



NEW YORK STATE LEGISLATURE

December 7, 2016

The Hon. Andrew Cuomo
Office of the Governor
Executive Chamber, The Capitol
Albany, NY 12224

Dear Governor Cuomo:

We are writing to you to express our dismay upon learning that officials from the Utica City School District, who were scheduled to meet with your Education, Division of Budget and Counsel staff over the legitimate fiscal concerns of the district, were told they could not attend the meeting due to pending litigation.

Every year, Utica City School District representatives join their counterparts from the Conference of Big 5 School Districts to discuss school funding issues with your staff, and with budget experts from the State Assembly, State Senate and State Education Department. This year, on the morning of the scheduled meeting with your office, the Utica School District delegation were told they would not be allowed to attend the meeting. It is our understanding that it was because of the ongoing litigation of *Maisto v. State of New York*.

We contend this is not a valid reason to exclude Utica School District representatives and borders on playing politics with the children of the Utica School District. To be very clear, the school district is not suing the state; parents of students in the district are suing over inadequate and inequitable funding. Officials from the district should not be prevented from meeting with your staff on routine discussions about State Budget priorities. We understand that members of your Counsel's Office were concerned that anything they said in the meeting could be used against the State in the *Maisto* case. We believe the members of your Counsel's Office are savvy enough to recognize what they can and cannot say in a meeting that may impact outstanding litigation. We believe parents from other school districts, namely New York City, have sued the State in the past and we do not believe officials from those districts were excluded from important meetings with previous Governors.

It is simply wrong to use the students of the Utica City School District as pawns in a political game. They are entitled under the law to a fair and equitable education, along with every other student in New York State public schools.

The Utica City School District faces issues as difficult as those districts in New York City, some of which we will outline here. Our hope is despite the litigation that is being pursued by district parents in the *Maisto* case that there be no differential treatment when a recognized, responsible entity asks to meet on relevant issues and challenges significantly affecting the education of students.

There are many issues facing educators in the Utica City School District, but we want to highlight some of the most glaring inequities facing educators in Utica, which are all reasons this meeting should be scheduled as soon as possible.

Going into any classroom in the Utica City School District presents a vivid demonstration of why the state's school funding formula has significantly hurt its students. Utica currently is the fifth poorest school district in New York yet 215 school districts are getting hundreds or thousands of dollars more per student than Utica from state taxpayers.

Many classrooms in Utica have 30 or more students in them. There is a higher than average population of developmentally disabled and at-risk students. Because of inadequate funding dating back to the state's recession of 2008, the district has had to cut 387 positions since 2008, including 192 teachers, 41 teaching assistants, and 23 administrators. While 40 positions were restored this year, there still is a significant shortage of staff for a district that has grown by 13 percent over the last five years.

The district also desperately needs more support for its growing number of English Language Learners. The New York State Education Department estimated that last year, out of 9,715 total students, 1,609 were ELL students. This is an issue most of the school districts that fare well through the current Foundation Aid Formula do not have to bear. ELL students need more than just help with English Language skills—they often also need assistance acclimating into a new culture. This is a vital issue that should be addressed as soon as possible.

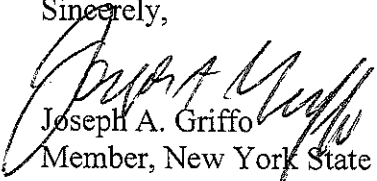
Last summer, a report by the group EdBuild compared the Utica City School District with the New Hartford School District, which borders Utica to the south. It found that out of 33,500 school districts in the country, the Utica-New Hartford School District border was the 25th most segregating.

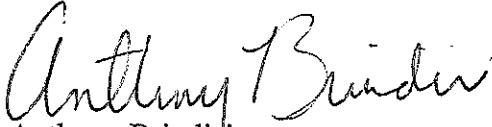
Utica has a 45 percent poverty rate, and a local revenue per student figure of \$3,485. New Hartford has a poverty rate of only 8 percent, and a local revenue per student figure of \$11,354. Average class sizes in Utica, as mentioned, often exceed 30; they average in the mid-teens in New Hartford. It is an easy walk from some of Utica's schools to schools in the village of New Hartford, yet the differences between these two districts are vast.

We would ask that, for the sake of the children in the Utica City School District you direct your staff to set up a meeting at their earliest convenience with appropriate representatives from the Executive Branch. A discussion of the state's budget and ways to narrow the differences between districts like New Hartford, and districts like Utica is urgently needed, so that Utica students receive the education they deserve.

If you have any questions, please feel free to call either of our offices.

Sincerely,


Joseph A. Griffo
Member, New York State Senate


Anthony Brindisi
Member of Assembly

cc: Mr. James Malatras, Director of State Operations
Mr. Bill Mulrow, Secretary to the Governor