



# PRIVATE PRIVILEGE, PUBLIC PAIN

The Rise of 21st Century Jim Crow Education  
in East Ramapo Schools

## **Acknowledgements**

This report was authored by Johanna Miller, Sebastian Krueger, and Billy Easton, with input from Arianna Fishman, Donna Lieberman, Arthur Eisenberg, and Perry Grossman. It was edited by Sebastian Krueger, with help from Katie Chmielewski and Simon McCormack, and was designed by Abby Allender, with support from Pooj Padmaraj. The authors thank Olivia Castor, Oscar Cohen, Chevon Dos Reis, Jean Fields, Lou Grumet, Laura Petty, Willie Trotman, and Steven White for their contributions. Photos by Sy Klipsch-Abudu unless otherwise noted.

## **About the NYCLU**

The New York Civil Liberties Union (NYCLU) is one of the nation's foremost defenders of civil liberties and civil rights. Founded in 1951 as the New York affiliate of the American Civil Liberties Union (ACLU), we are a not-for-profit, nonpartisan organization with eight chapters and regional offices, and more than 160,000 members across the state. Our mission is to defend and promote the fundamental principles and values embodied in the Bill of Rights, the U.S. Constitution, and the New York Constitution, including freedom of speech and religion, and the right to privacy, equality and due process of law, with particular attention to the pervasive and persistent harms of racism. The NYCLU works toward its mission by advocating for all New Yorkers to have equal access to opportunities and the equal ability to participate in government decisions that affect them.

# TABLE OF CONTENTS

---

<b>Introduction</b>	4
<b>A Damaged District</b>	7
Voicing Public School Pain	8
<b>The Rise of 21st Century Jim Crow Education</b>	14
Voting Rights Violations	14
<i>Vote dilution, powerless public schools</i>	14
<i>Candidate control, abuses of power</i>	15
<i>Cover-ups and court drama</i>	15
<i>Fair vote, broken board</i>	16
Budget Misdeeds and Malfeasance	16
<i>Corrosive cuts, educational erosion</i>	16
<i>Private privilege</i>	17
<i>Legal liabilities, luxury lawyers</i>	18
<i>Budget votes, conflicted communities</i>	19
Intersecting Systems of Segregation	21
<b>State Intervention and Dereliction</b>	22
<b>Timeline: Board Actions &amp; State Interventions</b>	24
<b>A Duty to Act</b>	27
<b>Recommendations</b>	30
Notes	33

# INTRODUCTION

---

The East Ramapo Central School District in suburban Rockland County, 40 miles north of New York City, was once home to thriving and diverse public schools that attracted families from surrounding areas. Today, after more than a decade of local malfeasance and mismanagement, and state dereliction, it is a beleaguered and broken district. It has become an extreme example of systemic racism and educational inequity.

The district maintains a regime of 21st Century Jim Crow education designed to fail its students of color and deprive its public schools, while favoring its white majority and private education.

Just as southern states devised policies and practices under Jim Crow to further racial segregation and funnel resources to a white majority at the expense of Black people, East Ramapo's white majority-controlled school board disadvantages students of color, disempowers their communities, and props up white interests. Today, the district's Black, Asian, and Latinx

students attend public schools that are underfunded, understaffed, and underperforming, while white residents overwhelmingly enroll their children in private religious schools.

Individual moves by the school board in the last dozen years – public schools closed, programs folded, teachers laid off, and even voting rights violations – have garnered press coverage, community outrage, and limited state intervention. But these soon recede, often with the board's actions excused by circumstance, disparate community interests and needs, or complex and unique local dynamics. The through line – the totality of the board's moves and motives over the years, and the state's obligations to protect students – is missed. The story remains local, and those state officials with a responsibility to act live to delay meaningful intervention another day.

This report aims to document and contextualize the systemic racism that has ravaged the East Ramapo Central School District, to define state and local

responsibility to the district's students of color, and to identify overdue actions state officials should take to protect students and their futures.

New York has the most segregated schools in the nation. Amidst a national reckoning with racism – in the wake of police killings of Black people and an uprising for Black lives; after years of racist anti-immigrant invective and policy from the Trump administration; during a rise in hate attacks, including those against Asian Americans fueled by racist scapegoating during the coronavirus pandemic – New Yorkers are demanding state officials take on white supremacy in our institutions.

## New York must no longer tolerate 21st Century Jim Crow education in Rockland County.



Orthodox Jewish residents make up the dominant population in the East Ramapo Central School District, and almost exclusively send their children to private religious schools. The majority control of the ERCSD school board rests with this white community. The religious and cultural identities, practices, views and history of the orthodox community are not relevant to the legal and moral duty any majority population has to the needs and well-being of minority populations – and to all children who attend public schools. While the U.S. Constitution guarantees the freedom to believe and exercise religion, the Constitution and democratic values require communities with differing beliefs to share equitably in public services and responsibilities, and that government refrain from favoring a particular religious entity. More relevant to the story of East Ramapo is that 96 percent of its public school students are children of color, trying to learn in decimated schools, and 98 percent of its private school students are white.

As New York's leaders contend with a renewed national movement to address racism, in particular systemic racism, they must ask themselves whether the story of the degradation of public education in East Ramapo's public schools could have transpired if the public-school community were majority white.



# A DAMAGED DISTRICT

---

Heading into the new millennium, East Ramapo was a strong school district with a diverse student body. Student test scores were above state averages and the public schools had high marks.<sup>1</sup> Newsweek had named Spring Valley High School as one of the best in the country as recently as 2009.<sup>2</sup> The local marching band, shared between Spring Valley and Ramapo High Schools, was award-winning and had a national reputation.<sup>3</sup>

Then, in 2009, the East Ramapo school board began a series of moves that eroded public schools and endangered the futures of the district's students of color. It was four years earlier, in 2005, that the private school community – representing almost entirely white residents' interests – had captured majority control of the board's seats.

In 2009, the board began slashing programs and hundreds of public school positions it never restored, while ensuring funds flowed to private schools. Gutted public schools led to plummeting proficiency and graduation rates, and rising dropout

rates. Public school buildings fell into disrepair, the district sold valuable property to the white private-school community at a bargain, and public school students couldn't get enough credits to graduate.<sup>4</sup>

By 2019, only 28 percent of students in grades 3-8 were proficient in English and only 24 percent were proficient in math.<sup>5</sup> The graduation rate plummeted from 72 percent in 2008 to 60 percent by 2018.<sup>6</sup> The district's reputation was so damaged by 2017, that the adjacent Ramapo Central School District changed its name to the Suffern Central School District to distance itself from its troubled neighbor.<sup>7</sup>

The impact of the school board's erosion of public education in the district has not been equally felt – students and families of color have borne the brunt. Of East Ramapo's 27,000 private school students, 98 percent are white, while 96 percent of the more than 8,500 public school students are children of color.<sup>8</sup>



## VOICING PUBLIC SCHOOL PAIN

The white-private school community's control of the school board has damaged public education in the district in ways that cannot be catalogued with dates and statistics alone. Residents of color mark the losses in personal terms. Below, three members of the public school community detail what the erosion of the public-school system has meant to them, their families, and their communities.

**Jean Fields** (pictured above) was the principal of East Ramapo High School from 2005 to 2013. A Black resident of the district, Fields sent her two sons to its public schools.

"We lived in the Bronx, where I was teaching at the time in Kennedy High School. I took the job at East Ramapo because the District's reputation was top notch at the time. It was an opportunity I couldn't pass up. When we came up here, my sons were in elementary and middle school. We were so impressed with the academic standards.

"I was very thankful to work for the district. My colleagues and administrators were great, and I was offered lots of opportunities. I ended up being able to teach at Syracuse University thanks to a professional development opportunity facilitated by the district. I was promoted to assistant principal and then was encouraged to apply for principal. They saw something in me that I didn't even see myself.

"I hadn't been in the job that long when all hell started to break loose. We used to have a board that was just to die for – the members were parents of kids in the school. Everyone would run into each other at the supermarket. All our kids were friends, and it was a close, tight knit-group, passionate about helping our kids learn as much as possible.

"There was one board member that was a Holocaust survivor named Ms. Hyde. She fiercely believed in public education and came into school often to share her story with the students. Someone got wind of the fact that she was pro-public school, and the private



school community started to run their own candidates. Eventually, they began to win.

“Our school board elections happened in May, right before school finished for the summer. We used to teach our kids about the voting process, so they got a good grounding on how to participate in elections. We even registered hundreds of kids who were of age so they could exercise their right to vote. Once the board changed, that program went away. Slowly, the district began to change. All our supporters left, and the private school community was able to run up our tab.

“Our students used to be empowered to vote, and within a few years, they’d return as alums to attend the board meetings and advocate for the public school, only to be excoriated by the board. Parents got cursed out. The words that I heard shock me to this day.

“That’s when the cuts began – less funding, less staff, and our kids’ opportunities were on the chopping block. Parents started to move out to save their kids’ education. There wasn’t always toilet paper because the custodians were so short staffed – I restocked the bathrooms myself. I had to fire my staff myself, one time, 40 in a day. The day after our budget was voted down, as it was every year, we’d come to work crying and depressed. We all saw the writing on the wall.

“The school floors used to have that smell that only squeaky clean school floors do first thing in the morning. No more.

## ERCSD looked like places that people didn’t want to exist.

“The board was not invested in the students. That didn’t just show in how students felt, it showed physically in the building.

“School began at 7:20 a.m., and as principal, every day at 7:00 a.m. I was at the front door welcoming my students. I wanted them to know that someone cared, and I wanted to students to learn from a place of positivity and affirmation, leaving as much stress behind as possible. One September, a young lady came into the building looking sad. I gave her a hug, and she confided it was her birthday and that she admired my scarf. By third period, I called her down and I gave her the scarf as a gift. This young lady called a few days ago to remind me of that act of kindness. I was actively trying to find ways to make students feel valued, because, increasingly, they were starting to feel devalued.

“My youngest son graduated in 2003, before everything took a turn for the worst. I know as a parent and educator what this district was because of what it did for my sons. Both are successful and doing well in their fields. By the time my son went to college, he had enough AP credits to enter as a sophomore if he wanted to. That’s not a reality anymore.”



***Chevon Dos Reis, is graduate of East Ramapo’s public schools who sent her three children to its schools and ran unsuccessfully for a seat on the school board. A Latina resident of the district, Dos Reis’s youngest child is a recent ERCSD public school graduate.***

“I graduated from Spring Valley High School in 1997. When I graduated, there were many programs – afterschool, sports, music, art. You had your pick. There was no student that didn’t have an opportunity, if they wanted, to be involved in a club, a sport, or an extracurricular activity. My sister graduated in 2000, and my baby sister graduated in 2003. By 2003, my sister was saying some things about the district that sounded nothing like the district that I provided me with my own education. We didn’t know the full extent of what was happening.

“I love this community, and I raised my family in this school district. It wasn’t until I tried to put my daughter in kindergarten that I realized what had

changed. I was told that full day kindergarten did not exist. As a single mother, half-day kindergarten was a hardship for the entire family. During my lunch hour, I had to run to the bus stop, get her from the bus, take her to my grandfather so he could watch her, and then get back to work. Half-day kindergarten set my daughter back. As a newborn to age three, my daughter displayed some serious smarts – she was even using a computer. Yet after a year of half-day kindergarten, I was now being told she was behind. I knew my daughter was advanced, and I began thinking that it was our school’s resources that were lagging, not my own child.

“Oftentimes, when I needed to be at one of my children’s elementary schools I would volunteer to translate because the district lacked sufficient bilingual staff at that time. It has only been in the last few years that I’ve met more bilingual staff. When my son came along in 2008, I got more involved. I attended the board meetings, and they were chaos. I’d go at 7:00 p.m. and, by 10:00 p.m. they wouldn’t have started.

## The board wouldn't even show up for us, literally and figuratively.

"You couldn't understand what was going on and nothing important was being said. I stopped going, but watched the recordings whenever I could.

"By 2009, I had three kids in ERCSD. At that point, I was well aware of what was happening. The board members were funneling money. It was around then that parents heard that the district was selling school buildings at less than the actual value. I'd wonder: Why are we losing school buildings when our population is growing? I signed every petition to fight the board. The issue here is the board, not anyone else.

"I voted in elections and became more involved and informed, until I finally ran for the board myself. I have three kids, I work full time, and I teach. To say I had my hands full was an understatement. I knew I needed to get on the board because I needed to know the workings from the inside out. Something still wasn't making sense, and in fact, it was getting worse.

"In running for school board, I learned much more about the budget. Yet no matter how much I learned, it was always clear that there's something I wasn't seeing.

## When our lawsuit began, the fact that the board had a strategy to keep us out of power was no longer up for debate.

"The fact that this community can vote down our budget time and time again remains impossible to overcome. I don't want to leave my community behind, and especially those who don't have the resources to even consider moving to a better district. I don't know what else to do. We won the voting rights lawsuit, and it was a beautiful feeling, and I felt hope for the first time in years. But, now what? They can still vote down the budget whenever they feel like it. We still can't follow the money. We still don't even know what we've lost. But I do, because I know what this District was, and what it could be again."<sup>10</sup>



Photo courtesy of Olivia Castor

**Olivia Castor**, a Black graduate of ERCSD public schools, was the Spring Valley High School class of 2013 salutatorian and played on the school's soccer team. When Castor, then a student in the district, went to the school board with other students to describe how budget cuts were harming their school, board members accused her of lying and falsifying students' schedules. One board member threatened to fight one of Castor's fellow students.<sup>11</sup> Undeterred by the hostile reaction, Castor later went on to lead a student walkout. Castor graduated from Harvard in 2017 and now attends Harvard Law School.

"When I attended ERCSD, we worked hard get the district to listen to us. We first took action at the board meetings and tried to convince the board that our extracurriculars, AP and honors classes should not be cut. We soon found out that student voices fighting for our own education was not of interest to the very leaders that were supposed to be in charge of our own education.

"When those appeals weren't working, we asked ourselves how we could harness community power. We protested to galvanize the community and bring new community members into the fight, including parents and clergy. We built a community-wide coalition to fight for a well-rounded education.

"Then, we appealed to local elected officials to get political support. By that time, we knew the school board wouldn't listen. We wanted a monitor with veto power to override the board. We took trips to Albany to meet with lawmakers, including the former state education commissioner and board of regents. We hoped that someone with power over the School Board could come in and step up. Instead, we were ignored.

"I became a part of the long history of direct student organizing in the district, which we ramped up as conditions got worse. We used to get a booklet at the beginning of every semester listing the extracurricular offerings for the year. By junior year, the booklet was looking more like a small pamphlet with a few pages at best. The facilities were in poor repair. Garbage cans were found throughout the hallways to catch leaks from the roof when it rained. Some of the stalls were missing

doors in the one of the girls' bathrooms in Ramapo High School. There weren't enough textbooks to go around for everyone to bring a book home to study or do homework. It was clear that we were in a building, and a district, that was falling apart, and people in power didn't care.

"We took photos and documented what we saw, giving folks the benefit of the doubt that they just didn't know the extent of the damage.

**If they only knew, we thought, maybe they'd act. We quickly realized that wasn't the case.**

"By senior year, we felt that we exhausted all options. We had been making pleas to the state, and they weren't listening. We decided that we needed to take to the streets if we weren't learning, and we planned a walkout. We called it a funeral for our district to mark this major fall from grace, because we knew that ERCSD used to be a great district before our time.

"At the walkout, we dressed in black and left school to show that we weren't receiving the education we deserved. We united across schools peacefully, challenging this preconceived notion among some that ERCSD students were always infighting and didn't want to learn. That simply wasn't true. Students of all education levels, speaking both English and Spanish, across Spring Valley and East Ramapo, and all felt empowered,

together. Everyone wanted to take the mic, share their experience, and lead chants.

"People always used to say that all the 'bad kids' were in the East Ramapo School District, but that's nothing short of shifting blame with racial undertones to students, when all our focus should be on the people in power who caused our district to disintegrate in the first place.

"Now, we must evaluate the political, legal and civic wins we've had, and achieve equity for our community. The mismanagement of the public school district is intentional and insidious. Direction, accountability, and action need to be established at a very basic level. Teachers must be rehired so that students have the support they need and the largest gaps are being filled. The community must have a strong voice and input.

"I'm so proud of the alums who remain engaged with this fight and that people are still invested and paying attention to our district. Many of us are still in the district and we all stand side by side with current students as we together fight for the education that East Ramapo deserves."<sup>12</sup>

# THE RISE OF 21<sup>ST</sup> CENTURY JIM CROW EDUCATION

---

## Voting Rights Violations

*Vote dilution, powerless public schools*

In May of 2020, a federal court ordered an overhaul of school board elections in East Ramapo. Candidates of color running for the school board on behalf of public school interests, like Chevon Dos Reis, had found it increasingly difficult – and eventually impossible – to win election. In fact, no candidate preferred by voters of color had won election in East Ramapo since 2007.

The court found that the way the school board had conducted its elections violated the federal Voting Rights Act, diluting the votes of residents color in the district and denying them an equal opportunity to elect their candidates of choice.<sup>13</sup> In early 2021, an appeals court agreed.<sup>14</sup> The white private-school community had effectively been controlling every seat on the school board.

Until the court's ruling – resulting from a lawsuit brought by the Spring Valley NAACP, the New York Civil Liberties Union, and the law firm Latham and

Watkins – the school board had conducted at-large elections. In at-large systems, all voters cast ballots for every seat on a school board, instead of for their own representative within a geographic area of the district.

Because at-large voting schemes can so easily dilute the voting power of minority communities while offering the veneer of inclusion, they were a favored tactic of segregationists in the Jim Crow South.<sup>15</sup> In an at-large scheme, when the majority and minority communities' voting preferences form separate voting blocs – as with the white community in East Ramapo overwhelmingly voting for private education interests, and the district's communities of color overwhelmingly voting for public education interests – it can become impossible for any minority community to have proportional representation or voice on a governing body.

### *Candidate control, abuses of power*

The court cited “a white bloc vote that controls the outcome of elections,” which created a system in which “public school cuts almost exclusively affect black and Latino children.”<sup>16</sup> According to the court, political leaders of the white majority community “went to extraordinary lengths to preserve [the at-large] system to maintain political power.”<sup>17</sup>

**The majority community leaders even bragged about the extent of their power, asserting that they have “all of the power,” that the outcome of elections will be “whatever we want it to be,” and that the Black and Latinx communities “feel disempowered because they are.”<sup>18</sup>**

Not only did the court find that the white community and board leaders worked to preserve this system of vote dilution – including repeatedly refusing to settle the lawsuit and reach an equitable solution, with the board president even mocking a directive from the judge to meet to discuss settlement and also withholding from a Black board member the details of that directive – it also found that leaders on the East Ramapo school board had actively meddled with candidates’ access to the ballot.<sup>19</sup> Board members, including the board president, and white community leaders worked

behind the scenes to organize, approve, and advance slates of candidates for the school board – and even to select and seat token minority candidates over whom the majority community had power in order to give the illusion of representation on the school board.<sup>20</sup>

In its ruling, the court characterized school board as guided by a “win-at-all-costs attitude that suggests bad motives.”<sup>21</sup> At trial, plaintiffs’ attorneys unearthed communications from 2017 between School Board President Harry Grossman and Rabbi Hersh Horowitz, an influential leader in the white community. The two conferred about which candidates leaders in the white community would put forward to run for available seats in the coming election. The messages showed the men ultimately deferring to the decisions of Rabbi Yehuda Oshry, a religious marriage matchmaker and perhaps the most influential community leader. Under questioning, Rabbi Oshri admitted to selecting candidates for the board based on their stated support for private school needs, to collecting signatures to meet ballot requirements from the white community at religious observances, and to getting out the votes from the white community without any other campaigning.

### *Cover-ups and court drama*

Exchanges between Board President Grossman and a lawyer for the district, David Butler in April 2018, show an attempt to secure a token minority candidate willing to favor private school interests in an effort to obscure white control and to bolster their defense in the voting rights lawsuit. “Spoke to David Butler today,” Grossman wrote. “He asked me to convey message that it would be good for the

case to have a minority run ... that the community could support.”<sup>22</sup> At trial, plaintiffs’ attorneys also provided evidence that a former board member of color had been elected to the board due to his support for, and support from, the white private-school community.

White community leaders took pains to obscure the nature of their candidate slating efforts, including risking personal legal liability. Board President Grossman evaded questions on the witness stand and drew unusual condemnations from the judge, who raised the specter of perjury. “I’m offended by what I’ve seen here today,” Judge Seibel responded. “I think anybody who reads plain English would feel the same way. “I cannot tell a lie,” Judge Seibel continued. “I do think this witness is not credible.” At another point during Grossman’s testimony, Judge Seibel responded, “I rarely say this, but you did take a solemn vow to tell the truth – under penalty of perjury.”<sup>23</sup>

The most brazen effort to conceal the slating operation, however, was that of Rabbi Oshry. Subpoenaed to testify, Oshry repeatedly failed to appear at trial and even evaded court officers attempting to contact him in-person. Only after the judge found Oshry in contempt and threatened to issue an arrest warrant did he appear. Oshry ran from reporters outside the courthouse when his testimony concluded.<sup>24</sup>

#### *Fair vote, broken board*

The lawsuit ended the district’s vote dilution, resulting in a court-ordered voting system of nine wards, in which people living in different neighborhoods, or wards, vote for their own representative on the school board.<sup>25</sup> This system

gives voters a realistic opportunity to elect a candidate of their choice, and contributes to more equitable representation. In February 2021, the district held its first ward-based vote, and the community elected three Black members not slated by white leaders. It was the first fair say over the composition of the board for East Ramapo’s public school community in a generation.

The resolution of the voting rights case means that all residents of the East Ramapo Central School district now have a school board that better reflects the district and that will foster debate. Board processes will be more public, transparent, and accountable, and it marks an important step toward building back community power and righting the public education system.

However, the changes to the composition of the board do not fundamentally alter the controlling power the white majority has over the district, its finances, or the futures of students of color.<sup>26</sup> That will require serious and courageous intervention from the state.

## **Budget Misdeeds and Malfeasance**

### *Corrosive cuts, educational erosion*

More than a decade of budget disasters in East Ramapo have imperiled the education of a generation of students of color.

In 2005, the white community took majority control of the East Ramapo school board. Four years later, the board made deep and drastic cuts, eliminating more than 445 professional positions – laying off more than 200 educators, every social worker, and all deans in the district. The board canceled full-day Kindergarten for public school students and



eliminated 50 percent of extracurricular activities. Summer school, transportation for field trips, and music classes for young students were all eliminated.<sup>27</sup> A 2014 report by state monitor Henry Greenberg said that the district's cuts "ripped out the heart of the academic program" in the public schools.<sup>28</sup>

Some public high school students could no longer obtain enough credits to graduate within four years. Students documented their class schedules showing back-to-back study halls (the state does not prescribe a number of hours of daily instruction for students). Without deans or school climate support staff, students reported an increase in fights and many students stopped coming to school at all.<sup>29</sup>

Over the next decade, the school board sold two public school buildings to private religious schools and organizations.<sup>30</sup> The board attempted to sell one school at a price so far below market value that its property appraiser was criminally indicted.<sup>31</sup> The then-Interim Commissioner of Education investigated the sales and even stopped one, but the board largely continued its public school decimation, unbowed.<sup>32</sup>

**Between 2009 and 2011, ERCSD went from a \$12 million surplus budget to a deficit of \$13 million.**

In 2014, a monitor appointed by the governor and the commissioner of education, Henry Greenberg,

found that the school board was guilty of "abysmal fiscal management" and noted that budget cuts were not being shared across public and private school expenses.<sup>33</sup> Despite this urgent warning from their own monitor, the governor, the commissioner, and the board of regents continued to defer to "local control" in East Ramapo.<sup>34</sup>

### *Private privilege*

During more than a decade of decline, the East Ramapo school board has spent money irresponsibly, cutting funds to public schools in order to offset private education overspending. Two major and costly examples include spending on bussing and special education.

The district's adoption of universal busing – meaning that every student can receive free transportation to and from school every day, even if they are only travelling two blocks – is not common practice and comes with enormous cost. Most districts offer busing only for students who live within a given distance from school, usually between two and 15 miles. State law requires bussing for distances greater than two miles, and provides for districts to be reimbursed. However, local voters must elect to lower the minimum distance, because the cost will be borne by the district. After adopting universal bussing, ERCSD private school transportation costs exploded from 2010 to 2014, rising more than 76 percent.<sup>35</sup>

The New York State Comptroller found waste and poor record-keeping in an audit of the district's transportation spending, including a lack of documentation that some private school students riding district busses even lived in the district.<sup>36</sup>

Universal bussing, and the waste documented by the comptroller, demonstrate that the ERCSD board and white voting bloc have invested in extra services for private school students while denying basics to the public schools. The district has never sought to reduce its bussing costs even as it has eliminated teacher positions or other essential services amid one budget crisis after another.

In May 2021, the state comptroller even faulted the district for overspending its transportation budget.<sup>37</sup> The district had exceeded the amount it had allotted by more than \$5 million.

Another large-scale example of public dollars flowing out of East Ramapo public schools and into private religious institutions is special education. The number of students identified as needing special education services increased by more than 50 percent between 2003 and 2017, even as overall enrollment declined.<sup>38</sup> During the same period, the school board cut 15 public school special education teachers, while increasing private school special education funding by a third. While it is not improper for a district to provide for special education services for private school students, it should never pit one student group against another for scarce services.

Under state and federal law, if a student requires a special education service that is not provided by their public school district, the district can be required to reimburse tuition for a private school that meets their needs.<sup>39</sup> There are requirements to demonstrate that the student's needs cannot be met by the public schools, usually through an impartial hearing conducted by the district. The documentation created through the hearing process can then be used to seek reimbursement from the state and federal governments.<sup>40</sup>

In ERCSD, the board has a history of accommodating parents who want their children with disabilities placed in religious schools, including some students whose placements might not be approved by the state. This practice was confirmed by the U.S. Department of Education Office for Civil Rights.<sup>41</sup> As a result, the district sends many students to private schools – including private schools outside of the district, and to which they also provide transportation.

The district sends students to the Rockland Institute for Special Education, a private school, at a cost of \$26,000 per student each year and to the Kiryas Joel school district for more than \$70,000 per student each year.<sup>42</sup> These students are overwhelmingly white. In 2014, the state determined that the East Ramapo school board was spending upwards of \$60 million to educate just 2,423 special education students, and NYSED was withholding some reimbursement because the placements were alleged to be improper.<sup>43</sup>

#### *Legal liabilities, luxury lawyers*

Despite a long history of budget shortfalls and cuts to public education, East Ramapo has spent vast sums on its legal representation – including needless millions to defend its own civil rights violations. Between 2008 and 2014, the district's annual expenditure on legal fees grew more than seven-fold, from \$383,000 to \$2.9 million.<sup>44</sup> In a period of just six years, from 2012 to 2018, the district spent \$16 million in legal fees.<sup>45</sup>

Though the district has employed high-priced lawyers to address a range of issues, including prior legal challenges against the district, nothing in its history comes close to the millions it poured into

defending against the 2017 Voting Rights Act case. The district paid its attorneys between \$7.2 and \$8.9 million related to the case during the more than three years it refused a settlement that would have given parents of color a voice on the school board.<sup>46</sup> These were public funds used to attempt to deny voting rights to communities of color. The district's refusal to settle suggests that white district leaders sought a war of attrition, where challengers would shrink from the exorbitant costs of continued litigation.

The court blasted the district's spending on legal fees during proceedings in March 2021. The judge remarked, "I have never heard of a school district in this area being charged or paying close to \$650-an-hour for partners or \$450-an-hour for associates, which is what Morgan Lewis charged," Seibel said, referring to the law firm retained by the district. "The defendant in this case paid about triple the normal rate and it paid it starting back in 2017." The judge noted that the nearby districts of Nyack and Suffern paid their attorneys hourly rates of \$225 and \$210, respectively.

#### *Budget votes, conflicted communities*

Revenues and expenditures for public schools in East Ramapo require the approval of a white majority community whose children do not attend them. This conflict of interest undermines the education of students of color.

Except for the five largest urban areas in the state, school boards in New York are responsible for levying taxes on their local communities to generate much of the revenue for their schools.<sup>47</sup> In the 2021-2022 school year, for example, the East Ramapo

school board's local tax levy comprised 57 percent of its district revenues, most from local property tax.<sup>48</sup>

Voters in most districts, including East Ramapo, must approve or reject the district budget. Each year across the state, only a handful of the nearly 700 school district budgets are rejected by voters. In the 2020-2021 school year, only 11 of the 675 budget votes failed – or 1.6 percent.<sup>49</sup> But in East Ramapo, the community voted down four of the five school budgets prior to 2021.<sup>50</sup>

When a school district budget is rejected, a local district must go to a spartan contingency budget, which includes only expenses necessary for ordinary, day-to-day needs as defined by the state.<sup>51</sup> As a result, this often means that programs and positions must be cut. The state comptroller has warned that East Ramapo cannot survive on repeated contingency budgets, and the futures of students of color attending public schools are the most at risk.<sup>52</sup>

The white community cannot claim to be unaware of the racially disparate impact of a failed budget. In the Voting Rights Act lawsuit against the district, the court cited the school board president "admitting voting down [the] budget would result in 'massive cuts to the public schools.'" The court added, "it would deny reality to pretend that members [of the majority white community] were unaware that the students to be negatively affected by their votes [against budgets] are overwhelmingly children of color."<sup>53</sup>

The court found that there is “a white bloc vote that controls the outcome of elections” in East Ramapo, and that white voters “have a desire to adhere to the current system despite its discriminatory effect.”<sup>54</sup>

The court added that this dynamic means that “public school cuts almost exclusively affect black and Latino children, [and] any services for private schools beyond what is mandated by New York State almost exclusively benefit white children.” Despite these damning findings and a decade of degradation, no entity in state government has taken adequate action to end systemic racism in East Ramapo.

The district continues to teeter on the brink of financial collapse, due in part to failed budget votes. In early 2021, the district announced that, due to mismanagement, it had failed to move to a contingency budget and make mandated adjustments in the wake of a failed Spring 2020 budget vote. The district announced plans to lay off 30 public school teachers, but reversed itself weeks later in response to pressure from the community and local activists – and ultimately an influx of emergency funds from the federal government in the form of COVID-related stimulus funding.<sup>55</sup> The district’s 2021-22 proposed budget includes no property tax increase.<sup>56</sup>

The influx of emergency federal aid to East Ramapo comes in the form of COVID-related stimulus funding, and a commitment from the state to finally fully fund the Foundation Aid formula.<sup>57</sup> The COVID stimulus funds are a temporary infusion of money meant to offset costs associated with the pandemic. They are not expected to continue and should not be relied on to fill ongoing budget gaps. In May 2021, the state comptroller faulted the district for using the one-time infusion to pay for day-to-day needs – like teacher salaries, which are a recurring expense – and only deferring the district’s budget crisis.<sup>58</sup>



## Intersecting Systems of Segregation

Segregation by the white majority in East Ramapo cuts through multiple identities: race, ethnicity, legal status, English fluency, and disability.

The white majority in East Ramapo has segregated itself from the public-school community, but it has also created additional segregated programs *within* the district's public schools. In 2014, then-Superintendent Joel Klein attempted to create a segregated program for Spanish-speaking immigrant students that would focus on English learning without comprehensive high school education or the opportunity to earn a diploma. In advocating for what he termed an "alternate transitional program," Klein blamed immigrant students for the district's low graduation rate, saying:

Almost all the registrants are coming in from Guatemala, El Salvador, and Ecuador ... none of them speak English ... many are illegal. They want to learn the language. They want free lunch, breakfast, and whatever else they can get. They know they cannot get a diploma ... we know every one of these kids are dropping out.<sup>59</sup>

Klein's comments were met with months of protest and community outrage and he later apologized.<sup>60</sup> But his racially-coded language – referring to students as "illegal," presuming immigrant students would drop out, and portraying immigrant students as taking from the district – showed both disrespect and disinterest. It took more than a year of protest before Klein resigned from his position.<sup>61</sup>

East Ramapo also pursued a policy of racial segregation in special education. An investigation by the U.S. Department of Education's Office for Civil Rights (OCR) found that East Ramapo made decisions about placement of students needing the same special education services in public or private schools based on race, and not on pedagogical needs.<sup>62</sup> The district segregated white students from students of color, placing white students more often in private schools at great expense.

Additionally, OCR found that the district was maintaining a separate bilingual Kindergarten class in which only white students were enrolled, and those students were segregated from the rest of the student body throughout the day, and even attended school during different hours. The district was unable to demonstrate a legitimate educational theory for its segregated language program.<sup>63</sup>

# STATE INTERVENTION + DERELICTION

---

The parents and students of ERCSD public schools have not stood by while their education was taken from them. Students have organized protests and walkouts, as far back as 2013. Parents have attended and testified at contentious school board hearings, and dozens of local residents traveled to Albany in 2015 to seek legislative intervention.<sup>64</sup> Groups of parents and students have filed several lawsuits to try to force state intervention and have asked the commissioner to review various decisions by the board. Their efforts have increased public awareness and media interest in East Ramapo, but the state government response so far has been inadequate.

In 2014, NYSED put the district on a corrective action plan pursuant to the Individuals with Disabilities Education Act to try to curb special education spending.<sup>65</sup> In addition, NYSED has identified ERCSD as performing below state academic standards, which requires the district to adopt evidence-based interventions to improve academic performance. And it has allocated specific

funds to support effective programming for middle school students in the district.<sup>66</sup> Yet, even as the district met the narrow requirements of these interventions, the majority community and board have continued to undermine public education. As recently as 2020, the majority community voted down the school district budget, leading to yet another shoestring contingency budget and the threat of teacher layoffs.

The state comptroller has undertaken several audits uncovering substantial expenditures for private school students, often without required documentation, and has raised alarm about the lack of financial stability in the district.<sup>67</sup> For example, in 2013, the comptroller warned that the district lacked a “rainy day fund,” was not properly budgeting, and was in fiscal danger. He made five recommendations to the district to protect its finances, but in a follow-up audit in 2016, the comptroller reported that the district had fully implemented only one.<sup>68</sup> It is unclear if further recommendations have



been adopted or if the comptroller will continue to monitor past audits.

The evidence from these interventions is that state government action can, and does, lead to incremental change in East Ramapo – but only when there are specific, enforceable requirements. The school board has not demonstrated it will make improvements without being required, and without being monitored for progress. Additionally, turnover in the role of superintendent – including in 2021 – makes it difficult to execute long-term improvements. To date, no state actor has been bold enough to effectively tackle the governance crisis in East Ramapo.

The State Education Department’s best-known intervention has been placing a series of monitors in the district – but, until summer 2021, the monitors were not granted the authority to directly participate in district operations or board decisions. They had been limited to making reports and recommendations, that have gone largely ignored by the board. However, in 2021, the state legislature adopted a new law granting the monitors concrete

authority for the first time.<sup>69</sup> They now have the power to override board actions that undermine the district’s improvement; they can introduce resolutions for automatic adoption; they will have a say in the budget and the hiring of future superintendents; and they can require the board to attend training, such as the anti-racist training the monitors have previously recommended.

**The coming months and years will tell if these new powers are enough to turn around East Ramapo.**

# TIMELINE: BOARD ACTIONS + STATE INTERVENTIONS

## 2005

- White majority elected to East Ramapo Central School District Board

## 2009

- Board votes to close Colton Elementary School and lease the property to two private, religious institutions (HASC and Bais Malka)
- Board hires Long Island-based law firm Minerva and D'Agostino at \$250/hour, 2-4x higher than its previous counsel.<sup>70</sup>
- Board begins cuts to public schools: 168 teachers, all social workers, 3 guidance counselors, all deans, 88 civil service positions, and 49 teaching assistants are laid off, full-day Kindergarten is canceled, and extracurriculars are cut by 50% over the next 3 years. While the Board insists these cuts are needed to balance the budget, a monitor appointed later by the governor and the commissioner remarked that there was “no meaningful effort made to distribute the pain of deep budget cuts fairly among private and public schools.”

## 2010-11

- Board closes Hillcrest Elementary school, relying on incorrect projections of declining public school enrollment, and attempts to sell it to a Yeshiva, but there are questions of under-valuing and the sale is annulled by Acting NYSED Commissioner John King (the sale is completed in 2014). At the same time, the board attempts to sell Colton Elementary school to two different religious institutions and that sale is also investigated by the state.<sup>71</sup>
- District budget deficit of \$3 million
- Many high school students are placed on 6-year graduation plans because they can no longer obtain enough credits to graduate in 4 years, due to pared down staff and services.

## 2011-12

- East Ramapo Schools report a budget deficit of \$13M

## 2012

- Board President Daniel Schwartz tells members of the public at a school board meeting “if you don’t like [our decisions] find somewhere else to live.”<sup>72</sup>



## 2013

- Public school parents post a video on YouTube of a Minerva & D'Agostino lawyer fighting with parents after a board meeting and using offensive slurs.<sup>73</sup>

## 2014

- Board rejects a \$3.5 million advance from the state to bring back programs and positions, because legislators conditioned the money on creating an advisory committee consisting of one parent, a teacher, a school board member, the superintendent and another administrator.<sup>74</sup>
- Former federal prosecutor Henry Greenberg is appointed fiscal monitor for the district. He issues a report calling on the state to create a monitor position with more authority, including the power to “veto” Board proposals.
- Superintendent Joel Klein tries to create an alternative, non-degree granting program for immigrant students to prevent them from enrolling in local high schools. He comes under fire for saying “[Immigrant students] want free lunch, breakfast, and whatever else they can get. They know they cannot get a diploma ... we know every one of these kids are dropping out.”
- District comes under “enforcement action” by New York State Education Department (NYSED) pursuant to the federal Individuals with Disabilities Education Act (IDEA), after a determination by

NYSED that the district had “inappropriate policies, procedures, and practices” related to placing students with disabilities in private and out-of-district schools.

- Board sells Colton Elementary School to HASC and Bais Malka for \$5.1 million and closes on the sale of Hillcrest Elementary School to Avir Yakov Yeshiva for \$4.9 million. It states it will use the \$10 million to patch budget holes.

## 2015

- The U.S. Department of Education Office for Civil Rights finds the district violated Title VI of the Civil Rights Act by placing white students with disabilities in private school placements at higher rates than students of color.<sup>75</sup>
- District hires new outside counsel, Harris Beach, at \$200/hr.<sup>76</sup>

## 2016

- NYS Comptroller finds that East Ramapo doesn't have a sufficient rainy-day fund and warns that it will run out of money.<sup>77</sup>

## 2017

- The Spring Valley Chapter of the NAACP, represented by the New York Civil Liberties Union and the law firm Latham and Watkins files a federal voting rights lawsuit against the district. The suit alleges and later proves the district's at-large voting system diluted the votes of residents of color.<sup>78</sup>

## 2018

- NYS Comptroller finds the district is not in compliance with state physical education requirements for elementary school students.<sup>79</sup>

## 2019

- NYS Comptroller conducts an audit of the district's transportation spending, finding that the district did not have proof of eligibility for 61% of students receiving bussing services, including a lack of proof that the students even lived in the district.
- NYS Comptroller conducts an audit of the district's textbook spending and finds a lack of controls and documentation for private school spending on textbooks. The comptroller discovered a tractor trailer full of unopened and unused textbooks in possession of the private schools. The Board agrees to an annual textbook inventory beginning in June or July 2021 (barring COVID-related delays).<sup>80</sup>

## 2020

- The NAACP prevails in its voting rights lawsuit against the district, and the court orders the establishment of a ward system for school board elections. The decision is upheld on appeal in early 2021.
- District finds that more than 60% of public school students were "chronically absent"

during COVID-19 remote learning. Then-Interim Superintendent Ray Giamartino discovered that, although Rockland County was the first in the state to go remote, the District failed to order devices for students until July and those devices were not delivered until nearly the end of 2020.<sup>81</sup>

- State-appointed monitors Denise Lowe and Charles Szuberla release their report for the 2018-2019 school year, calling on board members to participate in the "Undoing Racism" training, and for voters to approve budgets to help ERCSD climb out of financial instability.<sup>82</sup>

## 2021

- District announces mid-year layoffs of more than 30 teachers and district positions because of catastrophic budgeting failures. It later announces it will borrow to avoid all but 10 layoffs.
- State Education Commissioner Rosa publicly supports legislation to create an empowered monitor to oversee the district; the legislation is adopted and signed by Governor Cuomo in June.
- NYS Comptroller announces intent to audit the district's 2021-22 budget.

## A DUTY TO ACT

---

The New York State Constitution makes clear that the obligation to ensure that every student has access to a quality education rests squarely with the state. The state commissioner of education, the board of regents, and the governor have the necessary powers to protect the civil rights of East Ramapo's students.

Yet, state officials have too often deferred to local control in East Ramapo. Though a district needs flexibility to make decisions that serve its students and community, local school boards are agents of the state.<sup>83</sup> When they engage in fiscal mismanagement or wrongdoing that impairs the delivery of the "sound basic education" that is every child's right under the New York State Constitution, the state has a duty to intervene and take remedial action. The value of local control over education cannot extend to running a school district into the ground.

The state commissioner of education is perhaps the most empowered public official in the nation when it comes to her ability to make and direct education policy.<sup>84</sup> Undoing the structures of systemic racism in education is one of the areas where the full extent of the commissioner's powers have been tested and upheld by the courts.

Time and again, courts have upheld the broad authority of the state commissioner of education. In a key 1959 ruling, the state's highest court, the Court of Appeals, ruled that:

**[T]he Commissioner of Education has been made the chief administrative officer of the educational system of the State and, as such, has been invested with broad powers**

of review. He may review any “official act or decision of any officer, school authorities, or meetings concerning any matter under this chapter, or any act pertaining to common schools.”<sup>85</sup>

The court further ruled that the commissioner’s powers, rather than being limited to those enumerated by the legislature or the regents, are those that are not specifically limited.<sup>86</sup>

In the 1960s and 1970s commissioners used their constitutional powers without specific direction from the legislature to address school segregation in novel ways. A Princeton University study on school segregation in New York found that, “lacking guidance from New York’s Education Law, then-Commissioner Allen began to define the roles of the State and localities himself. In 1960, he asked each district to begin eliminating segregation in its schools.”<sup>87</sup>

In 1963, Commissioner Allen explicitly overruled the local school board and the local voters in the Malverne school district and ordered them to implement a desegregation plan – he was the first commissioner to do so. Local white voters sued, asserting that the commissioner had overstepped his authority. The Court of Appeals found that the commissioner “may substitute his judgment for that of the local board even where the action of the local board was not arbitrary.”<sup>88</sup> Upholding that the commissioner had the power to use his discretion in

ways not forbidden by the legislature or the regents, the court found:

Disagreement with the sociological, psychological and educational assumptions relied on by the Commissioner cannot be evaluated by this court. Such arguments can only be heard in the Legislature which has endowed the Commissioner with an all but absolute power, or by the Board of Regents, who are elected by the Legislature and make public policy in the field of education.<sup>89</sup>

In 1975, a subsequent commissioner, Ewald “Bob” Nyquist, ordered Newburgh schools to implement a racial desegregation plan. At that time, despite the U.S. Supreme Court’s holding in *Brown v. Board of Education*, many school districts, including in the Northeast, were slow to integrate. The local board of education, resisting Nyquist’s plan, took him to court to reverse his order. The Appellate Division found that the commissioner had the power to “take the initiative and correct racial imbalances without a constitutional and legislative mandate.”<sup>90</sup> The court upheld Commissioner Nyquist’s authority to determine that the Newburgh district’s desegregation plan was inadequate and to substitute



his own plan, finding that it was “an exercise in professional judgment and, as such ... beyond the purview of the courts.”

In response to the desegregation orders, white voters applied political pressure on legislators, who in turn pressured the board of regents. The regents concluded that even the they did not have the authority to review the commissioner’s decisions. They then pursued legislation authorizing them to do so. When this failed, they voted to fire Nyquist, believed to be the only commissioner ever to be removed by a regents vote. Dr. Kenneth Clark, a civil rights icon, was the only Black member of the board of regents at the time. As reported in *The New York Times*, Dr. Clark “charged that the regents had capitulated to political pressures and ousted the commissioner due to his advocacy of school integration.”<sup>91</sup>

The long-term impacts of the regents’ decision to fire Nyquist and reverse course on school desegregation have been devastating. Today, New York has the most segregated schools in the

country. In 2014, Gary Orfield and John Kucsera, of the Civil Rights Project at UCLA, issued a report titled *New York State’s Extreme School Segregation: Inequality, Inaction and a Damaged Future*. In it, they concluded that the Commissioner who replaced Nyquist “avoided the pursuit of the goal of integrated schools and the state became unwilling and unable to help or require school districts to achieve racial balance.”<sup>92</sup> Several commissioners since have likely survived in their jobs by retreating, along with the regents, from their civil rights authority.

Today, Education Commissioner Betty Rosa and the New York State Board of Regents have broad power to act to remedy the pattern of educational malfeasance in East Ramapo, just as Commissioners Allen and Nyquist used the commissioner’s extraordinary powers in the ‘60s and ‘70s. The question is one of political will. Perhaps now, amid national, state, and local uprisings over injustice and in response to historic movements to address systemic racism, state leaders will act.

# RECOMMENDATIONS

---

New York must no longer allow such extreme systemic racism to continue in East Ramapo. More than a decade of struggle and loss has shown that the ERCSD school board and the district's white majority will not protect public education or the rights of students of color without intensive state-level intervention.

In 2021, the commissioner of education, Dr. Betty Rosa, took an important step in this direction when she publicly supported legislation from Assemblymember Kenneth Zebrowski and Senator Elijah Reichlin-Melnick to strengthen the authority of the monitors in East Ramapo. The new law, signed by the governor, endows the monitors with the power to enact binding resolutions and to override actions of the East Ramapo school board in service of the district's long-term improvement

plan.<sup>93</sup> The plan includes essential goals such as improving early-grade education, expanding and improving arts and music programs, improving participation and success in honors and advanced courses, improving high school graduation rates and college and career readiness, increasing proficiency of students with disabilities, and ending the racially disproportionate and expensive placement of special education students out of district. Community members, parents, and students in ERCSD must engage with the monitors to ensure this plan is executed.

Partitioning East Ramapo into two separate districts, as some have contemplated – one for white students and another for students of color – will never be an acceptable solution. Doing so would only institutionalize school segregation

and reward the white community's history of racism, malfeasance and neglect. State action must include the following:

1. The state legislature should enact, and the governor should sign, legislation that caps the hourly rate any school district can spend on outside counsel, based on fair market factors. Public dollars that could otherwise be spent on teacher salaries, school building improvements, learning technologies, and extracurricular activities should not be flowing into the accounts of expensive law firms.
2. The state legislature should enact, and the governor should sign, legislation that permits the commissioner of education additional authority over local school district budgets in similar situations to ERCSD. Specifically, if the enrolled private school population of a district significantly outnumbers the enrolled public school population, and the school budget bill is voted down, the commissioner should have the authority to step in and ensure that the district has adequate operating funds and that public-school students' education is not interrupted – rather than forcing a contingency budget. While ERCSD's private school population far exceeds that of any other district in the state in proportion to its public-school population, this may not always be the case.
3. The board of regents should adopt policies to ensure that all public-school parents can vote in school board elections, regardless of citizenship status. One reason the white population in ERCSD has managed to so completely dominate school board and budget votes is that a large proportion of non-white adults in the district are not citizens and so are not allowed to vote. This includes documented immigrants and Lawful Permanent Residents of the district. All residents who live in the district should have a say in district decisions, which impact the health of their community, their taxes, and property values.
4. The commissioner must send a clear message to the monitors that they are to use the full powers provided to them under the law. Further, if the commissioner determines the monitors have not acted decisively enough to address the problems in East Ramapo then it is incumbent on her to intervene and order corrective actions. The monitors serve at the pleasure of the commissioner. In the past, the performance of monitors has varied widely. Some, like Hank Greenberg and Dennis Walcott, took their roles of monitoring and oversight seriously and issued reports that were fully independent of the board. Others emphasized providing technical assistance and building good working relationships with the school board at the expense of assertive monitoring. The legislature and governor have rejected the latter approach by increasing the powers of the monitors to encourage an active role. They have provided extraordinary powers to the monitors because they recognize that these powers will be necessary.

5. The commissioner must undertake a wholesale investigation of what has happened in ERCSD, and hold those responsible for wrongdoing accountable, while simultaneously increasing opportunities for public school students. This must include:

- Thoroughly investigating past conduct of board members and district employees for abrogation of duties, fraud, waste, mismanagement, self-dealing and conflicts of interest; Removing school board members and district employees where there is cause to do so.
- Conducting a forensic audit and imposing fiscal controls, with the collaboration of the state comptroller. This must include a calculation, shared publicly, of the per-student amount ERCSD spends on public and private education.
- Allocating funds to restore support services, including social workers, teaching assistants, and specialists. This may save money on special education, as a lack of services can result in over-identification of students needing special education.
- Right-sizing district transportation costs, because the district can only maintain them by cutting pedagogical programs and positions. This requires:
  - Ending courtesy busing for students traveling less than 3/4 mile to school, at least until inequities in delivery of education are closed. State law only

requires busing for two miles (K-8) or three miles (9-12).<sup>94</sup>

- Increasing transparency and competition in local transportation contracting.
- Eliminating unconstitutional gender-segregated busing paid for with public dollars.
- Conducting a complete review of the district's services for bilingual/multilingual and non-English-speaking students and families.
- Conducting a compliance audit of the district's obligations under Title IX, the Dignity for All Students Act, the ADA and the IDEA.
- Appointing a community education council, made up of public school parents, educators, and students, to give input to the school board and the commissioner on school district decisions.
- Determining whether some high school students would be better served by the local Board of Cooperative Educational Services than the school district itself and ensuring those options are available to students.



# NOTES

---

1. Cheryl Platzman Weinstock, *Easy City Access In a Ramapos Setting*, New York Times, March 2, 1997, <https://www.nytimes.com/1997/03/02/realestate/easy-city-access-in-a-ramapos-setting.html>.
2. Benjamin Wallace-Wells, *Them and Them*, New York Magazine, April 19, 2013, <https://nymag.com/news/features/east-ramapo-hasi-dim-2013-4/>.
3. Mareesa Nicosia, *East Ramapo's getting the band back together*, September 30, 2014, <https://www.lohud.com/story/news/education/2014/09/30/east-ramapo-band-director-returns/16500689/>.
4. *Appeal of STEVEN WHITE from action of the Board of Education of the East Ramapo Central School District and Congregation Yeshiva Avir Yakov regarding the sale of real property*, Decision No. 16,239 (New York State Education Department Office of Counsel, 2011) <http://www.counsel.nysed.gov/Decisions/volume50/d16239>.
5. New York State Education Department, *East Ramapo CSD (Spring Valley) Grades 3-8 ELA Assessment Data* (August 2019), available at: <https://data.nysed.gov/assessment38.php?subject=ELA&year=2019&instid=800000039112>; and New York State Education Department, *East Ramapo CSD (Spring Valley) Grades 3-8 Mathematics Assessment Data* (August 2019), available at: <https://data.nysed.gov/assessment38.php?subject=Mathematics&year=2019&instid=800000039112>.
6. New York State Education Department, *East Ramapo CSD (Spring Valley) Graduation Rate Data: 4 Year Outcome As Of August* (2018), available at: <https://Data.Nysed.Gov/Gradrate.Php?Year=2018&instid=800000039112>.
7. Kimberly Redmond, *Ramapo Central schools seek name change*, The Journal News, October 25, 2016 <https://www.lohud.com/story/news/education/2016/10/25/ramapo-schools-name-change/92694794/> and Suffern Central, *Name Change Update*, August 30, 2017, <https://www.sufferncentral.org/blog/2017/08/30/name-change-update/>
8. *Federal Court Finds East Ramapo School Board Elections Violate Voting Rights Act*, New York Civil Liberties Union, May 26, 2020, <https://www.nyclu.org/en/press-releases/federal-court-finds-east-ramapo-school-board-elections-violate-voting-rights-act> and *NAACP Spring Valley v. East Ramapo Central School District* (United States District Court, Southern District of New York, May 25, 2020) 7 Civ. 8943, available at: [https://www.nyclu.org/sites/default/files/field\\_documents/2020\\_05\\_25\\_568\\_decision\\_and\\_order.pdf](https://www.nyclu.org/sites/default/files/field_documents/2020_05_25_568_decision_and_order.pdf)
9. Fields, Jean. Interview with Arianna Fishman. April 2019
10. Dos Reis, Chevon. Interview with Arianna Fishman. April 2021
11. Thomas C. Zambito, *'It's about racial equality,' Spring Valley and Harvard grad testifies in NAACP case*, Journal News, February 13, 2020, <https://www.lohud.com/story/news/local/rockland/ramapo/2020/02/13/spring-valley-olivia-castor-naACP/4753681002/>
12. Castor, Olivia. Interview with Arianna Fishman. April 2021
13. *NAACP Spring Valley v. East Ramapo Central School District*, available at: [https://www.nyclu.org/sites/default/files/field\\_documents/2020\\_05\\_25\\_568\\_decision\\_and\\_order.pdf](https://www.nyclu.org/sites/default/files/field_documents/2020_05_25_568_decision_and_order.pdf)
14. *Federal Appeals Court Affirms Finding of Voting Rights Violations in East Ramapo School Board Elections*, New York Civil Liberties Union, January 6, 2021, <https://www.nyclu.org/en/press-releases/federal-appeals-court-affirms-finding-voting-rights-violations-east-ramapo-school>

15. Vann R. Newkirk, *Voting Rights on Trial on the Bayou*, The Atlantic, April 28, 2017, <https://www.theatlantic.com/politics/archive/2017/04/voting-rights-at-large-voting-louisiana/524691/>
16. *NAACP Spring Valley v. East Ramapo Central School District*, page 36-37, available at: [https://www.nyclu.org/sites/default/files/field\\_documents/2020\\_05\\_25\\_568\\_decision\\_and\\_order.pdf](https://www.nyclu.org/sites/default/files/field_documents/2020_05_25_568_decision_and_order.pdf)
17. *Ibid*, 74
18. *Ibid*, 36, 70
19. Thomas C. Zambito, *East Ramapo trial: Settlement details emerge, closing arguments by phone start today*, Rockland/Westchester Journal News, March 24, 2020, <https://www.lohud.com/story/news/local/rockland/ramapo/2020/03/24/naacp-settlement-proposal-east-ramapo-trial/2902396001/>
20. Thomas C. Zambito, *WhatsApp private chats revealed, play a pivotal role in East Ramapo voting rights trial*, Journal News, March 6, 2020, <https://www.lohud.com/story/news/local/rockland/2020/03/06/east-ramapo-voting-rights-trial-private-messages/4943006002>
21. *NAACP Spring Valley v. East Ramapo Central School District*, page 74, available at: [https://www.nyclu.org/sites/default/files/field\\_documents/2020\\_05\\_25\\_568\\_decision\\_and\\_order.pdf](https://www.nyclu.org/sites/default/files/field_documents/2020_05_25_568_decision_and_order.pdf)
22. Zambito, *WhatsApp private chats revealed, play a pivotal role in East Ramapo voting rights trial*, <https://www.lohud.com/story/news/local/rockland/2020/03/06/east-ramapo-voting-rights-trial-private-messages/4943006002>
23. Thomas C. Zambito, *East Ramapo trial: Judge attacks testimony of school board president Harry Grossman*, Rockland/Westchester Journal News, February 24, 2020, <https://www.lohud.com/story/news/local/rockland/2020/02/20/federal-judge-attacks-testimony-east-ramapo-school-board-president/4824636002/>
24. Thomas C. Zambito, *East Ramapo trial: Rabbi emerges from the shadows and then sprints from photographers*, Rockland/Westchester Journal News, February 26, 2020, <https://www.lohud.com/story/news/local/rockland/ramapo/2020/02/27/rabbi-yehuda-oshry-testifies-trial/4895326002/>
25. Ward Information, East Ramapo Central School District, <https://www.ercsd.org/Page/11217>
26. Thomas C. Zambito, *After historic vote, is change coming to East Ramapo school board after election?*, Journal News, February 12, 2021, <https://www.lohud.com/story/news/local/rockland/2021/02/12/after-historic-vote-change-coming-east-ramapo-school-board/6742142002/>
27. Henry M. Greenberg, *Report of Investigation: East Ramapo: A School District in Crisis*, The New York State Education Department, November 17, 2014, page 30, available at: <http://www.p12.nysed.gov/docs/east-ramapo-fiscal-monitor-presentation.pdf>
28. Leslie Brody, *State Monitor Says East Ramapo Schools Mismanaged*, Wall Street Journal, November 17, 2014, <https://www.wsj.com/articles/state-appointed-monitor-says-east-ramapo-schools-mismanaged-1416264551>
29. Wallace-Wells, *Them and Them*, <https://nymag.com/news/features/east-ramapo-hasidim-2013-4/>
30. *Appeal of STEVEN WHITE from action of the Board of Education of the East Ramapo Central School District and Congregation Yeshiva Avir Yakov*, <http://www.counsel.nysed.gov/Decisions/volume50/d16239>
31. Josh Nathan-Kazis, *First Felony Charges in E. Ramapo School Scandal*, Forward, July 31, 2013, <https://forward.com/news/181495/first-felony-charges-in-e-ramapo-school-scandal/>
32. Mareesa Nicosia, *East Ramapo sells Hillcrest for use as yeshiva again*, Journal News, November 25, 2014, <https://www.lohud.com/story/news/education/2014/11/25/east-ramapo-sells-hillcrest-school/70114646/>
33. Greenberg, <http://www.p12.nysed.gov/docs/east-ramapo-fiscal-monitor-presentation.pdf>
34. Kate Taylor, *Team From New York Education Dept. to Study Troubled East Ramapo Schools*, New York Times, August 13, 2015, <https://www.nytimes.com/2015/08/14/nyregion/education-dept-appoints-team-to-study-east-ramapo-school-district.html>
35. Kate Taylor, *East Ramapo School Board Is Criticized by New York State Monitor*, New York Times, November 17, 2014, <https://www.nytimes.com/2014/11/18/nyregion/east-ramapo-school-board-is-criticized-by-new-york-city-monitor.html>
36. *East Ramapo Central School District - Nonpublic School Transportation*, New York State Comptroller, November 20, 2019, available at: <https://www.osc.state.ny.us/local-government/audits/school-district/2019/11/20/east-ramapo-central-school-district-nonpublic-school-transportation-2019m>
37. *East Ramapo Central School District - Budget Review*, Office of the State Comptroller, May 5, 2021, page 5, available at: <https://www.osc.state.ny.us/files/local-government/audits/2021/pdf/east-ramapo-budget-review-b21-5-4.pdf>
38. Greenberg, <http://www.p12.nysed.gov/docs/east-ramapo-fiscal-monitor-presentation.pdf>
39. 34 CFR Part 300 - ASSISTANCE TO STATES FOR THE EDUCATION OF CHILDREN WITH DISABILITIES, available at: <https://www.law.cornell.edu/cfr/text/34/part-300>
40. New York Office for Civil Rights Determination regarding East Ramapo Central School District, Case Nos. 02-11-1091 & 02-15-1140, U.S. Department of Education, page 5, available at: <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/02111091-a.pdf>
41. *Ibid*.
42. In Depth, Strong East Ramapo, <http://www.strongeastramapo.org/indepth>
43. Greenberg, page 17, <http://www.p12.nysed.gov/docs/east-ramapo-fiscal-monitor-presentation.pdf>
44. Greenberg, <http://www.p12.nysed.gov/docs/east-ramapo-fiscal-monitor-presentation.pdf>

45. Zambito, *East Ramapo trial: Settlement details emerge, closing arguments by phone start today*, <https://www.lohud.com/story/news/local/rockland/ramapo/2020/03/24/naacp-settlement-proposal-east-ramapo-trial/2902396001/>
46. Thomas C. Zambito, *In a surprise, federal judge increases East Ramapo's tab for losing voting rights case to NAACP*, *Journal News*, March 5, 2021, <https://www.lohud.com/story/news/local/rockland/2021/03/05/judge-ups-east-ramapos-tab-losing-naacp-voting-rights-trial/4599754001/>
47. See NYSED, *2019-20 State Aid Handbook*, available at: [https://stateaid.nysed.gov/publications/handbooks/handbook\\_2019.pdf](https://stateaid.nysed.gov/publications/handbooks/handbook_2019.pdf)
48. See *Revenue Estimates 2021/2022*, East Ramapo Central School District, available at: [https://www.ercsd.org/site/handlers/filedownload.ashx?moduleinstanceid=15314&dataid=24658&FileName=21-22\\_Revenue%20Estimate\\_4.12.2021.pdf](https://www.ercsd.org/site/handlers/filedownload.ashx?moduleinstanceid=15314&dataid=24658&FileName=21-22_Revenue%20Estimate_4.12.2021.pdf)
49. *Voting From Home: Summary of the 2020-21 School District Budget Vote*, Office of the New York State Comptroller, available at: <https://www.osc.state.ny.us/files/local-government/publications/2020/pdf/summary-of-2020-21-school-district-budget-vote.pdf>
50. *School Budget Votes*, New York State School Boards Association, available at: <https://www.nyssba.org/news-media/school-budget-votes/>; See also Thomas C. Zambito, *East Ramapo votes no on school budget, the lone rejection in Lower Hudson Valley*, *Journal News*, June 19, 2020, <https://www.lohud.com/story/news/2020/06/19/east-ramapo-rejects-247-m-school-budget/3224017001/>
51. Budget Fact Sheet, Walton Central School District, available at: [https://www.waltoncsd.org/Downloads/contingent\\_budget\\_fact\\_sheet.pdf](https://www.waltoncsd.org/Downloads/contingent_budget_fact_sheet.pdf)
52. DiNapoli: East Ramapo School Budget Hampered By Deficits, Inadequate Rainy Day Funds, Office of the New York State Comptroller, June 21 2016, available at: <https://www.osc.state.ny.us/press/releases/2016/06/dinapoli-east-ramapo-school-budget-hampered-deficits-inadequate-rainy-day-funds>
53. *NAACP Spring Valley v. East Ramapo Central School District*, page 46, available at: [https://www.nyclu.org/sites/default/files/field\\_documents/2020\\_05\\_25\\_568\\_decision\\_and\\_order.pdf](https://www.nyclu.org/sites/default/files/field_documents/2020_05_25_568_decision_and_order.pdf)
54. *Ibid*, pages 36 and 74
55. Thomas C. Zambito and Nancy Cutler, *East Ramapo district plans 3 teacher cuts, down from 33; will borrow to fix budget blunders*, *Journal News*, March 3, 2021, <https://www.lohud.com/story/news/education/2021/03/03/east-ramapo-school-budget-layoffs/6904459002/>
56. Nancy Cutler, *East Ramapo names new superintendent; 0% tax hike in budget plan*, *Journal News*, April 14, 2021, <https://www.lohud.com/story/news/education/2021/04/14/east-ramapo-new-superintendent-flat-tax-levy-budget/7214801002/>
57. Thomas C. Zambito and Gary Stern, *East Ramapo schools could score windfall with coronavirus funding, contract under scrutiny*, *Journal News*, January 27, 2021, <https://www.lohud.com/story/news/local/rockland/ramapo/2021/01/27/federal-funding-windfall-struggling-east-ramapo-schools/4260739001/>
58. *East Ramapo Central School District – Budget Review*, page 5, available at: <https://www.osc.state.ny.us/files/local-government/audits/2021/pdf/east-ramapo-budget-review-b21-5-4.pdf>
59. Mareesa Nicosia, *Immigrants decry East Ramapo chief's dropout comments*, *Journal News*, September 3, 2014, <https://www.lohud.com/story/news/education/2014/09/02/immigrants-decry-east-ramapo-schools-chiefs-comments/15000799/>
60. Gary Stern, *East Ramapo's Klein 'profoundly sorry' to Hispanic community*, *Journal News*, October 17, 2014, <https://www.lohud.com/story/news/education/2014/10/17/east-ramapo-superintendent-apologizes/17440811/>
61. Steve Lieberman, *E. Ramapo chief Joel Klein resigns, effective Oct. 31*. *Journal News*, October 8, 2015, <https://www.lohud.com/story/news/education/2015/10/08/east-ramapo-superintendent-joel-klein-resigns/73539424/>
62. New York Office for Civil Rights Determination regarding East Ramapo Central School District, available at: <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/02111091-a.pdf>
63. *Ibid*.
64. Robin Traum, *East Ramapo Students Walk Out*, *Patch*, May 29, 2013, [https://patch.com/new-york/nanuet/east-ramapo-students-walk-out\\_2e8be3a7](https://patch.com/new-york/nanuet/east-ramapo-students-walk-out_2e8be3a7); See, e.g., *Chris Kirby smirks at an East Ramapo special ed parent*, *LuckyLouProduction*, July 3, 2013, available at: <https://youtu.be/x1P-BWF5X4s>; see also, <https://www.youtube.com/user/LuckyLouProduction/videos>; and Allison Dunne, *Supporters Of East Ramapo School District Oversight Bill Head To Albany*, *WAMC*, April 28, 2015, <https://www.wamc.org/post/supporters-east-ramapo-school-district-oversight-bill-head-albany>
65. *Ibid*.
66. *East Ramapo Central School District – Audit Follow-Up 2013M-141-F, 2011M-52-F*, New York State Comptroller, June 2016, available at: <https://www.osc.state.ny.us/files/local-government/audits/2017-12/lgsa-audit-school-2016-east-ramapo.pdf>
67. *Ibid*.
68. *East Ramapo CSD (Spring Valley) At A Glance 2018-19*, New York State Education Department, available at: <https://data.nysed.gov/profile.php?instid=800000039112>; see also *Required Actions: Targeted Support and Improvement (TSI) Schools*, New York State Education Department, available at: <http://www.nysed.gov/accountability/required-actions>
69. Thomas C. Zambito and Nancy Cutler, *Cuomo signs East Ramapo monitor bill in victory for district's public school advocates*, *Journal News*, June 30, 2021, <https://www.lohud.com/story/news/education/2021/06/30/east-ramapo-monitors-veto-power-cuomo-signs-bill/7810716002/>

70. Peter Applebome, Board's Hiring Sets Off a School War, New York Times, December 6, 2009, <https://www.nytimes.com/2009/12/07/nyregion/07towns.html>
71. *Appeal of STEVEN WHITE from action of the Board of Education of the East Ramapo Central School District and Congregation Yeshiva Avir Yakov*, available at: <http://www.counsel.nysed.gov/Decisions/volume50/d16239>
72. Peter Applebome, *Rockland County Parents Ask State to Oust 5 Orthodox Jews on School Board*, New York Times, July 28, 2012, <https://www.nytimes.com/2012/07/28/nyregion/parents-in-east-ramapo-school-district-ask-state-to-oust-orthodox-jews-on-board.html>
73. "Attorney Chris Kirby Says F-U in Parking Lot," Youtube video taken after East Ramapo School Board Meeting on July 2, 2013, available at: <https://youtu.be/qsOcr2mYKq0>
74. Mareesa Nicosia, *East Ramapo 'insulted' by early lottery aid deal*, Lohud, June 11, 2014, <https://www.lohud.com/story/news/education/2014/06/11/east-ramapo-insulted-early-lottery-aid-deal/10358093/>
75. New York Office for Civil Rights Determination regarding East Ramapo Central School District, available at: <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/02111091-a.pdf>
76. Adrienne Sanders, *Pay rate for East Ramapo's new law firm*, Lohud, July 7, 2015, <https://www.lohud.com/story/news/education/2015/07/07/east-ramapo-hires-new-lawyer/29837029/>
77. *East Ramapo Central School District – Audit Follow-Up 2013M-141-F, 2011M-52-F*, available at: <https://www.osc.state.ny.us/files/local-government/audits/2017-12/lgsa-audit-school-2016-east-ramapo.pdf>
78. "Lawsuit: East Ramapo School Board Elections Violate Voting Rights Of Black, Latino Residents," New York Civil Liberties Union, November 16, 2017, available at: <https://www.nyclu.org/en/press-releases/lawsuit-east-ramapo-school-board-elections-violate-voting-rights-black-latino>
79. *East Ramapo Central School District - Audit Report S9-18-13*, New York State Comptroller, September 2018, available at: [https://www.ercsd.org/site/handlers/filedownload.ashx?moduleinstanceid=11382&dataid=12146&FileName=East\\_Ramapo\\_CSD\\_formatted.pdf](https://www.ercsd.org/site/handlers/filedownload.ashx?moduleinstanceid=11382&dataid=12146&FileName=East_Ramapo_CSD_formatted.pdf)
80. *East Ramapo Central School District - Nonpublic School Transportation*, available at: <https://www.osc.state.ny.us/local-government/audits/school-district/2019/11/20/east-ramapo-central-school-district-nonpublic-school-transportation-2019m>
81. Thomas C. Zambito, *Appeals court back backs NAACP in East Ramapo voting rights challenge*, Journal News, January 6, 2021, <https://www.lohud.com/story/news/local/rockland/2021/01/06/federal-appeals-court-backs-naacp-east-ramapo-voting-rights-case/6563788002/>
82. Charles A. Szuberla, Jr. and Denise M. Lowe, Ed. D, *Continuing Progress: A Report on the East Ramapo Central School District for the 2018-2019 School Year*, October 2020 <http://www.nysed.gov/common/nysed/files/programs/accountability/east-ramapo-csd-2018-19-state-monitor-report.pdf>
83. NY Education Law, Article 31, available at <https://www.nysenate.gov/legislation/laws/EDN/A31>; see also, *City of New York v. State*, 86 N.Y.2d 286, 290 (1995), available at: <https://law.justia.com/cases/new-york/court-of-appeals/1995/86-n-y-2d-286-0.html>
84. *Vetere v. Allen*, 15 N.Y.2d 259 (New York Court of Appeals, 1965), finding that the Commissioner is "endowed . . . with an all but absolute power [to] make public policy in the field of education" and that "the state's power over the structure of the local delivery of [education] is unconstrained by notions of local control of local government.", available at: <https://casetext.com/case/matter-of-vetere-v-allen-2>; See also, Richard Briffault, *Local Government and the New York State Constitution*, Hofstra Law & Policy Symposium: Vol. 1 , Article 7(1996), pages 79, 85, available at: <https://scholarlycommons.law.hofstra.edu/hlps/vol1/iss1/7/>
85. *Board of Education v. Allen*, May 28, 1959, New York Court of Appeals, available at: <https://cite.case.law/n-y-2d/6/127/>
86. *Ibid.*
87. Hochschild JL, Harvey A, Hochschild JL. *Only One Oar in the Water: The Political Failure of School Desegregation in Yonkers, New York*. 1993;7 (3): 276-296, <https://scholar.harvard.edu/jlhochschild/publications/only-one-oar-water-political-failure-school-desegregation-yonkers-new-york>
88. *Vetere v. Allen*, <https://casetext.com/case/matter-of-vetere-v-allen-2>
89. *Ibid.*
90. *Board of Education v. Nyquist*, July 26, 1979, New York Supreme Court, Appellate Division, available at: <https://cite.case.law/ad2d/69/182/>
91. Leonard Buder, *Regents Dismiss Nyquist as Education Commissioner*, New York Times, November 20, 1976, <https://www.nytimes.com/1976/11/20/archives/regents-dismiss-nyquist-as-education-commissioner-regents-dismiss.html>
92. John Kucsera, Gary Orfield, *New York State's Extreme School Segregation Inequality, Inaction and a Damaged Future*, UCLA Civil Rights Project, March, 2014: page 14. Available at: <https://www.civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/ny-norflot-report-placeholder/Kucsera-New-York-Extreme-Segregation-2014.pdf>
93. New York Laws of 2021, Chap. 173. Available at: <https://www.nysenate.gov/legislation/bills/2021/s6052>
94. New York State Education Law §3635[1][a]. Available at: [http://www.p12.nysed.gov/schoolbus/education\\_law/html/Education\\_Law\\_3635-1e.html](http://www.p12.nysed.gov/schoolbus/education_law/html/Education_Law_3635-1e.html)

**NYCLU**

New York Civil Liberties Union  
125 Broad St., 19th Fl, New York, NY 10004  
(212) 607-3300

[www.nyclu.org](http://www.nyclu.org)