

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION: THIRD DEPARTMENT

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In the Matter of an Article 78 Proceeding

Nidia Cortes, Virgil Dantes, AnneMarie Heslop,  
Curtis Witters, on Behalf of Themselves and Their  
Children,

Index No. 5102-16  
RJI No.: 01-16-ST8123

Petitioners,

-against-

ROBERT MUJICA, Director, New York State  
Division of Budget; NEW YORK STATE DIVISION  
OF BUDGET, MARYELLEN ELIA, New York State  
Commissioner of Education, NEW YORK STATE  
EDUCATION DEPARTMENT,

Respondents.

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Affidavit in Support of  
Motion to Vacate Stay  
and/or Expedite the  
Appeal

State of New York        )  
                                  s.s.:  
County of Westchester    )

EDWIN QUEZADA being duly sworn, deposes and says the following, under penalties of perjury:

1. I am currently the Superintendent of Schools for the Yonkers Public School District. I have been in this position for thirteen months. Prior to my role as Superintendent, I held several positions in the district. In January of 1998, I joined the

Yonkers Public Schools as a Human Relations Facilitator. After obtaining a degree in school administration, I was appointed assistant principal at Gorton High School in 2000, Principal of Emerson Middle in 2003, and Principal of Lincoln High School in 2004. After ten years as a principal, I was promoted to Assistant Superintendent for Secondary Administration and Supervision. In August 2014, I was named Deputy Superintendent of Schools supporting the Superintendent of Schools and the Board of Education Trustees.

2. I am fully familiar with the facts and circumstances of this proceeding, as they relate to Roosevelt High School-Early College (“Roosevelt”), in Yonkers.

3. I submit this affirmation in support of Petitioners-Respondents’ motion to vacate the statutory stay of enforcement of Judge O’Connor’s order dated December 28, 2016, and/or to expedite the appeal.

4. The vast majority of students at Roosevelt High School, eighty-six percent, are economically disadvantaged. Ten percent of the students at the school are English Language Learners and nineteen percent of the students have disabilities.

5. Additional student support services were offered during the 2015 - 2016 academic year through the transformation grant funds. Roosevelt High School - Early College Studies (“Roosevelt”) implemented numerous student support structures to scaffold academic achievement. Data was used to assess student progress and determine the types of interventions and areas for which they were required.

6. The additional support for students Roosevelt was able to provide with the transformation grant funds included: an Academy of Achievers (for students with disabilities); additional sessions of the Advanced Designation Academy (designed to help students obtain an Advanced Regents Diploma); additional sessions of the Saturday Academy (providing review for the Regents exams); a senior mentoring program; a High School Academy program was implemented during the Spring Recess (where 55 students received 513 hours of extended learning time); a student reflection program; an additional social worker; mental health and health services; an additional day of Freshman orientation; additional equipment for CTE pathways; transportation to college visits; college course on Pace University's Pleasantville campus; metro cards for weekend and extended learning times; food for weekend and extended learning times.

7. The transformation grant enabled Roosevelt to increase family engagement through: a family welcome center, including a parent coordinator who worked from 9-2:30 Mondays through Wednesdays. The parent coordinator conducted a host of parent outreach activities, such as: organizing open school nights, attending parent meetings, conducting parent outreach, serving as a liaison to the Central office, and facilitating communication between parents, the community and the school. Roosevelt also instituted family nights.

8. In addition, the transformation grant enabled Roosevelt to expand professional development. It funded the position of literacy/numeracy coach to provide targeted instructional support for our Math Department. The grant monies funded bi-monthly professional development sessions facilitated by various agencies (KnowledgeWorks, The Balance Between, Inc., Education Consortium) during the school day and after school. Topics focused on improving student engagement and increasing academic rigor. The professional development workshops were essential in improving overall classroom instruction and curriculum design while promoting collaboration among teachers. Roosevelt was also able to implement a Professional Development Team (to determine professional development needs and facilitate internal professional development sessions); a Data Team and a Shared Decision-Making Committee.

9. With the additional academic support services, an improvement in overall scores was noted in Regents examinations across the content areas. Moreover, Roosevelt's graduation rate increased to 86% in 2015 -2016 from 79% for 2014 - 2015. In addition, 13 students graduated with an Advanced Regents Diploma in 2015-2016 school year as opposed to only 5 students in the 2014-2015 school year. Quarterly honor roll recognition grew to 197 students by the third marking period. The Mathematics Department recorded a 242% increase in the number of students meeting proficiency on the June 2016 Common Core Algebra NYS Regents exam over the

previous year. Similarly, Common Core Geometry NYS Regents proficiency scores increased by 100%. The literacy/numeracy coach position has been an integral component of our academic achievements.

10. Owing to the freezing of funds, all of the academic support services previously offered to students were reduced or eliminated, as were the professional development opportunities. For example, the number of sessions for the Saturday academies were reduced from 15 to 3. The Academy of Achievers (for students with disabilities) was eliminated, as was the High School Academy. Metro Cards and food for extended learning time was discontinued. College visits were reduced. All outside professional development services were eliminated. The literacy/math coach position was lost. Data teams and professional development teams were combined, thus limiting their ability to be effective. The district was unable to order products necessary, such as yearly software subscriptions, to maintain the CTE pathways programs at its proper level. The parent coordinator position was eliminated.

11. If Roosevelt does not have assurance before March 2017 that the remainder of the grant monies will be released, it will not be able to use any grant money for the remainder of the 2016-17 school-year. If it is released before March 2017, Roosevelt will be able to reinstitute some of the services provided pursuant to the grant for the remainder of the school year. Any grant monies released close to or after the Regents

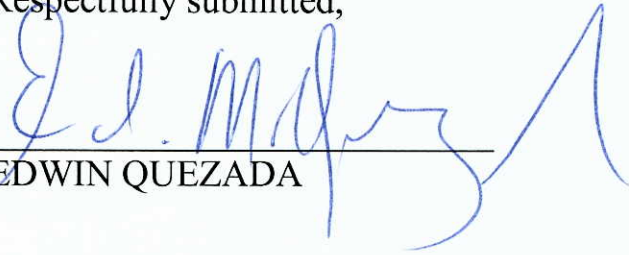
exams would not be able to be used to support the programs used to help students prepare for the Regents examinations.

12. If the grant monies are released before the beginning of the 2017-18 school year, Roosevelt will be able to reinstitute most of the services provided under the grant for the 2017-18 school year. If the grant monies are released during the 2017-18 school year, Roosevelt may be able to reinstate some of the services provided under the grant. However, the school would not be able to provide the full panoply of services it was able to provide in the 2015-16 school year. For example, college course registration and planning of college visits must be done before the fall. Thus, any grant monies released after the beginning of the school year would not be able to be used for these programs. If the grant monies are withheld pending the appeal, Roosevelt will have forever lost the opportunity to provide the second year of these services to students and teachers; since the grant lapses in March 2018.

13. The approved budget for the first year of the Transformation Grant, the 2015-16 school year, was \$1,881,790. Owing to the freezing of the Transformation Grant funding by the New York State Division of Budget, the Yonkers school district has not received any reimbursement for the first year of the grant. The full amount, \$1,881,790 remains unreimbursed.

Dated: February 27, 2017  
Albany, New York

Respectfully submitted,

  
EDWIN QUEZADA

Sworn to before me this 27<sup>th</sup>  
day of February, 2017

  
Notary Public

JOANA H. AGGREY  
Notary Public, State of New York  
No. 02AG6186297  
Qualified in Westchester County  
Commission Expires April 28, 2018