

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK**

NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE,
SPRING VALLEY BRANCH; JULIO
CLERVEAUX; CHEVON DOS REIS; ERIC
GOODWIN; JOSE VITELIO GREGORIO;
DOROTHY MILLER; HILLARY MOREAU;
and WASHINGTON SANCHEZ,

Plaintiffs,

v.

EAST RAMAPO CENTRAL SCHOOL
DISTRICT and MARYELLEN ELIA, IN
HER CAPACITY AS THE
COMMISSIONER OF EDUCATION OF
THE STATE OF NEW YORK,

Defendants.

17 Civ. 8943 (CS) (JCM)

DECLARATION OF OLIVIA CASTOR

OLIVIA CASTOR, pursuant to 28 U.S.C. § 1746, declares under penalty of perjury as follows:

Background

1. I am a United States citizen. I am 22 years old. I am a black woman.
2. I live in Boston, Massachusetts.
3. I currently work as a project analyst for the law firm of Mintz, Levin, Cohn, Ferris, Glovsky & Popeo P.C. in Boston.
4. I graduated from Harvard University *cum laude* in May 2017 with an A.B. in Social Studies and African-American Studies.

5. Throughout my childhood until I graduated high school, I lived in Spring Valley, New York. I still have family and friends who live in Spring Valley and within the East Ramapo Central School District (“East Ramapo” or the “District”).

6. I attended Spring Valley High School from September 2010 until I graduated in June 2013. I was salutatorian of my graduating class.

7. Prior to attending Spring Valley High School, I attended private schools, including Hawthorne Christian Academy in Hawthorne, New Jersey, and Cornerstone Christian School in New City, New York.

8. After attending private schools for elementary and middle school, I asked my parents to allow me to attend Spring Valley High School. Among other reasons, I wanted to try to get admitted to a top college or university, and I thought I would get a more rigorous academic experience at Spring Valley High School. At that time, Spring Valley High School offered a much broader set of rigorous academic offerings—in particular Advancement Placement (AP) classes—and extracurricular activities, including competitive athletics and clubs. My parents ultimately allowed me to attend Spring Valley High School beginning in the 2010-2011 school years, which was my sophomore year.

Experience as a Student at Spring Valley High School

9. In my sophomore year at Spring Valley High School, I immediately began to enroll in the most challenging courses I could find, including AP World History and a slate of honors courses in other subjects. I also took the opportunity to participate in many extracurricular offerings, including the Spring Valley High School NAACP chapter. When I first began participating in the Spring Valley High School NAACP, the club had a faculty adviser.

10. During the 2010-2011 school year, the mood among students at Spring Valley High School was generally positive. We had yet to feel the effect of any of the reductions in resources that the District's Board of Education (the "Board") proposed or approved at that time. During that year, I felt I was able to take advantage of most of the academic and extracurricular opportunities that I had hoped to receive when I asked my parents to allow me to attend Spring Valley High School.

11. When I attended Spring Valley High School, I was on the varsity soccer team. Our soccer team was a consolidated team for both Ramapo High School and Spring Valley High School. I thought it was unusual that two high schools the size of Ramapo and Spring Valley would have a combined team. The roster was very large—our team filled almost an entire yellow school bus on our way to games—but we had only one coach. We practiced at Ramapo High School, and I had to take a bus to go to practice there every day. When I was at Ramapo High School, I regularly noticed the poor condition of the facilities there, such as bathroom stalls without doors, trash on the hallway floors, and garbage cans placed to catch water leaking from the roof. I recall that our soccer coach would not let us run on the bleachers because they were in such poor condition and he was concerned that we would fall through the floorboards.

12. In my junior year, 2011-12, I became aware of the effects of the Board's cuts. I was elected to a position on the Youth Council of the Spring Valley Branch of the NAACP ("Spring Valley NAACP") and began attending meetings of the Spring Valley NAACP. I also began to interact more with students at Ramapo High School who had participated in student government. Those students had already begun to hold rallies and protests at the District offices against the Board's cuts to faculty, programming, and extracurricular activities. While attending the Spring Valley NAACP meetings and demonstrations with Ramapo High School students at the

District offices and getting to know the Ramapo High School student leaders, I became acquainted with the problems facing Spring Valley High School, and I began to pay closer attention to the Board's decisions regarding the public school budget and the impact of cuts on the students, faculty, staff, and facilities at my high school.

13. Starting in my junior year, the budget cuts negatively impacted my education. At the start of my junior year, I did not receive the lengthy list of course offerings and extracurricular activities that I received at the start of my sophomore year. Instead, I was told that the school could not predict what classes and extracurricular activities would be available due to the extensive budget cuts. During the first semester of my junior year, other students and I selected courses for our second semester, only to be told in our second semester that the courses we had selected were no longer available. For students like myself, seeking to pursue rigorous schedules that would make them competitive for college admissions, this presented a significant problem because there were fewer opportunities to take AP and honors courses; year-long AP or honors courses would end up half-finished and some students were denied the opportunity to take the upper level courses for which they had spent the prior semester taking prerequisites. Some students were required to take lower-level courses, which made them less competitive for college admissions. On a personal level, I was forced to drop into a lower level Spanish class after the number of sections of an AP history course I wanted to take were reduced, and I had to choose between an honors Spanish class and the AP history course, which met at the same time. I chose the AP history course and instead dropped into a regents-level Spanish, which had students with a very wide range of language competencies due to the reduction in course offerings.

14. Some students in lower-level courses told me they were also negatively affected when higher-level students dropped into lower-level courses, receiving less attention from teachers

after an influx of honors students into their classes. Because I was known as an activist within the school, teachers also came to me with their complaints about not being able to give all their students adequate attention due to the expanded range of student ability levels.

15. Teachers and other adults would also tell me and other student activists about other things they were concerned about—for example, more programming cuts, layoffs, and infrastructural or security concerns—and suggest that student activists raise these issues. They told me that they thought that the Board might be receptive to hearing these concerns from students rather than from District employees, whom they had been ignoring for some time.

16. During my junior year, the already deteriorating physical conditions at Spring Valley High School became noticeably worse than the previous year. For example, when it rained, large garbage cans were placed in the halls to catch water leaking through the roof. After ceiling tiles were water damaged, I noticed black mold forming over the water spots. The hinges on bathroom stall doors were broken, so it was often not possible to have privacy when using a stall unless another person held the door closed. When drinking fountains broke down, rather than fix them, the school would just put plastic bags over the fountains.

17. Although groups like the Spring Valley NAACP and other public school advocates, like Power of Ten, understood the extent of the Board's cuts, I thought it was important to provide the community with the perspective of students on the ground who were bearing the brunt of these cuts every day. I felt a responsibility to help amplify the voices of students who were experiencing the reduced course offerings, the loss of important extracurricular activities, and the difficulty of attending classes in a building in deteriorating physical shape. During my senior year, after the Board cut funding for clubs, the Spring Valley High School NAACP lost its faculty advisor, other

members of the club and I worked extra hard to kept the organization going without support from the District.

The Board's Lack of Responsiveness to Student Concerns

18. To provide a student perspective, beginning in January 2013, I worked with other students to collect students' experiences and perspectives about the quality of education that we were receiving from the District. Initially, this began as a conversation in our classes and during our lunch periods, but eventually, we invited students to a Youth Council meeting to voice their concerns about the school to us. Other students and I collected these responses and published them in a document that we presented to the Board during the second semester of my senior year. A true and correct copy of the document that we presented to the Board is attached as Exhibit 1. Students expressed concerns about: not being able to fill their schedules with classes and instead having multiple lunch periods and study halls; having outdated textbooks; having their favorite activities cut; not being able to take classes they wanted; broken computers; and crumbling facilities. To the best of my recollection, the Board never responded to this document.

19. In February 2013, to draw attention to the number of students who were experiencing significant gaps in their schedules due to the inability to enroll in enough classes, I went into a hallway at Spring Valley High School one day after school and asked students if they would be willing to share their schedules to bring this problem before the Board. They agreed and gave me copies of their schedules, which I redacted and combined into a presentation for the Board that I delivered in a meeting around March 2013. A true and correct copy of this presentation is attached as Exhibit 2. When I delivered this presentation, Board members responded by accusing me of falsifying the schedules. I explained to them that I certainly did not falsify this information. After attacking the veracity of my presentation, the Board did not respond further to me.

20. At several Board meetings I attended, when members of the public criticized the Board, I recall Board members playing with their phones, having side conversations, or otherwise appearing disinterested. On one occasion when I spoke at a Board meeting and found none of the Board members paying attention, I picked up the podium and turned it around. I told the Board that if they were not going to listen to public comments, then I might as well address myself to the crowd.

21. In March 2013, students rallied to protest changes to our graduation date and locations. In previous years, both Ramapo High School and Spring Valley High School had their graduations in a large, air conditioned space at Rockland Community College (RCC) on a Sunday, which allowed parents, relatives, and friends to attend graduation and also allowed students to have as many guests as they wanted. I discovered through a guidance counselor that the Board had been making plans to move graduation to a Monday during the day time and to the respective high school gymnasiums, which were each a fraction of the size of the space at RCC and not air conditioned. At my high school and at Ramapo, many students came from poor and working class backgrounds, and for many students, their family members would not be able to take time off work to attend. At the March 5, 2013 Board meeting at which the Board was scheduled to vote on the proposal to move the graduation dates and location, other students and I rallied.

22. During the March 5, 2013 Board meeting, Mr. D'Agostino directed profanity and threatening language towards Nicholas Pulakos, then a 17-year-old black student on the honor roll at Ramapo High School. Mr. D'Agostino offered to physically fight Mr. Pulakos and made confrontational movements toward him. Mr. Pulakos did not speak to Mr. D'Agostino in any threatening manner and did not provoke him. A reporter for *New York Newsday* witnessed this incident and wrote an article detailing the incident in the following day's issue. At the following

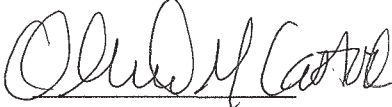
Board meeting in April 2013, I gave a speech condemning Mr. D'Agostino's bullying tactics and admonishing the other Board members who had remained silent while Mr. D'Agostino attempted to intimidate a student.

23. In May 2013, other students and I staged a walkout in school to protest the Board's cuts to the public school budget, the loss of critical educational services in our schools, and their disinterest in listening or serving the District's public school students. We decided on a walkout because the Board had shown no response to our protests at their meetings and no interest in our education, so we believed it would send a strong message to show them that under these conditions, we students were better off in the streets. Students from Ramapo High School and Spring Valley High School walked out of their school buildings and marched to Memorial Park where we held a huge rally. Together, we then all marched to the District offices. Students wore black in mourning for the plight of our educational experiences. We even held a moment of silence for the District. Approximately 500 students participated in the rally. We received a police escort, and there were no arrests or other disciplinary issues. The Board did not acknowledge or respond to the walkout.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: Boston, Massachusetts

December 6, 2017


Olivia Castor