



Education Finance Associate for the New York State Senate Education Committee. In all, I have over 20 years of experience in the government sector with budget analysis. In these positions I played significant roles in analyzing and negotiating education budgeting on behalf of both the Executive and the State Senate. Accordingly, I am fully familiar with the State funding formulas for school districts and the funds that are allotted to each school district in the State. I regularly assist the Buffalo Teachers Federation, Inc. (“BTF”) and work with its President, Phil Rumore, to examine and analyze the financial status of the Buffalo Public Schools (“District”).

2. I submit this affidavit to provide background on the State funding levels of the District and the demographics of the five District schools that have been identified as “persistently struggling” pursuant to Education Law § 211-f to show that reductions in State funding and high poverty levels of students in the persistently struggling schools can have an impact on student performance. The information and data presented below is based upon my review of State databases and documents, and my knowledge of State school district funding.

*District Demographics*

3. As required by Education Law § 305(21)(b), on November 12, 2015, the New York State Commissioner of Education (“Commissioner”) prepared and/or updated a database containing State school aid and demographic data for school districts. While this database is not available online, an electronic version of this database is available upon request from the State Education Department, and I reviewed both an electronic and hard copy of that database which contained information relevant to the District.

4. According to this database, the District has over 34,000 students enrolled for the 2015-2016 school year. In addition, over 7,000 students attend charter schools in Buffalo.

5. 83% of District students in grades Kindergarten through 6 are eligible for the Federal Free and Reduced Price lunch program. This percentage is the eighth highest in the State.

6. To qualify for a free lunch, the family income must be at or below 130% of Federal poverty guidelines. For a family of four, this equates to a maximum income of \$31,525. To qualify for a reduced price lunch program, the family income must be at or below 185% of Federal poverty guidelines. For a family of four, this equates to a maximum income of \$44,863. This information comes from the U.S. Department of Health and Human Services Child Nutrition Eligibility Guide Chart. See <http://aspe.hhs.gov/2015-poverty-guidelines> and <http://portal.nysed.gov/portal/page/portal/CNKC/IntDocs/App.%20Eligibility%20Guide.pdf>.

7. 16.4% of District students are English Language Learners, which is the twenty-first highest concentration in the State. In the 2013-2014 school year, 63 different languages were spoken by students attending District schools. See Partnership for the Public Good, Subin Chung and Emily Riordan, Buffalo Brief: Immigrants, Refugees, and Languages Spoken in Buffalo (October 1, 2014), available at <http://www.ppgbuffalo.org/publications/immigrants-refugees-and-language-access/> (last visited January 26, 2016).

8. The State calculates the relative wealth levels of all school districts for the purpose of calculating state aid. This calculation results in the Combined Wealth Ratio (“CWR”).

9. The CWR is a measure of relative wealth, indexing each district against the Statewide average on a combination of two factors: property wealth per pupil and income wealth per pupil. The State average CWR is defined as being equivalent to 1.0. Districts with a ratio

greater than 1.0 are wealthier than the State average, while districts with a ratio of less than 1.0 have below average wealth.

10. Buffalo Public Schools has a CWR of 0.313 and is the eighth poorest school district in the State.

11. The New York State Education Department (“SED”) publishes enrollment data for each school in each school district in New York State, known as school report cards. As part of these report cards, SED publishes the demographics of each school, and provides teacher evaluation data. The reports are available on the SED website – <http://data.nysed.gov/>. On December 3 and 8, 2015, I accessed the website, viewed and printed the available enrollment data for each of the five schools in the District identified as “persistently struggling”. The available data was for the 2013-2014 school year. Copies of the reports I printed are attached as Exhibits “A” through “E”.

12. The five persistently struggling schools have high percentages of economically disadvantaged students. Specifically, 91% of the students enrolled in 2013-2014 at the Buffalo Elementary School of Technology were economically disadvantaged, and 89% were eligible for free lunch (Exhibit “A”); 69% of the students enrolled in 2013-2014 at the Burgard Vocational High School were economically disadvantaged, and 67% were eligible for free lunch (Exhibit “B”); 87% of the students enrolled in 2013-2014 at the Marva J. Daniel Futures Prep School were economically disadvantaged, and 87% were eligible for free lunch (Exhibit “C”); 62% of the students enrolled in 2013-2014 at the South Park High School were economically disadvantaged, and 61% were eligible for free lunch (Exhibit “D”); and 92% of the students enrolled in 2013-2014 at the West Hertel Elementary School were economically disadvantaged, and 89% were eligible for free lunch (Exhibit “E”).

13. The five persistently struggling schools also have a majority of teachers rated “highly effective” and “effective”, and very few teachers that are rated “developing” or “ineffective” under New York’s teacher evaluation system. *See* Exhibits “A” through “E”.

14. Specifically, at the Buffalo Elementary School of Technology, 71% of the teachers were rated “highly effective”, 24% were rated “effective”, 5% were rated “developing” and no teachers were rated “ineffective” (Exhibit “A”); at the Burgard Vocational High School, 74% were rated “highly effective”, 13% were rated “effective”, 5% were rated “developing” and 8% were rated “ineffective” (Exhibit “B”); at the Marva J. Daniel Futures Prep School, 68% of the teachers were rated “highly effective”, 23% were rated “effective”, 9% were rated “developing” and no teachers were rated “ineffective” (Exhibit “C”); at the South Park High School, 79% of the teachers were rated “highly effective”; 19% were rated “effective”, 2% were rated “developing” and no teachers were rated “ineffective” (Exhibit “D”); at the West Hertel Elementary School, 58% of the teachers were rated “highly effective”, 33% were rated “effective”, 4% were rated “developing” and 4% were rated “ineffective” (Exhibit “E”).

#### State Funding and the District

15. According to the database produced pursuant to Education Law § 305(21)(b), the District is highly dependent on State funding for its operations. Approximately 85% of the District’s revenue comes from State aid.

16. The District’s projected budget for 2015-2016 is \$825 million. From its budget, the District is required to pay over \$103.5 million in tuition to charter schools in the 2015-2016 school year for Buffalo children who attend those charter schools. These payments to charter schools represent approximately 12.5% of the total budget for this school year.

17. There are three areas where the State has systematically underfunded the District as a result of the State's failure to provide sufficient appropriation levels for three programs: Foundation Aid, the Gap Elimination Adjustment and Prior Year Aid Claims.

18. Foundation Aid was established in the 2007-2008 State Budget (State Budget and Reform Act of 2007) with a scheduled four year phase-in period. This new aid formula was designed to provide a Statewide policy solution to the *Campaign for Fiscal Equity v. State* lawsuits.

19. The formula was partially implemented in 2007-2008 and in 2008-2009. However, the State completely froze the implementation of Foundation Aid in the 2009-2010 State Budget for three years. Since 2012-2013 the State has provided only a small increase in Foundation Aid relative to the amount of aid which is due. In addition, the State has eliminated the statutory phase-in schedule so there is no longer any schedule for these funds to be paid to needy districts like Buffalo. Statewide, the State is underfunding Foundation Aid by \$4.4 billion in 2015-2016.

20. The difference between the amount of Foundation Aid the District was supposed to receive if Foundation Aid was fully funded and the actual amount it is scheduled to receive for 2015-2016 is \$96,133,048. This means the State underfunded the District in Foundation Aid for 2015-2016 for over \$96 million.

21. The table below shows the amount the State underfunded the District's Foundation Aid from the 2007-2008 school year through the present school year.

School Year	Foundation Aid Funding Gap
2007-08	\$105,410,721
2008-09	\$82,162,251
2009-10	\$66,815,138
2010-11	\$97,418,819
2011-12	\$117,104,630
2012-13	\$115,238,293
2013-14	\$120,180,737
2014-15	\$134,773,199
2015-16	\$96,133,048
<b>Total Underfunding of Foundation Aid</b>	<b>\$935,236,836</b>

22. In 2010-2011 the State enacted the Gap Elimination Adjustment (“GEA”), which reduced State Aid to all school districts. This is a negative formula which reduces state aid based on a number of factors, including enrollment levels and community wealth levels. This GEA has remained in effect since 2010-2011 for the District. For the 2015-2016 school year it is -\$86,989, but it was significantly higher in prior years. This reduction in State aid is in addition to the State underfunding in Foundation Aid.

23. The table below shows the GEA levels in the District from the time it was enacted in 2010-2011 to the current school year, 2015-2016.

School Year	Gap Elimination Adjustment
2015-2016	-\$86,989
2014-2015	-\$4,349,404
2013-2014	-\$13,859,206
2012-2013	-\$24,314,395
2011-2012	-\$33,044,887
2010-2011	-\$18,377,428
<b>Total Amount of the GEA</b>	<b>-\$94,032,319</b>

24. The District has pending State aid claims, known as “prior year aid claims”. These are State aid claims have been approved for payment by SED as valid claims for prior

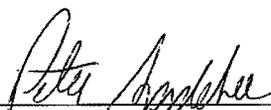
school years. Statewide there are \$317 million worth of these approved claims pending with SED.

25. The payment of these prior year aid claims is based on a single appropriation for this purpose. That appropriation has been insufficient to pay all valid claims. In 2015-2016, the prior year aid claim appropriation was \$18.6 million. As a result of this underfunding by the State, the claims are placed in a queue based on the date the claim was approved by SED.

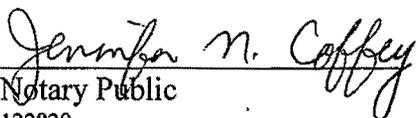
26. The District has \$1,178,541 in pending prior year State aid claims, which date back as far as 2011.

27. The table below shows the total GEA and Foundation Aid added together for the total amount of State aid the District was underfunded from the 2007-2008 school year through the present school year, 2015-2016. The total amount of underfunding is in excess of \$1.029 billion.

School Year	Gap Elimination Adjustment	Foundation Aid Underfunding	Total Underfunding
2015-2016	\$86,989	\$96,133,048	\$96,220,037
2014-2015	\$4,349,404	\$134,773,199	\$139,122,603
2013-2014	\$13,859,206	\$120,180,737	\$134,039,943
2012-2013	\$24,314,395	\$115,238,293	\$139,552,688
2011-2012	\$33,044,887	\$117,104,630	\$150,149,517
2010-2011	\$18,377,428	\$97,418,819	\$115,796,257
2009-2010	\$0	\$66,815,138	\$66,815,138
2008-2009	\$0	\$82,162,251	\$82,162,251
2007-2008	\$0	\$105,410,721	\$105,410,721
<b>Total Underfunding</b>	<b>\$94,032,319</b>	<b>\$935,236,836</b>	<b>\$1,029,269,155</b>

  
 \_\_\_\_\_  
 PETER APPLEBEE

Sworn to before me this  
 4<sup>th</sup> day of February, 2016

  
 \_\_\_\_\_  
 Notary Public  
 122829

JENNIFER COFFEY  
 NOTARY PUBLIC, State of New York  
 No. 02CO6179228  
 Qualified in Saratoga County  
 Commission Expires December 24 20 19