

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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NEW YORK CITY PARENTS UNION; CLASS SIZE MATTERS; NEW YORK COMMUNITIES FOR CHANGE; and LEONIE HAIMSON, NOAH GOTBAUM, STEPHANIE FIELDS, LASHAWN CHERRY, JACQUELINE PEREZ, CHRIS MOSS, AMANDA JACOBS, REGINA TIMBER, JERMAINE BLIGEN, NATASHA HOOPER, CHERYL AND ANGELO BLUE, SHARLENE HALE HALL, AMANDA COLON, ANGELA BALTIMORE, SANDRA E. HARPER, CYNTHIA GRIFFIN, HELENA CLAY, SONYA HAMPTON, ELLIOT WOFSE, HENRY CLEMENTE, YVONE WALKER, CYNTHIA BONANO, FAYE HODGE, and MUBA YAROFULANI, on Behalf of Their Children and Others Similarly Situated,

Plaintiffs,

-against-

THE BOARD OF EDUCATION OF THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK and DENNIS M. WALCOTT, as Chancellor of the City School District of the City of New York,

Defendants.

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STATE OF NEW YORK)
 : SS.:
COUNTY OF NEW YORK)

SUSAN OLDS, being duly sworn, deposes and says:

1. I am the Executive Director of the Office of Strategic Financial Analysis at defendant Board of Education of the City School District of New York (known as the "Department of Education" or "DOE"). I have held my present position since June 2009, and

Index No. 108538/11

**AFFIDAVIT OF
SUSAN OLDS IN
OPPOSITION TO
PLAINTIFFS'
MOTION
FOR A TEMPORARY
RESTRAINING
ORDER AND A
PRELIMINARY
INJUNCTION**

have been employed by the DOE since November 2002. I submit this affidavit in opposition to plaintiffs' motion for a preliminary injunction.

2. I am informed by counsel that plaintiffs assert that the DOE should collect approximately \$96 million in rent from public charter schools co-located in DOE facilities, and that this money would "save" some teaching positions during the 2011-12 school year.

Payments from Co-Located Charters Would Have a Limited Effect on the DOE

3. The money plaintiffs seek to force the DOE to collect from co-located public charter schools would not materially change the Department's budget for the upcoming year. For Fiscal Year 2012, the DOE's operating budget – not including education-related pension and debt service costs, which are budgeted for by different City agencies – is expected to be \$19.422 billion. The \$96 million plaintiffs seek to compel charters to pay would increase the money made available to the DOE by less than one-half of one percent (0.5%).

Funds Collected from Co-Located Charters Would Not Necessarily Be Spent on Teachers

4. Plaintiffs assert that the collection of money from co-located charter schools would "save" teaching positions. It is important to note that the DOE has not laid off any teachers during the current period of budget reductions. However, the DOE has maintained a hiring freeze in many license areas, which means that the number of teachers in the system has gone down as teachers retire, take positions outside the DOE, or are terminated.

5. Plaintiffs appear to claim that this attrition-based reduction in the workforce could be undone if the DOE collected funds from co-located public charter schools. However, if the DOE did collect funds from charter schools in the amount suggested by plaintiffs, those funds would not necessarily be used to hire or retain teachers. The DOE could choose to allocate the funds to other areas, such as facilities, school food services, or central

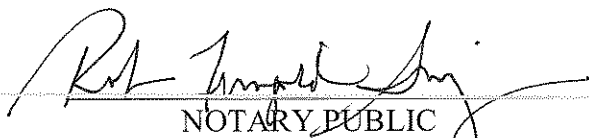
administration, all of which have seen budget reductions in recent years. Any additional funds might also need to be allocated to pay for the rising costs of mandated services such as related services for students with Individualized Educational Programs.

6. Moreover, even if the funds were allocated to the school-based budgets of traditional public schools, there is no guarantee that the most or all of those funds would be used to hire or retain teachers. The DOE allocates the majority of funds in a school's budget based on a per-pupil formula. Funds allocated pursuant to this formula are "unrestricted," meaning the principal of the school has discretion to decide how to spend the funds, subject to consultation with the school's leadership team. If the DOE allocated funds received from co-located public charter schools pursuant to its usual practice, individual principals would decide how to spend it. While the principals could choose to hire or retain teachers with those funds, they could also spend them on technology, textbooks, new curricula, or any number of other items.



SUSAN OLDS

Sworn to before me
this 12th day of September, 2011.



NOTARY PUBLIC

ROBIN FEINGOLD SINGER
Notary Public, State of New York
No. 02SI6104235
Qualified in New York County
Commission Expires Jan. 20, 20 12