

# **EXHIBIT A**

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

NATIONAL ASSOCIATION FOR THE  
ADVANCEMENT OF COLORED PEOPLE,  
SPRING VALLEY BRANCH, *et al.*,

Plaintiffs,

v.

EAST RAMAPO CENTRAL SCHOOL  
DISTRICT, *et al.*,

Defendants.

ECF CASE

Case No. 7:17-cv-08943

DISTRICT JUDGE  
CATHY SEIBEL

MAGISTRATE JUDGE  
JUDITH C. MCCARTHY

**DECLARATION OF DR. RAY GIAMARTINO, JR.**

Pursuant to 28 U.S.C. § 1746, Ray Giamartino, Jr. declares as follows:

1. I am an adult resident of Rochester, New York, and I have served as the interim superintendent of the East Ramapo Central School District (the “District”) from September 8, 2020, through the present.

2. One of my responsibilities as interim superintendent is to work with the Board of Education to manage the District within the budget approved by voters, or on a contingency budget if voters do not approve the budget proposed by the Board.

3. On May 19, 2020, four months before I became interim superintendent, the Board adopted a proposed budget for the 2020–21 school year in the amount of \$247,753,226.00.

4. Unfortunately, voters in the District rejected the proposed budget in the June 2020 budget election, which resulted in a contingency budget for the District for the 2020–21 school year in the amount of \$245,744,853.00.

5. It is my understanding that a report was issued on December 29, 2020 recommending that this Court award \$4,333,696.33 in attorneys’ fees, expenses, and costs to the

Plaintiffs who brought this lawsuit. I also understand that Plaintiffs may seek to recover additional fees and costs they incur in subsequent phases of the litigation.

6. The recommended award of \$4,333,696.33 represents approximately 1.76% of the District's total contingency budget for the 2020–21 school year, and would have a devastating impact on the District's programs and ability to maintain effective high quality services and would restrict the District's ability to access resources that might otherwise be needed to support our students in an equitable manner as compared to their same-age peers in neighboring districts. Such a high-level, unbudgeted determination could effectively increase the challenges the District is already facing in supporting our public school students with the highest level of quality, particularly at a time when the District is already under significant stress as a result of both the contingency budget and the ongoing COVID-19 pandemic.

7. The District has already incurred significant unexpected costs to support remote learning during the ongoing COVID-19 pandemic. For example, upon conducting a series of audits immediately after I became interim superintendent, the data revealed that approximately three-quarters or close to 7,000 of the District's over 9,000 public school students had limited to no access to the technology necessary to participate effectively in remote learning. As a result, to ensure our students had equitable access to the necessary resources, I directed personnel to immediately purchase 6,224 Dell Chromebooks to provide those students with devices that would allow them to participate in hybrid learning. This resulted in a previously unanticipated expense in the amount of \$2,022,800.00 for the hardware and \$149,376.00 in e-Licensing. This is just one example. With no clear end of the pandemic in sight, the District has further expended, to date, an additional \$2,058,749.00 in COVID-19 supplies, services and labor – monies that were not pre-budgeted for, and as a result, have consequently limited the District's ability to provide what we

have deemed essential social-emotional supports to an already at-risk student population. Further, as the pandemic continues, it is projected that additional unfunded COVID-19 costs will be upwards of \$1,170,547.00, bringing total unbudgeted COVID-19 estimated costs to \$5,401,472.00. It is expected that the District will inevitably incur additional costs as it deals with the pandemic and its aftermath—including costs that will be necessary to help students recover academically, socially and emotionally after the pandemic has ended.

8. I have been asked to identify possible reductions to public school programs, activities, teachers and administrative positions in the District that may be required if an additional \$4,333,696.33 is removed from the District's current contingency budget. Although final decisions regarding any reductions would have to be made in consultation with the Board of Education and members of the District's senior leadership team of administrators, my preliminary assessment indicates that the move would require significant personnel and educational program reductions that could include the following - all of which will have a direct impact on the District's public school students.

9. These positions include school and district social workers that the District is uniquely positioned to hire to provide our students and community an assurance that Adverse Childhood Experiences (ACES) are addressed and to support, in brief, positive student social development – especially after such high levels of trauma have been experienced vis-à-vis COVID-19 as well as other societal issues our most at-risk students face on a daily basis.

10. At present, at a minimum, current positions that may be affected are as follows:

- a. Assistant Superintendent for School and District Improvement – A clearly defined position that supports schools in maintaining positive academic development and is aligned to support the NYSED School and District

Improvement process – which also includes ensuring the NYSED Diagnostic Tool for School and District Effectiveness is applied with fidelity, focusing on the core Tenets of Effective School Systems and Practices (via NYSED, <http://www.nysed.gov/accountability/dtsde>):

*Tenet 1 – Systems and Organization: Effective schools establish school-wide systems and structures that promote continuous improvement and success for all students.*

*Tenet 2 – School Leadership: Visionary leaders create a school community and culture that leads to success, well-being, and high academic outcomes for all students.*

*Tenet 3 – Curriculum: Effective schools provide students with rigorous, coherent, and relevant curricula that prepares all students for success.*

*Tenet 4 – Instruction: Effective teachers engage with students in a manner that promotes mastery and allows students to stretch their knowledge and deepen their understanding.*

*Tenet 5 – Social-Emotional Learning: Effective schools develop a systematic approach to Social-Emotional Learning to ensure that all students can develop social-emotional learning skills necessary for success within and beyond school.*

*Tenet 6– Parent and Community Engagement: Effective schools develop a systematic approach to Family and Community Engagement to empower parents to effectively advocate for their child’s learning and for the improvement of the school.*

- b. 3 FTE School Psychologists;
- c. 3 Security Personnel;
- d. 2 Central Office Clerks;
- e. A Junior Network Specialist position, which would result in the reduction of support for bilingual families and individual public schools in need to technical support;
- f. Chief Operating Officer – ERCSD continues to have lower quality buildings. This position reduction would eliminate the time-sensitive ability to conduct a Facilities Modernization Study and then subsequently not allow the District

to not only mitigate already back-dated repairs to schools, but negate the ability to frame a much-needed Facilities Modernization Plan;

- g. 6 Academic Standards Facilitators – Would constrict central supports to schools and impact building-based professional learning and direct support to students at the building level;
- h. 3 building administrators – Would result in an increase in caseload for other administrators in three schools;
- i. 7 Social Workers (Pending) – Continued inequitable access to Social-Emotional Learning (SEL)-based supports;
- j. 2 District Directors – Would directly impact professional development, K-12;
- k. 14 Classroom Teachers, which would increase class sizes for existing classes, and lead to reduction in core instructional support model and Professional Learning Community Development;
- l. 6 Art Teachers and Music Teachers for K–3 students, which would eliminate visual art and music until fourth grade; the remaining art teachers would travel between buildings and one instrumental music teacher would be eliminated;
- m. 2 Assistant Transportation Directors – thus reducing response time to parents/families.

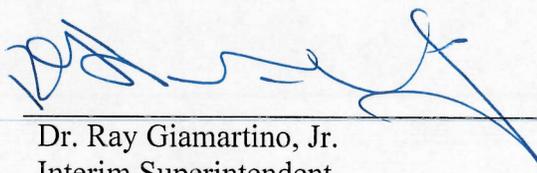
11. It is my professional opinion that the foregoing reductions in personnel and programs resulting from the fee award recommended in the December 29 report will have a lasting negative impact on East Ramapo public school students and the community as a whole. The depth of the reductions the District will face with this determination will indeed have a collective impact on our students and community - those most at-risk in Rockland County. A \$4.3 million judgment

will have a long-term impact not only on the students of the East Ramapo Central School District, but in the District's ability to effectively develop the productive members of our community that are so necessary for community sustainability. Since transitioning to the East Ramapo School District and Community just four short months ago, I have witnessed first-hand the long-standing inequities our students and families have faced compared to their peers in other districts. Based on my professional experience and opinion as an educator of close to 30 years, such lack of equitable access relative to other districts may in fact result in measurable regression of students' cognitive and social-emotional development, thus further resulting in students not meeting grade-level proficiency. Additionally, such a judgment will affect the District's ability to hire newly needed personnel or to subsequently replace bona fide personnel vacancies - thus resulting in further disparities and a lack of equity for East Ramapo students. Holistically, the results of this judgement will have a lasting effect and absolutely impact East Ramapo students and the community if the District is forced to pay \$4.3 million that is desperately needed to support the hiring of social workers, fund equity programming, and provide evidence-based social-emotional based competencies for the betterment of the collective community.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: Spring Valley, New York

1.12 \_\_\_\_\_, 2021.



Dr. Ray Giamartino, Jr.  
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