

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

Application of The Japanese Educational Institute  
of New York,

Petitioner.

For an order approving the sale of assets pursuant to  
N-PCL §§ 510 and 511.

Index No. 06-103400

IAS Part 13  
Hon. Sheila Abdus-Salaam

**AFFIDAVIT**

**AFFIDAVIT OF KUNION KAY NITTA, PH.D.**  
**REGARDING PTA STANDING AND INTERVENTION**

STATE OF CONNECTICUT)

) ss.:

COUNTY OF )

KUNION KAY NITTA, PH.D., being duly sworn, deposes and says:

1. I am an English teacher and the head of the English Department at the Japanese School of New York (“JSNY”) in Greenwich, Connecticut.<sup>1</sup> As a teacher, I am a member of the JSNY PTA (“PTA”). I am employed by the Japanese Educational Institute of New York (“JEI”), which owns and operates JSNY. My employment began in 1992.

2. It is my understanding that JEI has asked this Court for approval of a sale of the educational campus (“Greenwich Campus”) which is presently the permanent home of JSNY and that the PTA has appeared in Court to object.

3. I am also informed that JEI’s lawyer has asked the Court to ignore the PTA’s evidence and to exclude the PTA from appearing in Court.

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<sup>1</sup> I have been continuously in the United States since 1974 (I first came to the U.S. in 1966, but left in 1969), where I earned three of my educational degrees, including my doctorate. I have also had teaching experience in the United States and Japan, and am currently teaching at university, both undergraduate and graduate, in addition to JSNY. I am a certified teacher of both countries.

4. I am giving this affidavit to the Court to describe some of the reasons why the PTA has a substantial interest in this proposed sale and why the Court needs the evidence and perspective of the PTA in order to have a complete picture of the proposed sale and its effect on the educational mission of JEI.

#### Enrollment

5. The PTA has a substantial interest in maintaining and increasing enrollments at JSNY. I understand that JEI is telling the Court that it is impossible for JEI to reverse the trend of declining enrollments therefore JEI must sell the Greenwich Campus right away.

6. I know from direct experience, however, that JEI has not taken sensible and proactive steps to increase enrollment in recent years and that it ignores sound advice by professionals about what can be done to improve the situation. I believe that the Court needs to hear the PTA's perspective on this key issue, rather than accept the idea that JEI has seriously considered and made use of suggestions from the PTA or other professionals (like me).

7. JEI's chief executive from about 2000 until mid-2005 was Executive Secretary Shigehiko Matsumura.

8. Around October 2002, I asked Mr. Matsumura to meet with me to discuss some recommendations for improving enrollment at JSNY. This led to a half hour meeting in my classroom. I suggested that we follow some of the recruiting practices of American private schools, which I became familiar with having put three of my children into these schools. I suggested that we have open recruiting events where current students, teachers and parents are involved. JEI could be much more aggressive about recruiting students for its all-day school in Greenwich.

9. My first suggestion for improving enrollment at JSNY was to make recruiting more open. The way JEI currently recruits students for our school is limited and very exclusive.

10. JEI's longstanding practice has been merely to hold an orientation meeting once a year. This is very small-scaled. The school administration and some of the teachers who are dispatched by the Japanese Government to work at JSNY would entertain the small number of the parents who already have tentatively decided to enroll their children in our school. At this session, the current parents, the current students, and the locally hired teachers (mainly American teachers) are not involved.

11. This is not the way to reach out to the broadest possible audience of potential students and it disregards the importance of parents, students, and local teachers in helping to show families that this is a good school for their children. Therefore, this method of recruiting does little to educate other potential students and parents who know little about the school.

12. One of the defects in JEI's recruiting practices is the burdensome conditions it attaches to letting a prospective student experience the school in session. With a payment of one week's tuition -- \$200 plus a \$50 bus fee (altogether \$250), a prospective student can sit and participate in classes for 5 days. Although students may visit for fewer days, almost all of the prospective students opt to attend the entire week since they must pay the full fee of \$250 anyway.

13. Having never seen this technique employed by American private schools, I suggested that we abolish this practice. The \$250 fee discourages many families that may have a desire to attend the school from materializing their intention due to this financial burden.

14. I told Mr. Matsumura that JEI should open the school for free visits by prospective students lasting a day or part of a day, if desired.

15. Besides the expense, JEI's school visit option is also **not** competitive with other schools because it is poorly organized. The child is pretty much left on his/her own as if he/she is a regular student. I also told Mr. Matsumura that JEI had to make the trial visits for potential students much more welcoming and understandable.

16. I said that JEI should provide a model GJS student as a partner for a prospective student. The model student and the prospective student would spend a day together. This is a common practice in other private schools in our area, commonly referred to as "shadowing." The prospective student gets the opportunity to learn about the strengths of the school from a peer.

17. My suggestions included another recommendation. While I understood that many of the students who left were in fact going to American schools instead, I said that we should conduct an exit questionnaire for students and their parents so that we can learn more about their reasons for leaving and respond appropriately.

18. Many students do leave JSNY for American schools because they are looking for a stronger English program. If we could conduct a study to understand the impact of this reason for leaving JSNY, the school should respond by taking actions to improve the English Department, by recruiting more experienced English teachers with competitive salaries and extending the English class period.<sup>2</sup>

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<sup>2</sup> It is necessary to provide a competitive English education at the GJS to recruit more students to meet the needs of the parents. In order to do so, JEI needs to hire competent English teachers by providing a competitive salary. However, JEI pays only well-below public school teachers' salaries to locally hired American teachers (approximately \$10,000 below as a starting salary) , thus many teachers use the GJS as a stepping stone to public schools and JEI has experienced almost every year a loss of competent professionals. (We are losing one this year again). In other words, they are not making their effort to maintain a strong English program that might positively influence the increase of the enrollment. I strongly feel that JEI has been digging its own grave by ignoring to promote a quality English education at GJS.

19. I made these recommendations to JEI's top executive more than three years ago.

20. None of my recommendations were followed.

21. I have not heard or seen any indication that they even were considered seriously by Mr. Matsumura or by other JEI officials. He did not take any notes during the meeting; therefore, I do not know how much information he processed and relayed to the other JEI trustees.

#### Immediate Detrimental Impact of the Proposed Sale

22. My understanding is that JEI says that another reason why the PTA should be excluded from Court is that none of the families will be affected by the sale because the school will remain under a lease.

23. I believe, to the contrary, that the uncertainty about the future of GJS caused by the proposed sale has already had an immediate impact on enrollment this year.

24. As of the first registration period, I was informed by the office manager that fewer than 20 first graders are enrolled, which is surprisingly low compared to the year before, where there were nearly 30.<sup>3</sup>

25. I believe this to be a direct result of the uncertainty caused by the proposed sale, and that further decline is inevitable if the Court approves the sale.

26. I believe that the PTA certainly has an interest in this court proceeding and a great deal of relevant information to give to the Court.

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<sup>3</sup> The first day of school is Tuesday, April 11, 2006 this year.

27. I have never met a JEI officer or Trustee who has had any educational experience or credentials. The court should not approve a decision that no Trustee has ever been able to defend before the teachers and parents to be in the best interest of the students nor promote the school's educational mission and purposes.

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KUNION KAY NITTA, PH.D.

Sworn to before me this  
day of April 2006

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Notary Public