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***A Seat at the Table: Voting Rights, a Ward System, and a Case Against the East Ramapo***

***Central School District***

*Introduction*

The East Ramapo Central School District (formerly Ramapo Central School District No.2), or ERCSD, is a K-12 school district in suburban Rockland County, New York, about an hour's drive north from Manhattan. The school district serves areas of eastern Town of Ramapo, and portions of the towns of Clarkstown and Haverstraw, including Chestnut Ridge, Kaser, New Hempstead, New Square, Spring Valley, Hillcrest, Monsey, New City, Viola, Airmont, and Wesley. There are a total of fourteen (14) schools in the district. The elementary/primary level comprises of six (6) schools (Early Childhood Center, Fleetwood Elementary School, Grandview Elementary School, Hempstead Elementary School, Margetts Elementary School, and Summit Park Elementary School). Of these 6 elementary/primary schools, four (4) of them serve students in Grades K-3, one (1) serves Grades K-6, 1 is an Early Childhood Development Center which serves most of the District's Kindergarten students. There are four (4) intermediate schools which serve Grades 4-6. They are Eldorado Elementary School, Elmwood Elementary School, Lime Kiln Intermediate School, and Kakiat STEAM Academy. The STEAM Academy has students from Grades 4-8. At the secondary level there are two (2) middle schools (Chestnut Ridge Middle School and Pomona Middle School) with Grades 7-8 and 2 high schools (Ramapo High School and Spring Valley High School) with Grades 9-12.

According to the 2010 Census, there were 31,116 school-aged children (5 – 19 years old) in the East Ramapo Central School District.<sup>1</sup> A November 2014 report on the district estimated that there were roughly 33,000 students in ERCSD; 9,000 of these students attended public schools, of which 91% are from African American, Latino and Haitian backgrounds and 78% qualify for free or reduced lunch.<sup>2</sup> The other roughly 24,000 students attend private schools, of which 23,778 are believed to attend Yeshivas.<sup>3</sup>

East Ramapo Central School District is designated by the New York State Education Department as a High Needs/Low Resource school district.<sup>4</sup> A high needs/low resource school district has at least one of the following: a high percentage of individuals from families with incomes below the poverty line; a high percentage of secondary school teachers not teaching in the content area in which they were trained to teach; or a high teacher turnover rate. According to real estate website, Zillow.com, East Ramapo receives a Great Schools rating of 4, while the nearby Nanuet, Clarkstown and Pearl River school districts receive ratings of 9.<sup>5</sup> As far as state testing results, during the 2010 – 2011 school year, 61.7% of students tested below or well-below proficient in English Language Arts (ELA) and 55.7% of students tested below or well-below proficient in Math.

Aside from the low school, and inevitably, district quality made evident through the New York State Education Department designation and the poor test results, East Ramapo has also been a district of political turmoil and community unrest. Starting in 2005, a politically powerful group of private school advocates became the school board majority for the East Ramapo Central

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<sup>1</sup> <http://www.strongeastramapo.org/indepth>

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> <https://www.ercsd.org/domain/54>

<sup>5</sup> <http://www.strongeastramapo.org/indepth>

School District Board of Education (made up of nine elected officials). The majority of the Board did not have direct ties to the district; They lived in the district but did not send their children to East Ramapo Schools. Since 2005, the Board has made dramatic cuts to public education such as cutting full-day kindergarten to two hours a day, eliminating 400 staff (including all social workers), removing arts and music classes in all schools, reducing the number of advanced classes offered to students and more. While the public schools had major budget cuts across the district, the private schools, where the majority of the board sent their children, continued to see increased funding. This was possible because in New York State, non-public school students are entitled to some publicly funded services, including Health Services, Homebound Instruction, Textbook Loan Program, Computer Software Loan Program, School Library Materials Loan Program, Transportation (students must reside within 15 miles of the nonpublic school), Special Education Services, Dual Enrollment Programs, and Mandated Services Reimbursement. Community advocates believe that the Board's majority strategically cut funding in the public schools to fund these publicly funded services that would serve private school students. That theory was eventually proven to be true.

In November 2014, former federal prosecutor Hank Greenberg—assigned to investigate the district by the State Education Department and Governor Cuomo—issued a report to the Board of Regents declaring that the board had: “recklessly mismanaged” the district; favored private schools over public schools, “blinded by the needs of their own community”; made out-of-code special education placements in private schools and spent millions in “absurd” lawyers’ fees appealing the state’s rulings; depleted the district’s millions in reserves; disregarded the voices of parents, holding up to 70% of public meetings in secret and refusing \$3.5 million in state money because it required community, not just board, involvement; sold public elementary

school buildings at a deep discount to private schools, and overcrowding classes in the process. As a result, the investigation recommended that the district should receive “not one penny” without state oversight given the irresponsible fiscal legacy. The State Education Department released several studies in June 2015, further finding serious fault with the district leadership. The reports stated: “the district has failed to provide bilingual education to students who are entitled to those services,” “has failed to provide English Language Learners (or ELLs) access to required coursework and credits toward graduation,” and “there is a “pervasive lack of cultural competency by the district’s superintendent.” The district also “has not implemented a robust financial planning strategy” and “has failed its teachers by acknowledging it does not have a staffing strategy.” On August 13, 2015, Commissioner MaryEllen Elia named former NYC Schools Chancellor Dennis Walcott as the new East Ramapo monitor. He would be joined by two experts, Dr. Monica George-Fields and Dr. John Sipple, to spend two to three days a week in the district, investigating, advising the board, and reporting their findings to Albany. On December 13, 2015, Dennis Walcott and his monitoring team presented a report to the New York State Board of Regents affirming the conclusions of Hank Greenberg's report. Indicating that the district "persistently failed to act in the best interests of public school students."

The monitors issued 19 recommendations, including vesting a state official with veto power to ensure sound district decisions, appointing an independent election monitor, and required that one school board seat be reserved for parents of public-school students in every election cycle. In 2016, Rockland’s representatives to Albany advanced an alternate proposal that authorized the State Commissioner of Education to have the power to approve East Ramapo's budget, as well as provide the district with \$3 million to restore public school programs. The New York State Legislature approved the plan, and the Governor signed it, in June of 2016.

Essentially the state stepped in to make up for the financial crisis caused by the local tax strike. Chuck Szuberla now serves as the East Ramapo monitor, and full-day kindergarten and some elementary arts programs have been restored for the year as a result of the agreement. Though this was great progress for the public-school students within the district, the fight between the mostly low-income community of color and the better organized community of Orthodox Jews continues.

In November 2017, the New York Civil Liberties Union filed a lawsuit against the East Ramapo Central School District for denying Black and Latino residents an equal opportunity to elect school board candidates of their choice. According to the lawsuit, an at-large voting system for electing members to the East Ramapo school board, which has been long dominated by Orthodox Jews whose children attend private yeshivas, has prevented public school parents who are largely Black and Latino from electing candidates of their choice. The election system violates the federal Voting Rights Act by denying “minority citizens an equal opportunity to have a voice in the future of their community’s public schools.” Plaintiffs in the case — the Spring Valley branch of the National Association for the Advancement of Colored People, parents of public school students, district residents and candidates who have run unsuccessfully for a seat on the board — are calling for the current system to be replaced with a ward election system that would give minorities “an equal opportunity” to elect their favored candidates. This capstone project will investigate whether or not the ward system is a viable option for the district and if there is a better option for the students of East Ramapo.<sup>6</sup>

### *Before the Case*

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<sup>6</sup> <https://www.nytimes.com/2017/11/16/nyregion/aclu-files-suit-against-east-ramapo-school-board-votng-rights.html>

Before the Board of Education in East Ramapo became controlled by people whose children were not public-school students (but were the voting majority) and severe budget cuts were made, East Ramapo was a thriving school district, particularly in the 1960s and 1970s. A Ramapo High School alumna, class of 1977, recounts her experience and reminisced on how there were “630 graduates, a large, but cohesive group of enthusiastic students, ready to take on the world's challenges, well prepared by teachers that were creative, involved and challenging.” Furthermore, she discussed the nature of the Town of Ramapo, stating that she “lived a typical middle-class existence in a diverse community with a progressive school system. [She and her] fellow graduates were prepared for the world's challenges as well as any group of students in the nation.”<sup>7</sup> To understand how the East Ramapo Central School District went from being a prospering school district in the 1960s and 1970s to being a district plagued by academic turmoil and community unrest, it is important to examine the district’s history as it relates to the change in race demographics and relations, special education, busing policies, and more. In this section, we will analyze the history of the district up until November 2017, which is when the New York Civil Liberties Union filed a lawsuit against the East Ramapo Central School District.

## I. Demographic Shift

In the 1960s, Ramapo’s Orthodox Jewish population grew, particularly in Hillcrest. According to a New York Times article entitled, “In Rockland Suburb, Deep Racial Change Melts into the Everyday,” these secular Jewish residents came from Brooklyn and the Bronx.<sup>8</sup> The article continued to state that “[The Jewish residents] liked the affordable starter homes, the

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<sup>7</sup> <https://www.lohud.com/story/opinion/contributors/2015/05/29/save-east-ramapo-new-york-school-district-albany/28191215/>

<sup>8</sup> <https://www.nytimes.com/2001/05/05/nyregion/in-rockland-suburb-deep-racial-change-melts-into-the-everyday.html>

suburban hush and the bearable commute.”<sup>9</sup> A Journal News article published in January 1968 reported that there was “a certain resentment over the increase in the Jewish population.”<sup>10</sup> This same article predicted that “the district will become increasingly Jewish, and this group will perhaps tend to become overrepresented in the decision making processes” and that these Jewish residents have “influenced [East Ramapo] in power much greater than expected, but the group will decline in importance over the next 15 years.”<sup>11</sup> These predictions were incorrect. Another Journal News article published in January 1975 reported that there were slightly more than 2,000 Black students out of the approximately 16,000 (or about 12.8 percent).<sup>12</sup> A shift in representation on the Board of Education also shifted with the demographic change; however, this is not a new phenomenon. In a January 1979 letter written by D. Anne Nash, a resident of the district states that, “We’ve lost representation on the Spring Valley Village Board of Trustees and the East Ramapo School Board. There also appears to be a loss of enthusiasm for implementation of Affirmative Action Programs designed to afford Blacks and other minorities equal employment and job promotion opportunities.” Lee Rubinson, a white parent with a son in the East Ramapo Central School District wrote in a 1983 op-ed that he was concerned about the district “becoming a minority school” instead of simply integrating.<sup>13</sup> A 1985 Journal News article stated that, “East Ramapo saw a decline in [white students’] enrollment and a gain in Black enrollment as well as an increase in Black homeownership.” That same article attributes white flight, or the phenomenon of white people moving out of areas that have increased minority populations, to the shift in race demographics within the town and district. This white

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<sup>9</sup> <https://www.nytimes.com/2001/05/05/nyregion/in-rockland-suburb-deep-racial-change-melts-into-the-everyday.html>

<sup>10</sup> Journal News, January 1968.

<sup>11</sup> Journal News, January 1968.

<sup>12</sup> Journal News, January 1975.

<sup>13</sup> Journal News, 1983.

flight looked like non-Jewish white residents moving out while also white, Orthodox Jewish residents moving in.

In the 1990s, Hillcrest attracted immigrants from Asia and the Caribbean. Like the Jews, these immigrants often moved from Brooklyn or the Bronx and they also appreciated the affordable starter homes, the suburban hush and the bearable commute. The changes were not just in Hillcrest but also in nearby communities within the Rockland County such as Spring Valley. According to the New York Times article published in 2001, “Hillcrest lost a greater percentage of whites in the 1990s than any other place in New York, and since 1980 it has gone from almost all white to only one-fifth white. Hillcrest now has Rockland's highest percentage of African Americans and Asians, plus a growing number of Hispanic residents, making it one of the state's most diverse communities.”<sup>14</sup>

## II. Special Education

In 1990, George H. W. Bush signed into law the Individuals with Disabilities Act (or IDEA) which ensured that students with disabilities would be able to have an educational experience tailored to their specific and individual needs. An element of IDEA was the Free Appropriate Public Education (or FAPE) pillar. FAPE requires that public schools provide students with an "education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living.”<sup>15</sup> If a district has the means to support a special education student, they must do so within the public school system; however, if the district does not have the resources (teaching

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<sup>14</sup> <https://www.nytimes.com/2001/05/05/nyregion/in-rockland-suburb-deep-racial-change-melts-into-the-everyday.html>

<sup>15</sup> [https://www.law.cornell.edu/uscode/text/20/1400#c\\_5\\_A\\_i](https://www.law.cornell.edu/uscode/text/20/1400#c_5_A_i)



staff, learning materials, and other supportive resources), then that district must send those students to other schools outside of the district—oftentimes private institutions.

From 2010 to 2014, the district’s special education costs increased by 33 percent in the district; \$60 million was spent on special education services for about 2,000 students (both public and private). Majority of special education students come from the public-school population; however, private school students received the majority of special education services, paid for by the district, from ~40 different Yeshivas and the Kiryas Joel Union Free School District. It is understood that the Board of Education paid for special needs students to attend the Orthodox special education private schools by finding a loophole in the Individuals with Disabilities Act. According to the StrongER website, an “Education Department spokesperson has said that East Ramapo has a pattern of placing students in private schools without properly documenting the decision-making process. The board prefers settling with parents rather than litigating against them.”<sup>16</sup>

When interviewed by me, East Ramapo public school advocate Steven White said that the Board of Education fired two different lawyers who refused to act against the interest of the public-school district.<sup>17</sup> One of the districts’ former lawyers wrote a letter to the then Superintendent of Schools stating that the Board’s interference in special education cases “may rise to the level of an inappropriate gift of public monies.”<sup>18</sup> These lawyers would not settle cases when a parent would sue the district to enroll their child into special education private schools. The East Ramapo Central School District has the capacity to support these special needs students; however, many members of the private school community would prefer their special-

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<sup>16</sup> <http://www.strongeamapo.org/indepth>

<sup>17</sup> April 27, 2020 Interview with Steven White conducted by Ellen Cola.

<sup>18</sup> Ritzenberg Letter

needs children to be educated with other students from the community. If these parents believe they can send their children to private schools for free (because the public school would pay for it when district lawyers do not settle cases) then, they take advantage of that opportunity—leaving public school students with less money and resources.

### III. Busing

In New York State, the Section 3635 of the Education Law requires that “all non-city districts to provide transportation for pupils enrolled in kindergarten through grades 8 who live more than two miles from the school they attend and for pupils enrolled in grades 9-12 who live more than three miles from the school they attend up to a distance of fifteen miles.”<sup>19</sup> For the past two decades or so, the East Ramapo Central School District Board of Education expanded state-mandated busing to accommodate the swelling yeshiva population, they cut hundreds of teaching positions and most extracurricular programs at the public schools.<sup>20</sup>

According to the StrongER (Strong East Ramapo), a coalition of East Ramapo alumni and other concerned individuals dedicated to strict oversight of the the distressed school district “From school year 2006-2007 to 2013 – 2014, transportation costs in East Ramapo increased by 48.1%, while the state costs increased by 21.9% during the same period of time. Specifically, transportation costs for private school students increased by 76.6%, while the statewide average increase was 24.1%.

Such increases are due in large part to the fact that there are: 1) No mileage limitations on transportation for K-12 students. Although the state caps transportation provisions at 15 miles, it is possible to provide transportation beyond specified limits by voter approval and 2) Over 300 active bus routes to 14 public schools and more than 140 private schools where students are

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<sup>19</sup> <http://www.p12.nysed.gov/nonpub/handbookonservices/transportation.html>

<sup>20</sup> <https://forward.com/news/national/440094/east-ramapo-trial-campaigns-segregated-hasidic-black-latino/>

enrolled. The district provides gender-segregated bus routes to private school students, despite the fact that at least some of the Yeshivas in the district are co-ed.”<sup>21</sup> With the Board having a majority of members who are members of the Orthodox Jewish community and send their children to Yeshivas, they were able to vote for these transportation costs to be approved.

#### IV. Funding, the School Budget, and Taxation

East Ramapo has been for more than a decade the staging ground for a conflict over school funding. On one side are Orthodox Jews, who generally vote for school-board members who keep taxes low and on the other are advocates of public schools.<sup>22</sup> For school year 2013 – 2014, a report entitled, ““East Ramapo: A School District In Crisis” found that the East Ramapo Central School District relied more heavily on local revenue (as opposed to state and federal funding).<sup>23</sup> This local funding, as well as funding from the state and federal government, is allocated for ~8,000 public school students, but certain line items that benefit private school students are being split over 33,000 students within the district. As previously mentioned, non-public school students are entitled to some publicly funded services, including Health Services, Transportation (students must reside within 15 miles of the nonpublic school), Special Education Services, Dual Enrollment Programs, and more. This battle over the budget is not new to the district, however.

In December 1968, a Journal News article reported that the East Ramapo budget did not pass due to a group called HALT—Householders Alliance for Lower Taxes—who spearheaded opposition to the school board proposal and successfully elected four of its members to the Board in May 1969.<sup>24</sup> On May 9<sup>th</sup>, 1969, just one day after these four new school members

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<sup>21</sup> <http://www.strongeastramapo.org/indepth>

<sup>22</sup> <https://forward.com/news/national/440094/east-ramapo-trial-campaigns-segregated-hasidic-black-latino/>

<sup>23</sup> <http://www.p12.nysed.gov/docs/east-ramapo-fiscal-monitor-presentation.pdf>

<sup>24</sup> Journal News December 1968.

assumed office, another article quoted these members urging for “paring down the budget to a level where the people can accept” and ending “uncontrolled spending.”<sup>25</sup> These sentiments have been echoed in recent years with more recent members of the Board of Education in East Ramapo.

### *The Case*

The NAACP Spring Valley Branch and the East Ramapo Central School District have a history of disagreements and disputes. A newspaper article published in 1977 reported that the Spring Valley Branch of the NAACP charged the East Ramapo Central School District with discrimination. The United States Department of Health, Education, and Welfare began interviewing teachers and administrators as well as going over school records to determine if the district discriminates against minorities and/or women. According to the article, the Spring Valley Branch cited “discrimination against women and minorities in hiring practices and promotion, and in disciplinary procedures for students.”<sup>26</sup>

Forty (40) years after this 1977 accusation, on November 16, 2017, after numerous reports of malpractice and foul play within the district, the New York Civil Liberties Union and Latham & Watkins LLP filed a lawsuit claiming the at-large method of electing members of the East Ramapo Central School District Board of Education unlawfully denied Black and Latino residents in the district an equal opportunity to elect candidates of their choice, in violation of Section 2 of the Voting Rights Act of 1965, 52 U.S.C. § 10301. There are eight (8) plaintiffs in this case—the NAACP Spring Valley Branch and seven (7) Black and Latino voters. According to the complaint filed by the plaintiffs, two of the plaintiffs are parents of public-school students who ran unsuccessfully for seats on the board in 2017 and were strongly preferred by Black and

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<sup>25</sup> Journal News May 1969.

<sup>26</sup> Journal News 1977

Latino voters.<sup>27</sup> The defendants of the case are the East Ramapo Central School District and MaryEllen Elia, the Commissioner of Education of the State of New York. The plaintiffs argue that the Orthodox Jewish majority community – which is white, lives close together, and tends to vote as a political bloc favoring private school education have been able to control eight of the board’s nine seats and communities of color, who tend to vote as a bloc for candidates favoring investment in public schools, have not seen their candidates of choice win a contested seat since 2007.

Section 2 of the Voting Rights Act of 1965 prohibits “any voting practice or procedure that “results in a denial or abridgement of the right . . . to vote on account of race or color . . . .” and any electoral procedure that “cause[s] an inequality in the opportunities enjoyed by Black and white voters to elect their preferred representatives.”<sup>28</sup> The plaintiffs of the case argue that the East Ramapo Central School District Board of Education did just that. Put more plainly, the East Ramapo trial hinges on the board elections, in which candidates who support policies that favor the private yeshivas invariably win.

According to the NYCLU Executive Director Donna Lieberman, “The East Ramapo school district has effectively disenfranchised the Black and Latino community and allowed white residents to hijack the school board in service of the lily-white private schools.”<sup>29</sup> The majority white school board was able to make severe cuts to the public school budget which negatively impacted the educational and academic experiences for students of color within the public school district. School quality has decreased tremendously since the Board took office,

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<sup>27</sup> [https://www.nyclu.org/sites/default/files/field\\_documents/naacp\\_spring\\_valley\\_v.\\_ercsd\\_-\\_complaint\\_-\\_11.16.17.pdf](https://www.nyclu.org/sites/default/files/field_documents/naacp_spring_valley_v._ercsd_-_complaint_-_11.16.17.pdf)

<sup>28</sup> Section 2

<sup>29</sup> <https://www.nyclu.org/en/press-releases/lawsuit-east-ramapo-school-board-elections-violate-voting-rights-black-latino>

which, in an ideal world, the Board would work to improve. As of 2017, only 22 percent of students in grades 3-8 were proficient in English and only 19 percent were proficient in math.<sup>30</sup> In the year that I graduated (2016), Spring Valley High School and Ramapo High School had the lowest graduation rates and highest dropout rates of all public high schools in Rockland County. East Ramapo's reputation is so damaged that in 2017, the adjacent Ramapo Central School District changed its name to the Suffern Central School District, distancing itself from its troubled neighbor.

Lawyers for the district argue that the results of board elections simply reflect the voting majority's policy beliefs.<sup>31</sup> However, when campaigning for board positions, the Orthodox Jewish candidates almost always campaigned towards the Jewish community, who are the voting majority but do not send their children to the public schools. "We must all come out to vote for our community's candidates," reads an ad in Yiddish for Yehuda Weissmandl and two other candidates from 2011. "We cannot, God forbid, allow the other side to win."<sup>32</sup> The "other side" obviously refers to the Black and Latino voters in the district who do send their children to the public school. Weissmandl is currently serving his fourth term on the Board and has defended the Board stating that they did not make the voting rules and that fighting the suit would divert money from the schools. In a conversation with Attorney Perry Grossman, who is representing the plaintiffs of this case, Grossman stated that the Board is using that argument to pressure the NAACP to drop the case.<sup>33</sup>

At the core, this case challenges the at-large method of electing members to the Board of Education in East Ramapo Central School Districts. An at-large system allows for members of

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<sup>30</sup> NYCLU

<sup>31</sup> <https://forward.com/news/national/440094/east-ramapo-trial-campaigns-segregated-hasidic-black-latino/>

<sup>32</sup> <https://forward.com/news/national/440094/east-ramapo-trial-campaigns-segregated-hasidic-black-latino/>

<sup>33</sup> April 25, 2020 Interview with Attorney Perry Grossman conducted by Ellen Cola.

the governing body (in this case the East Ramapo Central School District) to represent the whole district, rather than a subset of the district. Board members are elected by all the voters of the school district rather than voters from individual geographic areas. The NAACP Spring Valley Branch argues that this system unlawfully denies Black and Latino citizens in the district an equal opportunity to elect the candidates that they believe would have their students' best interests at heart. The plaintiffs argue that a ward election system would give minorities an equal opportunity to elect their favored candidates.<sup>34</sup> In order to prevent further voter dilution in East Ramapo, the NAACP Spring Valley Branch urges that the Court order the implementation of a single-member ward election system in nine (9) districts; This would give Black and Latino community members a greater opportunity to elect pro-public-school candidates. It would work by dividing the District into 9 voting wards where each ward would have one Board seat. Only those residents living in a voting ward would have the opportunity to vote for their Board seat. According to an expert demographer from the trial, "Black and Latino voters in the District are sufficiently large and geographically compact to constitute a majority in several single-member districts under a ward system."<sup>35</sup> Since these minority groups tend to also be politically cohesive, these wards would likely join together to elect a candidate of their collective choice.

#### *Analysis of the Case and Ward System in East Ramapo*

As it relates to the NAACP Spring Valley Branch fighting the case against the District as well as implementing a ward system in East Ramapo, there are several costs and benefits that need to be assessed.

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<sup>34</sup> <https://www.nytimes.com/2017/11/16/nyregion/aclu-files-suit-against-east-ramapo-school-board-votng-rights.html>

<sup>35</sup> [https://www.nyclu.org/sites/default/files/field\\_documents/20200314-proposed\\_findings.pdf](https://www.nyclu.org/sites/default/files/field_documents/20200314-proposed_findings.pdf)

One major cost to fighting this case is that the District did not settle the case and paid large legal fees to defend themselves in the trial for the past 2 and a half years. The money used to defend the Board was money that could have been used to support the public-school students of East Ramapo. Since the Board has demonstrated through their continuous neglect of the East Ramapo public-school students that they are not concerned with educating the students wholly, the Board likely paid high legal fees to 1) make sure they hired the best (and most expensive) legal representation to win the case and inevitably, not have a ward election system in East Ramapo (so they can keep the majority of the power on the Board) 2) sabotage the public-school students to, in essence, make the NAACP Spring Valley Branch “pay” for suing them. To put it plainly, because the Board was not directly paying for the lawyer fees out-of-pocket and the money was coming from public-school monies, the Board spent the money freely, without much concern for the students of East Ramapo.

Another cost is that if the Court orders the implementation of a single-member ward election system in East Ramapo, that would be a viable solution, but only temporarily. With a growing Orthodox Jewish community within the Town of Ramapo, it is predicted that current majority-minority communities will not remain that way within the next few years. In order to have this system work for the benefit of the public-school students, there needs to be sufficiently large and geographically compact wards present; Without this, members of the Orthodox Jewish community will continue to vote practice voter dilution even within the wards. This raises the interesting question of whether the only viable solution is for a state takeover of the district to prevent majority discrimination over the minority.

A risk associated with the implementation of a single-member ward election system is that the candidates that would support the public-school students may still not be the majority of



the Board. For example, if the District were split into nine different wards and only two of those wards were majority-minority wards, then the other seven wards would be able to elect members of their community to the Board. Thus, the make-up of the Board would still be majority private-school advocates rather than public school advocates. Though that is certainly a possibility, I believe fighting this case and advocating for the election system was still worthwhile for various reasons that I will describe next (the case is closed, and we are awaiting the verdict from the Honorable Judge Cathy Seibel.)

Though there are some disadvantages associated with both suing the East Ramapo Central School District and implementing the ward system, I believe this case was, regardless of the ultimate verdict, beneficial for two major reasons. For one, the Board has been pressured to act in the best interest of the public-school students to whom they took oath to serve. With “all eyes on them,” the Board recently appointed a longtime public-school advocate, Carole Anderson, on April 21, 2020.<sup>36</sup> Though this position is just temporary, it shows that the Board is acting in the best interest of the East Ramapo public school students by appointing someone who truly has their best interest at heart. In an interview, Anderson stated that she “just wants to make sure the children of East Ramapo are able to get a fair and equitable education.”<sup>37</sup>

Secondly, fighting this case was worthwhile because it created opportunities to hold the Board accountable and to ensure that the political rights awarded to citizens through the Voting Rights Act of 1965 were upheld in the District. I believe that there is no price tag that can be placed on justice and though the Board divested funds from the public-school schools to fight the case, the return (there being a ward election system in East Ramapo) could be life-changing for the students of East Ramapo.

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<sup>36</sup> <https://www.google.com/amp/s/amp.lohud.com/amp/3056675001>

<sup>37</sup> Ibid.

Another advantage is, if the ward system is implemented, there is great possibility for Black and Latino community members to elect a person that they believe will serve their children's best interests. Having a public-school advocate on the Board that would be answerable to community members and check the Board's misuse of power would allow for great change to be made in East Ramapo. Currently, out of the 9 Board members, there are 2 members that have children in the District and 1 new Board member who is a public-school advocate. Unfortunately, the two members that are parents to East Ramapo students do not have the flexibility to exercise their voice in an authentic way. For years, the Board has allowed these members to stay on the Board (to likely argue that the Board is not 100% Orthodox Jewish) with, as Steven White says, "an axe over their heads."<sup>38</sup> With any "wrong" move, the Orthodox Jewish community will vote them out and appoint someone that will comply with their demands. These 2 Board members have been stuck between a rock and a hard place for years. They want to be on the Board for the right reasons (to serve public-school students) but cannot do so in the ways that they want or else they will be removed through (the NAACP Spring Valley argues) illegal voting practices. Having a ward system election could possibly allow for newly elected members to have more of a voice, power, and influence on the Board.

### *Recommendations and Conclusion*

The NAACP Spring Valley Branch vs. the East Ramapo Central School District case is still open, and a verdict is expected to be reached within the next two months. As we all anxiously await the verdict from the Honorable Judge Cathy Seibel's, East Ramapo public-school advocates must continue to explore other options to support students.

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<sup>38</sup> Steven White Interview

For years, East Ramapo activists have been urging New York State to appoint a monitor with veto power within the District. The bill to appoint a monitor with veto power passed the Assembly but never made it to the Senate. The Senate was Republican at the time and unfortunately for East Ramapo, Republican leaders work closely with the private-school and Orthodox-Jewish lobbies. If passed in the Senate, however, the Governor agreed to sign it and it would have become law. The monitor with veto power would have had the opportunity to veto board decisions where necessary, to effectuate change in the District. I believe that even if the Court mandates that a ward system should be implemented in East Ramapo, it is imperative to continue to push for a monitor with veto power so that even if the Board continues to represent the students of East Ramapo, a monitor would have control over all decisions made.

Two other options for creating change within East Ramapo is to write a new bill calling for New York State to takeover control over the East Ramapo Central School District or to dismantle the school district and create a county-wide public-school district with all Rockland County public-schools. Though the feasibility of these two solutions are unknown at this time, I believe they are promising solutions, nonetheless, that should be explored.

As someone who was educated in East Ramapo from pre-kindergarten until 12<sup>th</sup> grade, I have witnessed the highs (having the Superintendent of Schools resign) and lows (having the lowest graduation rate in Rockland County the year that I graduated). Contrary to public opinion, East Ramapo Central School District produces high achievers, risk takers, hard workers, and the like. Granted, there are some institutional and academic issues that need to be addressed and by no means am I claiming that they do not exist. However, there are powerful leaders and world changers that are bred within this District and with the right representation on the Board of Education, these students will have the opportunity to access their true potential. It is my hope

that the verdict is favorable to the public-school community and that work continues to be done to ensure that all students in East Ramapo receiving a fair and equitable education.