

Academic:

Honors and AP classes – reduced sections/availability

Computer Science Electives

Advanced Placement Spanish and French

Science Electives: Modern Biology

Scientific Research

College Level Genetics

Biotechnology

Space Science

Vertebrate and Invertebrate Zoology

All Math Electives except SAT Prep Courses

Sequential Mathematics

Advanced Algebra

Introduction to Statistics

English Regents Prep Courses

English Electives

Dramatics

Journalism

Television Commercial Production

Business and Administration Class

Special Ed Collaborative Teaching classes (abolishes Least Restrictive Environment for many students)

Programs for Students with Interrupted Learning

Music Electives: Concert Choir

Contemporary Music Course

Music Theory Course

Physical Education Electives

Life Long Athletics

Weight Training

Competitive Sports

Cardioyogalates

Attachment 5: 2

Personnel: Guidance Counselors
Department Chairs

Clubs: Academic League
NAACP Club
Model UN
Math Team

Sports: JV Tennis Team
Cross Country Team
Golf Team
Individual School Cut and Combined into one district-wide
Swimming Team
Girls' Basketball Team
Bowling Team
Volleyball Team
Wrestling Team
Tennis Team

DISTRICT-WIDE PROGRAM CUTS

Full Day Kindergarten
All Kindergarten Teaching Assistants
Almost all Social Workers
Most School Psychologists (delaying testing of special needs for
months, thereby delaying proper class placement)
A total of 400 staff members since 2009
ALL Sports at the Middle School Level
All Elementary School Music Programs
Busing for Clubs and After School Organizations
Insurance for football field bleachers

