

Pursuant to Court's Instructions the Record on Appeal in this matter was condensed. Pages were not renumbered, therefore it appears there are missing pages, however, counsel has confirmed all pertinent information is included in the condensed record.

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM LEE COUNTY
Court of Common Pleas

Thomas W Cooper, Jr , Circuit Court Judge

Case No 93-CP-31-169

Abbeville County School District, Allendale County School District, Bamberg County School District 1, Bamberg County School District 2, Barnwell County School District 19, Barnwell County School District 29, Barnwell County School District 45, Berkeley County School District, Chesterfield County School District, Clarendon County School District 1, Clarendon County School District 2, Clarendon County School District 3, Dillon County School District 1, Dillon County School District 2, Dillon County School District 3, Florence County School District 1, Florence County School District 2, Florence County School District 3, Florence County School District 4, Florence County School District 5, Hampton County School District 1, Hampton County School District 2, Jasper County School District, Laurens County School District 55, Laurens County School District 56, Lee County School District, Lexington County School District 4, Marion County School District 1, Marion County School District 2, Marion County School District 7, Marlboro County School District, McCormick County School District, Orangeburg Consolidated School District 3, Orangeburg Consolidated School District 5, Saluda County School District and Williamsburg County School District, *(caption continued on second page)*

**RECORD ON APPEAL (CONDENSED),
VOL II OF XXVIII**

Lena Manning, individually, and as a taxpayer residing in Allendale County and as Guardian ad Litem of Courtney V , Courtney V , a minor, by and through Lena Manning, as Guardian ad Litem, William L Mills, individually, and as a Taxpayer residing in Allendale County and as Guardian ad Litem of Waylon P , Waylon P , a minor, by and through William Mills, as Guardian ad Litem, Betty Bagley, individually, and as a taxpayer residing in Bamberg County and as a parent and Guardian ad Litem of Tyler B , Tyler B , a minor, by and through Betty Bagley, as Guardian ad Litem, Evert Comer, Jr , individually, and as a taxpayer residing in Bamberg County and as parent and Guardian ad Litem of Kimberly C , Kimberly C , a minor, by and through Evert Comer, Jr , as Guardian ad Litem, Marla Q Jameson, individually, and as a taxpayer residing in Barnwell County, and as a parent and Guardian ad Litem of Eleanor J , Eleanor J , a minor, by and through Marla Q Jameson, as Guardian ad Litem, Victor M Lancaster, Sr , individually, and as a taxpayer residing in Barnwell County, and as parent and Guardian ad Litem of Christie L , Christie L , a minor, by and through Victor M Lancaster, Sr , as Guardian ad Litem, Dr Charles Clark, individually, and as a taxpayer residing in Chesterfield County, and as parent and Guardian ad Litem of Candace C , a minor, by and through Dr Charles Clark, as Guardian ad Litem, Colonel Larry Coker, individually, and as a taxpayer residing in Clarendon County, and as a parent and Guardian ad Litem of Corrie C , Corrie C , a minor, by and through Colonel Larry Coker, as Guardian ad Litem, Pamela Williams, individually, and as a taxpayer residing in Dillon County, and as parent and Guardian ad Litem of Katisha W , Kathisha W , a minor, by and through Pamela Williams as Guardian ad Litem, Eddie Wright, individually, and as a taxpayer residing in Florence County, and as parent and Guardian ad Litem of Brandon F , Brandon F , a minor, by and through Eddie Wright as Guardian ad Litem, John Whiteside, individually, and as a

taxpayer residing in Florence County and as Parent and Guardian ad Litem of Joel W , Joel W , a minor, by and through John Whiteside as Guardian ad Litem, Dr Francis Mills, individually, and as a taxpayer residing in Hampton County and as a parent and Guardian ad Litem of Amy M , Amy M , a minor, by and through Dr Francis Mills, as Guardian ad Litem, Brenda Brooks, individually, and as a taxpayer residing in Hampton County, and as parent and Guardian ad Litem of Tyrin B , Tyrin B , a minor, by and through Brenda Brooks as Guardian ad Litem, Marva Tigner, individually, and as a taxpayer residing in Jasper County, and as parent and Guardian ad Litem of Bryan T and Bradley T , Bryan T , a minor, by and through Marva Tigner as Guardian ad Litem, Bradley T , a minor, by and through Marva Tigner as Guardian ad Litem, Robert Elisha Short, individually, and as a taxpayer residing in Laurens County and as parent and Guardian ad Litem of Robert B S , Robert B S , a minor, by and through Robert Elisha Short, as Guardian ad Litem, Dr Keith A Bridges, individually, and as a taxpayer residing in Laurens County and as parent and Guardian ad Litem of Jorgana Ranson B , Jorgana Ranson B , a minor, by and through Dr Keith A Bridges, as Guardian ad Litem, Gail Y Harriott, individually, and as a taxpayer residing in Lee County and as parent and Guardian ad Litem of Rashade H , Rashade H , a minor, by and through Gail Y Harriott, as Guardian ad Litem, Linda Carraway, individually, and as a taxpayer residing in Marion County, and as parent and Guardian ad Litem of Kimberly W , Kimberly W , a minor, by and through Linda Carraway as Guardian ad Litem, Dr John Nobles, individually, and as a taxpayer residing in Marlboro County and as parent and Guardian ad Litem of Erin N , Erin N , a minor, by and through Dr John Nobles, as Guardian ad Litem, Patricia Hampton, individually, and as a taxpayer residing in McCormick County and as parent and Guardian ad Litem of Krystle H ,

Krystle H , a minor, by and through Patricia Hampton, as Guardian ad Litem, Bernice Profit, individually, as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Russell H , Russell H , a minor, by and through Bernice Profit, as Guardian ad Litem, Matlin P Brown, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Tanisha P B , Tanisha P B , a minor, by and through Matlin P Brown, as Guardian ad Litem, James Berry, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Dondrea B , Dondrea B , a minor, by and through James Berry, as Guardian ad Litem, Gerald Smith, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Brenda S , Brenda S , a minor, by and through Gerald Smith, as Guardian ad Litem, Thomas Shealy, individually, and as a taxpayer residing in Saluda County and as parent and Guardian ad Litem of Thomas S , Jr , Thomas S , Jr , a minor, by and through Thomas Shealy, as Guardian ad Litem,

Of whom

Allendale County School District,
Dillon County School District 2,
Florence County School District 4,
Hampton County School District 2,
Jasper County School District,
Lee County School District,
Marion County School District 7,
Orangeburg School District 3,
Lena Manning, individually, and as a taxpayer residing in Allendale County and as Guardian ad Litem of Courtney V , Courtney V , a minor, by and through Lena Manning, as Guardian ad Litem, Pamela Williams, individually, and as a taxpayer residing in Dillon County, and as parent and Guardian ad Litem of Katisha W , Katisha W , a minor, by and through Pamela Williams as

Plaintiffs,

Guardian ad Litem, Eddie Wright, individually, and as a taxpayer residing in Florence County, and as parent and Guardian ad Litem of Brandon F , Brandon F , a minor, by and through Eddie Wright as Guardian ad Litem, Brenda Brooks, individually, and as a taxpayer residing in Hampton County, and as parent and Guardian ad Litem of Tyrin B , Tyrin B , a minor, by and through Brenda Brooks as Guardian ad Litem, Marva Tigner, individually, and as a taxpayer residing in Jasper County, and as parent and Guardian ad Litem of Bryan T and Bradley T , Bryan T , a minor, by and through Marva Tigner as Guardian ad Litem, Bradley T , a minor, by and through Marva Tigner as Guardian ad Litem, Gail Y Harriott, individually, and as a taxpayer residing in Lee County and as parent and Guardian ad Litem of Rashade H , Rashade H , a minor, by and through Gail Y Harriott, as Guardian ad Litem, Linda Carraway, individually, and as a taxpayer residing in Marion County, and as parent and Guardian ad Litem of Kimberly W , Kimberly W , a minor, by and through Linda Carraway as Guardian ad Litem, Bernice Profit, individually, and as a taxpayer residing in Orangeburg County and as parent and Guardian ad Litem of Russell H , Russell H , a minor, by and through Bernice Profit, as Guardian ad Litem, are

Appellants-
Respondents,

v

Glenn F McConnell, as President *Pro Tempore* of the Senate and as a representative of the South Carolina Senate, Robert W Harrell, Jr , as Speaker of the House of Representatives and as a representative of the South Carolina House of Representatives,
and

Respondents-
Appellants,

The State of South Carolina, Mark C Sanford, as Governor of the State of South Carolina,

Respondents

NELSON MULLINS RILEY & SCARBOROUGH LLP

Carl B Epps, III

Stephen G Morrison
Laura Callaway Hart
Shelby K Leonard
Elizabeth Scott Moise
Rachel Atkin Hedley
D Kay Tennyson
1320 Main Street / 17th Floor
Post Office Box 11070 (29211-1070)
Columbia, SC 29201
(803) 799-2000

Attorneys for Appellants-Respondents

SOWELL, GRAY, STEPP AND LAFITTE, L L C

Robert E Stepp
Elizabeth Van Doren
A Jackson Barnes
Roland M Franklin, Jr
1310 Gadsden Street
Post Office Box 11449
Columbia, Sc 29211
(803) 929-1400

**Attorneys for Respondents / Appellants Glenn F
McConnell and Robert William Harrell, Jr**

J Emory Smith, Jr
Assistant Deputy Attorney General
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211-1549
(803) 734-3680

Attorney for the State

Swati S Patel
Office of the Governor
P O Box 12267
Columbia, SC 29211
(803) 734-5251

Attorney for the Governor

Rex H Whitcomb
Frmr Principal Specialist, Terrell's Bay HS and Creek
Bridge MS
Marion County School District No 7
Direct Examination by Ms Hart

1 THEY'D SPEND TIME TEACHING LAB SAFETY AND I THINK ONE OF
2 THE HARDEST THINGS AND ONE OF THE MOST IMPORTANT THINGS
3 THESE KIDS NEEDED TO KNOW WAS THE SCIENTIFIC PROCESS
4 ITSELF, AND SO THEY SPENT A LOT OF TIME TEACHING PROCESS
5 AND THOSE KINDS OF THINGS

6 Q WAS THE OPPORTUNITY THAT THE CHILDREN AT THAT SCHOOL
7 HAD TO GAIN A KNOWLEDGE OF SCIENCE, WAS THAT AN ADEQUATE
8 OPPORTUNITY?

9 A NO, MA'AM SCIENCE IS A VERY PHYSICAL HANDS-ON
10 CONTENT, AND IF YOU DON'T HAVE THE MATERIALS TO USE TO
11 TEACH THOSE CONTENT AREAS, THEN YOU ARE JUST TALKING AND
12 SCIENCE IS NOT SOMETHING THAT LENDS ITSELF WELL TO
13 LECTURE

14 IT'S SOMETHING THAT REALLY NEEDS TO BE
15 PHYSICALLY ENGAGED WITH THE STUDENT AND THESE STUDENTS
16 MISSED A LOT OF OPPORTUNITIES FOR THOSE THINGS

17 Q DR DEAN SPOKE EARLIER ABOUT READING PROGRAMS IN
18 MARION DISTRICT TWO ARE THERE READING PROGRAMS AT YOUR
19 SCHOOL?

20 A YES, MA'AM, BUT LET ME SAY THIS THE TEACHING OF
21 READING AS A BASIC SKILL IS NOT A FUNCTION OF A MIDDLE OR
22 A HIGH SCHOOL THE TEACHING OF READING, THE ACT OF
23 READING ITSELF IS SOMETHING THAT SHOULD BE -- IT S NOT
24 MASTERED AT LEAST INTRODUCED AND STUDENTS BECOME CONFIDENT
25 ON A LEVEL IN EARLY GRADES

1 YOU HAVE THAT GROUP OF PEOPLE AT THE BOTTOM WHO ARE
2 INCOMPETENT AND EITHER RESIST OR ARE INCAPABLE OF CHANGE
3 Q IS IT POSSIBLE OR HOW DO YOU GO ABOUT REPLACING A
4 TEACHER WHO FALLS INTO THAT LAST CATEGORY OF NOT EFFECTIVE
5 OR INCOMPETENT?

6 A WELL IN THE EARLY YEARS OF A TEACHER'S CAREER--

7 Q LET -- OKAY IF YOU CAN JUST SORT OF SUMMARIZE, YOU
8 KNOW, THE AMOUNT OF TIME IT TAKES AND BRIEFLY THE STEPS
9 THAT YOU HAVE TO FOLLOW

10 A OKAY I WILL BE SUCCINCT FIRST AND SECOND YEAR
11 TEACHERS CAN BE REMOVED FROM THE PROGRAM READILY THERE'S
12 NOT MUCH PROBLEM ONCE A TEACHER REACHES THE CONTINUED
13 CONTRACT STATUS AND IS IN THE GOALS BASED EVALUATION STAGE
14 OF THEIR CAREER, THEY BASICALLY ARE VESTED IN THEIR
15 POSITION AND THERE ARE STATE LAW THAT DESCRIBES VERY
16 SPECIFICALLY WHAT REQUIRES TO REMOVE THOSE TEACHERS

17 AND WE HAVE TO BE VERY CAREFUL ABOUT HOW WE
18 APPROACH THESE THINGS IN ESSENCE -- IN GENERAL WITH THE
19 TEACHER WHO IS A REALLY SMART PERSON AND KNOWS HOW TO PLAY
20 THE GAME, IT CAN TAKE AS LONG AS THREE, FOUR SOMETIMES
21 EVEN FIVE YEARS TO BE ABLE TO RECOMMEND NONRENEWAL OF A
22 CONTRACT

23 IN OTHER INSTANCES WHEN IT'S -- WHEN THEIR
24 BEHAVIOR IS EGREGIOUS, IT CAN HAPPEN A LOT QUICKER THAN
25 THAT OBVIOUSLY I HAVE NEVER -- SELDOM HAVE I BEEN ABLE

1 TO BE COMFORTABLE RECOMMENDING NONRENEWAL OF A CONTRACT IN
2 LESS THAN TWO YEARS

3 YOU BASICALLY YOU "A" HAVE TO TAKE A FAIR AMOUNT
4 OF TIME TO IDENTIFY THE PROBLEM BY OBSERVATION AND BEING
5 IN THE CLASSROOM, TALKING TO THE TEACHER ONCE THE
6 PROBLEM IS RECOGNIZED YOU HAVE TO ADDRESS THE PROBLEM
7 WITH THE TEACHER AND PROVIDE AN OPPORTUNITY FOR
8 CORRECTION

9 IN FAILING THAT, THEY HAVE TO BE PROVIDED AN
10 OPPORTUNITY FOR REMEDIATION OF COURSE ALL THESE THINGS
11 TAKE A SERIOUS AMOUNT OF TIME IN THE SCHOOL YEAR AND
12 ULTIMATELY ONCE A REMEDIATION PLAN HAS BEEN IN PLACE AND
13 THE TEACHER CONTINUES TO NON-PERFORM, THAT IS WHEN
14 ULTIMATELY YOU CAN RECOMMEND OR CONFIRM NONRENEWAL OF THAT
15 TEACHER'S CONTRACT

16 Q AND WHAT'S THE TIME RANGE WE ARE TALKING ABOUT IN
17 TERMINATING A TEACHER THAT YOU HAVE IDENTIFIED AS
18 INEFFECTIVE OR INCAPABLE OF BECOMING EFFECTIVE?

19 A LET'S PUT IT THIS WAY IT WOULD TAKE AT LEAST A
20 SEMESTER TO IDENTIFY THE NEED, ANOTHER SEMESTER TO
21 CONFERENCE AND DISCUSS WITH THE TEACHER THE PROBLEM IT
22 WOULD TAKE ALMOST A WHOLE YEAR OF AN IMPLEMENTATION OF A
23 REMEDIAL PLAN THE FOLLOWING YEAR

24 YOU GO INTO THE END OF THE YEAR TO DETERMINE IF
25 THEY HAVE IN FACT REMEDIATED THEIR PROBLEM AND THEN IN

1 VERY POWERFUL STRONG SITUATIONS YOU COULD THEN RECOMMEND
2 NONRENEWAL, BUT MOST INSTANCES -- AND I MADE HAVE ELUDED
3 TO VERY SMART PEOPLE WHO VERY OFTEN CAN TAKE THAT AND
4 STRETCH IT OUT OVER A COUPLE OF YEARS

5 THEY WILL IMPROVE ENOUGH TO WHERE YOU GIVE THEM
6 ANOTHER YEAR OF REMEDIATION OR WHATEVER OR THEY GO RIGHT
7 BACK TO THEIR OLD WAYS AS SOON AS THEY ARE OFF THE PLAN
8 SO IT CAN TAKE ANYWHERE FROM TWO TO FIVE YEARS

9 Q ALL RIGHT AND THAT'S AT THE SCHOOL LEVEL, IS THAT
10 RIGHT?

11 A THAT'S AT SCHOOL LEVEL

12 Q AND ARE THERE OTHER STEPS?

13 A YES, MA'AM OF COURSE I ONLY CAN RECOMMEND
14 NONRENEWAL OF A CONTRACT IT'S -- I CAN'T SOLELY JUST SAY
15 YOU ARE FIRED AND YOU ARE OUT OF HERE I MAKE THAT
16 RECOMMENDATION TO THE SUPERINTENDENT WHO THEN MAKES A
17 DETERMINATION WHETHER I HAVE CREATED A FILE OR
18 DOCUMENTATION SUFFICIENT TO TAKE THAT ACTION, THAT HE WILL
19 EITHER SUPPORT ME OR NOT

20 ASSUMING HE SUPPORTS IT, THE TEACHER CAN
21 CERTAINLY ACCEPT THAT AT FACE VALUE OR MORE LIKELY THAN
22 NOT APPEAL THAT DECISION TO THE SCHOOL BOARD AND THE
23 SCHOOL BOARD THEN HAS TO HAVE A HEARING WHICH ALL THE
24 EVIDENCE IS PRESENTED

25 IT'S NOT A COURTROOM, BUT THERE ARE WITNESSES

1 AND ALL THAT ASSUMING IT DOESN'T GO THE TEACHER'S WAY
2 THAT TIME, IN OUR DISTRICT IN MARION SEVEN IT CAN BE
3 APPEALED TO THE COUNTY SCHOOL BOARD, AND THAT WOULD BE THE
4 LAST RESORT OTHER THAN ACTUALLY TAKING THE SCHOOL DISTRICT
5 TO COURT

6 Q ALL RIGHT WHICH CAN BE DONE?

7 A WHICH CAN BE DONE

8 Q NOW, WHAT EFFECT DOES IT HAVE ON A STUDENT AT
9 TERRELL'S BAY HIGH SCHOOL OR CREEK BRIDGE MIDDLE SCHOOL,
10 WHEN THEY ARE BEING TAUGHT BY A TEACHER THAT YOU HAVE
11 IDENTIFIED AS INCOMPETENT OR INCAPABLE OF IMPROVEMENT TO
12 THE LEVEL OF COMPETENCY?

13 A WELL IN THE CONTEXT OF -- WHILE WE ARE GOING THROUGH
14 THE PROCESS, IT TAKES THE MINIMUM OF TWO YEARS, YOU HAVE
15 TWO YEARS OF STUDENTS PASSING THROUGH THAT GRADE LEVEL WHO
16 ARE GETTING -- CERTAINLY GETTING INADEQUATE INSTRUCTION

17 AND OF COURSE, THEY -- IT'S NO CHANCE TO GO BACK
18 AND DO IT OVER AGAIN THAT YEAR IS -- OR THOSE TWO YEARS
19 ARE LOST IN THE EVENT THAT WE AS ADMINISTRATORS ARE
20 INEFFECTUAL IN IDENTIFYING AND REMOVING THE INEFFECTUAL
21 TEACHERS, THEN IT'S YEAR AFTER YEAR OF LESS THAN ADEQUATE
22 INSTRUCTION FOR THOSE CHILDREN

23 Q WITH THE TEACHER -- GOING BACK JUST FOR A MOMENT TO
24 THE TEACHER TURNOVER ISSUE WHAT EFFECT DOES THAT HAVE ON
25 THE INSTRUCTION THAT'S PROVIDED TO THE STUDENTS?

1 APPLICANTS THE BEST PERSONS FOR THE JOB

2 Q HOW MANY PEOPLE MIGHT BE IN THAT POOL OF APPLICANTS
3 FOR DISTRICT SEVEN POSITIONS?

4 A I HAVE SEEN INSTANCES WHERE THERE WERE NONE AND I
5 HAVE SEEN OTHER INSTANCES WHERE THERE WAS ONLY ONE
6 CANDIDATE AND I HAVE SEEN INSTANCES WHERE THERE MAY HAVE
7 BEEN FOUR OR FIVE CANDIDATES BUT ONLY ONE OF THEM CLEARLY
8 QUALIFIED FOR THE POSITION, SO YOUR CHOICES REALLY BECOME
9 NARROW

10 Q WHAT DO YOU DO IF YOU ONLY HAVE ONE PERSON QUALIFIED
11 FOR THE POSITION?

12 A WE HIRE THAT PERSON IF WE THINK THAT THEY ARE
13 MINIMALLY APPLICABLE

14 Q AND ARE YOU -- HOW DOES THAT AFFECT THE INSTRUCTION
15 THAT'S PROVIDED? I MEAN, I GUESS YOU DON'T -- DO YOU HAVE
16 SOME INDICATORS THAT THE TEACHER IS COMPETENT IS THAT
17 RIGHT?

18 A WELL, ESPECIALLY WITH TEACHERS WITH EXPERIENCE OF
19 COURSE YOU CAN ALWAYS CHECK REFERENCES AND DO THAT KIND
20 OF BACKGROUND WORK VERY OFTEN IN THIS DISTRICT WE ARE
21 INTERVIEWING VERY YOUNG TEACHERS NEW TO THE PROFESSION OR
22 PEOPLE TRYING TO ENTER THE PROFESSION THROUGH THE CRITICAL
23 NEEDS PROGRAM AND THE PACE PROGRAM

24 AND THOSE PEOPLE DON'T HAVE AN ACADEMIC TRACK
25 RECORD TO GO BACK AND EXAMINE, SO REALLY THE INTERVIEW

Rex H Whitcomb
Fmr Principal Specialist, Terrell's Bay HS and Creek
Bridge MS
Marion County School District No 7
Direct Examination by Ms Hart

1 VISIONARY LEADERSHIP? TO THAT ANSWER I SAY YES BUT DO
2 THEY HAVE THE SUPPORT STRUCTURE AND THE INFRASTRUCTURE
3 WITHIN THAT DISTRICT TO IMPLEMENT THAT VISION? I SAY NO
4 Q MR WHITCOMB, CAN YOU COMMENT ON WHETHER THE STATE OF
5 SOUTH CAROLINA PROVIDES THE STRUCTURE AND RESOURCES
6 NECESSARY TO AFFECT SYSTEMIC CHANGE IN MARION SEVEN?
7 MR STEPP YOUR HONOR, I WOULD OBJECT THAT WOULD
8 BE A DISTRICT LEVEL QUESTION I DON'T THINK HE WOULD BE
9 QUALIFIED TO STATE WHAT RESOURCES ARE PROVIDED AT THE
10 DISTRICT LEVEL

11 THE COURT WELL, OF COURSE THE QUESTION WENT TO THE
12 DISTRICT-WIDE AND HE HAS CONSIDERABLE EXPERIENCE WITHIN
13 THE SEGMENT OF THE DISTRICT NOT SURE HOW FAR BEYOND THE
14 TWO SCHOOLS WITHIN WHICH HE HAS WORKED MS HART IF YOU
15 CAN LIMIT THE QUESTION TO THE AREA OF HIS INVOLVEMENT FOR
16 THE LAST TWO YEARS, I WILL ALLOW IT

17 Q ALL RIGHT MR WHITCOMB, LET ME ASK YOU THIS THEN
18 CAN YOU COMMENT ON WHETHER THE STATE PROVIDES THE
19 STRUCTURE AND RESOURCES NECESSARY TO EFFECT SYSTEMIC
20 CHANGE AT CREEK BRIDGE HIGH SCHOOL WHICH WILL NOW INCLUDE
21 CREEK BRIDGE MIDDLE SCHOOL?

22 A THE STATE OF SOUTH CAROLINA IS VERY LONG ON
23 EXPECTATIONS AND SETTING THE BAR THEY ARE VERY SHORT ON
24 INSURING THAT SCHOOL DISTRICTS HAVE THE WHEREWITHAL TO
25 IMPLEMENT THESE THINGS

1 I WILL GIVE YOU AN EXAMPLE OF THAT THE -- IF
2 YOU LOOK AT THE ISSUES OF TECHNICAL ASSISTANCE IN THE
3 EXTERNAL REVIEW PROCESS WHEN A SCHOOL IS DEEMED
4 UNSATISFACTORILY BELOW AVERAGE, THE EXTERNAL REVIEW TEAM
5 VISITS THE SCHOOL FOR A GRAND TOTAL OF THREE DAYS

6 AND IN THAT THREE DAYS THEY ARE CHARGED WITH THE
7 RESPONSIBILITY OF ASSESSING THE SCHOOLS PROGRAM AND
8 DEVELOPING SOME REASONABLE INTERVENTIONS TO ASSIST THE
9 DISTRICT

10 WELL THE STATE'S VERSION OF INTERVENTION AND
11 MORE OFTEN THAN NOT IS SIMPLY A CHECK IN THE BOX OF
12 MONITOR SCHOOL S IMPLEMENTATION OF CERTAIN STANDARDS
13 THAT DOESN'T TELL YOU HOW THEY ARE GOING TO HELP YOU
14 IMPLEMENT THOSE THINGS

15 AND IF THEY COME IN AND SAY YOU ARE NOT
16 PROVIDING ENOUGH CAREER AND TECHNOLOGY EDUCATION PROGRAMS
17 IN YOUR SCHOOL AND THEN THEY GIVE YOU A LIST OF THE
18 STANDARDS THAT YOU ARE SUPPOSED TO BE IMPLEMENTING AND SAY
19 IMPLEMENT THEM, IF THAT'S THEIR VERSION OF TECHNICAL
20 ASSISTANCE WELL WE APPRECIATE IT

21 WE KNEW WE WERE SUPPOSED TO BE DOING THOSE
22 THINGS THERE'S A REASON WE ARE NOT DOING THEM AND IF
23 WE COULD DO THEM, THEN WE WOULD BE DOING THEM BUT YOU'RE
24 SITTING THERE IN A SITUATION WHERE THERE IS A MANPOWER
25 VACUUM

1 I USE AN ANALOGY OF A POOL WHERE WE HAVE TALENT
2 IN THAT DISTRICT, BUT IT'S JUST A VERY SHALLOW LITTLE
3 PUDDLE THERE'S NO DEPTH TO IT IF ANY ONE OF THOSE
4 INDIVIDUALS IS OUT OF THE PICTURE FOR ILLNESS OR
5 CHILDBIRTH OR ANYTHING LIKE THAT, THEN THERE'S JUST A BIG
6 HOLE AND IT STAYS THAT WAY

7 AND FOR THE STATE OF SOUTH CAROLINA TO GO TO A
8 SCHOOL AND SAY WELL OUR TECHNICAL ASSISTANCE FOR YOU IS
9 GOING TO BE TO MONITOR YOUR IMPLEMENTATION OF THESE
10 STANDARDS THEN THEY MIGHT AS WELL SAVE THE TREE THAT THEY
11 CUT DOWN TO MAKE OUT THAT PIECE OF PAPER BECAUSE IT'S NOT
12 GOING TO DO US ANY GOOD WHAT WE NEED IS HELP

13 Q DO YOU GET THE HELP?

14 A I HAVEN'T SEEN ANY YET I MEAN, I WILL MAKE THE
15 EXCEPTION THE TEACHER SPECIALIST ON SITE AND THE
16 PRINCIPAL SPECIALIST ON SITE PROGRAM IS VERY TANGIBLE AND
17 I THINK POTENTIALLY VIABLE WAY TO ASSIST SCHOOLS BUT
18 THERE'S NO -- THERE'S NOTHING YOU CAN COUNT ON THERE
19 EITHER

20 FIRST OF ALL NO SCHOOL IS GOING TO BE CHANGED
21 SYSTEMICALLY BY A PRINCIPAL THAT IS ONLY THERE FOR TWO
22 YEARS CAN'T BE DONE I DON'T CARE HOW GOOD YOU ARE

23 SECONDLY, THE TEACHER SPECIALIST ON SITE, THERE
24 SEEMS TO BE NO RHYME OR REASON, THERE IS A RHYME OR
25 REASON IT'S BASED ON THE WAY THE REGULATIONS AND THE LAW

Rex H Whitcomb
Fmr Principal Specialist Terrell s Bay HS and Creek
Bridge MS
Marion County School District No 7
Cross Examination by Mr Stepp

1 ORGANIZED?

2 A TRYING TO HELP THEM MOVE

3 Q ALL RIGHT AND SO THAT BUILDING IS GOING TO BE AN
4 ADEQUATE AND SAFE FACILITY?

5 A WELL, I THINK IT'S GOING TO BE BY LEAPS AND BOUNDS
6 SAFE WITH MODERN WIRING AND ETC ADEQUATE -- THERE ARE --
7 IT'S MUCH BETTER THAN THE 54 BURNES BUILDING THAT WE ARE
8 LEAVING IN BOTH INSTANCES, AND YOU KNOW, IT -- I THINK
9 THERE'S GOING TO BE A SPACE ISSUE

10 I THINK THERE'S GOING TO BE OTHER ISSUES
11 REGARDING, YOU KNOW, HOW FAR APART THE LAB TABLES ARE AND
12 THOSE KIND OF THINGS I MEAN, BUT YOU KNOW, RELATIVELY
13 SPEAKING SIR IF YOU WANT TO COMPARE IT TO WHERE WE ARE
14 COMING FROM, IT'S LIKE MOVING INTO A PALACE

15 Q IT'S A NEW WORLD IT'S A PALACE ALL RIGHT, SIR
16 NOW, YOU MENTIONED YESTERDAY THAT YOU WERE FRUSTRATED --
17 FRIDAY, I AM SORRY -- ONLY SEEMS LIKE YESTERDAY YOU
18 MENTIONED THAT YOU WERE FRUSTRATED -- OR THAT'S MY WORD I
19 THINK, NOT YOURS -- BUT I GATHERED THAT YOU WERE
20 FRUSTRATED BY SOME OF THE MAINTENANCE ISSUES AT THE OLD
21 BUILDING IS THAT FAIR TO SAY?

22 A YES SIR I WAS INDEED AS WAS EVERYBODY THAT LIVED
23 IN THAT BUILDING, AS WAS DR DEAN

24 Q WELL, I MEAN, COULD YOU JUST NOT FIND COMPETENT
25 MAINTENANCE PERSONNEL?

1 A YOUR -- NO YOU ARE LIVING IN A COMMUNITY, OF
2 COURSE VERY FINITE NUMBER OF PEOPLE NUMBER ONE, AND IT'S
3 NOT A HIGH PAYING JOB I THINK THEY PAID 6 90 AN HOUR OR
4 SOMETHING LIKE THAT, AND IT'S CERTAINLY NOT WORTH SOMEONE
5 TO TRAVEL 25, 30 MILES A DAY FOR A SEVEN DOLLAR AN HOUR
6 JOB

7 I THINK THE DISTRICT PAID WHAT THEY COULD
8 AFFORD, AND YOU KNOW USING THE LOCAL PEOPLE OR -- YOUR
9 BIGGEST ISSUE WITH US WAS NOT WHETHER THEY WERE TRAINED
10 BECAUSE WE -- I MEAN, MOST INSTANCES HAD TO ASSUME THAT
11 THEY HAD NOT BEEN

12 Q WELL, IN FACT, YOU WANTED TO TELL THEM HOW TO DO IT
13 YOURSELF?

14 MS HART YOUR HONOR?

15 THE COURT MA'AM?

16 MS HART ALLOW THE WITNESS TO FINISH HIS ANSWER
17 HE WAS INTERRUPTING THE WITNESS

18 THE COURT WELL, HE DID INTERRUPT IF YOU NEED A
19 CHANCE TO COMPLETE THAT PRIOR TRAIN OF THOUGHT, MR
20 WHITCOMB, YOU CAN GO BACK AND DO IT I THINK YOU SAID IN
21 MOST INSTANCES HAD TO ASSUME THAT THEY HAD NOT BEEN
22 TRAINED, AND AT THAT POINT HE OBJECTED

23 A WE HAD TO ASSUME THAT THEY HAD NOT BEEN TRAINED WE
24 WERE SEEKING MORE THAN ANYTHING SOMEONE WITH A WORK ETHIC
25 AND A GOOD WORK HISTORY THAT WOULD SHOW, THAT THEY WOULD

1 BE THERE EVERY DAY AND THOSE KINDS OF THINGS
2 TRAINING SOMETHING THAT WAS -- WE HAD TO ASSUME
3 THE PEOPLE THAT WE WERE TALKING TO WEREN'T TRAINED FOUND
4 SOMEONE, GOOD, I'M SURE WE'D CONSIDER THAT
5 Q WELL YOU MENTIONED I THINK ON FRIDAY THAT -- AT LEAST
6 ON ONE OCCASION THE FLOOR WAS GETTING MOPPED WITH DIRTY
7 WATER

8 A THAT WAS AN OUTSTANDING INCIDENT, BUT IT WAS
9 TYPICAL I OFFERED THAT AS AN ILLUSTRATION OF THE LACK OF
10 UNDERSTANDING OF WHAT WAS GOING ON OUR BIGGEST PROBLEM
11 IN THE FACILITY MAINTENANCE WAS MANPOWER AS MUCH AS
12 ANYTHING

13 YOU KNOW, WE WOULD BRING SOMEONE IN AND WE TRY
14 TO GET THEM UP TO SPEED AND WE COULD, BUT AT THE SAME TIME
15 EVEN IF EVERYONE WAS WORKING JUST RIGHT, THERE WEREN'T
16 ENOUGH HOURS IN THE DAY TO ACCOMPLISH ALL THE TASKS THAT
17 WE WERE REQUIRED TO DO THIS, AND I PREDICT THE SAME FOR
18 THE NEW BUILDING UNLESS SOMETHING CHANGES

19 Q THAT'S WHAT I WAS BUILDING UP TO BECAUSE I HEARD YOU
20 SAY THAT AND IT'S THE SAME MAINTENANCE STAFF GOING FROM
21 THE OLD BUILDING TO THE NEW BUILDING?

22 A IT'S GOING TO BE A COMPOSITE OF PEOPLE FROM, YOU
23 KNOW OF COURSE THAT -- WE ARE CLOSING ANOTHER SCHOOL, SO
24 -- AND THERE WILL BE MORE PEOPLE AND I DON'T -- I'M NOT
25 PRIVY TO EXACTLY HOW MANY MAN HOURS A DAY THERE WILL BE

1 BUT IN TERMS OF SQUARE FOOTAGE AND HALL SPACE
2 AND PUBLIC RESTROOMS, THE AMOUNT OF WORK HAS INCREASED
3 ALSO SO I'M NOT SURE IF WE MATCHED IT TO AN AMOUNT OF
4 WORK NECESSARY
5 Q WELL, DID YOU CONSIDER IT PART OF THE BUILDING
6 CONDITION AT LEAST ON MAINTENANCE ITEMS, TO BE PART OF
7 THE PRINCIPAL'S RESPONSIBILITY?
8 A WITHOUT A QUESTION YOU KNOW, WE WERE -- PRINCIPALS
9 IN AREAS LIKE THAT ARE GENERALISTS IN TERMS OF YOU KNOW,
10 WE ARE THE ONES THAT HAVE TO DEAL WITH THE PUBLIC AND TALK
11 ABOUT, YOU KNOW, WHY THE BUILDING IS DIRTY
12 I MEAN, I HAVE BEEN DEALING WITH COMPLAINTS MY
13 ENTIRE PRINCIPALS' CAREER PARENTS AND DIRTY BATHROOMS
14 LACK OF PAPER, LEAKY ROOFS AND WHILE I DON'T ALWAYS HAVE
15 THE MEANS TO PUT IN A FIX I'M ALWAYS THE ONE RESPONSIBLE
16 FOR AT LEAST MAKING THE RIGHT PEOPLE AWARE OF THE PROBLEM
17 Q ALL RIGHT, SIR WHAT WE PUT ON THE SCREEN NOW, MR
18 WHITCOMB, IS THE DEFENDANT'S EXHIBIT 1797 AND THIS IS AN
19 APPLICATION TO THE SOUTHERN ASSOCIATION OF COLLEGES AND
20 SCHOOLS COMMISSION ON SECONDARY AND MIDDLE SCHOOLS DO
21 YOU SEE THAT?
22 A YES
23 Q HAVE YOU SEEN THIS DOCUMENT PREVIOUSLY?
24 A NO, SIR
25 Q DID YOU HAVE ANY PARTICIPATION WHATSOEVER IN THE

Rex H Whitcomb
Fmr Principal Specialist Terrell s Bay HS and Creek
Bridge MS
Marion County School District No 7
Redirect Examination by Ms Hart

1 THESE THINGS

2 Q WHAT ABOUT THE SCHOOL'S SIDE?

3 A ON THE SCHOOL'S SIDE WE ARE TALKING ABOUT LARGER
4 RESOURCES WHEN YOU TALK ABOUT PROVIDING EXTENDED DAY
5 PROGRAM, IF YOU RE GOING TO HIRE FOUR SIX TEACHERS TO RUN
6 AN AFTER SCHOOL PROGRAM WITH SNACKS AND TRANSPORTATION,
7 YOU ARE TALKING ABOUT A SUBSTANTIAL CONTRIBUTION OF
8 FUNDS

9 NOW, THOSE FUNDS MAY NOT COME DIRECTLY OUT OF
10 THE DISTRICT OFFICE'S GENERAL OPERATING FUND WHICH IS THE
11 LOCAL TAX MONEY BUT NONETHELESS IF WE ARE SPENDING E I A
12 MONEY OR ANY OTHER KIND OF DOLLARS ON THAT KIND OF
13 PROGRAM THOSE ARE DOLLARS THAT ARE NOT GOING TO SOMETHING
14 ELSE THAT WE MIGHT FIND LATER AS EQUALLY AS IMPORTANT AS
15 WHAT WE ARE DOING HERE

16 SO IT BECOMES A MATTER OF TAKING THE RESOURCES
17 AND SPREADING THEM OUT TO TRY TO COVER ALL THE BASIS AND
18 SPREADING THEM SO THIN THIS IS THE PROBLEM WITH YOUR --
19 SOME OF THESE EVALUATIONS THAT WE GO THROUGH

20 WE TAKE OUR RESOURCES, WE COVER -- AT LEAST
21 TOUCH AS MANY OF THE BASES AS WE CAN BUT THEN WE ARE
22 TALKING ABOUT A SHALLOW IMPLEMENTATION WE ARE -- I CAN
23 SAY TO YOU THAT WE HAVE A CAREER OPPORTUNITIES DAY AT
24 CREEK BRIDGE MIDDLE SCHOOL, AND IT WAS PRETTY GOOD FOR THE
25 ONE DAY IT LASTED, BUT THERE WAS NO STRONG FOLLOW-UP

1 OUR INTEGRATED APPROACH OR ANY OF THOSE THINGS
2 THEY BASICALLY FELT LIKE THEY WERE A MEMBER OF
3 THE FACULTY SOMEWHERE ELSE AND THEY WERE ONLY COMING TO US
4 TO DO THIS ONE CLASS

5 Q LET'S TALK ABOUT THE ENGLISH, LANGUAGE ARTS
6 CURRICULUM YOU HAVE A TEACHER AND YOU HAVE A CLASSROOM,
7 YOU HAVE A BOOK, RIGHT? DO YOU NEED OTHER MATERIAL?

8 A OH, YES

9 Q WHAT DO YOU NEED?

10 A THE THING THAT WE NEED THE MOST THAT WE DON'T HAVE
11 CURRENTLY ARE -- WOULD BE NOVEL SETS AND TO EXPLAIN WHAT
12 THOSE ARE THEY ARE BASICALLY A SET OF NOVELS THAT -- ALL
13 THE SAME NOVEL FOR -- LARGE ENOUGH FOR A WHOLE CLASS SO
14 THE ENTIRE CLASS CAN BE READING THE SAME NOVEL AT THE SAME
15 TIME

16 AND THAT PRESENTS THE BEST INSTRUCTIONAL
17 OPPORTUNITIES BECAUSE YOU CAN BE TALKING ABOUT THE SAME
18 BOOK AND THE SAME CHARACTERS AND THE SAME IDEAS THAT
19 WOULD BE A GLARING ADMISSION THERE

20 Q HOW DOES THAT AFFECT THE INSTRUCTION THAT'S PROVIDED
21 TO CHILDREN IF THEY DON'T HAVE THAT?

22 A WELL, THE TEACHERS HAVE TO MAKE DO THEY END UP
23 TAKING SHEETS AND COPYING PASSAGES AND STUDENTS WORKING
24 FROM PASSAGES AS OPPOSED TO THE WHOLE BOOK WHICH IS A --
25 YOU KNOW, REALLY DEEP PART OF WHAT THEY ARE TRYING TO GET

1 THEM TO UNDERSTAND

2 Q OKAY AND THE LIBRARY, HOW DOES THAT -- DOES THAT

3 A THE LIBRARY AFFECTS THAT A LOT IN THE SENSE THAT --
4 WELL FIRST OF ALL, YOU KNOW, HERE'S ANOTHER EXAMPLE OF HOW
5 WHEN WE GET CHECKED OFF AS MEETING CERTAIN STANDARDS AND
6 EVERYBODY SAYS WELL LOOK, THEY ARE DOING GREAT

7 WELL YOU CAN GO TO THIS LIBRARY WHERE YOU HAVE
8 THREE HUNDRED STUDENTS AND YES, WE MIGHT HAVE ENOUGH
9 TITLES TO TECHNICALLY MEET THE STANDARD OF THE NUMBER OF
10 TITLES YOU SHOULD HAVE FOR 300 STUDENTS, BUT THE BOTTOM
11 LINE IS A LIBRARY WITH MANY MORE BOOKS HAS MANY MORE
12 TITLES AND MANY MORE SELECTIONS AND MUCH MORE DIVERSE SET
13 OF LITERATURE, HISTORY AND ALL THESE THINGS

14 AND OUR -- AND OUR LIBRARY -- PROBABLY OUR
15 GREATEST NEED IN THE WAY OF BOOKS IS IN REFERENCE
16 MATERIAL LAST YEAR IN PREPARATION FOR OUR MOVE, WE TOOK
17 A REAL HARD LOOK AT ALL OF OUR REFERENCE MATERIALS AND
18 ENDED UP DISPOSING OF MOST OF THEM AS NOT EVEN USEFUL

19 Q WHY NOT?

20 A THEY ARE TOO OLD I MEAN THE ENCYCLOPEDIA, THAT'S 15
21 YEARS OLD IT'S ALMOST USELESS

22 Q IS THAT WHAT YOU HAD IN YOUR SCHOOL?

23 A YES, MA'AM

24 MR STEPP YOUR HONOR, I DIDN'T TALK ABOUT THE
25 LIBRARY, SO I M GOING TO OBJECT

1 NEEDED FOR THE SCIENCE TO WORK WITH THE PEE DEE HUB
2 PEOPLE, IS THAT RIGHT?

3 A WELL NOT WITH -- NOT WHEN WE NEEDED THEM

4 Q OKAY THE ACTION PLAN ON PAGE 14 NUMBER THREE SAYS
5 IMPLEMENT AN AFTER SCHOOL REMEDIAL PROGRAM FOR AT RISK
6 STUDENTS NOW, THAT'S YOUR PLAN HAVE YOU DONE THAT FOR
7 SCIENCE INSTRUCTION?

8 A WELL AGAIN, OUR AFTER SCHOOL REMEDIAL PROGRAM HAS
9 BEEN AND REMAINS LARGELY FOCUSED ON THE ENGLISH, LANGUAGE
10 ARTS AND MATHEMATICS BECAUSE WE PERCEIVE AND I BELIEVE
11 CORRECTLY THAT THOSE TWO ARE FOUNDATIONS TO EVERYTHING
12 ELSE

13 STUDENTS CAN GET ASSISTANCE FROM AN AFTER SCHOOL
14 TEACHER ON SCIENCE IF THE DAY SCHOOL TEACHER
15 COMMUNICATES THAT TO THE AFTER SCHOOL TEACHER, THEN THEY
16 CAN PROVIDE SOME HELP WITH THAT BUT THE FOCUS AND THE
17 PLAN IS FOR, YOU KNOW, WHAT WE ACTUALLY DO MOST OF THE
18 TIME IS IN THE LANGUAGE ARTS AND MATH

19 Q ARE THE TEACHERS AVAILABLE IN AFTER SCHOOL PROGRAM
20 NECESSARILY SCIENCE TEACHERS OR SCIENCE CONTENT AWARE?

21 A NO, MA'AM SOME OF THEM ARE MOST OF THEM AREN'T

22 Q ALL RIGHT THE NEXT ITEM IS THE SAME THING WITH
23 SUMMER SCHOOL DO YOU FOCUS ON SCIENCE IN SUMMER SCHOOL?

24 A OH NO, MA AM AGAIN THE FOCUS IS LARGELY ON WHERE
25 WE SEE THE FOUNDATION AND THAT'S AN ENGLISH, LANGUAGE ARTS

Rex H Whitcomb
Fmr Principal Specialist, Terrell's Bay HS and Creek
Bridge MS
Marion County School District No 7
Redirect Examination by Ms Hart

1 AND MATHEMATICS

2 Q AND YOUR LAST ITEM IS TO ALIGN THE SCIENCE CURRICULUM
3 AND ASSESSMENTS WITH THE STANDARDS NOW--

4 A LIKE DOING LAUNDRY YOU HAVE TO DO IT EVERY OTHER
5 DAY NO MATTER WHAT

6 Q ATTUNED TO LAUNDRY OKAY SO IS OUR PLAN FOR
7 SCIENCE --

8 A NO, MA'AM

9 Q -- IMPLEMENTED? DO YOU NEED ADDITIONAL RESOURCES TO
10 IMPLEMENT IT?

11 A YES MA'AM

12 Q SOCIAL STUDIES IS NEXT, AND IT IS ON PAGE 14 THE
13 GOAL IS THAT THEY WILL MEET THE STATE STANDARDS IN SOCIAL
14 STUDIES AGAIN THIS IS SIMILAR TO THE SCIENCE YOU DON'T
15 HAVE THE ASSESSMENTS YET?

16 A BASELINE HAD NOT BEEN ESTABLISHED AND THIS IS A
17 GOOD ILLUSTRATION OF WHY WE FOCUS ON THE ENGLISH, LANGUAGE
18 ARTS PARTICULARLY IS THE FOUNDATIONAL SKILL SOCIAL
19 STUDIES IS HIGHLY DEPENDENT UPON READING SKILLS AND
20 COMPREHENSION SKILLS, SO THAT IS AN ISSUE

21 BUT SOCIAL STUDIES SUPPORT MATERIALS FOR THE
22 CLASSROOM SUCH AS MAPS AND GLOBES AND THOSE KINDS OF
23 THINGS ARE IMPORTANT AND THEY ARE NOT THERE THEY ARE NOT
24 THERE IN THE AFTER SCHOOL PROGRAM EITHER

25 Q SO ARE YOU ABLE TO IMPLEMENT YOUR PLAN FOR SOCIAL

1 STUDIES?

2 A NO, MA'AM

3 Q ALL RIGHT THE NEXT GOAL IS AT THE TOP OF PAGE 17 AT
4 BATES 24249 AND YOU WANT -- IT STATES ALL STUDENTS
5 TAKING THE P S A T WILL SCORE AT OR ABOVE THE STATE
6 AVERAGE WHAT ARE YOU DOING TO REALIZE THAT GOAL?

7 A WELL, I FOUND THE FUNDS TO GIVE THE P S A T TO THE
8 EIGHTH GRADE STUDENTS WAS -- THE MOST SUCCESSFUL PART OF
9 THAT MEASURE OUR RESULTS CAME NOWHERE CLOSE TO BEING
10 ABOVE THE NATIONAL AVERAGE

11 Q ALL RIGHT ON YOUR ACTION PLAN WHICH IS ON PAGE 18
12 THE FIRST ACTIVITY INCLUDED ENABLING STUDENTS TO
13 PARTICIPATE IN ACADEMIC CHALLENGE ACTIVITIES NOW, WAS
14 THAT -- WERE YOU ABLE TO DO THAT?

15 A I WAS NOT THIS -- NOW, THE TERRELL'S BAY HIGH
16 SCHOOL DID HAVE AN ACADEMIC CHALLENGE PROGRAM THAT WE
17 PARTICIPATED IN THAT WAS A LARGER FACULTY AND THE
18 LARGER YOUR FACULTY THE MORE DIVERSE THE TALENTS AND
19 AVAILABILITY OF PROFESSIONALS

20 IT'S EASIER IF YOU FIND SOMEONE TO TAKE A TASK
21 SUCH AS THIS ON A LARGER -- LAST YEAR BETWEEN AFTER SCHOOL
22 TEACHING, AFTER SCHOOL EXTRACURRICULAR ACTIVITIES, FAMILY
23 COMMITMENTS, ETC SCHOOL COMMITMENTS AND TEACHERS ARE
24 PERPETUALLY GOING TO SCHOOL, I HAD NO ONE AVAILABLE TO
25 TAKE THIS ACADEMIC CHALLENGE PROGRAM OFF AND AS A

1 A OKAY RIGHT NOW THAT'S WHAT YOU CALL THE BURNED
2 BUILDING IT WAS BUILT IN THE 1950'S, I THINK 1954 OR
3 SO IT'S A TYPICAL, YOU KNOW -- IT HAS SOME RENOVATION I
4 THINK AROUND IN THE 80'S WHEN THEY BUILT THE SAFFOLD
5 BUILDING, SO AROUND '85

6 NO THEY ADDED SOME PARTS -- OR MAYBE IT'S IN
7 THE 80'S, A GYM AND A SCIENCE LAB TO TRY AND BRING IT UP
8 TO CODE BUT IT'S JUST A BASIC -- YOU HAVE YOUR OFFICE IN
9 THE CENTER, YOU HAVE TWO WINGS TO THE SIDE AND YOU HAVE
10 SOME AG -- THE AG SHOP IN THE BACK

11 Q IS THE OLD BRITTON'S NECK HIGH SCHOOL BUILT IN A LOW
12 AREA GEOGRAPHICALLY?

13 A YES IT IS IT'S VERY FLAT THEY HAVE SEWAGE
14 PROBLEMS ALL THE TIME IN FACT, I TALKED WITH DR DEAN
15 ABOUT THAT WHEN THEY TOLD US WE WERE MOVING BECAUSE I'M
16 NOT SURE -- I DON'T KNOW I SHOULD SAY THAT THAT WAY, BUT
17 ANY WAY, WITH THE SEWAGE PROBLEM THAT THEY HAVE AND WITH
18 ELEMENTARY CHILDREN USING THE BATHROOM MORE THAN HIGH
19 SCHOOL, I JUST ANTICIPATE WE ARE GOING TO HAVE SOME
20 PROBLEM WITH -- WHEN WE MOVE INTO THE NEW BUILDING

21 AND THE WATER STANDS I MEAN, SO I CAN'T
22 IMAGINE THE PLAYGROUND BEING ANYTHING THAT THE CHILDREN
23 CAN GO OUT WHEN IT RAINS ESPECIALLY LIKE IT'S BEEN
24 RAINING LATELY, THE CHILDREN AREN'T GOING TO BE ABLE TO GO
25 OUT AND PLAY BECAUSE THE GROUND HOLDS WATER

1 Q MRS PEARSON, WITH REGARD TO THAT OLD BUILDING IN
2 THAT LOW AREA, BRITTON'S NECK, HAVE YOU HAD ANY PROBLEM
3 WITH ANIMALS, SNAKES, BIRDS OF ANY KIND?

4 A YES, SIR THERE'S SNAKES IN THE SCIENCE LAB I
5 BELIEVE IT WAS, THEY FOUND SNAKES IN THERE THE BIRDS IN
6 THE CAFETERIA I NOTICE -- I MEAN, THEY SPRAY FOR BUGS
7 ALL THE TIME

8 THE WATER HAS TO BE TAKEN TO DHEC TO BE CHECKED
9 EVERY SO OFTEN SO I DON'T KNOW WHAT'S GOING ON WITH
10 THAT SO IT'S JUST -- BECAUSE THE WATER -- BETWEEN THE
11 WATER TANKS AND THE SEWAGE AND ALL THE RAIN PROBLEMS EVERY
12 SO OFTEN DHEC WOULD COME ON, YOU KNOW, AND THEY CHECK
13 THAT

14 THE CAFETERIA IS SMALLER THAN THE CAFETERIA THAT
15 I HAVE RIGHT NOW, SO I KNOW WE ARE GOING TO HAVE SOME
16 PROBLEMS IN THAT AREA SO YOU KNOW, BORROWING A SAYING MY
17 MAMA USED TO SAY I MEAN IT'S ALMOST LIKE I'M STOPPING
18 THE WITCH FOR THE DEVIL BECAUSE I ALREADY KNOW I'M GOING
19 TO AN AREA--

20 Q SLOW DOWN A MINUTE NOW, YOU JUST SAID BORROWING A
21 SAYING YOUR MAMA SAID WHAT WAS THAT?

22 A STOPPING A WITCH FOR THE DEVIL

23 Q ALL RIGHT

24 A OKAY BECAUSE AS FAR AS I CAN SEE THEY HAVE JUST ABOUT
25 AS MANY PROBLEMS AS I CURRENTLY HAVE AT BRITTON'S NECK

1 THE IMPLEMENTATION OF ALL THESE CURRICULUM STANDARDS AND
2 WE HAVE A NOTEBOOK OF STANDARDS AS BIG AS ANY OF THESE
3 NOTEBOOKS YOU HAVE AROUND HERE I MEAN, YOU KNOW FOR
4 GRADES--

5 Q BIG AS THESE TWO OR THREE INCH BINDERS?

6 A YES WE HAVE STANDARDS FOR KINDERGARTEN, WE HAVE
7 STANDARDS FOR CHILD DEVELOPMENT, FIRST GRADE, SECOND
8 GRADE, YOU KNOW, SO

9 Q AND THAT FALLS TO YOU AS THE LEAD ADMINISTRATOR--

10 A YES, TO DIRECT AND SUPPORT THAT

11 Q TO DIRECT AND SUPPORT THE STANDARDS?

12 A UH-HUH

13 Q OKAY

14 A AND ALL THOSE OTHER INITIATIVES AND THINGS THEY TALK
15 ABOUT, THAT'S MY RESPONSIBILITY TO DIRECTLY SUPPORT THAT
16 AS WELL, TO ACCOMPLISH WHAT THE TEACHERS, YOU KNOW, JUST
17 THE WHOLE NINE YARDS

18 Q WELL MRS PEARSON, HOW DOES THE FAILURE OF YOU HAVING
19 AN ASSISTANT PRINCIPAL IF ANY, INTERFERE WITH THE
20 CHILDREN RECEIVING AN OPPORTUNITY FOR A MINIMALLY ADEQUATE
21 EDUCATION IN YOUR SCHOOL?

22 A OKAY I GIVE YOU AN EXAMPLE SINCE I'M SPREAD SO
23 THIN, SAY FOR INSTANCE FIRST YEAR TEACHERS, THEY ARE
24 INDUCTIONAL TEACHERS AND YOU'RE REQUIRED TO CONFERENCE
25 WITH THEM AND GIVE THEM FEEDBACK ON A REGULAR BASIS ON

1 Q OKAY

2 A SO I MEAN, IT'S LIKE WE ADDRESS IT

3 Q LET ME OFFER YOU THREE THINGS BEFORE SCHOOL MIGHT

4 BE PART OF A SOLUTION TO A PROBLEM HOW DOES BEFORE

5 SCHOOL PROGRAMMING WORK REALLY IN YOUR LIFE AS AN

6 ELEMENTARY SCHOOL PRINCIPAL IN BRITTON'S NECK?

7 A BRITTON'S NECK ELEMENTARY, THAT'S JUST ON THAT SHEET

8 -- ON THAT PLAN WE DO NOT HAVE A BEFORE SCHOOL PROGRAM

9 BECAUSE THE STUDENTS HAVE TO COME TO SCHOOL ON THE BUS

10 PARENTS WERE NOT SENDING THEIR STUDENTS TO SCHOOL

11 EARLIER IN FACT, I PROBABLY HAVE MORE TROUBLE WITH

12 PARENTS BRINGING THE CHILDREN TO SCHOOL LATE SO THEY ARE

13 NOT BRINGING THE CHILDREN TO SCHOOL EARLY

14 Q WHAT ABOUT AFTER SCHOOL, YOU KNOW, WE HAVE HEARD A

15 LOT ABOUT HOW TIME MATTERED WHAT ABOUT AN AFTER SCHOOL

16 PLAN THAT EXTENDS THE SCHOOL DAY AT THE END OF THE DAY?

17 A OKAY JUST IMAGINE IF YOU WILL MRS GAYLE IF I

18 WALKED UP TO HER AND ASKED HER I NEEDED HER TO STAY AN

19 HOUR AND A HALF LONGER AFTER SCHOOL TO WORK, YOU KNOW, SHE

20 GOING TO LOOK AT ME LIKE I'M CRAZY

21 IT'S LIKE, YOU KNOW, THE PEOPLE ARE TIRED THE

22 TEACHERS PUT IN LONG HOURS AND THEY WORK YOU KNOW, WHILE

23 THEY ARE THERE SO AFTER SCHOOL, I MEAN, BY MARCH MY

24 PEOPLE ARE TELLING ME MRS PEARSON, I SHOULD NOT HAVE

25 SIGNED UP FOR THIS BECAUSE I'M TIRED I CANNOT ACCOMPLISH

1 THESE OBJECTIVES I MEAN, THEY ARE HONEST WITH ME THEY
2 TELL ME

3 Q WHY CAN'T YOU JUST GET SOME FRESH FACULTY TO TEACH
4 AFTER SCHOOL, NEW PEOPLE?

5 A FROM WHERE? I MEAN, THERE'S -- THERE IS NO POOL IN
6 MARION SEVEN TO GO OUT AND GET, YOU KNOW, RETIRED PEOPLE
7 AND THINGS LIKE THAT AND THEN IF YOU ARE NOT PAYING THEM
8 THAT MUCH THEY ARE NOT GOING TO DO IT ANY WAY, AND FUNDS
9 IS SOMETHING WE ALWAYS HAVE TO CHECK

10 Q WHAT ABOUT COULD WE EXTEND THE SCHOOL YEAR INTO THE
11 SUMMER SO WE HAVE MORE DAYS? I MEAN IS THAT SOMETHING IN
12 REAL LIFE YOU CAN DO AT BRITTON S NECK ELEMENTARY?

13 A WITH THE DEFICIENCIES THAT MY STUDENTS CURRENTLY
14 HAVE I THINK IT'S ABOUT 40 THAT'S BELOW BASIC 15 DAYS OF
15 SUMMER SCHOOL IS NOT GOING TO COVER THAT THAT'S AN
16 ATTEMPT TO TRY TO DO SOMETHING BECAUSE STATE SAYS THEY ARE
17 BELOW BASIC YOU HAVE TO OFFER SOMETHING, SO THAT'S WHAT
18 WE OFFER BUT IT'S NOT EFFECTIVE

19 I MEAN, THEY NEED MUCH MORE TIME, THEY NEED MORE
20 QUALITY PEOPLE, THEY DON'T NEED TIRED STAFF WHAT
21 HAPPENED THIS SUMMER IS THAT THEY BROUGHT TEACHERS IN -- I
22 THINK ADVERTISED IN THE PAPER THEY BROUGHT TEACHERS IN
23 FROM OTHER DISTRICTS THEY DID NOT KNOW THE CHILDREN

24 BY THE TIME THEY LEARNED THE STUDENTS, THEN
25 SUMMER SCHOOL WAS OVER AND SO, YOU KNOW IT'S -- LIKE I

1 GO DR DEAN TESTIFIED ABOUT MARION NUMBER SEVEN'S LOCAL
2 SUPPLEMENT BEING \$300 ACROSS THE BOARD AND THAT LOCAL
3 SUPPLEMENTS VARIED BY ABILITY AND THE IMPACT OF THE --
4 WHAT THE SUPPLEMENT HAD AN IMPACT ON THEIR ABILITY TO
5 RETAIN TEACHERS

6 I HAD A NOTE IN THE MARGIN AT THAT POINT HE WAS
7 GOING TO FURNISH A COPY OF THE SUPPLEMENTS -- A COPY OF
8 THE SUPPLEMENT OF HORRY COUNTY THAT'S -- THAT'S THE --
9 THAT'S JUST WHAT MY BRIEF NOTE SAYS WITHOUT GOING BACK
10 INTO THE COMPUTER

11 MR EPPS THAT'S CORRECT MY RECOLLECTION IS THAT
12 HE HAD HEARD -- I DON'T THINK HE SAID HE SAW A DOCUMENT,
13 BUT -- APPEARED FROM MY RECOLLECTION BUT IN ANY EVENT WE
14 HAVE THE DOCUMENT SHOWING WHAT THE HORRY COUNTY SUPPLEMENT
15 IS

16 MR BARNES YOUR HONOR MY -- SORRY
17 THE COURT MR BARNES?

18 MR BARNES YOUR HONOR, MY RECOLLECTION WAS DR DEAN
19 SAID HE ACTUALLY CALLED SOMEBODY IN MYRTLE BEACH AND THEY
20 SENT HIM OR TOLD HIM THE INFORMATION

21 MR EPPS I THINK THAT'S RIGHT

22 MR BARNES AND THIS IS NOT IT

23 THE COURT THIS IS NOT? WELL, THIS CONFIRMS I THINK
24 WHAT HE WAS TOLD, AND AS I UNDERSTAND IT THERE WAS A
25 HEARSAY OBJECTION POSED AROUND THOSE LINES AND HE TALKED

1 ABOUT THE SUPPLEMENT IN HORRY COUNTY, MY RECOLLECTION
2 BEING SOMEWHERE -- COULD BE AS HIGH AS NINE TO \$11,000
3 MR EPPS I THINK HE SAID \$10,000, THEN SAID IT WAS
4 A SLIDING SCALE FROM THREE TO TEN, SO WHAT HE HEARD BEARS
5 SOMEWHAT FROM THE DOCUMENT THAT GOES FROM ABOUT \$3,000 TO
6 \$8100 BUT IN ANY EVENT YOU HAD ASKED US FOR SOME
7 BACK-UP INFORMATION AND WE HAVE GOTTEN THAT

8 THE COURT THERE'S RIGHT AND THE REASON I THINK
9 WAS TO DEAL WITH THE HEARSAY NATURE OF WHAT HAD BEEN
10 OFFERED AT THAT JUNCTURE

11 MR EPPS THAT'S CORRECT YOUR HONOR

12 THE COURT THIS SIMPLY CONFIRMS HIS TESTIMONY IN
13 THAT REGARD AS TO THE RANGE OF OUT OF DISTRICT SUPPLEMENT
14 OFFERED BY HORRY COUNTY, AND I'M WILLING TO ACCEPT IT AS
15 THAT THAT'S -- IF IT -- AS AN EXHIBIT JUST SIMPLY
16 DESIGNED TO CONFIRM WHAT HE SAID AND THIS IS COURT'S
17 EXHIBIT NEXT, WHICH I THINK I REQUESTED THAT TO DEAL WITH
18 THAT OBJECTION

19 MR EPPS BE EXHIBIT ONE, RIGHT?

20 THE COURT COURT'S 3 IT'S COURT'S 3 IT'S COURT'S
21 EXHIBIT 3

22 MR EPPS THANK YOU, YOUR HONOR

23 (COURT'S EXHIBIT NO 3 MARKED FOR
24 IDENTIFICATION)

25 THE COURT ALL RIGHT NOW MRS PEARSON?

Meredith Smith
Science teacher, Terrell's' Bay HS and Creek Bridge
HS
Marion County School District No 7
Direct Examination by Mr Morrison

1 WHATEVER YOU WERE TEACHING AT THAT TIME?

2 A NO, THEY WERE NOT

3 Q OKAY NOW, YOU MENTIONED YOU WERE MOVING FROM
4 TERRELL'S BAY AND GOT A LITTLE BIT BETTER AT CREEK'S
5 BRIDGE?

6 A YES IT DID

7 Q SO AT CREEK'S BRIDGE CAN YOU MAKE THE SAME
8 OBSERVATIONS WITH REGARD TO SAFETY AND THE REGULATIONS?

9 A SURE THE BIGGEST PROBLEM THAT IS RUN INTO EVERY
10 SINGLE TIME IN MOST LAB FACILITIES IS THE SPACE ISSUE I
11 HAD A VERY LARGE CLASSROOM AT BRITTON'S NECK HIGH SCHOOL
12 CREEK BRIDGE HIGH SCHOOL IS A HUGE CLASSROOM

13 IF YOU TOOK THE COURTROOM IN HALF AND TOOK HALF
14 THE COURTROOM, IT'S A LITTLE BIT BIGGER BUT IT GIVES YOU
15 A GENERAL IDEA MY ORIGINAL CLASSROOM WAS LIKE THE FRONT
16 QUARTER OF THE COURTROOM, SO I DOUBLED IN SPACE

17 HOWEVER THE LAB AREA, THEY HAD TWO LONG
18 COUNTERTOPS THAT WERE ABOUT FOUR FEET WIDE BY 20 FEET
19 LONG AND THAT WAS OUR LAB STATIONS HOWEVER, THE PROBLEM
20 WAS BETWEEN THE TWO COUNTERTOPS THERE WAS ABOUT THREE FEET
21 OF SPACE AND YOU WERE SUPPOSED TO BE ABLE TO FIT STUDENTS
22 ON BOTH SIDES IN THAT THREE FOOT OF SPACE WHICH WASN'T
23 ADEQUATE

24 THE -- THERE WAS NO EXHAUST HOOD AGAIN, THERE
25 WAS NO FUME HOOD WE DID HAVE AN EXHAUST VENTILATION

1 SYSTEM I HAD MANY PEOPLE IN HYSTERICS THAT THEY CAME IN
2 MY ROOM AND I WAS DILUTING ACIDS BECAUSE I WAS HOLDING MY
3 BREATH AND TURNING PURPLE TRYING NOT TO BREATHE THE FUMES

4 THE SAFETY SHOWER THERE WAS ONE PER TWO LAB
5 FACILITIES UNFORTUNATELY THE SAFETY SHOWER WAS IN THE
6 PHYSICS CLASSROOM, THE CLASSROOM NEXT DOOR IT WAS NOT IN
7 MY CLASSROOM TEACHING CHEMISTRY, SO I DID NOT HAVE A
8 SAFETY SHOWER

9 Q OKAY I'D LIKE TO SHOW YOU THE SOME EXAMPLES OF SOME
10 MATERIALS, SOME EQUIPMENT AT IRMO HIGH SCHOOL, ALL RIGHT

11 MRS GRAY YOUR HONOR I DON'T BELIEVE THIS WITNESS
12 HAS TESTIFIED THAT SHE HAS EVER BEEN IN IRMO HIGH SCHOOL
13 AND I OBJECT ON A CONTINUING BASIS, YOUR HONOR, TO THIS
14 TYPE OF TESTIMONY

15 THE COURT IS IRMO THE STANDARD, MR MORRISON, FROM
16 ANYWHERE ELSE?

17 MR MORRISON WE'RE NOT SAYING THAT IRMO IS THE
18 STANDARD I JUST WANTED TO -- I TELL YOU WHAT I CAN DO
19 IT WITHOUT THE PHOTOGRAPHS IF YOU ARE MORE COMFORTABLE
20 WITH IT

21 THE COURT WELL, I'M NOT SURE IT'S GOING TO MAKE A
22 WHOLE LOT OF DIFFERENCE ARE YOU DOING THIS BY WAY OF
23 INSTRUCTING ME AS TO WHAT SOME OF THESE THINGS ARE?

24 MR MORRISON YES, SIR I WAS TRYING TO EXPLAIN
25 WHAT SOME OF THE EQUIPMENT IS AND THEN GET HER TO TALK

Meredith Smith
Science teacher, Terrell s Bay IIS and Creek Bridge
HS
Marion County School District No 7
Direct Examination by Mr Morrison

1 HOWEVER WHAT I FIND IS I SPEND A LARGE PORTION
2 OF MY TIME NOT TEACHING SCIENCE BUT TRYING TO TEACH MATH
3 AND HOW TO WRITE AND HOW TO READ IN THE SCIENCES
4 Q OKAY WHY DO YOU THINK THE CHILDREN THAT YOU ARE
5 RECEIVING NINTH AND ELEVENTH GRADE HAVE NOT LEARNED THOSE
6 BASICS TO BE ABLE TO TAKE YOUR COURSES?

7 A I THINK PART OF IT IS -- FOR LACK OF A BETTER WORD,
8 OUR STUDENTS DON'T HAVE THE EXPERIENCE BASE THAT'S NEEDED
9 TO DRAW CONNECTIONS YOU KNOW, PART OF THE LEARNING
10 PROCESS IS WE TAKE WHAT WE HAVE ALREADY EXPERIENCED IN
11 LIFE AND WHAT WE OBSERVED AND LEARNED THROUGH LIFE ALREADY
12 AND THEN WE ARE SUPPOSED TO TAKE WHAT WE LEARN IN SCHOOL
13 AND TRY AND MAKE CONNECTIONS AND PARALLELS FROM WHAT WE
14 HAVE EXPERIENCED IN OUR EVERY DAY LIFE

15 THE PROBLEM IS IF I TRY AND EXPLAIN SOMETHING TO
16 STUDENTS, YOU KNOW IF YOU DO THIS AND YOU'VE SEEN THIS,
17 WELL, THIS IS JUST LIKE SUCH AND SUCH, I GET A BLANK LOOK
18 FROM MY STUDENTS

19 Q BECAUSE THEY HAVEN'T SEEN SUCH?

20 A THEY HAVEN'T SEEN THAT KIND OF STUFF YOU KNOW IT'S
21 A REALLY STRANGE THING WHEN I WAS TEACHING EARTH SCIENCE
22 TO FRESHMEN A FEW YEARS AGO, YOU KNOW, I DID A LITTLE BIT
23 ON THE SOLAR SYSTEM AND STARS

24 AND I M BY NO MEANS AN EXPERT BUT YOU KNOW, I
25 LOOKED UP -- ASKED MY KIDS DO YOU LOOK UP AT THE SKY AT

1 NIGHT AND THEY LOOKED AT ME LIKE I WAS -- YOU KNOW --
2 LIKE I WAS CRAZY THEY ARE LIKE WHAT DO YOU MEAN, LOOK UP
3 AT THE STARS, YOU KNOW?

4 THEY ARE LIKE NO, WE DON'T LOOK UP THEY FLAT
5 OUT TOLD ME WE DON'T LOOK UP YOU KNOW, I HAVE STUDENTS,
6 YOU KNOW -- OUR STUDENTS KNOW WHAT AN ELEPHANT LOOKS
7 LIKE WHY DO THEY KNOW WHAT AN ELEPHANT LOOKS LIKE?
8 THEY'VE SEEN A PICTURE OF IT

9 HAVE MOST OF OUR STUDENTS BEEN TO THE ZOO THAT'S
10 IN COLUMBIA? NO THEY HAVE NEVER ACTUALLY SEEN AN
11 ELEPHANT THEY DON'T KNOW WHAT AN ELEPHANT SMELLS LIKE,
12 THEY DON T KNOW HOW AN ELEPHANT FEELS THEY NEVER HAD
13 THOSE OPPORTUNITIES

14 Q WITH STUDENTS WHO DON'T HAVE THAT WORLD -- THAT
15 ABILITY TO MAKE WORLD CONNECTIONS BACK AND FORTH WHAT
16 UNIQUELY DO YOU HAVE TO DO AS A SCIENCE TEACHER TO GET
17 ACROSS TO THOSE STUDENTS OR TO GET THE STATE'S CURRICULUM
18 ACROSS TO THEM?

19 A THAT'S WHERE YOUR LAB ACTIVITIES HAVE TO TRY AND FILL
20 THE GAP WHEN THE STUDENTS DON'T HAVE THE EXPERIENCES
21 THEY NEED OR THAT THEY NEED TO COME INTO THE COURSEWORK
22 WHERE -- TO DRAW THE PARALLELS BETWEEN WHAT IS TAUGHT IN
23 SCHOOL AND WHAT GOES ON IN EVERY DAY LIFE, TO MAKE IT
24 REAL, THAT'S WHEN WE AS SCIENCE EDUCATORS HAVE THE
25 RESPONSIBILITY -- THAT IT IS OUR RESPONSIBILITY TO PROVIDE

1 THOSE LAB OPPORTUNITIES TO HELP MAKE THE CONNECTIONS

2 Q LET'S GO BACKWARDS TO THE MATH AND BASIC -- THE MATH
3 THAT'S NEEDED TO TAKE YOUR COURSES --

4 A RIGHT

5 Q -- AND THE READING THAT'S NEEDED TO TAKE YOUR
6 COURSES

7 A RIGHT

8 Q ARE THE STUDENTS ENTERING YOUR COURSES, HAVE THEY HAD
9 THE OPPORTUNITY IN YOUR JUDGMENT TO RECEIVE A MINIMALLY
10 ADEQUATE EDUCATION IN READING AND MATH AND WRITING?

11 A AS FAR AS IT APPLIES TO THE SKILLS THEY NEED TO LEARN
12 SCIENCE THE ANSWER IS NO

13 Q WOULD FIELD TRIPS BROADER EXPOSURE HELP THESE
14 STUDENTS?

15 A YES AND I THINK IT WOULD BE A FANTASTIC THING
16 UNFORTUNATELY YOU KNOW, BY THE TIME WE REACH THEM IN HIGH
17 SCHOOL, WE ARE REACHING THE PEEK OF PEOPLE'S LEARNING
18 CURVES

19 YOU KNOW, THERE'S ALL SORTS OF STUDIES THAT SAY
20 CHILDREN LEARN BEST AT EARLY AGES THIS IS SOMETHING WE
21 NEED TO FIX EVEN DOWN IN OUR ELEMENTARY SCHOOLS WE NEED
22 TO ENRICH THE CURRICULUM IN THE ELEMENTARY SCHOOLS, YOU
23 KNOW, TAKE THE KIDS OUT ON OUTINGS, TAKE THEM ON FIELD
24 TRIPS

25 Q WHY DON T YOU DO IT?

Meredith Smith
Science teacher, Terrell's' Bay HS and Creek Bridge
HS
Marion County School District No 7
Direct Examination by Mr Morrison

1 COULD NOT AFFORD IT

2 Q OKAY LET'S CHANGE THE SUBJECT TO TRANSPORTATION
3 WE'VE TALKED ABOUT BUSES WITH OTHER WITNESSES DO YOU
4 HAVE PROBLEMS WITH BUSES AT YOUR SCHOOL THAT YOU HAVE
5 TAUGHT AT?

6 A PROBLEMS WITH BUSES WOULD BE PUTTING IT VERY MILDLY
7 AS A TEACHER IN OUR BUS SITUATION WITH THEM BREAKING DOWN
8 ON A REGULAR BASIS, IT'S INCREDIBLY FRUSTRATING YOU
9 KNOW, HINDSIGHT IS A BEAUTIFUL THING AND I CAN -- I THINK
10 ABOUT THIS CASE AND SAY GOSH, I WISH I TRACKED HOW HOURS
11 MY STUDENTS MISSED DURING FIRST BLOCK CLASS BECAUSE OF
12 LATE BUSES

13 BUT I HAD STUDENTS WHO WOULD MISS ANYWHERE FROM
14 15 MINUTES ALL THE WAY UP TO THE ENTIRE CLASS PERIOD
15 BECAUSE THE BUSES WERE LATE

16 Q LET'S TALK ABOUT TEACHER TURNOVER FOR A MINUTE IS
17 THERE SIGNIFICANT TEACHER TURNOVER IN THE SCHOOLS THAT YOU
18 HAVE BEEN TEACHING IN IN MARION SEVEN?

19 A OH, YEAH PRIME EXAMPLE YESTERDAY MORNING I WENT FOR
20 THE FIRST DAY BACK AND WE MET AT THE COMMUNITY CENTER
21 BEFORE GOING OVER TO THE NEW HIGH SCHOOL, WHICH I STILL
22 HAVEN'T GONE OVER TO YET, BUT -- I WALKED IN AND I'M
23 SITTING THERE

24 I LOOK AROUND THE ROOM AND I'M LIKE WOW, I DON'T
25 KNOW HALF THESE PEOPLE I DID A COUNT LAST NIGHT AT THE

1 HOTEL LOOKING AT OUR SCHEDULES AND I COUNTED UP ALL THE
2 NAMES AND IT WAS TEN OUT OF 24 TEACHERS IN THE HIGH SCHOOL
3 ARE NEW

4 Q DO YOU KNOW WHY A MAJORITY OF THESE TEACHERS LEAVE?

5 MRS GRAY I OBJECT, YOUR HONOR

6 THE COURT LET ME HEAR WHAT -- THE ANSWER IS YES OR
7 NO, THEN WE WILL SEE WHAT THE NEXT QUESTION IS GOING TO
8 BE I WILL ALLOW THAT QUESTION

9 A FROM MY CONVERSATIONS

10 Q I THINK THE JUDGE WANTS YOU TO SAY DO YOU KNOW YES
11 OR NO?

12 A YES

13 Q OKAY AND THE BASIS OF THAT KNOWLEDGE IS

14 A CONVERSATIONS WITH THE TEACHERS WHO ARE LEAVING

15 Q OKAY

16 MRS GRAY YOUR HONOR?

17 Q WITHOUT SAYING WHAT ANYBODY SAID, CAN YOU TELL US
18 WHAT YOU HAVE OBSERVED ABOUT THE MAJORITY OF THESE PEOPLE
19 WHY THEY ARE LEAVING?

20 MRS GRAY YOUR HONOR, THE WAY SHE KNOWS IT IS FROM
21 CONVERSATIONS WITH OTHER PEOPLE

22 THE COURT IT IS YOU ARE RIGHT IT WOULD BE SIDE
23 DOOR HEARSAY AND -- IN THAT REGARD IN A GENERALIZED
24 SENSE I WILL ASK -- I WILL ALLOW YOU TO ASK HER IF IT'S
25 TYPICAL OF THE PROBLEMS THAT HAVE BEEN TALKED ABOUT BY THE

Meredith Smith
Science teacher, Terrell's' Bay HS and Creek Bridge
HS
Marion County School District No 7
Direct Examination by Mr Morrison

1 SUPERINTENDENT AND BY THE PRINCIPAL WHO HAS TESTIFIED
2 EARLIER WITHOUT GOING INTO SPECIFICS BEYOND THAT

3 Q RIGHT NO SPECIFIC INSTANCE, BUT JUST WHY DO THE
4 MAJORITY OF THESE TEACHERS LEAVE?

5 A IT'S BASICALLY TYPICALLY BECAUSE WHAT'S BEEN
6 DISCUSSED, BAD BUS TRANSPORTATION LACK OF MATERIALS LACK
7 OF RESOURCES LACK OF FUNDING, FRUSTRATION WITH IT ALL

8 Q DOES HIGH -- HOW DOES HIGH TEACHER TURNOVER, THE KIND
9 THAT YOU HAVE DESCRIBED, AFFECT THE CHILDREN IN THEIR
10 OPPORTUNITY TO RECEIVE A MINIMALLY ADEQUATE EDUCATION?

11 A IN ORDER FOR STUDENTS TO LEARN, THEY NEED TO TRUST
12 THE PERSON THAT S TRYING TO TEACH THEM WHEN YOU HAVE
13 TEACHERS LEAVING YEAR AFTER YEAR AFTER YEAR THE KIDS GET
14 THE IMPRESSION THAT THEY ARE NOT IMPORTANT, THAT IT
15 DOESN'T MATTER

16 AND THEY NEVER MAKE THE CONNECTION THAT'S NEEDED
17 WITH THE TEACHER THAT INNER-PERSONAL SIDE OF IT, TO TRUST
18 THAT TEACHER AND SO -- TO SHARE MISTAKES I MEAN ANY
19 PERSON DOESN'T WANT TO MAKE MISTAKES IN FRONT OF PEOPLE

20 THAT'S -- IT'S A HUMAN FLAW WE DON'T WANT TO
21 SHOW OUR ERRORS AND OUR FLAWS AND WITHOUT THAT TRUST,
22 THE STUDENTS AREN'T GOING TO TRY BECAUSE -- AFRAID OF
23 BEING -- MAKING A MISTAKE AND BEING AFRAID OF BEING SEEN
24 AS STUPID

25 AND WITH TEACHERS LEAVING ALL THE TIME THEY

1 NEVER GET THE OPPORTUNITY TO BUILD THE TRUST WITH THE
2 TEACHING STAFF, SO THEY ARE NOT WILLING TO TAKE RISKS, AND
3 IT'S DIFFICULT TO TAKE THOSE RISKS

4 Q DO YOU -- DOES IT -- WITH REGARD TO THE STUDENT
5 POPULATION YOU HAVE, YOU CALLED IT DIVERGENT LEARNERS OR
6 POPULATION OF DIVERGENT LEARNERS DOES THE TEACHER
7 TURNOVER IMPACT THEM TO ANY GREATER DEGREE AT ALL THAN
8 OTHER TYPES OF LEARNERS?

9 A I THINK IT DOES DIVERGENT LEARNERS ARE VERY VERY
10 STRONGLY PEOPLE THAT I DON'T KNOW YOU I DON'T TRUST YOU,
11 I'M NOT GOING TO OPEN UP TO YOU YOU HAVE TO PROVE
12 YOURSELF TO ME FIRST

13 AND THEN ONCE YOU DO THAT, I WILL GIVE YOU THE
14 WORLD, I WILL GIVE YOU EVERYTHING I POSSIBLY CAN BUT
15 AGAIN, YOU KNOW, IF THE TEACHER TURNOVER--

16 MRS GRAY YOUR HONOR, EXCUSE ME LET ME OBJECT
17 THIS WITNESS IS NOT A CHILD PSYCHOLOGIST, SHE'S NOT AN
18 EDUCATIONAL PSYCHIATRIST, SHE'S NOT A GUIDANCE COUNSELOR
19 SHE'S A SCIENCE TEACHER AND SHE'S SITTING HERE TALKING
20 ABOUT WHAT CHILDREN FEEL AND BELIEVE AND ATTITUDE, AND I
21 THINK -- SHE HAS A MASTERS DEGREE, BUT I THINK THAT THIS
22 IS WAY BEYOND HER SCOPE OF EXPERTISE

23 THE COURT IF SHE'S TALKING WITHIN THE SCOPE OF HER
24 OWN EXPERIENCE -- SHE'S TESTIFIED SHE TAUGHT LARGELY TO
25 DIVERGENT LEARNERS AND IF THIS IS IN THE SCOPE OF HER

Meredith Smith
Science teacher, Terrell's' Bay HS and Creek Bridge
HS
Marion County School District No 7
Direct Examination by Mr Morrison

1 DON'T WE TAKE 15 MINUTES AND START BACK AT 20 AFTER THE
2 HOUR MRS SMITH, YOU CAN STEP DOWN, BUT YOU CAN'T TALK
3 ABOUT YOUR TESTIMONY WHILE YOU'RE OFF THE STAND

4 THE WITNESS THANK YOU, YOUR HONOR

5 THE COURT THANK YOU BE IN RECESS UNTIL 20 AFTER
6 THE HOUR

7 (WHEREUPON THE WITNESS LEFT THE STAND)

8 (WHEREUPON A RECESS WAS TAKEN)

9 MR MORRISON I FAILED TO CLOSE THE LOOP ABOUT THE
10 SNAKES IF I COULD ASK ONE LAST QUESTION, I'D APPRECIATE
11 IT

12 THE COURT ALL RIGHT I WILL ALLOW YOU TO DO THAT
13 MRS GRAY AS LONG AS THAT HAPPENS TO US, YOUR
14 HONOR, WHERE WE FORGET TO ASK A QUESTION AND THE RULES
15 APPLY

16 THE COURT WE WILL DO THAT I WAS -- WHEN THE LAST
17 WE HEARD THERE WERE SNAKES AFOOT IN THE ROOM, SO

18 Q MRS SMITH, WOULD YOU TELL US -- I THINK YOU WERE THE
19 ONE THAT AS I UNDERSTAND IT WAS CALLED TO ROOT OUT THE
20 SNAKES COULD YOU TELL US ABOUT THE SNAKES, PLEASE?

21 A YEAH EVEN THOUGH I'M NOT A BIOLOGY TEACHER, SNAKES
22 IS THE ONE THING I'M NOT AFRAID OF SO ONE OF OUR TEACHERS
23 AT THE BEGINNING OF THE SCHOOL YEAR OPENED HIS FILE
24 CABINET DRAWER AND ESSENTIALLY CAME RUNNING DOWN TO MY
25 ROOM ASKING FOR MY ASSISTANCE

1 AND I FIGURED YOU KNOW, THIS IS GOING TO BE A
2 JOKE BECAUSE WE PLAY JOKES ON EACH OTHER ALL THE TIME, AND
3 I WALKED INTO HIS ROOM, PULL OPEN THE FILE CABINET DRAWER
4 AND THERE WAS LITERALLY A NEST OF BABY SNAKES IN HIS
5 FILING CABINET THAT WE HAD TO FISH OUT, AND YOU KNOW, GET
6 RID OF

7 AND EVERY TIME EVERYBODY FINDS ANYTHING, IT'S
8 MRS SMITH, CAN YOU COME TO THE RESCUE? SO I'M LIKE THE
9 OFFICIAL EXTERMINATOR IN THE BUILDING ALMOST

10 Q ALL RIGHT THANK YOU, MRS SMITH

11 A UH-HUH

12 THE COURT THANK YOU

13 CROSS-EXAMINATION BY MRS GRAY

14 Q YOU'RE A SCIENCE TEACHER, RIGHT, MRS SMITH?

15 A YES, SIR

16 Q I WOULD THINK HAVING A SNAKE WOULD BE AN INTERESTING
17 SCIENCE PROJECT FOR SOME SCIENCE TEACHER IN YOUR SCHOOL

18 A WELL, WE HAVE ONE BIOLOGY TEACHER AND SHE'S NOT
19 REALLY PARTICULAR OF SNAKES

20 Q I WOULD THINK YOU'D PUT IT IN A FISH TANK AND LET THE
21 KIDS EXPERIENCE THE SCIENTIFIC ASPECTS OF SNAKES?

22 A I HAVE PROS AND CONS ON ANIMALS IN CAPTIVITY, SO I --
23 BECAUSE I DON'T TEACH SPECIFICALLY BIOLOGY, I DO NOT KEEP
24 ANIMALS IN CAPTIVITY IN MY ROOM

25 Q NO, I UNDERSTAND THAT, BUT THERE ARE SOME BIOLOGY

1 Q THAT'S TOTAL
2 A THE E I A IS NOT AN APPROPRIATION
3 Q ALL RIGHT FUNDING INCREASE WOULD THAT MAKE YOU
4 HAPPIER DR ULBRICH?
5 A I WOULD ACCEPT THAT
6 Q OKAY WELL, LET'S CHANGE IT INSTEAD OF
7 APPROPRIATIONS INCREASE WE WILL SAY FUNDING INCREASE
8 DOES THAT RESOLVE YOUR ONLY PROBLEM WITH THAT?
9 A RESOLVES THE PROBLEM WITH THE 67 PERCENT, YES
10 Q OKAY SO AND I AM CORRECT THAT DURING THIS PERIOD
11 '91, '92 TO 02 '03, FUNDING FOR EDUCATION UNDER THE
12 GENERAL FUND AND UNDER THE E I A INCREASED 67 PERCENT?
13 A THAT'S -- THE MATHEMATICS IS CORRECT YES
14 Q SUBJECT TO VERIFICATION OF MY MATH?
15 A YES
16 Q ALL RIGHT
17 MR STEPP YOUR HONOR, I WOULD PROFFER THIS AT THIS
18 POINT AS DEFENDANT'S EXHIBIT 2869
19 THE COURT ALL RIGHT MR MORRISON?
20 MR MORRISON, YOUR HONOR, I GUESS THE OBJECTION THAT
21 I WOULD HAVE TO THIS IS THAT THE FOUNDATION FOR IT HAS NOT
22 BEEN LAID I GUESS OUR POSITION IN THE CASE HAS BEEN THAT
23 THE FUNDING FOR EDUCATION IS SOMEWHAT A SHELL GAME MOVING
24 THINGS AROUND AND THIS IS JUST A CONTINUATION OF THAT,
25 PUTTING -- RATHER THAN CALCULATING THE PERCENTAGE OF THE

Holley Hewitt Ulbrich Ph D (Plaintiffs Expert)
Alumni Distinguished Prof of Economics Emeritus Clemson
Univ
Sr Fellow Strom Thurmond Institute of Government and Public
Affairs
Cross Examination by Mr Stepp

1 A YES

2 Q -- APPROPRIATE TO LEAVE THAT OUT? AND THEN TO
3 CALCULATE THE PERCENT OF CHANGE, YOU WOULD JUST DO THE
4 SIMPLE ARITHMETICAL CALCULATION OF DIVIDING THE STARTING
5 NUMBER BY THE DIFFERENCE IS THAT RIGHT?

6 A YES

7 Q ALL RIGHT AND IF YOU HAD THE TIME, YOU COULD LOOK
8 TO THE RANKINGS AND TELL THE COURT WHETHER THESE NUMBERS
9 WERE ACCURATE OR NOT ACCURATE?

10 A YES, I COULD DO THAT

11 Q ALL RIGHT NOW, LOOK THROUGH HERE IF YOU WOULD, AND
12 I WANT TO ASK YOU THESE QUESTIONS AND I JUST ASK YOU TO
13 ASSUME FOR PURPOSES OF THIS QUESTION THAT THE NUMBERS
14 REPORTED ON THIS EXHIBIT ARE ACCURATE

15 NOT ASKING YOU TO AGREE WITH THAT, JUST ASKING
16 YOU TO ASSUME IT IF THEY ARE, WOULD THESE PERCENTAGE
17 CHANGES APPEAR TO YOU TO BE CORRECT? FOR EXAMPLE, THAT
18 BETWEEN '94 AND '95 AND 2000 2001 IN ALLENDALE THE
19 PERCENT OF STATE AID INCREASED 109 PERCENT?

20 A THAT LOOKS APPROXIMATELY ACCURATE WITHOUT HAVING A
21 CALCULATOR

22 Q AND FOR DILLON TWO THAT PERCENTAGE FOR THE SAME
23 PERIOD WOULD BE 51 PERCENT?

24 A YES

25 Q AND FOR FLORENCE FOUR IT WOULD BE 89 PERCENT?

Jerry Pace
Vocational ed teacher Britton s Neck HS and Creek
Bridge HS
Marion County School District No 7
Direct Examination by Mr Morrison

1 A I GUESS YOU HAVE TO START OUT WITH WHAT IS CALLED
2 FUNDAMENTAL DO IHEY KNOW SOME SCIENCE? YES BUT DO
3 THEY HAVE THE FACILITIES AND RESOURCES THAT WILL PREPARE
4 THEM FOR THE WORLD OF WORK, WHETHER IT BE COLLEGE OR GOING
5 DIRECTLY INTO THE WORK FORCE WITH THE CURRENT FACILITIES
6 THAT WE HAVE HAD, AND THE ANSWER TO THAT WOULD BE NO
7 Q DO THE CURRENT GRADUATING STUDENTS HAVE A FUNDAMENTAL
8 KNOWLEDGE OF COMPUTERS?

9 A IF THERE IS ONE THING THAT WE DO HAVE THAT HAS BEEN
10 AN ABUNDANCE HAS BEEN TECHNOLOGY, AND A LOT OF THAT HAS
11 BEEN DUE TO GRANTS THAT HAVE BEEN WRITTEN LOCALLY BY SOME
12 OF OUR TEACHERS, IN PARTICULAR OUR MEDIA SPECIALIST
13 WE HAVE THE COMPUTERS BUT ONE OF THE PROBLEMS
14 THAT WE FACE EVEN WITHIN MY OWN CLASSROOM IS WE ONLY HAVE
15 ONE COMPUTER ANALYST I GUESS YOU WOULD CALL HIM WHO SERVES
16 OUR ENTIRE DISTRICT

17 AND WHEN COMPUTERS GO DOWN THEY MAY BE DOWN FOR
18 WEEKS BEFORE THEY CAN GET AROUND TO GETTING THEM BACK UP
19 AND OPERATIONAL AND OUR EXISTING SCHOOL WIRING WAS A
20 MAJOR PROBLEM THAT PRESENTED ITSELF AND MANY TIMES EVEN
21 THOUGH THE COMPUTERS WERE THERE, THEY WERE NOT ALWAYS
22 ACCESSIBLE TO STUDENTS

23 Q DOES -- DO CURRENT GRADUATING STUDENTS HAVE A
24 FUNDAMENTAL KNOWLEDGE OF MATH?

25 A MATH SKILLS ARE LACKING TREMENDOUSLY AS I SEE IT

1 WITHIN THE STUDENTS WHO COME TO MY CLASSROOM I DON'T
2 WANT TO POINT THE FINGER AT ANY ONE TEACHER OR ANY ONE
3 SCHOOL, WHETHER IT BE THE ELEMENTARY SCHOOL, MIDDLE SCHOOL
4 OR EVEN UP TO THE HIGH SCHOOL, BUT OUR STUDENTS ARE NOT
5 ADEQUATELY PREPARED IN THE MATH SKILLS THAT ARE REQUIRED
6 TO MEET THE CHANGING TECHNOLOGIES THAT ARE THERE EVEN
7 WITHIN VOCATIONAL AREAS SUCH AS AGRICULTURE BECAUSE THIS
8 HAS CHANGED DRASTICALLY OVER THE YEARS

9 Q HOLD UP THERE JUST A SECOND NOW LET'S -- LET ME
10 DROP DOWN INTO YOUR PARTICULAR PROGRAM HOW MANY STUDENTS
11 COME INTO YOUR PROGRAM?

12 A WELL, THIS IS -- SINCE CONSOLIDATION, THIS HAS
13 CHANGED ALSO

14 Q RIGHT

15 A I HAD AVERAGE CLASS SIZES AT BRITTON'S NECK HIGH
16 SCHOOL OF AROUND 15 STUDENTS PER CLASS LAST YEAR WITH
17 CONSOLIDATION THAT ALMOST DOUBLED I HAD AVERAGE CLASS
18 SIZES OF 28

19 AND WITHIN A VOCATIONAL PROGRAM THIS PRESENTS A
20 MAJOR PROBLEM BECAUSE OF SIZE OF FACILITIES AND BEING ABLE
21 TO WORK WITH STUDENTS ONE ON ONE, PARTICULARLY WITH
22 DEVELOPING HANDS-ON SKILLS THAT THEY HAVE TO DEVELOP TO BE
23 SUCCESSFUL

24 Q HOW MANY TOTAL STUDENTS ARE IN THE PROGRAM?

25 A WE ARE ON FOUR BY FOUR AND I TEACH THREE COURSE -- OR

1 APPLIED ECONOMICS TO AGRICULTURAL AND AGRICULTURAL
2 BUSINESS, IF THESE KIDS DO NOT HAVE ADEQUATE SKILLS
3 KNOWING FORMULAS AND KNOW HOW TO MANIPULATE FORMULAS AND
4 USE THEM IN THE EVERY DAY ASPECTS OF SOLVING FINANCIAL
5 PROBLEMS AS IT WOULD BE RELATED TO AN AGRICULTURAL
6 BUSINESS OR EVEN TO THEIR OWN FINANCIAL AFFAIRS, THEY
7 CANNOT BE SUCCESSFUL

8 Q WELL, LET'S TALK ABOUT WHAT YOU OBSERVED IN THE
9 NATURE OF MATH SKILLS IN THE KIDS THAT ARE COMING INTO THE
10 VOCATIONAL PROGRAM YOU USED A TERM I THINK IT WAS VERY
11 ADVANCED WHAT HE -- LET'S DROP DOWN, TALK ABOUT
12 PERCENTAGES DO THE KIDS COME IN UNDERSTANDING HOW TO DO
13 PERCENTAGES?

14 A NO, THEY DO NOT MOST OF THEM HAVE DIFFICULTY WITH
15 CONVERTING PERCENT TO DECIMAL OR VICE VERSA, THOSE
16 CONCEPTS, AND IT'S NOT ONLY PERCENTAGES, BUT WITH THE USE
17 OF FORMULAS

18 Q FORMULAS COULD SOUND VERY ADVANCED WHAT KIND OF
19 THING ARE YOU TALKING ABOUT?

20 A WELL, EVEN WITH--

21 Q GIVE US AN AG EXAMPLE OF USE OF A FORMULA

22 A OKAY IF I WANT TO CALCULATE THE BREAK EVEN COST
23 ANALYSIS OF GROWING A PARTICULAR CROP, WHETHER IT BE --
24 AND I FOR INSTANCE I BACK-UP TO ONE OF MY OTHER CLASSES
25 HORTICULTURE WE RUN THREE GREENHOUSES AT OUR SCHOOL

1 COMMUNITY

2 Q AND YOU DO THIS WITH FEDERAL GRANT MONEY?

3 A YES, SIR

4 Q ALL RIGHT NOW, LET'S CHANGE THE SUBJECT AGAIN
5 LET'S TALK ABOUT YOUR VOCATIONAL PROGRAM AND TALK ABOUT
6 COMPLETION RATES, OKAY FROM THE STANDPOINT OF COMPLETION
7 RATES -- WELL, FIRST I NOTICE THAT YOU ARE A -- YOU ARE A
8 PEER MENTOR THROUGH THE NATIONAL DROPOUT PREVENTION CENTER
9 AT CLEMSON, IS THAT RIGHT?

10 A THAT'S CORRECT

11 Q AND KIDS DROPPING OUT HAS BEEN A SIGNIFICANT CONCERN
12 OF YOURS RIGHT?

13 A YES, SIR

14 Q AND IN THE VOCATIONAL AREA, I'M TALKING ABOUT
15 COMPLETION RATES FOR KIDS GOING THROUGH THE CARNEGIE UNITS
16 TO GAIN THE VOCATIONAL SKILLS, CAN YOU TELL US WHAT YOU
17 HAVE OBSERVED WITH REGARD TO COMPLETION RATES?

18 A I HAVE A VERY SMALL PERCENTAGE OF MY STUDENTS WHO
19 START OUT IN THE NINTH GRADE LEVEL WHO CHOOSE TO STAY IN
20 THE COMPLETER PROGRAM THAT MEANS TO GO THROUGH THE FULL
21 THREE OR FOUR UNITS

22 Q AND IT'S -- THESE CARNEGIE UNITS ARE THE ONES WE
23 MENTIONED BEFORE, NATURAL RESOURCES, HORTICULTURE?

24 A THAT'S CORRECT THE STUDENT MUST ACHIEVE OR COMPLETE
25 THREE OF THOSE CARNEGIE UNITS TO BE CLASSIFIED AS A

1 VOCATIONAL COMPLETER OR OCCUPATIONAL COMPLETER AND ONLY
2 A SMALL PERCENTAGE OF THE STUDENTS HAVE CHOSEN TO STAY IN
3 THE COMPLETER PROGRAM THROUGH -- AND YOU DON'T EXPECT ONE
4 HUNDRED PERCENT OF THE -- ALTHOUGH YOU

5 Q I UNDERSTAND WHAT IS IT -- WHAT IS IT THAT CAUSES
6 CHILDREN TO CHOOSE NOT TO COMPLETE?

7 A I THINK A LOT OF IT HAS TO DO WITH THE FACT THAT THEY
8 -- THAT THEY DO NOT FEEL LIKE THAT THEY CAN ACHIEVE THE
9 SKILLS THAT ARE NECESSARY TO COMPLETE ALL OF THE UNITS
10 BECAUSE OF THE FACT THAT THEY DON'T HAVE THE MATH SKILLS
11 OR THEY DON'T HAVE THE ENGLISH SKILLS OR THE SCIENCE
12 SKILLS TO BE SUCCESSFUL IN THE OVERALL VOCATIONAL PROGRAM,
13 SO THEREFORE THEY CHOOSE, YOU KNOW, TO BACK OUT AND GO
14 SOME OTHER ROUTE

15 Q IN THE COURSE OF -- YOU SAID A SMALL PERCENTAGE CAN
16 YOU PUT A NUMBER AROUND THAT, A RANGE FOR US?

17 A WELL, JUST FOR INSTANCE WE HAVE TO KEEP A FIVE YEAR
18 PLAN OR FIVE YEARS OF DATA ON VOCATIONAL STUDENTS THE
19 STATE DEPARTMENT REQUIRES THIS AS PART OF THEIR ANNUAL
20 EVALUATION I HAVE TO TRACK MY COMPLETERS FOR FIVE YEARS
21 AFTER THEY GRADUATE

22 OF THOSE COMPLETERS, HOW MANY OF THEM WERE
23 PLACED INTO A OCCUPATIONAL JOB THAT RELATED TO WHAT THEY
24 HAVE BEEN TAKING, HOW MANY WENT INTO THE MILITARY, AND IF
25 THEY WENT INTO THE MILITARY, DID THEIR SPECIFIC MILITARY

1 AREA RELATE TO IT

2 Q NOW, ARE WE TALKING ABOUT COMPLETERS OR NOT
3 COMPLETERS?

4 A COMPLETERS

5 Q OKAY I WAS ASKING YOU ABOUT THE PERCENTAGE OF
6 COMPLETERS, WHAT RANGE OF PEOPLE ACTUALLY COMPLETE? IS IT
7 -- YOU SAID A SMALL PERCENTAGE I'M TRYING TO GET A
8 FEELING IS IT -- IS IT A THIRD OR IS IT TEN PERCENT? I
9 JUST DON'T KNOW

10 A WELL THIS PAST YEAR -- JUST GIVE YOU AN EXAMPLE WE
11 HAD APPROXIMATELY 15 GRADUATES AT CREEK BRIDGE HIGH
12 SCHOOL NOW IT WAS HARD TO MEASURE THAT THIS PAST YEAR
13 BECAUSE OLD TERRELL'S BAY HIGH SCHOOL DID NOT HAVE AN
14 AGRICULTURAL EDUCATION PROGRAM THEY--

15 Q I'M JUST -- AND I'M SORRY TO INTERRUPT YOU AGAIN BUT
16 I'M JUST LOOKING FOR THE PERCENTAGE OF COMPLETERS IN YOUR
17 PROGRAM, NOT HIGH SCHOOL GRADUATES, BUT JUST THE
18 PERCENTAGE OF COMPLETERS THROUGH THE VOCATIONAL PROGRAM
19 FROM THE PEOPLE -- COMPARE THE PEOPLE WHO START IN THE
20 PROGRAM TO THE PERCENTAGE OF COMPLETERS IN YOUR
21 EXPERIENCE

22 A PROBABLY TEN PERCENT

23 Q OKAY THAT'S WHAT I WAS LOOKING FOR NOW, I DIDN'T
24 MEAN TO CUT YOU OFF, BUT IN TERMS OF -- YOU ALSO HAVE A
25 PROGRAM WHERE YOU FOLLOW THE KIDS WHO DO COMPLETE, RIGHT?

1 A RIGHT

2 Q OKAY BUT I WANT TO TALK ABOUT THE NONCOMPLETERS IN
3 THE PROGRAM ARE THE NONCOMPLETERS, THE NINETY PERCENT
4 WHO DON'T COMPLETE THE VOCATIONAL SKILLS PROGRAM, ARE THEY
5 RECEIVING A MINIMALLY ADEQUATE EDUCATION FOR VOCATIONAL
6 SKILLS AND APPLICATION GOING FORWARD?

7 A I DON'T KNOW IF I'M IN A POSITION TO ANSWER THAT
8 QUESTION OR NOT

9 MR BARNES YOUR HONOR, I WOULD OBJECT TO HIM
10 ANSWERING IT THEN

11 THE COURT OKAY I'LL SUSTAIN THAT

12 THE WITNESS CAN I EXPLAIN WHY?

13 BY MR MORRISON

14 Q EITHER YOU ARE OR YOU ARE NOT I THINK IT'S
15 PROBABLY -- DO YOU HAVE A KNOWLEDGE OF WHAT HAPPENS TO THE
16 KIDS WHO DON'T COMPLETE THE COURSE?

17 A YES, I DO

18 Q OKAY AND BASED ON THAT KNOWLEDGE CAN YOU TELL US
19 WHETHER THEY ARE RECEIVING A MINIMALLY ADEQUATE EDUCATION
20 FOR VOCATIONAL SKILLS?

21 A NO, THEY ARE NOT

22 Q OKAY AND WHAT'S HAPPENING TO THOSE KIDS BASED ON
23 YOUR KNOWLEDGE OF 30 YEARS OF OPERATING THE PROGRAM? WHEN
24 THEY DON'T COMPLETE WHAT HAPPENS TO THEM IN THEIR
25 FUTURE? WHAT HAPPENS TO THEM AFTER THEY GET AWAY FROM

Jerry Pace
Vocational ed teacher Britton's Neck HS and Creek
Bridge HS
Marion County School District No 7
Direct Examination by Mr Morrison

1 WORK WITH NINETY PERCENT OF THE NONCOMPLETERS IN YOUR
2 GROUP SOME GO TO COLLEGE ABOUT HOW MANY IS THAT OF
3 THAT NINETY PERCENT?
4 A 20 TO 25 PERCENT
5 Q OKAY AND SOME OF THEM GO TO OTHER VOCATIONAL--
6 A RIGHT
7 Q AND WHAT PERCENTAGE IS THAT?
8 A PROBABLY 20 TO 25 PERCENT AGAIN
9 Q OKAY AND WHAT HAPPENS TO THESE OTHER 50 PERCENT WHO
10 DROP OUT OF YOUR COURSE OF STUDY WHO DON'T GO TO OTHER
11 VOCATIONS AND DON'T GO TO COLLEGE? NOW THAT'S WHERE YOU
12 WERE TALKING ABOUT THE UNEMPLOYMENT RATE
13 AND I DON'T KNOW HOW THAT WAS RELATED, BUT IF
14 YOU WANT TO TALK ABOUT THAT, JUST -- BUT WHAT'S THE
15 ANSWER? WHAT HAPPENS TO THESE KIDS WHO DROP OUT?
16 A THOSE ARE THE ONES THAT OVER THE YEARS FROM MY
17 EXPERIENCE THAT HAVE FALLEN THROUGH THE CRACKS THAT FEEL
18 LIKE THEY ARE UNDERACHIEVERS THAT THEY CAN'T DO
19 ANYTHING
20 AND I SEE THEM WALKING THE ROADS IN OUR
21 COMMUNITY AND WALKING THE STREETS AND -- WITH NO JOBS
22 WHATSOEVER AND THAT'S DISTURBING TO ME FROM A TEACHER'S
23 PERSPECTIVE, THAT SOMEWHERE OR SOMEHOW NOT ONLY HAVE I
24 FAILED, BUT OUR SCHOOL DISTRICT HAS FAILED
25 Q ALL RIGHT NOW MR PACE, I WANT TO GO BACK ONE NOTCH

Jerry Pace
Vocational ed teacher Britton's Neck HS and Creek
Bridge HS
Marion County School District No 7
Direct Examination by Mr Morrison

1 PLANNING PERIOD IS SPENT MOST OF THE TIME PREPARING MYSELF

2 --

3 Q TO TEACH?

4 A -- TO TEACH MOST OF THIS WORK THAT I DO HERE IS
5 DONE OUTSIDE OF THE REGULAR SCHOOL DAY IT'S DONE AFTER
6 3 30 IN THE AFTERNOON OR AT HOME AT NIGHT WHEN I WILL
7 ACTUALLY PUT THESE RECORDS TOGETHER, BRING THEM INTO THE
8 GUIDANCE OFFICE THE NEXT MORNING AND GIVE THEM TO HIM TO
9 PUT INTO THE SYSTEM

10 Q WITH REGARD TO YOUR KIDS THAT GO ON THROUGH THE
11 PROGRAM AND THAT YOU TRACK FOR THE FIVE YEARS ABOUT WHAT
12 PERCENTAGE OF THEM END UP IN THE VOCATIONALLY RELATED AREA
13 VERSUS ONES WHO DON'T?

14 A WELL, YOU HAVE TO MAINTAIN A 75 PERCENT PLACEMENT
15 RATE IF YOU DON'T, YOU DON'T NEED THAT STANDARD

16 Q OKAY AND YOU ARE MAINTAINING THAT?

17 A YES, SIR

18 Q OKAY IS IT ABOUT 75 PERCENT?

19 A ACTUALLY IT'S UP OVER NINETY PERCENT

20 Q GREAT GREAT IN THE CONTEXT OF YOUR STUDENTS -- I
21 WANT TO DROP BACK DOWN INTO THE CLASSROOM AND ASK YOU
22 ABOUT READING HAVE YOU HAD CHILDREN WHO REACHED YOUR
23 HIGH SCHOOL LEVEL COURSES WHO COULD NOT READ WHEN THEY GOT
24 THERE?

25 A I'M NOT GOING TO SAY THE STUDENTS CANNOT READ

1 STUDENTS CAN READ, BUT CAN THEY READ TO BE SUCCESSFUL AT
2 THE LEVEL OF MATERIALS THAT THEY ARE GOING TO HAVE TO BE
3 READING IN MY CLASSROOM? THE ANSWER TO THAT IS NO

4 Q WHEN YOU SAY THEY CAN READ, YOU MEAN THAT THEY CAN
5 READ A WORD LIKE C-A-T?

6 A WELL THERE'S A THIRD GRADE READING LEVEL GOING TO BE
7 SUFFICIENT FOR A HIGH SCHOOL STUDENTS IN A VOCATIONAL
8 PROGRAM, THE ANSWER TO THAT IS NO

9 Q WELL, MAYBE THAT'S A BETTER WAY TO ASK THE QUESTION
10 HAVE YOU HAD CHILDREN WHO REACHED YOUR CLASSROOM IN HIGH
11 SCHOOL WITH AN ELEMENTARY SCHOOL GRADE LEVEL READING?

12 A YES SIR BECAUSE I TEACH A LOT OF SPECIAL ED
13 STUDENTS IN THE VOCATIONAL PROGRAM

14 Q OTHER THAN SPECIAL ED KIDS, HAVE YOU HAD ANY OTHER
15 CHILDREN WHO ARRIVED WITH THAT LEVEL OF READING CAPACITY?

16 A BELOW EIGHTH GRADE LEVEL, YES

17 Q AND WHAT IMPACT DOES THAT HAVE ON THEIR ABILITY TO
18 COMPLETE YOUR COURSES?

19 A THEY HAVE TO BE ABLE TO READ REGARDLESS OF WHAT AREA
20 THEY ARE GOING INTO AND YOU KNOW, JUST TO BE ABLE TO
21 READ AT A LOW LEVEL IS NOT GOING TO GET IT ANY MORE AS FAR
22 AS THE HIGH TECH VOCATIONAL PROGRAMS ARE CONCERNED

23 Q ARE THOSE STUDENTS BEING OFFERED AN OPPORTUNITY TO
24 ACQUIRE A MINIMALLY ADEQUATE EDUCATION IN THE AREA OF
25 VOCATIONAL SKILLS?

Jerry Pace
Vocational ed teacher, Britton's Neck HS and Creek
Bridge HS
Marion County School District No 7
Cross Examination by Mr Barnes

1 Q NOW, WITH REGARD TO THE FACILITIES IN BRITTON'S NECK,
2 YA'LL ARE MOVING INTO A NEW HIGH SCHOOL, SEVEN THOUGH 12
3 SCHOOL I GUESS EVEN AS WE SPEAK, RIGHT?

4 A WELL, EVERYBODY BUT ME IS MOVING IN

5 Q WELL, I'M DOING EVERYTHING I CAN TO GET YOU OUT OF
6 HERE AND I BELIEVE YOU TOLD ME IN YOUR DEPOSITION THAT
7 THIS NEW FACILITY SPACE WAS GOING TO TAKE CARE OF YOUR
8 SPACE NEEDS OR YOUR FACILITY NEEDS, ISN'T IT?

9 A I THOUGHT SO UP UNTIL LAST WEEK I CURRENTLY HAVE
10 BOTH A SHOP AND CLASSROOM AT BRITTON'S NECK HIGH SCHOOL
11 THE NEW FACILITY -- WHEN WE WENT THROUGH THE FINAL WALK
12 THROUGH OR WHEN I FINALLY HAD A CHANCE TO GET INTO IT LAST
13 WEEK AND LOOK AT MY FACILITY I DO NOT HAVE A LABORATORY

14 I DO NOT HAVE A SHOP WHICH IS A LABORATORY FOR
15 ME TO USE I HAVE GOT CLOSE TO -- AND I'M JUST PUTTING
16 THIS IN ROUND BALL PARK FIGURES BECAUSE I HAVE GOT
17 EQUIPMENT THAT I HAVE HAD, EVEN THOUGH THE STATE SAYS THAT
18 THE END OF FIVE YEARS THAT EQUIPMENT CAN BE OUTDATED YOU
19 CAN GET RID OF IT, GET A NEW ONE

20 I HAVE GOT EQUIPMENT THAT I BOUGHT WHEN I
21 STARTED TEACHING DURING 1974 I'VE PROBABLY GOT CLOSE TO
22 A QUARTER MILLION DOLLARS WORTH OF EQUIPMENT AND I HAVE
23 NOWHERE TO PUT THAT EQUIPMENT

24 Q SO--

25 A SO MY FACILITIES ARE NOT ADEQUATE

Jerry Pace
Vocational ed teacher Britton's Neck HS and Creek
Bridge HS
Marion County School District No 7
Cross Examination by Mr Barnes

1 Q SO THE BRAND NEW EIGHT AND A HALF MILLION DOLLAR
2 MARION COUNTY CREEK BRIDGE HIGH SCHOOL, IS NOT ADEQUATE
3 FOR YOUR NEEDS?

4 A NOT FOR MINE

5 Q OKAY THE THIRD THING THERE--

6 A MAY I GO BACK AND ADDRESS -- ADD ONE MORE STATEMENT
7 TO THAT?

8 THE COURT YES, SIR

9 A IN TALKING WITH THE DISTRICT SUPERINTENDENT, THAT
10 PROBLEM WILL TRY TO BE ALLEVIATED WITH AN ADDITIONAL
11 OUTSIDE BUILDING BUT WEATHER CONDITIONS HAVE BEEN SUCH
12 WITH ALL THIS RAIN AND STUFF WE HAVE BEEN HAVING THAT THEY
13 HAVE NOT BEEN ABLE TO DO ANYTHING WITH THAT

14 SO I'M GOING TO BE BEGINNING THE YEAR WITH
15 INADEQUATE FACILITIES I HOPE THAT THAT WILL BE
16 CORRECTED, BUT IT'S NOT A GUARANTEE

17 Q WELL, AND I BELIEVE YOU TOLD ME IN YOUR DEPOSITION
18 MR PACE THAT A LOT OF WHAT YA'LL DO AND ONE OF THE BIG
19 REASONS FOR THE SUCCESS OF YOUR PROGRAM IS BECAUSE THAT
20 MUCH OF WHAT YOU DO IS OUTSIDE, AND YOUR ACCESS TO YOUR
21 OWN FARM AND RESOURCES IN THAT REGARD OVERCOME WHATEVER
22 KIND OF SHORTCOMINGS THE ACTUAL FACILITY AT YOUR HIGH
23 SCHOOL MIGHT HAVE ANY WAY, IS THAT CORRECT?

24 A THAT'S CORRECT

25 Q NOW WE -- WE DISCUSSED OR YOU DISCUSSED WITH MR

1 AND THEN TELL ME ABOUT DILLON SCHOOL DISTRICT NUMBER TWO
2 A WELL, I WAS LOOKING AT WHAT YOU PUT ON THE MONITOR
3 THERE, AND TO ME, MR EPPS, THOSE NUMBERS LOOK HIGH I
4 THINK THEY ARE HIGH BECAUSE THEY ARE HIGHER THAN WHAT THE
5 KIDS, THE STUDENTS THAT I HAVE TO DEAL WITH, COME FROM I
6 UNDERSTAND THAT'S THE COUNTY AS A WHOLE

7 DILLON COUNTY IS A RURAL COUNTY, VERY LITTLE
8 INDUSTRY WE LOST ABOUT TEN YEARS AGO PROBABLY THE
9 BIGGEST EMPLOYER WHICH WAS DIXIANA MILLS WHICH WAS HOPAWK
10 INDUSTRY FROM THAT POINT ON, I THINK THINGS HAVE BEEN
11 GOING DOWN HILL AS FAR AS -- AS FAR AS OUR COUNTY'S
12 CONCERNED AS FAR AS EMPLOYMENT AND DECENT WAGES

13 YOU ONLY HAVE TO RIDE THROUGH TO TAKE A LOOK AT
14 WHAT THE SITUATION IS OUR KIDS COME FROM POOR FAMILIES
15 WE HAVE MOSTLY RURAL STUDENTS OUR SCHOOLS ARE LOCATED
16 WITHIN THE -- IN AND AROUND THE CITY LIMITS

17 THEY ARE BUSSED LONG DISTANCES THEY ARE ON THE
18 BUSES FROM 6 30 IN THE MORNING TILL 5, 5 30 IN THE
19 AFTERNOON THEY HAVE VERY LITTLE TRANSPORTATION IF WE
20 DON'T OFFER TRANSPORTATION, THEN WHATEVER PROGRAMS WE ARE
21 TRYING OUR BEST TO GIVE OR TO OFFER IS A WASTE OF TIME
22 BECAUSE THE PARENTS -- WE HAVE 64 PERCENT SINGLE PARENT
23 HOMES

24 WE HAVE -- IN THOSE HOMES WE HAVE OLDER SIBLINGS
25 THAT ARE RAISING OR LOOKING AFTER THEIR YOUNGER BROTHERS

1 OR SISTERS OUR PARENTAL INPUT IS VERY LOW FROM PARENTS
2 IF WE HAVE MEETINGS OR IF WE HAVE THINGS THAT WE HAVE TO
3 DO WITH PARENTS, WE HAVE HAD TO PURCHASE OR LEASE
4 VEHICLES, WE HAVE TO GO PICK THEM UP -- BIG PART OF IT

5 WE HAVE STUDENTS THAT POORLY DRESSED VERY
6 LITTLE TO NO EXTRA MONEY, JUST A POVERTY STRICKEN AREA AND
7 A LOT OF LOW EXPECTATIONS AND KIDS THAT NEED EVERY
8 OPPORTUNITY IN THE WORLD BECAUSE THEY HAVEN'T HAD THAT
9 OPPORTUNITY AT HOME, THEY HAVEN'T EXPERIENCED THE THINGS,
10 BEEN TO PLACES EVEN OUTSIDE OF DILLON COUNTY

11 I THINK THE KEY IDEA -- ONE OF THE BIGGEST
12 THINGS THAT AMAZED ME IS THE KIDS IN DILLON COUNTY MANY
13 OF THEM HAVE NEVER LEFT DILLON COUNTY I THINK THAT'S --
14 THAT'S PART OF WHAT IS SO DESPERATELY NEEDED IS THE
15 OPPORTUNITY FOR THESE KIDS TO TRAVEL AND HAVE THE
16 OPPORTUNITY, FIELD TRIPS THOSE KINDS OF THINGS BECAUSE
17 THEY ARE -- THEIR WORLD IS VERY LIMITED

18 YOU KNOW IT'S SAD TO SEE KIDS THAT LOOK AT
19 GOING TO THE BEACH WHEN WE LIVE 65 MILES FROM THE BEACH
20 AND GET TO CONWAY AND THINK THAT'S THE OCEAN WITH WATER
21 AROUND THE POINT

22 YOU KNOW WE JUST -- WE HAVE THE SCHOOL
23 DISTRICT IT'S IN BAD NEED OF REPAIR YOU HAVE GOT THE
24 PICTURES EVERYBODY HAS SEEN IT

25 Q I DON'T WANT TO GO INTO THE SCHOOLS JUST QUITE YET

1 I WANT TO UNDERSTAND THE PEOPLE, THE PARENTS AND THE
2 CHILDREN

3 A THEY ARE GOOD PEOPLE THEY ARE HARD WORKING PEOPLE
4 THEY WANT THE VERY BEST, BUT THEY HAVE TO LEAVE IT TO US
5 TO GIVE THEM THE VERY BEST BECAUSE THEY DON'T KNOW HOW TO
6 APPROACH DEALING WITH EDUCATION

7 Q ARE THE CHILDREN'S -- YOUR STUDENTS' PARENTS NATIVES
8 OF DILLON COUNTY?

9 A MOSTLY YES

10 Q MOST BORN AND RAISED THERE?

11 A BORN AND RAISED THERE BORN AND RAISED

12 Q STILL LIVE THERE?

13 A STILL LIVE THERE

14 Q IS DILLON COUNTY'S ECONOMIC STATUS IMPROVING, STAYING
15 THE SAME OR GRADUALLY

16 A IT'S REGRESSING, AND THAT'S WHAT THAT -- THAT'S WHY
17 THOSE FIGURES -- WHEN YOU SAY PER CAPITA INCOME, I DON'T
18 BELIEVE THAT THAT S THE PER CAPITA INCOME FOR THE STUDENTS
19 THAT WE HAVE IN DILLON DISTRICT TWO

20 THERE WOULD HAVE TO BE A WHOLE LOT OF HIGHER
21 SALARIES AND ALL KICKED IN THERE, BUT -- TO COME OUT WITH
22 THOSE KIND OF NUMBERS FOR OUR KIDS

23 Q DO THE CHILDREN'S PARENTS -- THE CHILDREN ARE NOW IN
24 SCHOOL -- DID THEIR PARENTS GO TO SCHOOL IN THE DILLON
25 COUNTY SCHOOLS?

1 A MOST

2 Q AND WHAT IS THEIR EDUCATIONAL LEVEL?

3 A I'D SAY THEIR -- THERE WOULD BE ABOUT 50 PERCENT THAT
4 PROBABLY DIDN'T FINISH HIGH SCHOOL

5 Q ABOUT 50 PERCENT?

6 A THAT'S CORRECT

7 Q NOW, WHAT DO THEY DO FOR A LIVING? WHAT DO THE
8 PARENTS DO TO EARN A LIVING?

9 A YOU STILL HAVE SOME THAT WORK ON THE FARMS THEN YOU
10 HAVE THE -- THE WHATEVER THE MILL JOBS THAT THEY CAN
11 OBTAIN, WHATEVER EMPLOYMENT AREAS AROUND THERE THAT THEY
12 CAN GET TO, AND I MEAN LITERALLY A LOT OF THEM HAVE TO
13 WALK TO GET TO THESE -- TO THESE JOBS

14 Q WHAT ARE THE LIVING CONDITIONS FOR THE CHILDREN LIKE?

15 A TOUGH THERE ARE THOSE THAT -- I THINK ONE OF THE
16 EXAMPLES I CAN GIVE YOU IS ONE CHRISTMAS TO TAKE A LOOK AT
17 THE SITUATION ONE I -- I WENT TO ONE OF THE HOMES

18 Q SIT UP STRAIGHT OR GET THAT MICROPHONE THERE

19 A OKAY I MIGHT NEED TO SLIDE IT UP BUT I WENT OUT
20 TO SEE THIS FAMILY BECAUSE I HAD A -- GORDON ELEMENTARY
21 TOOK FOOD TO KIDS THAT SAID THEY NEEDED SOMETHING FOR --
22 THEY WOULD CALL D S S AND TRY TO PICK UP CERTAIN
23 FAMILIES, NOT TO EMBARRASS ANYONE BUT TO SEE IF THEY
24 NEEDED ANYTHING EXTRA

25 AND THE KIDS BROUGHT IN AND I'D SAY SOMETHING

1 LIKE 40 FAMILIES, BOXES OF FOOD AND THAT KIND OF THING
2 AND I GOT A CALL THAT I NEEDED TO GO TO A HOME THERE WAS
3 NO ELECTRICITY, NO INDOOR PLUMBING

4 OF COURSE, THAT'S -- THAT'S NATURAL THAT'S NOT
5 A BIG DEAL IN DILLON COUNTY BUT I THINK WHAT WAS SO
6 TOUGH WAS TO SEE THAT A TOBACCO SHEET WAS THE FRONT DOOR,
7 AND THAT WAS IN DECEMBER

8 I KNOW MOST OF YOU DON'T KNOW WHAT A TOBACCO
9 SHEET IS, BUT THAT'S A SHEET THAT YOU PLACE ALL THE
10 TOBACCO AFTER YOU GET THROUGH CROPPING IT AND CURING IT
11 AND PUT IT ON THERE, AND THAT WAS THE FRONT DOOR

12 AND I THINK IT WAS ABOUT 25 DEGREES OUTSIDE
13 YOU KNOW, AND THEN WE WONDER HOW AND WHY THESE KIDS ARE
14 DOING WHAT THEY ARE DOING OR NOT DOING WHAT THEY ARE
15 DOING AND IF WE LIVED IN THE ENVIRONMENT THAT THESE KIDS
16 LIVE IN, YOU NEED ALL THE HELP YOU POSSIBLY CAN GET
17 BECAUSE THEY HAVE SO MUCH TO OVERCOME

18 THAT'S JUST -- THAT S JUST ONE EXAMPLE I CAN
19 EVEN REMEMBER THE TEACHER BRINGING ME A NOTE SAYING MR
20 ROGERS I GOT THIS NOTE AND I DON'T REALLY -- I DON'T KNOW
21 WHAT TO DO WITH IT I DON'T KNOW WHAT IT AMOUNTS TO

22 AND I LOOKED AT IT, AND IT CAME FROM A LITTLE
23 FIRST GRADE GIRL, AND IT SAID IF YOU HAVE ANYTHING LEFT
24 OVER AFTER YOU CLOSE THE LUNCHROOMS, ANY EXTRA, COULD WE
25 HAVE IT?

1 I SAID, YOU KNOW, THIS IS THE 20TH CENTURY, I
2 KNOW WE DON'T HAVE THIS KIND OF SITUATION IN OUR COUNTY
3 AND I WENT TO THE HOUSE, AND THE WOMAN WAS OUT ON THE --
4 OUT ON THE GROUND, AND IT WAS FROZEN, AND SHE WAS SAWING
5 WOOD TO GO -- TO KEEP THE HOME -- KEEP THE HOME

6 THEY HAD A REFRIGERATOR AND I SAID NOW, I
7 DON'T BELIEVE ALL OF THIS AND I OPENED THE REFRIGERATOR
8 AND THERE WAS ONE CAN, ONE -- ONE GLASS THING OF PICKLES
9 IN THE REFRIGERATOR NEEDLESS TO SAY, THERE WAS ABOUT
10 FIVE KIDS IN THERE, AND THE FATHER WAS -- WAS IN THE
11 FAMILY

12 THE THING IS IS THAT THAT FATHER WAS ONLY MAKING
13 MINIMUM WAGE AND HE SAID HE COULD LEAVE THE FAMILY AND
14 THEY COULD DO BETTER THAN IF HE STAYED THERE THOSE ARE
15 THE DILEMMAS THAT SOME OF THEM ARE IN AND THEN YOU
16 WONDER, YOU KNOW, HOW THEY DO AS WELL AS THEY DO, YOU
17 KNOW

18 IT'S A SAD SITUATION AND THE THING ABOUT IT IS
19 YOU'VE GOT FOUR OR FIVE KIDS IN THAT FAMILY NEEDLESS TO
20 SAY THEY HAD A GOOD CHRISTMAS THE GOOD PEOPLE IN DILLON
21 COUNTY MADE SURE OF THAT

22 Q OKAY NOW, YOU SAID THAT A NUMBER OF YOUR CHILDREN
23 DID NOT HAVE PLUMBING OR ELECTRICITY INDOORS?

24 A THAT'S CORRECT

25 Q OKAY I WANT TO TURN IF I CAN MR ROGERS, TO THE

1 KIDS

2 THEY EVEN TRY TO GET THEM INTO THE SCHOOLS TO
3 HAVE IN-SERVICE WITH THE PARENTS, TO TEACH THEM HOW TO
4 TEACH THEIR CHILD ALL OF THIS IS FAMILY LITERACY AND
5 EXTENDS ON THROUGH THE GRADES BUT TO RECOGNIZE --
6 SOCIALIZATION FOR FOUR YEAR OLDS IS VERY IMPORTANT

7 Q ALL RIGHT LET'S STOP HERE FOR A SECOND NOW, YOU
8 SAID YOU HAD 300 CHILDREN THAT NEEDED TO BE SERVED WITH
9 K-4?

10 A THAT'S RIGHT

11 Q AND YOU SERVE 120?

12 A THAT S CORRECT

13 Q HOW LONG HAVE YOU BEEN SERVING 120?

14 A I WANT TO SAY, AND I'LL HAVE TO GUESS THAT WAS ONE
15 OF OUR MAIN CONCERNS IS WE DIDN'T -- WE WERE ONLY SERVING
16 80 KIDS, AND WE WERE ABLE TO ADD A TEACHER AND A ROOM AT
17 STEWART HEIGHTS WHEN WE WERE ABLE TO DO THAT, SO I'D SAY
18 SOMEWHERE AROUND EIGH1 YEARS

19 Q ABOUT EIGHT YEARS?

20 A THAT'S RIGHT

21 Q ALL RIGHT, SIR NOW WHY DO YOU HAVE DOUBLE SHIFTS?
22 WHY DO YOU HAVE HALF DAY FOUR YEAR OLD KINDERGARTEN?

23 A BECAUSE WE DON'T HAVE THE TEACHERS AND WE DON'T HAVE
24 THE SPACE WITHOUT THE SPACE, YOU COULD HAVE THE
25 TEACHERS, BUT YOU WOULDN'T HAVE ANYWHERE TO HOUSE THE

1 KIDS

2 FOUR YEAR OLD, ESPECIALLY PRE-K, NEED SPECIAL
3 AREAS TO HAVE CLASS IN, TO INTERACT, EVEN DOWN TO SMALL
4 URINALS COMMODES, THOSE KIND OF THINGS, BECAUSE THEY ARE
5 NOTHING BUT BABIES

6 BUT THE EARLIER WE CAN GET THEM THE MORE
7 DIFFERENCE WE CAN MAKE WITH THEM THEY WANT THEM TO
8 COME THE PROBLEM THAT WE HAVE IS THAT -- IN THAT WE ONLY
9 HAVE HALF DAY, AND THAT'S NOT -- THAT'S NOT NEAR ENOUGH
10 TIME TO DO WHAT WE NEED TO DO WITH THOSE KIDS THAT ARE SO
11 DEPRIVED THAT ARE COMING TO US

12 WE WERE OFFERED -- LAST YEAR FIRST STEPS OFFERED
13 US SOME FUNDING FOR ANOTHER TEACHER, MAYBE EVEN TWO
14 TEACHERS, BUT WE HAD NOWHERE TO PUT THEM, SO WE HAD TO
15 DECLINE

16 Q DOES 4-K RUN THE SAME CALENDAR YEAR AS THE SCHOOL
17 YEAR?

18 A THAT'S CORRECT

19 Q SO WITHOUT THE FACILITIES, YOU'VE GOT NO PLACE TO PUT
20 THEM?

21 A GOT NO PLACE TO PUT THEM

22 Q NOW, ARE YOUR SCHOOLS -- I TAKE IT YOUR SCHOOLS ARE
23 FILLED SO THAT YOU CAN'T CREATE MORE 4-K SPACE?

24 A THE ONLY THING -- WELL IT'S JUST LIKE THE THREE YEAR
25 OLD CLASS YOU WERE MENTIONING TO BE ABLE TO HOUSE THAT

1 Q I SAY OBVIOUSLY, I GUESS

2 A YES AND AS YOU CAN SEE THE OLD DOORS THAT ARE STILL
3 THERE

4 Q ALL RIGHT

5 A AND WE DON'T USE THOSE DOORS MUCH THEY WON'T OPEN
6 AND CLOSE PROPERLY

7 Q WELL, WHAT IS THE MAIN AREA OF ACCESS' INGRESS AND
8 EGRESS?

9 A FROM THE SIDE DOORS ON, AS WE LOOK AT THE BUILDING,
10 ON THE LEFT-HAND SIDE AND ON THE RIGHT-HAND SIDE

11 Q OKAY ALL RIGHT LET'S TURN TO 1571W

12 A THAT IS PART OF, THAT BUILDING WHERE THE BRICKS HAVE
13 BEEN KNOCKED AWAY OR DETERIORATED OR FALLEN OUT

14 Q THIS IS EXTERIOR PORTION OF THE BUILDING?

15 A THAT'S THE EXTERIOR PORTION OF THAT BUILDING

16 Q ALL RIGHT 1571X?

17 A THAT IS THE 1896 BUILDING WHICH THE PICTURE THAT YOU
18 ARE LOOKING AT IS WHAT HOUSES HALF OF MY DISTRICT OFFICE
19 STAFF THAT'S WITH MY SPECIAL ED, MY BUSINESS OFFICE, THE
20 NURSE AND FOOD SERVICE

21 THAT IS THE OLD BELL TOWER YOU ARE LOOKING AT
22 THE, IF YOU WILL LOOK CLOSELY AT IT YOU WILL SEE WHERE WE
23 HAD TO PUT A RUBBERIZED ROOF OVER IT WE HAD, AT ONE
24 TIME, SUCH A SMELL IN THE BUILDING THAT WE COULDN'T FIND
25 WHAT IT WAS

1 ANY STUDENTS HOUSED ON THE SECOND FLOOR OF THIS BUILDING?

2 A YES SIR WE HAVE -- WE HAVE CLASSROOMS FROM SPECIAL
3 ED TO MATH, LANGUAGE ARTS THAT'S PRETTY MUCH THE -- THE
4 CORE CURRICULUM, WHATEVER WE NEED WHEREVER WE HAVE GOT
5 SPACE

6 Q HAS THE FIRE MARSHAL EVER SAID ANYTHING OR DONE
7 ANYTHING ABOUT OCCUPANCY IN THIS BUILDING?

8 A BECAUSE OF THE CONDUIT SITUATION WE HAVE A HARD TIME
9 WITH THE FIRE ALARMS AND THE STATE FIRE MARSHAL'S OFFICE
10 DOES FREQUENT US CONTINUOUSLY THEY HAVE TOLD US IN THE
11 PAST THERE WAS SOME OF THE FIRE ALARMS THAT THEY WERE
12 GOING TO CLOSE IT AND OF COURSE MY WORD IS CLOSE, BUT THE
13 BOTTOM LINE IS WE WORKED OUT WHAT WE HAVE TO DO I HAVE
14 BEEN TOLD WE WERE GOING TO HAVE TO SET PEOPLE IN THE HALLS
15 WITH WHISTLES IF -- ADULT IN THE HALL WHISTLES, IF THE--

16 MRS GRAY I OBJECT, YOUR HONOR HEARSAY, I HAVE
17 BEEN TOLD

18 THE COURT THAT'S TRUE I SUSTAIN THAT OBJECTION
19 BY MR EPPS

20 Q ALL RIGHT WHAT DO YOU DO AS A RESULT OF THE
21 INVESTIGATIONS WITH OR BY THE FIRE MARSHAL'S OFFICE?

22 A WE CALL ANYONE THAT CAN SOLVE THE SITUATION AND GET
23 US BACK WHERE WE NEED TO BE AS QUICKLY AS POSSIBLE THEY
24 WORK WITH US, THEY KNOW THE SITUATION THAT WE ARE WORKING
25 WITH WE DO EVERYTHING WE CAN TO MAKE IT MEET THE MINIMUM

1 OF THE FIRE CODE

2 Q WHY DO YOU HAVE PEOPLE IN THE OFFICE WITH WHISTLES?

3 A THE FIRE MARSHAL SAYS WHEN THAT GOES OUT YOU HAVE
4 TO--

5 MRS GRAY YOUR HONOR

6 BY MR EPPS

7 Q JUST TELL ME WHY YOU -- DON'T SAY WHAT THE FIRE
8 MARSHAL SAID THAT'S THE PROBLEM

9 A OKAY

10 Q TELL ME WHY YOU HAVE PEOPLE IN THE OFFICE WITH
11 WHISTLES

12 A THAT IS TO ALARM THE BUILDING IN CASE THERE'S SMOKE
13 OR FIRE

14 Q OKAY ALL RIGHT, SIR LET'S GO TO 1564I

15 A THAT'S THE BACK OF THE 1896 BUILDING

16 Q YES, SIR

17 A THAT'S, IF YOU LOOK BY THE CONDUIT COMING DOWN THE
18 BACK SIDE YOU WILL SEE THAT S WHERE THEY USED TO SHOVEL
19 THE COAL INTO THE BUILDING THE DOOR THAT IS OPEN IS
20 WHERE THE BOILER ROOM USED TO BE

21 Q OKAY 1564J

22 A THAT IS THE POWER OVER THE YEARS THAT HAS BEEN ADDED
23 TO THE BUILDING THAT'S, AS YOU CAN SEE, THE POWER
24 RUNNING TO THE BUILDING AS YOU CAN SEE FROM THAT SHOT
25 THAT THE ROOF IS DETERIORATING RAPIDLY ALSO

1 RUN, EVERY CONDUIT THAT HAS TO BE PLACED AND GONE INTO
2 THAT BUILDING HAS TO GO SOMEWHERE AND THAT'S IT, AND
3 IT'S VISIBLE AS YOU WALK THROUGH THE HALLS

4 Q ALL RIGHT 16 -- EXCUSE ME 1571AG?

5 A WE HAVE, WE HAVE REPLACED THE FLOORS NUMEROUS TIMES
6 AS FAR AS THE TILE AND WHAT YOU HAVE THERE IS ONCE YOU
7 PUT IT ON THERE, THE FLOORS ARE UNEVEN AND IT STARTS
8 CRACKING, SO WE TRY TO REPLACE IT BUT YOU NEVER CAN MATCH
9 THE TILE AND THE FLOOR'S SOFT BECAUSE IT'S WOODEN AND WHAT
10 ENDS UP HAPPENING IS YOU'VE GOT A DETERIORATION OF THE NEW
11 TILE VERY RAPIDLY ONCE YOU PLACE IT IN THERE

12 Q 1571AH?

13 A THAT WAS WHAT I WAS TALKING ABOUT WHEN YOU LOOK AT
14 THE SILLS, WE JUST HAD SOMEONE IN TO TAKE A LOOK AND WE
15 GOT A SILL LOOSE DETERIORATING OR ROTTING IN THAT FLOOR
16 HAS DROPPED A FOOT AND THAT IS ONE OF THE CLASSROOMS AND
17 THAT'S THE BOOKCASE THAT YOU SEE AND IT'S SLANTED IN THE
18 CLASSROOM

19 Q 1571AL OR IS THAT AI? THAT'S I, I GUESS 1571AI?

20 A THAT IS A LEAK IN THE WALL WHERE THE PLASTER HAS COME
21 AWAY YOU CAN SEE THE WOOD AND IT'S JUST DETERIORATING

22 Q 1571AJ?

23 A THAT IS A LEAK IN SOME OF THE CLASS, ONE OF THE
24 CLASSROOMS WHERE WE TRIED TO PUT THE DROP CEILINGS

25 Q 1571AL A-N, I'M SORRY, AK

1 A IT'S JUST LEAKS IN THE, IN THE CEILINGS THAT EXIST
2 AND IT DROPS SOME
3 Q 1571AN
4 A THAT'S WHERE THEY HAVE DROPPED OUT AND NEED TO BE
5 REPLACED FROM THE DROPPED CEILINGS
6 Q 1571AO?
7 A THAT'S WHERE THEY HAVE CEILINGS, HAVE -- TILES HAVE
8 FALLEN AND OBVIOUSLY OVER THE YEARS YOU CAN SEE THAT
9 PROBABLY THEY RAN OUT OF TILE, THEY PUT -- SOME PLYWOOD
10 WOULD LAST LONGER AND YOU CAN SEE THE WET PLYWOOD ON THE
11 RIGHT-HAND SIDE OF THE PICTURE WHERE IT HAS ALREADY
12 SOAKED
13 Q ARE ROOF LEAKS A PROBLEM IN THIS SCHOOL?
14 A YES AS YOU CAN SEE
15 Q 1571AP?
16 A IT'S JUST THE SHOWING THE DETERIORATION OF THE OF
17 THE WALLS
18 Q ALL RIGHT, SIR THE CEILINGS WE JUST LOOKED AT YOU
19 MAKE THE RECORD CLEAR, WHICH BUILDING IS THIS, WHAT
20 VINTAGE PART OF J V MARTIN IS THIS?
21 A NOW, THIS IS THE 1954 BUILDING
22 Q OKAY THAT'S WHERE WE ARE NOW?
23 A THAT'S -- YES
24 Q ALL RIGHT
25 A THIS BUILDING

1 Q ALL RIGHT 1571AP?

2 A THAT'S IN THE CLASSROOM THAT'S DETERIORATION OF THE
3 WALL

4 Q 1571AQ?

5 A BACK TO THE SAME SITUATION WITH MASSIVE DETERIORATION
6 OF THE CEILINGS AND PLYWOOD PLACED IN

7 Q IS THERE INSULATION BETWEEN THE CEILINGS AND THE ROOF
8 IN THIS PART OF THE STRUCTURE?

9 A THE ONLY INSULATION THAT WOULD BE, MORE THAN LIKELY,
10 IN ANY OF THESE BUILDINGS BUILT AT THAT TIME WOULD BE WHAT
11 WE HAVE PLACED -- IF WE WENT IN THERE TO DO ANY WORK AND
12 TRY TO, TRY TO INSULATE SOMETHING

13 Q ALL RIGHT DO YOU KNOW WHETHER THERE'S INSULATION IN
14 THIS PART OF THE BUILDING?

15 A TO MY -- TO MY KNOWLEDGE, NO

16 Q ALL RIGHT, SIR

17 A WHAT YOU'VE GOT IS YOU'VE GOT A DROPPED SEALING AND
18 SOME OF THEM AND THEN THEY GO STRAIGHT TO THE ROOF

19 Q WHAT HAPPENS JUST TELL ME WHAT HAPPENS IN THESE
20 BUILDINGS ON HOT DAYS, COLD DAYS?

21 A IT'S -- WITHOUT AIR CONDITIONING IT'S ALMOST
22 IMPOSSIBLE TO WORK MUCH LESS LEARN AND WHEN I SAY AIR
23 CONDITIONING, WE HAVE HAD, SINCE I HAVE BEEN
24 SUPERINTENDENT HAVE PUT AIR CONDITIONING IN BUILDINGS THAT
25 DIDN'T HAVE IT

1 A ALL RIGHT

2 Q AND WHAT WAS DONE AS A RESULT OF THE MEETING JUST
3 DON'T GO INTO THE DISCUSSION THAT'S KIND OF A RULE I
4 WANT TO FOLLOW UP ON THIS HEATING AND COOLING ISSUE,
5 THOUGH DO YOU HAVE ANY EXAMPLES THAT YOU CAN PROVIDE
6 THE COURT AS TO, OTHER THAN THE ONE YOU GAVE US, AS TO HOW
7 HOT OR HOW COLD YOU WITNESSED--

8 A I HAVE SEEN THE WATER IN THE COMMODES FREEZE I HAVE
9 HAD THE PIPES IN THE BUILDING TO BURST I HAVE HAD WATER
10 IN THE HALLS BECAUSE OF THE BUSTED PIPES WITHIN THE
11 BUILDINGS UNDERSTAND THERE IS NO HEAT IN THESE HALLS AT
12 ALL

13 THE ONLY THING WE HAVE IS THE MOST BARD UNITS IN
14 THOSE CLASSROOMS THERE ARE AREAS -- THERE IS NO QUESTION
15 THAT THESE TEACHERS HAVE TO MOVE AND THESE KIDS HAVE TO
16 MOVE FROM CLASS TO CLASS AND THEY HAVE TO MAKE A MAD DASH
17 WHEN IT'S, WHEN IT'S COLD BECAUSE YOU CAN'T STAND IT IN
18 THE HALLWAYS

19 Q WHAT'S THE HOTTEST OR THE HIGHEST TEMPERATURE YOU
20 HAVE EVER MEASURED IN ONE OF YOUR CLASSROOMS?

21 A AT GORDON ELEMENTARY I HAVE HAD I HAVE FOUND IT TO
22 BE, AND THAT'S WITH THE SUN HITTING THE WINDOWS UP TO 110
23 DEGREES

24 Q NOW BOTH THESE INSTANCES, THE TOILET FREEZING AND THE
25 GORDON ELEMENTARY, WAS THIS DURING THE NORMAL SCHOOL YEAR?

1 DOING CLASS IN A SHOP
2 Q ALL RIGHT 1571BB?
3 A THAT IS THE BOYS' DRESSING ROOM IN THE 1926 BOXING
4 ARENA
5 Q IT'S NOT USED FOR BOXING NOW WHAT'S IT USED FOR?
6 A GYMNASIUM
7 Q ALL RIGHT 1571BC
8 A THAT IS THE SHOWERS IN THE BOYS' DRESSING ROOM WITH
9 NO DOORS
10 Q WHAT IS THE ISSUE WITH NO DOORS?
11 A WELL, THE -- MOST WON'T USE THEM ANYWAY AND THERE'S
12 NO HOT WATER SO THEY DON'T USE THEM
13 Q IS THERE HOT WATER IN THE BUILDING?
14 A IN CERTAIN AREAS
15 Q WHERE?
16 A WELL IN THE CAFETERIA, IN THE NURSE'S STATION THAT
17 KIND OF SITUATION
18 Q ALL RIGHT ANYWHERE ELSE THAT YOU CAN THINK OF?
19 A I CAN'T THINK
20 Q IS THERE HOT WATER TO SERVE THE GENERAL STUDENT
21 POPULATION?
22 A NO, SIR
23 Q ALL RIGHT 1571BD AS IN DAVID?
24 A THAT IS A PICTURE OF THE GYM DOOR AS YOU RE COMING IN
25 FROM THE STREET AS YOU CAN SEE, THE DOORS ARE

1 A YOU SEE THE WATER UNDERNEATH THE BUILDING YOU SEE
2 THE ROOF LEAKING YOU KNOW IT'S NOT HEATED AND COOLED
3 PROPERLY YOU KNOW, IT'S JUST, IT'S A DEPRESSING FEELING
4 AND NOT ONLY DO YOU HAVE TO TRY TO EDUCATE THE AVERAGE OR
5 ABOVE AVERAGE STUDENTS BUT YOU TRY TO EDUCATE THE ONES
6 THAT NEED ALL THE HELP

7 THEY MIGHT BE MORE USED TO IT BECAUSE THAT'S
8 WHAT THEY COME FROM THAT'S THEIR SITUATION IN LIFE WE
9 DON'T MAKE IT MUCH BETTER BUT WHAT IS EVEN WORSE IS TO
10 SEE THOSE KIDS IN WHEELCHAIRS AND THAT'S WHAT THEY'VE GOT
11 TO BE WHEELED TO

12 Q IF WE GO BACK TO WHERE WE HAVE BEEN THUS FAR THE
13 HIGH SCHOOL J V MARTIN DO YOU HAVE -- YOU WEREN'T HERE
14 WHEN I THINK DOCTOR DEAN AND MR WHITCOMB TESTIFIED BUT
15 DO YOU HAVE BUCKETS AND BUCKET BRIGADE OF SORTS WHEN IT
16 RAINS?

17 A IN A LOT OF THE SITUATIONS ALL OVER THE DISTRICT ON
18 CONTINUOUSLY RAINY DAYS YOU WILL SEE TRASH CANS YOU WILL
19 SEE COFFEE CANS, YOU WILL SEE WHATEVER, MOP BUCKETS IN
20 THE AREAS OF THE ROOFS THAT ARE DETERIORATING AND
21 LEAKING

22 RIGHT NOW I HAD TO GO TO DILLON HIGH SCHOOL IN
23 THE AREA THAT WAS NOT RENOVATED AND I HAD TO GO BY THE
24 GUIDANCE OFFICE TO PICK UP SOME INFORMATION AND THERE'S A
25 BIG TRASH CAN RIGHT IN THE MIDDLE I CALLED THE

1 WENT, I JUMPED IN THE CAR AND I WENT INTO THE SCHOOL AND I
2 WALKED IN THE BUILDING AND IT WAS DUSTY, HAZY IN THE
3 MAIN HALL AND MY HEART FELL BECAUSE I DIDN'T KNOW WHAT IN
4 THE WORLD I WAS GOING TO WALK INTO AND SHE WAS DOWN AT
5 THE END OF THE HALL TRYING TO GET THE KIDS OUT, BACK DOWN
6 THE HALL AWAY FROM THAT ROOM AND OUT OF THE BUILDING

7 AND WHEN I OPENED, NOT OPENED THE DOOR BUT
8 WALKED AROUND THE DOOR THE COMPLETE CEILING HAD FALLEN
9 ONTO THE DESK WHERE JUST SECONDS BEFORE 20 FIRST GRADE
10 STUDENTS WERE SITTING IT'S NOT JUST LIKE WHAT WE THINK
11 WE SAY, WELL, SO A CEILING TILE FALLS THAT BUILDING WAS
12 BUILT IN 1926 IT WAS LIKE CEMENT FALLING ON WHATEVER WAS
13 IN THE ROOM

14 THE DESKS THAT THE LITTLE KIDS WERE SITTING IN
15 WERE DESTROYED IF IT HADN'T BEEN FOR A VERY SMART,
16 DEDICATED HARD-WORKING TEACHER, WE WOULD HAVE LOST, THE
17 WAY IT LOOKED FROM THE DESKS AT LEAST FIVE KIDS

18 IT S UNBELIEVABLE AND, YOU KNOW WALKING IN THAT
19 BUILDING AND HAVING BEEN A PRINCIPAL FOR 11 YEARS, I NEVER
20 THOUGHT THAT THE CEILING COULD FALL I -- AND IF IT DID,
21 I WAS IGNORANT TO THE FACT THAT IT HAD THAT KIND OF
22 WEIGHT

23 NOW I THAT IF THE WHOLE FLOOR FELL THAT IT WOULD
24 BE THAT WAY, BUT THE CEILING WAS MADE OUT OF PLASTER THAT
25 WAS ON A GRADE AND IT WAS MATTED TO THAT GRADE AND WHEN

1 IT FELL, IT WAS LIKE A, IT WAS LIKE CEMENT IT HAD
2 HARDENED AND IT WAS LIKE CEMENT AND FELL ONTO THOSE DESKS
3 AND ONTO THOSE STUDENTS' TABLES AND WHATEVER

4 AND, I DON'T KNOW, I THOUGHT WHEN SHE CALLED ME
5 I THOUGHT I SAID WELL, I THOUGHT I WAS FIXING TO HAVE
6 ANOTHER HEART ATTACK BECAUSE THAT WAS THE THAT WAS THE
7 WORST FEELING I THINK I HAVE EVER HAD IN MY LIFE TO WALK
8 IN AND SEE WHAT COULD HAVE HAPPENED TO SOMEBODY'S BABIES
9 AND BECAUSE THAT'S ALL THEY ARE

10 Q DO YOU REMEMBER WHAT GRADE THIS WAS?

11 A FIRST

12 Q FIRST GRADE, SIX YEAR OLDS?

13 A YES

14 Q NOW, WE TALKED ABOUT THESE ITEMS IN GENERAL I WANT
15 TO TALK ABOUT THE SCHOOLS THAT WE TALKED ABOUT AND WE
16 REALLY COVERED SCHOOLS IN THE DISTRICT TO THIS POINT IN
17 TIME IF THERE'S SPILLAGE INTO THE OTHER SCHOOLS -- IN
18 GENERAL, DO YOU HAVE ROOF PROBLEMS IN ALL OF YOUR SCHOOLS?

19 A YES

20 Q LEAKS?

21 A YES

22 Q CONSTANT MAINTENANCE ISSUES?

23 A YES

24 MR EPPS YOUR HONOR, IF IT'S OKAY, I'M GOING TO
25 LEAD HIM HERE

1 HAVE TEACHERS CONTINUOUSLY TELLING ME THAT THEY GO TO
2 DOCTORS
3 MRS GRAY YOUR HONOR?
4 THE COURT I SUSTAIN THAT
5 BY MR EPPS
6 Q ALL RIGHT
7 A ALL RIGHT
8 Q AS A RESULT OF MOLD AND MILDEW, DO YOU EXPERIENCE
9 ILLNESS WITHIN YOUR SCHOOLS?
10 A YES
11 Q ALL RIGHT TELL ME ABOUT THAT
12 A I HAVE TEACHERS THAT CANNOT GO TO CERTAIN ROOMS
13 THEY DON'T TELL ME THE DOCTORS TELL ME
14 MRS GRAY YOUR HONOR?
15 THE COURT RIGHT THE SUPERINTENDENT IS AWARE OF
16 TEACHER ABSENCES AND THINGS OF THAT NATURE AND --
17 MRS GRAY YOUR HONOR, HE -- SORRY
18 THE COURT -- TESTIMONY OF EXISTING PHYSICAL
19 CONDITIONS, OF COURSE IS ONE OF THE EXCEPTIONS TO THE
20 HEARSAY RULE
21 MR EPPS RIGHT
22 THE COURT BUT TO THE EXTENT THAT WE GO INTO THE
23 CONVERSATIONS, I THINK IT CREATES SOME PROBLEMS THE
24 HEARSAY RULE SPECIFICALLY PROVIDES AN EXCEPTION WE ARE
25 ALL FAMILIAR WITH IT UNDER 803 405, THREE A STATEMENT OF

1 MISSTATED TRY NOT TO GET TOO FAR FROM THESE RULES
2 BECAUSE I DON'T HAVE THEM COMMITTED TO MEMORY

3 THE SHORT ANSWER IS I WILL ALLOW HIM TO TESTIFY
4 BRIEFLY IF THE TEACHERS TOLD HIM THEY ARE SICK BUT THEN
5 THE NEXT PROBLEM IS WHEN WE GET IN WHAT THE DOCTOR SAID
6 THEN THAT S DOUBLE HEARSAY AND CAN'T GET INTO THAT
7 BY MR EPPS

8 Q RIGHT AND WE DON'T WANT TO SPEND A LOT OF TIME
9 DON'T TELL ME WHAT THE DOCTOR SAID

10 A ALL RIGHT

11 Q BUT YOU CAN SAY WHAT THE TEACHERS HAVE DONE--

12 A I HAVE--

13 Q WAIT A MINUTE, NOW HAVE DONE OR SAID WITH RESPECT
14 TO HEALTH ISSUES RELATED TO CONDITIONS IN THE SCHOOLS

15 A OKAY I CAN CITE MANY INSTANCES AND I WON'T GO INTO
16 THAT, BUT I HAVE TEACHERS THAT I WORRY ARE GOING TO TELL
17 ME THEY ARE NOT -- IT BOTHERS THEM PHYSICALLY WITH THE
18 MOLD AND THE MILDEW AND THE DAMPNES IN THE CLASSROOMS

19 Q ALL RIGHT, SIR I'M NOT GOING TO COVER THE HEATING
20 -- EXCUSE ME -- THE AIR CONDITIONING, HEATING ANY MORE
21 WE COVERED IT, WE TALKED ABOUT THAT IS LIGHTING AN ISSUE
22 IN ANY OF YOUR SCHOOLS?

23 A WE HAVE -- AS YOU CAN SEE IN THE 1896 BUILDING IT'S
24 STILL VERY POORLY LIT AS YOU CAN SEE, DOWN AT STEWART
25 HEIGHTS SOME OF THE LIGHTING FIXTURES ARE STILL POORLY

1 MANY KIDS TO SIGN UP FOR COURSES AS POSSIBLE KNOWING THAT
2 THERE IS A BIG PART OF OUR STUDENT BODY THAT IS NOT
3 MEETING WITH SUCCESS IN THE CLASSROOM

4 THE ONLY PROBLEM IS IS WE STILL GO BACK, EVEN TO
5 THE VOCATIONAL SCHOOL WITH READING, WITHOUT THOSE READING
6 ABILITIES ON GRADE LEVEL IT IS NOW VERY HARD TO,
7 VIRTUALLY IMPOSSIBLE FOR THE TECHNICAL -- AS WE JUST HEARD
8 I WAS PRIVILEGED TO HEAR MR PACE, I BELIEVE HIS NAME WAS,
9 TALKING ABOUT THE VOCATIONAL SITUATION

10 IF THEY CAN'T, IF THEY CAN'T READ, THEN THEY ARE
11 GOING TO BE HAMPERED EVEN AT THE VOCATIONAL SCHOOL IN WHAT
12 THEY CAN DO AS THEY GO TO THE BRICK MASONRY PART, AUTO
13 MECHANICS GRAPHICS, CULINARY ARTS, PREPARING THE FOOD
14 THOSE KIND OF THINGS

15 Q ALL RIGHT, SIR YOU ARE TRYING TO KEEP CHILDREN IN
16 SCHOOL?

17 A THAT'S RIGHT I THINK THE KEY THING IS THAT WE
18 SEARCH TO FIND SOMETHING THAT THEY ARE SUCCESSFUL WITH
19 THERE'S GREAT OPPORTUNITIES EVEN WITH THE HEATING AND
20 AIR WE GIVE THEM THOSE EXAMPLES AND THAT'S WHY YOU NEED
21 TO GO TAKE THOSE CLASSES YOU CAN IMMEDIATELY FIND
22 EMPLOYMENT JUST LIKE WE HEARD THE OTHER DAY

23 IT IS, AND IT IS A GOOD SITUATION I WISH THAT
24 WE HAD MORE KIDS TO, THAT WOULD TAKE ADVANTAGE OF IT
25 ACROSS THE COUNTY A LOT THAT WON'T ESPECIALLY PREVIOUSLY

1 A SOME KIND OF VOCATION

2 Q OBVIOUSLY OKAY, SIR HAVE THESE CHILDREN ACQUIRED
3 ANY ACADEMIC SKILLS? IS THAT TOO GENERAL A QUESTION?

4 A SOME, YOU KNOW THEY -- IF YOU GO LONG ENOUGH, YOU
5 WILL -- THERE ARE CERTAIN THINGS THAT YOU CAN DO BUT IF
6 YOU CAN'T GET OVER THAT ABILITY TO READ, THEN YOURS IS
7 GOING TO BE LIMITED AS TO WHAT YOU WILL BE ABLE TO DO

8 Q ALL RIGHT

9 A AND WHAT YOU WILL BE ABLE TO ACCOMPLISH

10 Q YES SIR THE OPINION SAYS ACADEMIC AND VOCATIONAL
11 SKILLS HAVE THESE STUDENTS ACQUIRED ACADEMIC AND
12 VOCATIONAL SKILLS?

13 A NO GO BACK TO THE -- EVERYTHING GOES BACK TO
14 READING, BASIS OF ALL LEARNING IS READING IF YOU CAN'T
15 READ, THEN YOU ARE NOT GOING TO BE SUCCESSFUL IN
16 VOCATIONAL SKILLS, AND THE INSTRUCTORS WILL VERIFY THAT

17 Q AND SOMETIMES YOU HAVE TO GET REAL TECHNICAL MR
18 ROGERS HAVE THEY HAD THE OPPORTUNITY DURING THEIR
19 EDUCATION TO ACQUIRE ACADEMIC AND VOCATIONAL SKILLS?

20 A NO

21 Q OKAY, SIR ALL RIGHT I'M GOING TO SWITCH GEARS
22 AGAIN WE ARE GOING TO TALK ABOUT TEACHERS FOR A MINUTE
23 TALKED ABOUT TEACHERS VERY BRIEFLY YESTERDAY AND TO
24 RECAP, MOST OF YOUR TEACHERS ARE HOME GROWN SO TO SPEAK?

25 A THAT'S CORRECT

1 Q THEY ARE FROM DILLON AND THEY ARE -- ARE THEY MARRIED
2 TO SOMEBODY FROM DILLON?
3 A THAT'S RIGHT
4 Q YOUR WORK FORCE IS PRETTY STABLE?
5 A YES, AND IT'S AN AGED, AGING GROUP
6 Q ALL RIGHT THAT'S WHERE I WAS-- I WAS GOING NEXT
7 LET ME TALK TO YOU IN GENERAL, THOUGH, ABOUT YOUR TEACHER
8 WORK FORCE, AND IF YOU WILL, TELL THE COURT IN TERMS OF
9 QUALITY OF INSTRUCTION OR HOWEVER YOU'D LIKE TO DESCRIBE
10 YOUR TEACHERS JUST IN VERY GENERAL TERMS
11 A AS I STATED YESTERDAY, I HAVE SOME VERY GOOD TEACHERS
12 AND THEN I HAVE GOT SOME TEACHERS THAT NEED A WHOLE LOT OF
13 HELP, A WHOLE LOT OF TRAINING, AND A WHOLE LOT OF
14 EXPERIENCE DEALING WITH KIDS THAT WE HAVE TO DEAL WITH
15 Q DO YOU HAVE LARGE NUMBERS OF TEACHERS THAT ARE NOT
16 ABLE TO TEACH THESE CHILDREN?
17 A YES
18 Q OKAY, SIR NOW -- AND WE WILL TALK ABOUT THAT A
19 LITTLE WHILE LATER, BUT WHY DO YOU THINK THAT THEY ARE NOT
20 ABLE TO TEACH THE CHILDREN?
21 A I DON'T THINK THEY ARE PREPARED FOR WHAT -- WHAT THEY
22 ACTUALLY HAVE TO WALK INTO THE CLASSROOM TO DEAL WITH
23 Q ALL RIGHT I WANT TO TALK TO YOU ABOUT YOUR AGING
24 POPULATION GO AHEAD AND DESCRIBE THAT FOR THE COURT, IF
25 YOU WOULD

1 A I BELIEVE I MENTIONED YESTERDAY IF I'M NOT MISTAKEN
2 WE LOOKED TO THE NUMBERS ON TERI, THAT IS THE RETIRING
3 TIME OF A TEACHER'S CAREER WE HAVE GOT 36 TEACHERS,
4 STAFF PEOPLE THAT ARE ON TERI PROGRAM

5 WE LOOK TO SEE WHAT WOULD HAPPEN THIS YEAR IF
6 THEY DECIDED NOT TO COME BACK AND 36 VACANCIES -- WE HAD
7 EIGHT RETIRED TEACHERS THAT WE HAD TO EMPLOY WHICH WOULD
8 BE 44 TEACHERS, AND THEN WE CUT I WANT TO SAY TEN OR 11,
9 TEN ADMINISTRATOR -- ABOUT 11 POSITIONS

10 THAT COULD HAVE BEEN AS MANY AS 55, 56
11 POSITIONS AND I DON'T KNOW WHAT WOULD HAVE TAKEN PLACE
12 WITHOUT -- WITH THEM NOT COMING BACK OR NOT

13 Q WHY DID YOU CUT THE POSITIONS?

14 A BECAUSE OUR -- BECAUSE OUR BUDGETS WERE CUT

15 Q OKAY WHAT -- DO YOU THINK IS IT FAIR TO ASSUME THAT
16 SOME TEACHERS YOU CAN NEVER GET UP TO BAR SO THEY CAN
17 TEACH THE CHILDREN, SOME DO IT NOW AND SOME THAT YOU COULD
18 HELP, IS THAT--

19 A THERE ARE TEACHERS YES THERE ARE TEACHERS THAT
20 WILL NEVER BE ABLE TO HANDLE CLASSROOM SITUATIONS YOU
21 HAVE GOT TO UNDERSTAND IT'S -- NOT EVERYBODY'S CUT OUT TO
22 BE A TEACHER

23 THEY MAY GO TO SCHOOL TO BE A TEACHER, BUT THEY
24 ARE NOT CUT OUT TO BE A TEACHER IN TIMES THAT WE ARE IN
25 NOW OF TRYING TO FIND QUALIFIED, CERTIFIED TEACHERS WHEN

1 UNITS THAT WE ARE HAVING TO INSTRUCT KIDS IN HOW CAN YOU
2 TEACH WITH 30, 34 STUDENTS IN THOSE MOBILE UNITS?

3 Q ALL RIGHT I'M GOING TO ASK YOU ABOUT YOUR
4 RECRUITING PROBLEMS AND WHO DO YOU COMPETE AGAINST? I
5 KNOW IT'S EVERYBODY, BUT GENERALLY SPEAKING, WHO DO YOU
6 COMPETE--

7 A THE MAIN TWO THAT ANY TEACHER IN THAT AREA THAT CAN
8 GET A JOB IN ESPECIALLY HORRY COUNTY OR NORTH CAROLINA,
9 IT S HARD FOR THEM TO TAKE A JOB WITH US WHEN THEY CAN
10 MAKE SO MUCH MORE MONEY

11 I THINK WHAT HAS HURT US SO BAD IS TO HAVE --
12 BECAUSE WE HAVE ALWAYS BEEN -- UP TILL NOW BEEN SUCCESSFUL
13 IN GETTING OUR DILLON PEOPLE BACK INTO DILLON BUT WHEN
14 THEY GO AWAY AND THEY SEE WHAT IS OFFERED IN OTHER AREAS,
15 ESPECIALLY OUR MINORITIES, IT IS HARD TO GET THEM TO COME
16 BACK, TO SETTLE WITH WHAT THEY WOULD HAVE TO SETTLE WITH
17 IN OUR SCHOOL DISTRICT AFTER THEY HAVE SEEN AND TOOK A
18 LOOK AT SALARY SCALES IN OTHER AREAS

19 MR EPPS YOUR HONOR THIS IS A DECENT TIME FOR ME
20 IF IT'S A DECENT TIME FOR YOU

21 THE COURT THAT'S FINE WE CAN -- WE WILL STOP A
22 LITTLE EARLY AND COME BACK A LITTLE EARLY

23 MR EPPS I CAN GO ON YOUR HONOR, IT'S THE COURT'S
24 PLEASURE I HAVE GOT ONE MORE TOPIC I CAN PROBABLY COVER
25 IN 15 MINUTES

1 THE COURT IF YOU'VE GOT ONE THAT'S RIGHT AT YOUR
2 FINGERTIPS THAT WILL GET US UP CLOSE TO 1 00

3 (WHEREUPON THERE WAS A PAUSE)

4 THE COURT THANK YOU MR EPPS
5 BY MR EPPS

6 Q LET'S TALK ABOUT PROFESSIONAL DEVELOPMENT
7 OPPORTUNITIES AND EFFORTS WITH THE DISTRICT GIVE THE
8 COURT AN OVERVIEW FIRST OF ALL IF YOU WILL

9 A WELL, WITH THE IN-SERVICE DAYS, WE TRY TO USE THEM TO
10 THE BEST OF OUR ABILITY TO BRING IN PEOPLE TO WORK WITH,
11 IN THE -- AND AS FAR AS STAFF DEVELOPMENT AND THAT KIND OF
12 THING THE BEST THING IS AN ONGOING STAFF DEVELOPMENT
13 DURING THE YEAR, NOT JUST A ONE-SHOT DEAL WHICH WE HAVE TO
14 DO AT TIMES, BUT SOMEONE TO, ESPECIALLY THE PEE DEE HUB
15 WHICH IS THE CENTER THAT 21 SCHOOL DISTRICTS, MAYBE 22,
16 WORK WITH EACH OTHER AND WE HAVE CAMARADERIE OVER THERE

17 PLUS WE HAVE PEOPLE THAT WORK WITH CURRICULUM
18 NEEDS, THEY GO OUT INTO THE SCHOOLS AND PRESENT, WE SEND
19 TEACHERS OVER THERE TO BRING BACK, CURRICULUM SITUATIONS
20 ESPECIALLY WITH YOUR GOSH KNOWS WE HAVE HAD THE SILK
21 (SIC) PROGRAM, THE SITUATION WHERE THE TEACHERS HAVE THE
22 OPPORTUNITY TO GO AND YOU HAVE PEER TEACHERS WORKING WITH
23 EACH OTHER OVER THE STANDARDS

24 EVERYTHING IS DRIVEN BY THE STANDARDS NOW AND
25 TRYING TO BRING THE CURRICULUM UP TO MEET THE STANDARDS

1 THAT'S THE BIG PUSH AND BRINGING IN PEOPLE THAT ARE VERY
2 KNOWLEDGEABLE TO TRAIN THE TEACHERS TO TRAIN THE
3 ADMINISTRATORS, TO WORK WITH THE CURRICULUM IT'S JUST
4 SOMETHING THAT IS ONGOING

5 WE SEND TEACHERS DURING THE SUMMER, WE SEND, WE
6 BRING PEOPLE IN AT WHATEVER OPPORTUNITY WE POSSIBLY CAN TO
7 WORK TO SEE THAT THESE, THE STANDARD BASED CURRICULUM IS
8 DRIVEN

9 Q HOW SUCCESSFUL DO YOU THINK YOUR PROFESSIONAL
10 DEVELOPMENT PROGRAMS ARE?

11 A I FEEL LIKE THERE ARE GOOD SITUATIONS I WISH THAT
12 -- AND I MENTIONED NORTH CAROLINA I WISH WE HAD MORE,
13 MORE DAYS OF IN-SERVICE ESPECIALLY WITH ALL THE
14 ACCOUNTABILITY THAT HAS BEEN PLACED ON THE SCHOOLS

15 ANOTHER THING IS WHEN YOU HAVE TEACHERS DURING
16 THE SUMMER TO COME BACK AND WORK, YOU DON'T HAVE THE MONEY
17 TO PAY THEM TO COME BACK AND BELIEVE ME IT'S JUST LIKE
18 AFTER SCHOOL PROGRAMS, THOSE KINDS OF THINGS IT'S GOING
19 TO COST YOU TO BRING PROFESSIONAL PEOPLE BACK IN TO WORK
20 AND IT SHOULD AND WE CAN'T ASK THEM TO TAKE THEIR
21 SUMMERS, BUT WE DO DO A LOT OF TRAINING DURING THE SUMMERS
22 WHEN WE CAN GET FACULTY MEMBERS BACK

23 Q ARE GOOD PROFESSIONAL DEVELOPMENT PROGRAMS WHAT I
24 WOULD CALL ONE DAY OR ONE SHOT DEALS OR HOW WOULD YOU--

25 A THOSE WOULDN'T, THOSE WOULDN'T NECESSARILY BE GOOD

1 LIKE I SAID, THE BEST IS AN ONGOING SITUATION WHERE YOU
2 GIVE THEM THE THEORY AND THEY SIT DOWN IN GROUPS OR IN
3 GRADE LEVELS WITH GRADE LEVEL CHILDREN, WORK WITH IT,
4 OBSERVE THE KIDS WHAT THEY ARE DOING AND THEN WHAT WORKS
5 AND THEN COME BACK AND SHARE IT WITH EACH OTHER

6 SOME OF THE BEST STAFF DEVELOPMENT I SEE IS THE
7 TEACHERS THEMSELVES WORKING ON GRADE LEVEL, PUTTING,
8 PUTTING IN, TRYING TO PUT INTO PRACTICE THE STANDARDS,
9 REDOING CURRICULUM NEEDS, THINGS THAT NEED TO BE CHANGED
10 TO MEET THE REQUIREMENTS OF THE STANDARDS

11 THE BIG THING ABOUT THAT IS, JUST LIKE THIS PAST
12 YEAR THE MONEY CUTS WHEN YOU START CUTTING THE MONEY,
13 YOU START, THAT'S -- AND THEN FLEXIBILITY THOSE ARE SOME
14 OF THE FIRST THINGS THAT HAVE TO GO WHEN YOU ARE GOING
15 TO LOSE TEACHERS AND TEACHERS -- I BELIEVE I READ WHERE
16 ACROSS THE STATE HAVE LOST A THOUSAND TEACHERS

17 IF YOU LOSE TEACHERS THE -- INSTEAD OF LOSING
18 TEACHERS YOU CUT BACK YOU WILL END UP CUTTING BACK INTO
19 THE IN-SERVICE, THE MONEY THAT WOULD BE USED IN THOSE
20 AREAS

21 Q ARE THE PROFESSIONAL DEVELOPMENT PROGRAMS AVAILABLE
22 TO THE TEACHERS IN YOUR DISTRICT SUFFICIENT TO EQUIP THEM
23 TO TEACH ADEQUATELY INSTRUCT THE STUDENT POPULATION IN
24 DILLON TWO?

25 A I DON'T FEEL LIKE IT'S ENOUGH I FEEL LIKE, YOU

1 KNOW, THAT YES, WE ARE MAKING ATTEMPTS, YES, WE ARE
2 TRYING, YES, WE ARE BRINGING IN EVERYTHING THAT WE CAN
3 WITH THE FINANCIAL SUPPORT THAT WE HAVE BUT IS IT
4 ENOUGH? NO

5 Q DO YOU THINK THAT ADDITIONAL NUMBERS OF YOUR TEACHERS
6 COULD BE TRAINED SO THAT THEY COULD IN FACT EFFECTIVELY
7 TEACH --

8 A YES

9 Q -- A SEGMENT OF YOUR POPULATION THAT YOU ARE LOSING?

10 A YES

11 Q WHAT WOULD THEY NEED TO BE GIVEN TO DO THAT?

12 A FIRST OF ALL THEY WOULD NEED THE MATERIALS THEY
13 WOULD NEED THE TIME TO WORK WITH THOSE MATERIALS THEY
14 WOULD NEED THE OPPORTUNITY TO WORK WITH PEOPLE THAT HAVE
15 BEEN SUCCESSFUL, AND WHETHER IT'S FROM THE STATE
16 DEPARTMENT OR WHETHER IT'S FROM THE PEE DEE HUB OR WHETHER
17 IT'S FROM OTHER SCHOOL DISTRICTS RELEASE TIME TO GO TO
18 SITUATIONS THAT ARE SIMILAR THAT ARE SUCCESSFUL, THOSE
19 KINDS OF THINGS

20 ALL THAT IS MONEY AND THAT'S PART OF YOUR
21 PROBLEM BUT YES, I FEEL LIKE THEY COULD THE MAJORITY
22 WOULD BE SUCCESSFUL

23 Q IT'S ALSO TAKES TIME I TAKE IT?

24 A IT TAKES TIME OUT OF THE CLASSROOM AND THAT, THERE
25 AGAIN YOU HAVE GOT A DOUBLE EDGED SWORD, YOU KNOW, WHILE

1 YOU ARE TRYING TO TRAIN TEACHERS OR SEND TEACHERS TO DEAL
2 WITH OTHER THINGS, THEIR STUDENTS ARE LEFT WITHOUT A
3 TEACHER SO

4 Q WELL, DO YOU -- DO THE TEACHERS IN YOUR DISTRICT HAVE
5 ENOUGH TIME OR ENOUGH RESOURCES -- DOES THE DISTRICT HAVE
6 ENOUGH RESOURCES --

7 A NO, NO

8 Q -- TO PROVIDE THE TEACHERS WITH PROFESSIONAL
9 DEVELOPMENT THAT YOU THINK WOULD REALLY HELP THEM?

10 A NO

11 THE COURT TIME TO BREAK? ALL RIGHT FOLKS WE
12 WILL STOP NOW AND COME BACK AT 2 00 TO CONCLUDE THE
13 AFTERNOON'S WORK MR ROGERS YOU CAN STEP DOWN REMIND
14 YOU, OF COURSE, YOU CAN'T TALK ABOUT YOUR TESTIMONY WHILE
15 YOU'RE OFF THE STAND

16 THE WITNESS OKAY THANK YOU

17 THE COURT WE WILL BE IN RECESS UNTIL TWO THANK
18 YOU

19 (WHEREUPON COURT WAS IN RECESS FOR LUNCH)

20 THE COURT MR ROGERS?

21 (WHEREUPON THE WITNESS RESUMED THE STAND)

22 BY MR EPPS

23 Q GOT YOUR GLASSES?

24 A YEAH I WANTED TO BORROW YOURS THIS AFTERNOON

25 Q LEAVES ONE OF US BLIND I KNOW EVERYONE IS GETTING A

1 STANFORD AND I HAVE BEEN USING IT FOR A VARIETY OF OTHER
2 PURPOSES

3 Q HAVE YOU DONE ANY ADDITIONAL ANALYSIS OF THE
4 VARIABLES THAT YOU ANALYZED AND HAD PREPARED AT YOUR
5 DEPOSITION? SPECIFIC VARIABLES TO SOUTH CAROLINA?

6 A I -- I THINK -- OTHER THAN WHAT I JUST MENTIONED WITH
7 RESPECT TO THE SCHOOLS AND THE STAFFING SURVEYS, NO

8 Q OKAY AND SO, HAVE WE NOW DISCUSSED ALL THE
9 ADDITIONAL WORK THAT YOU HAVE DONE SINCE YOUR DEPOSITION
10 IN PREPARATION FOR YOUR TESTIMONY TODAY?

11 A I BELIEVE SO YES

12 Q OKAY

13 MR BARNES THANK YOU, YOUR HONOR I DON'T HAVE ANY
14 OBJECTION TO DR DARLING-HAMMOND

15 THE COURT THANK YOU WITHOUT OBJECTION DR
16 DARLING-HAMMOND IS SO QUALIFIED, AND MR EPPS, YOU CAN
17 EXAMINE THE WITNESS

18 MR EPPS THANK YOU YOUR HONOR

19 DIRECT EXAMINATION BY MR EPPS

20 Q DR DARLING-HAMMOND DO YOU HAVE AN OPINION AS TO
21 WHETHER THE SCHOOL CHILDREN IN THE PLAINTIFF DISTRICTS
22 HAVE HAD THE OPPORTUNITY TO RECEIVE A MINIMALLY ADEQUATE
23 EDUCATION AS DEFINED IN ABBEVILLE?

24 A YES AND BASED ON THE DATA I HAVE SEEN AND THE
25 EVIDENCE I HAVE LOOKED AT AND MY UNDERSTANDING OF

1 EXPECTATIONS IN ABBEVILLE, IT LOOKS LIKE THERE ARE
2 SUBSTANTIAL NUMBERS OF STUDENTS IN THOSE DISTRICTS THAT
3 ARE NOT RECEIVING THE OPPORTUNITY FOR A MINIMALLY ADEQUATE
4 EDUCATION

5 Q ALL RIGHT WE WILL DEVELOP THAT AS WE MOVE THROUGH
6 THIS MORNING'S TESTIMONY AND FIRST I THINK IT WOULD BE
7 REMISS IF WE DIDN'T ASK YOU SOME VERY GENERAL BROAD
8 QUESTIONS AND THE FIRST ONE I WANT TO TALK TO YOU ABOUT
9 IS JUST TEACHERS AND WHAT YOU HAVE FOUND MAKES A GOOD
10 TEACHER AND WHAT CHARACTERISTICS YOU LOOK FOR IN A GOOD
11 TEACHER

12 A I'M GOING TO TALK ABOUT THAT I THINK, IN A COUPLE OF
13 WAYS ONE IS WHAT IN, YOU KNOW, WHAT WE FOUND SORT OF IN
14 RESEARCH WHICH ALSO TENDS TO MAP ONTO WHAT PARENTS AND
15 OTHERS WOULD EXPECT WOULD BE THE CASE WITH RESPECT TO A
16 GOOD TEACHER, AND THEN WHAT FROM A POLICY LEVEL WHAT
17 STATES TEND TO USE AS MEASURES OF TEACHER QUALITY OR
18 QUALIFICATIONS

19 SO IN TERMS OF WHAT WE FIND MAKES A DIFFERENCE
20 IN TERMS OF TEACHER QUALITY THERE'S A FAIR AMOUNT OF
21 EVIDENCE THAT IT MAKES A DIFFERENCE FOR TEACHER
22 EFFECTIVENESS HOW WELL TEACHERS ARE RATED AND HOW WELL
23 THEIR STUDENTS ULTIMATELY PERFORM AND LEARN IN TERMS OF
24 WHETHER THE TEACHER'S GENERALLY WELL EDUCATED, HAS A
25 STRONG ACADEMIC ABILITY

1 THAT'S MEASURED IN A VARIETY OF WAYS, SOMETIMES
2 BY TESTS AND OTHER TIMES BY THE KIND OF COLLEGE YOU GO TO
3 WHICH IS REALLY A REFLECTION OF SOME OF THE SAME KINDS OF
4 VARIABLES

5 TEACHERS TEND TO BE BETTER IF THEY ARE ABLE TO
6 EXPLAIN THINGS WELL TO OTHER PEOPLE SO VERBAL ABILITY
7 MATTERS SUBJECT MATTER CONTENT MATTERS YOU HAVE TO --
8 YOU CAN'T TEACH WHAT YOU DON'T KNOW ANY MORE THAN YOU CAN
9 COME BACK FROM WHERE YOU ATE IN BED AS WILL ROGERS USED TO
10 SAY

11 AND THERE IS A LOT OF RESEARCH EVIDENCE THAT
12 BACKS UP WILL ROGERS AND WHAT PARENTS WOULD NORMALLY THINK
13 THAT IN FACT YOU KNOW KNOWING YOUR CONTENT WELL
14 MATTERS

15 THERE S ALSO A LOT OF EVIDENCE THAT BEING ABLE
16 TO EXPLAIN THE CONTENT IN A WAY THAT OTHER PEOPLE CAN
17 UNDERSTAND IT MATTERS A GREAT DEAL THAT IS, WE ALL KNOW
18 PEOPLE WHO KNOW AN AREA OF CONTENT BUT THEY FIND IT VERY
19 HARD TO EXPLAIN IT TO OTHER PEOPLE IN A WAY THAT THEY CAN
20 UNDERSTAND IT

21 SO PARTICULARLY WORKING WITH CHILDREN AND
22 PARTICULARLY WORKING WITH CHILDREN WHO NEED A LOT OF
23 ASSISTANCE IN ORDER TO LEARN BECAUSE THEY HAVEN'T HAD AS
24 MUCH OPPORTUNITY TO LEARN INDEPENDENTLY, THE CAPACITY TO
25 MAKE THE CONTENT MATTER UNDERSTANDABLE CREATE ACTIVITIES,

1 CREATE LESSONS, CREATE CURRICULUM THAT MAKES SENSE IS AN
2 IMPORTANT FEATURE OF AN EFFECTIVE TEACHER

3 WHEN THERE ARE STUDIES THAT LOOK AT WHAT GOOD
4 TEACHERS DO, THERE ARE A NUMBER OF PRACTICES THAT MAKE A
5 DIFFERENCE FOR EFFECTIVE TEACHING FOR EXAMPLE, EFFECTIVE
6 TEACHERS ARE ENGAGED IN WHAT SOME RESEARCHERS HAVE CALLED
7 ACTIVE TEACHING

8 THAT IS, THEY ARE CONTINUALLY MONITORING THE
9 CLASSROOM THEY HAVE ORGANIZED THE CLASSROOM IN A VERY
10 PURPOSEFUL WAY THEY HAVE TAUGHT THE CHILDREN HOW TO WORK
11 TOGETHER AND HOW TO FOLLOW THE ROUTINES OF THE CLASSROOM
12 THEY ARE CONTINUALLY EXPLAINING, MONITORING INSTRUCTION,
13 MONITORING LEARNING AND RETEACHING

14 IF THE STUDENTS HAVEN'T UNDERSTOOD IT, THEY USE
15 STRATEGIES THAT WOULD GET THE STUDENTS ACTIVELY ENGAGED IN
16 THE LEARNING, NOT JUST SORT OF SITTING BACK AND PASSIVELY
17 LISTENING OR FALLING ASLEEP

18 THEY ENGAGE STUDENTS IN A LOT OF HANDS-ON
19 LEARNING OR ORGANIZED LEARNING SO THAT STUDENTS CAN GO IN
20 DEPTH UNTIL THEY REALLY UNDERSTAND SOMETHING RATHER THAN
21 JUST SORT OF MENTIONING IT IN PASSING SO THEY GET PRACTICE
22 ON THE SKILLS

23 THEY GET THE OPPORTUNITY TO GET FEEDBACK AND
24 REVIEW AND REVISE THEIR WORK SO THERE ARE A BUNCH OF
25 THINGS THAT WE KNOW THAT GOOD TEACHERS TEND TO DO AND WE

1 ALSO KNOW THAT THERE ARE KINDS OF PREPARATION OF
2 PROFESSIONAL DEVELOPMENT THAT ENABLE TEACHERS TO LEARN HOW
3 TO DO THOSE THINGS THAT NOT EVERYONE KNOWS HOW TO DO
4 THOSE KINDS OF TEACHING ACTIVITIES INTUITIVELY YOU OFTEN
5 TYPICALLY NEED TO TRAIN PEOPLE HOW TO DO IT

6 I MEAN, FINALLY WE KNOW THAT THERE ARE SOME
7 PERSONALITY TRAITS THAT TEND TO BE ASSOCIATED WITH GOOD
8 TEACHING, THAT EFFECTIVE TEACHERS TENDS TO BE FAIRLY
9 FLEXIBLE, FAIRLY ADAPTABLE AND THAT'S BECAUSE STUDENTS
10 ARE VERY DIFFERENT IN THEIR LEARNING, THEY ARE NOT
11 STANDARDIZED

12 GOOD TEACHING IS NOT ROUTINE YOU HAVE TO BE
13 ABLE TO FIGURE OUT IF WHAT YOU ARE DOING IS WORKING AND
14 THEN ADAPT IT IF IT'S NOT WORKING SO THAT YOU MEET THE
15 NEEDS OF DIFFERENT LEARNERS SO THOSE ARE ALL TRAITS THAT
16 GOOD TEACHERS HAVE

17 NOW AT THE LEVEL OF STATE POLICY AT YOU -- YOU
18 HAVE TO THINK THEN ABOUT HOW DO YOU GET SOME BENCHMARKS
19 FOR THESE KINDS OF FEATURES THAT YOU WOULD SEE ONE-ON-ONE
20 WITH A TEACHER OR, YOU KNOW, AS A PARENT YOU MIGHT SEE OR
21 AS AN EMPLOYER YOU MIGHT SEE

22 AND SO TYPICALLY THE MEASURES THAT ARE USED TO
23 MEASURE TEACHER QUALITY OR QUALIFICATIONS INCLUDE MEASURES
24 OF ACADEMIC ABILITY AND GENERAL BASIC SKILLS THEY
25 INCLUDE MEASURES OF SUBJECT MATTER KNOWLEDGE COURSE WORK

1 THAT'S BEEN TAKEN, A MAJOR OR A MINOR IN A FIELD TEST ON
2 A SUB- -- A SCORE ON A SUBJECT MATTER TEST

3 THEY INCLUDE MEASURES OF TEACHER PREPARATION
4 TYPICALLY IN THE FORM OF CERTIFICATION STATUS BECAUSE
5 STATE CERTIFICATION SYSTEMS GENERALLY INCLUDE ALL OF THESE
6 THINGS

7 THEY INCLUDE SOME TYPE OF ASSESSMENT OF BASIC
8 SKILLS, SOME KIND OF REQUIREMENTS AND ASSESSMENTS OF
9 SUBJECT MATTER KNOWLEDGE SOME KIND OF REQUIREMENTS AND
10 ASSESSMENT OF WHETHER YOU HAVE LEARNED THE SKILLS
11 NECESSARY TO TEACH CHILDREN THAT BODY OF INFORMATION

12 AND THEY TYPICALLY INCLUDE SOME KIND OF GUIDED
13 PRACTICE STUDENT TEACHING AS IT MAY OFTEN BE CALLED WHERE
14 YOU ARE LEARNING TO TEACH TO CERTAIN STANDARDS THAT
15 INCORPORATE SOME OF THOSE PRACTICES THAT I DESCRIBED, THAT
16 KIND OF ACTIVE TEACHING PRACTICE THAT I DESCRIBED AND SOME
17 OF THOSE KINDS OF BEHAVIORS THAT YOU EXPECT TEACHERS TO
18 HAVE IN THE CLASSROOM

19 SO THESE ARE THE MEASURES THAT WE TYPICALLY USE
20 IN LOOKING AT TEACHER QUALIFICATIONS

21 Q SO YOU'VE REALLY GIVEN US TWO THINGS TO LOOK AT ONE
22 IS IF YOU LOOK AT A TEACHER ON AN ONE-ON-ONE SETTING, IN
23 AN ONE-ON-ONE SETTING AND YOU CAN JUDGE WHETHER THE
24 TEACHER IS BEING EFFECTIVE, CORRECT?

25 A YES

1 Q AND THE OTHER IS HOW STATE MIGHT LICENSE OR QUALIFY A
2 TEACHER ON A STATE-WIDE OR GLOBAL BASIS?

3 A YES

4 Q SO YOU HAVE A LICENSING REQUIRED BY THE SECOND
5 INSTANCE AND THEN YOU HAVE OBSERVATIONS IN THE FIRST
6 INSTANCE?

7 A RIGHT

8 Q NOW WE WILL GO BACK TO SOMETHING THAT YOU SAID AND I
9 ASSUME YOU HAVE HEARD THIS BEFORE, BUT YOU TALK ABOUT
10 CHILDREN NOT ALL LEARNING THE SAME AND I WANT -- THE
11 FOCUS HERE TO BE THE DISADVANTAGED OR AT-RISK CHILDREN

12 WHAT HAS BEEN SHOWN TO WORK IN TERMS OF TEACHING
13 SO THAT THE STUDENTS CAN LEARN? WHAT METHODOLOGIES HAVE
14 BEEN SHOWN TO WORK WITH AT-RISK OR DISADVANTAGED CHILDREN?

15 A WELL, LET ME FIRST SAY THAT ALL OF THE THINGS THAT I
16 JUST SAID APPLY IN THAT CASE AND IN A CERTAIN WAY ALMOST
17 MORE SO THAT IS, THAT THERE IS SOME EVIDENCE THAT THE
18 TEACHERS QUALITY, QUALIFICATIONS AND SKILLS ARE EVEN MORE
19 NECESSARY AND WHEN YOU HAVE MORE QUALIFIED TEACHERS THEY
20 CREATE EVEN SHARPER GAINS IN ACHIEVEMENT FOR STUDENTS WHO
21 HAVE BEEN TRADITIONALLY UNDER PERFORMING OR LOW
22 PERFORMING

23 AND THE REASON FOR THAT IF YOU THINK ABOUT IT IS
24 FAIRLY SENSIBLE, THAT IS, THAT STUDENTS WHO ALREADY LEARN
25 WELL ON THEIR OWN, THEY HAVE LEARNED HOW TO LEARN, THEY

1 KNOW HOW TO ORGANIZE INFORMATION FOR THEMSELVES AND SO ON,
2 DO NOT NEED TEACHERS WITH THE SAME DEGREE OF SKILL IN
3 DIAGNOSIS AND BREAKING DOWN THE SUBJECT MATTER AND HAVING
4 A RANGE OF TEACHING TECHNIQUES, NOT THAT THEY DON'T
5 BENEFIT, OF COURSE THEY DO THEY BENEFIT ALSO BUT THEY
6 CAN LEARN ON THEIR OWN IF THEY HAVE TO TO A GREATER
7 DEGREE

8 AND SO THERE'S A FAIR AMOUNT OF EVIDENCE THAT
9 STUDENTS WHO ARE THE, HAVE THE LEAST PRIOR KNOWLEDGE AND
10 EXPERIENCE NEED THE BEST LEARNING CONDITIONS, NEED
11 TEACHERS WHO HAVE A KIND OF SKILL TO DIAGNOSE WHERE THEY
12 ARE

13 QUITE OFTEN STUDENTS WHO ARE AT-RISK HAVE LESS
14 PRIOR EXPERIENCE IN THE HOME WITH A VARIETY OF KINDS OF
15 INFORMATION AND WAYS OF THINKING, YOU KNOW FOR EXAMPLE
16 BEGINNING READING AND A VARIETY OF THINGS SO, TEACHERS
17 NEED TO BE ABLE TO FIGURE OUT HOW TO GO BACK TO THE VERY
18 BASICS, MAKE THAT INFORMATION AVAILABLE IN A VARIETY OF
19 WAYS

20 THEY NEED A WIDER REPERTOIRE IF YOU WILL, A
21 BIGGER TOOL KIT OF THINGS THAT CAN BE TRIED AND WORKED
22 BECAUSE STUDENTS ALSO LEARN IN DIFFERENT WAYS IF THEY
23 HAVE STUDENTS WHO HAVE LEARNING DISABILITIES, WHICH IS
24 ACCORDING TO VARIOUS ESTIMATES ANYWHERE FROM TEN TO 20
25 PERCENT OF STUDENTS IN MANY SCHOOL DISTRICTS THEN THEY

1 NEED TO KNOW HOW TO TEACH A CHILD WHO HAS A VISUAL
2 PERCEPTUAL, DISORIENTATION OR PROBLEM WITH AUDITORY
3 PROCESSING, HOW TO MAKE THE INFORMATION AVAILABLE IN A
4 VARIETY OF DIFFERENT MODALITIES, IF YOU WILL, A VARIETY OF
5 DIFFERENT STRATEGIES

6 THEY MAY NEED TO KNOW HOW TO TEACH STUDENTS
7 WHOSE FIRST LANGUAGE IS NOT ENGLISH AND HOW TO MAKE THE
8 CONTENT BOTH ACCESSIBLE TO THEM AND HOW TO ACTUALLY TEACH
9 BASIC ENGLISH SKILLS SO THERE THE RANGE OF TECHNIQUES
10 THAT ARE NEEDED CAN BE WIDER AND THE DEPTH OF DIAGNOSTIC
11 ABILITY NEEDS TO BE DEEPER IN THE SENSE OF BEING ABLE TO
12 LOOK AT A STUDENT'S LEARNING, TO LOOK AT SAMPLES OF THEIR
13 WORK, TO LOOK AT EVIDENCE ABOUT THEIR LEARNING AND FIGURE
14 OUT EXACTLY WHAT THEY DO AND DON'T UNDERSTAND AND HOW THEY
15 ARE THINKING ABOUT IT

16 Q IF A TEACHER DOESN'T HAVE THAT TOOL KIT THAT YOU
17 MENTIONED, THAT DOESN'T HAVE THE ABILITY TO BE FLEXIBLE OR
18 ADAPTABLE OR MAKE THE DIAGNOSIS OR GET DOWN TO THE LEVEL
19 OF A CHILD, IS THE CHILD -- UNLESS THE CHILD IS GIVEN
20 DIFFERENT APPROACHES THAT WORK, IS THAT CHILD RECEIVING AN
21 ADEQUATE EDUCATIONAL OPPORTUNITY?

22 A WELL, TYPICALLY NOT IN ORDER FOR LEARNING TO GO ON,
23 IT HAS TO BE ACCESSIBLE TO THE CHILD IT HAS TO MEET THEM
24 WHERE THEY ARE THAT WOULD BE LIKE A DOCTOR WHO, YOU
25 KNOW, JUST ROUTINELY PRESCRIBES THE SAME THING FOR EVERY

1 PATIENT WHO COMES IN AND A PATIENT WHO HAS A PARTICULAR
2 SET OF NEEDS NEEDS A DOCTOR WHO IS MORE SKILLFUL AT
3 DIAGNOSIS

4 AND IF THEY JUST SAY, WELL I ALWAYS GIVE THIS
5 MEDICINE TO PEOPLE WHO COME IN, THEN THEY ARE NOT MEETING
6 THE NEEDS OF THE PATIENT AND THE SAME THING IS TRUE IN
7 TEACHING

8 Q DO YOU BELIEVE THAT AT-RISK OR DISADVANTAGED STUDENTS
9 ACTUALLY NEED BETTER TEACHERS THAN DO MIDDLE CLASS OR
10 OTHER STUDENTS?

11 A WELL I CERTAINLY BELIEVE THAT ALL STUDENTS OF, YOU
12 KNOW, OF ALL KINDS NEED GOOD TEACHERS AND THAT WE OUGHT TO
13 PROVIDE QUALIFIED COMPETENT TEACHERS FOR EVERYONE

14 BUT I DO BELIEVE THAT IN TEACHING, AS IN OTHER
15 PROFESSIONS THAT THE TOUGHEST PROBLEMS, THE THINGS THAT
16 REQUIRE THE MOST DIAGNOSIS AND THE MOST CARE TO SOLVE THE
17 PROBLEM DO REQUIRE THE FOLKS WHO HAVE THE MOST EXPERTISE

18 SO YOU KNOW, WE LOOK TO OUR VERY BEST DOCTORS TO
19 TREAT THE TOUGHEST KINDS OF MEDICAL PROBLEMS THEY ARE
20 NOT JUST HANDING OUT VACCINATIONS EVERY DAY AND WE NEED
21 TO HAVE THAT KIND OF CAPACITY IN TEACHING AS WELL, TO GET
22 VERY SKILLED TEACHERS WORKING WITH THE STUDENTS WHO MOST,
23 WHO MOST NEED IT

24 AND THAT'S PARTLY BECAUSE, YOU KNOW, FOR THE
25 CHILD'S BENEFIT THEY NEED IT BUT IT'S ALSO PARTLY BECAUSE

1 TEACHING IS EDUCATION IT'S NOT JUST A PRIVATE GOOD
2 THAT THE EDUCATION SYSTEM EXISTS NOT JUST FOR THE GOOD OF
3 INDIVIDUALS BUT FOR THE GOOD OF SOCIETY AND SOCIETY NEEDS
4 FOR ALL CHILDREN TO GROW UP TO BE PRODUCTIVE CITIZENS, TO
5 BE ABLE TO MAKE A WAGE, TO BE ABLE TO CONTRIBUTE AS
6 TAXPAYERS, TO BE ABLE TO BE GOOD PARENTS, YOU KNOW, TO BE
7 ABLE TO PARTICIPATE

8 SO SOMETIMES THAT'S GOING TO MEAN THAT WE NEED
9 TO PUT RESOURCES WHERE THEY ARE NEEDED TO GET CHILDREN TO
10 BE ABLE TO PLAY THEIR ROLES AS FUTURE CITIZENS IN A
11 PRODUCTIVE WAY

12 Q ALL RIGHT YOU HAVE DONE SOME ANALYSES OF TEACHER
13 QUALIFICATIONS AND CHARACTERISTICS IN SOUTH CAROLINA YOU
14 HAVE DONE IT ON A COUPLE OF FRONTS, SEVERAL FRONTS AND
15 I'D LIKE TO FIRST TALK ABOUT THE ANALYSIS THAT YOU DID
16 WHICH COMPARED THIS STATE DEMOGRAPHICALLY BY LOOKING AT
17 TEACHER QUALIFICATIONS AS MEASURED BY STATE CRITERIA
18 COMPARED TO LOW INCOME STUDENTS TO HIGH INCOME STUDENTS
19 AND WE WILL START WITH 500 -- EXCUSE ME

20 (ATTORNEYS CONFERRING)

21 A IT IS THE COLORS MAY BE DIFFERENT

22 Q CHANGED THE CAPTION MAYBE ON SOME OF THESE OR
23 SOMETHING LIKE THAT

24 A YEAH I THINK SOME OF THEM, THEY ARE THE SAME CHARTS
25 BUT WE, I THINK, MAY HAVE ELABORATED THE TITLES SO THEY

1 WERE A LITTLE MORE CLEARER

2 MR EPPS YOUR HONOR, WOULD YOU LIKE A COPY?

3 THE COURT THE SCREEN IS FINE FOR THIS

4 BY MR EPPS

5 Q DR DARLING-HAMMOND, DO YOU NEED A COPY?

6 A I HAVE A SCREEN, YES

7 Q ALL RIGHT LET'S GO THROUGH, FIRST OF ALL, STARTING
8 WITH 5007-A, DIFFERENCES IN TEACHER QUALIFICATIONS ACROSS
9 DISTRICTS BY POVERTY LEVEL OF STUDENTS AND JUST TAKE ME
10 THROUGH EXHIBIT "A" AND TELL THE COURT WHAT THAT IS,
11 PLEASE

12 A OKAY WHAT I DID WAS SIMPLY LOOK AT DISTRICTS BY
13 THEIR POVERTY STATUS AND THE DEFINITION IS FOR THE HIGH
14 POVERTY DISTRICTS, THESE ARE THE ONES THAT HAVE MORE THAN,
15 A POVERTY INDEX THAT THE STATE ESTABLISHES OF HIGHER THAN
16 75 PERCENT

17 THE LOW POVERTY DISTRICTS ARE THE ONES THAT HAVE
18 A POVERTY INDEX OF LESS THAN 50 PERCENT WHICH IS STILL
19 PRETTY NOTICEABLE BUT IT'S CERTAINLY LOWER AND WE JUST
20 LOOKED AT THE DISTRIBUTION OF TEACHER QUALIFICATIONS
21 ACROSS DISTRICTS OF THESE TWO TYPES

22 AND WHAT YOU CAN SEE IN THIS FIRST SLIDE IS THAT
23 IN THE DISTRICTS THAT ARE HIGHER IN POVERTY, HAVE A HIGHER
24 POVERTY INDEX, THAT THERE ARE FEWER TEACHERS WITH ADVANCED
25 DEGREES THERE ARE ABOUT 14 PERCENT FEWER TEACHERS WITH

1 ADVANCED DEGREES IN THOSE DISTRICTS

2 THE COURT MR EPPS, COULD I GET A COPY OF THESE?
3 YOU OFFERED IT I TURNED IT DOWN, BUT I REALIZE THESE ARE
4 GOING TO BLEND INTO EACH OTHER AND MY ATTENTION SPAN,
5 BEING WHAT IT IS, PROBABLY WILL NEED ONE OF THOSE THANK
6 YOU

7 BY MR EPPS

8 Q ALL RIGHT AND IF WE TURN TO 5007-B, WHAT DOES THAT
9 SHOW, PLEASE?

10 A SO THIS IS FOR THE SAME GROUPS OF DISTRICTS IT'S
11 NOT CHANGING ON MY SCREEN YET THERE WE GO SO IT'S,
12 IT'S ALSO SHOWING THE PERCENTAGE OF TEACHERS ON CONTINUING
13 CONTRACTS AND THOSE ARE TEACHERS WHO HAVE ACHIEVED
14 CERTIFICATION SO THAT THEY ARE ELIGIBLE FOR CONTINUING
15 CONTRACT AND HAVE COMPLETED THEIR PROBATIONARY PERIOD AND
16 ALL OF THAT

17 SO THESE ARE TEACHERS WHO ARE MORE STABLE, WHO
18 ARE PREPARED, HAVE GOTTEN THROUGH THE TRAINING PROCESS AND
19 PROBATIONARY PROCESS AND AGAIN WE SEE THAT THE DISTRICTS
20 WITH HIGHER POVERTY HAVE FEWER TEACHERS, ABOUT THREE
21 QUARTERS OF THEIR TEACHERS IN THAT CATEGORY

22 Q AND HOW DID YOU MEASURE ON 5007 A ADVANCED DEGREES,
23 DID YOU STOP?

24 A THIS WAS MASTER DEGREES AND ABOVE

25 Q MASTER AND ABOVE YOU DID DON'T BACHELOR PLUS A T

1 OR ANYTHING LIKE THAT?

2 A NOT IN THIS PARTICULAR DISPLAY

3 Q ALL RIGHT LET'S GO TO 5007-C

4 A THIS IS OUT-OF-FIELD PERMITS OUT-OF-FIELD PERMITS
5 ARE GIVEN TO TEACHERS WHO ARE LICENSED ALREADY, SO THEY
6 HAVE MET A STANDARD BUT THEY ARE TEACHING OUT OF THEIR
7 FIELD OF LICENSURE SO IT'S A SOCIAL STUDIES TEACHER
8 TEACHING MATHEMATICS OR WHATEVER

9 AND WE SEE THAT IN THE HIGH POVERTY DISTRICTS
10 THERE ARE MORE THAN TWICE AS MANY TEACHERS WHO ARE
11 TEACHING OUT OF THEIR FIELD OF PREPARATION AND WE DO
12 HAVE SOME EVIDENCE THAT WHEN TEACHERS ARE ASKED TO TEACH
13 OUT-OF-FIELD THEIR TEACHING IS TYPICALLY LESS EFFECTIVE

14 Q 5007-D

15 A THIS IS THE PERCENT OF TEACHERS ON WHAT THE STATE
16 CALLS SUBSTANDARD CERTIFICATES THESE ARE CERTIFICATES
17 THAT ARE TEMPORARY, PROVISIONAL, THEY ARE THINGS CALLED
18 PROVISOS, CRITICAL NEEDS CERTIFICATES ALL OF WHICH ARE
19 WAYS BY WHICH PEOPLE ARE GIVEN PERMIT TO TEACH BUT THEY
20 HAVE NOT MET THE STATE CERTIFICATION STANDARDS, THEY
21 EITHER LACK THE CONTENT OR THEY LACK THE TRAINING TO TEACH
22 OR WHATEVER

23 AND WHAT YOU SEE IS THAT IN THE HIGH POVERTY
24 DISTRICTS THERE ARE ABOUT FOUR TIMES AS MANY TEACHERS
25 TEACHING ON SUBSTANDARD CERTIFICATES WHO HAVE NOT MET THE

1 STATE LICENSING REQUIREMENTS IN ONE WAY OR ANOTHER

2 Q 5007-E

3 A THIS LOOKS AT THE PERCENTAGE OF TEACHERS WITH A
4 BACHELOR'S DEGREE FROM A NONCOMPETITIVE COLLEGE THERE'S
5 SOME EVIDENCE THAT SUGGESTS THAT TEACHERS FROM MORE
6 COMPETITIVE COLLEGES MAY BE SOMEWHAT MORE EFFECTIVE
7 TEACHERS

8 AND WE -- SO WE LOOKED AT THIS AND WHAT WE FOUND
9 IS A NONCOMPETITIVE COLLEGE AS YOU KNOW THERE'S A BARNES
10 INDEX OVER COLLEGE RANGES AND THERE'S ANOTHER THING CALLED
11 THE BLUE BOOK SO WE SIMPLY LOOKED AT THOSE THAT ARE
12 RATED AS BEING NONCOMPETITIVE THAT IS THEY ARE NOT
13 SELECTED FOR ADMISSIONS TO THE COLLEGE

14 AND AGAIN IN THE HIGH POVERTY DISTRICTS YOU HAVE
15 WELL OVER TWICE AS MANY TEACHERS WHO COME FROM
16 NONCOMPETITIVE COLLEGES, OVER 40 PERCENT OF THE TEACHERS
17 IN THOSE DISTRICTS

18 Q WHEN YOU SAY NONCOMPETITIVE COLLEGES, CAN YOU PUT
19 THAT IN SOME CONTEXT FOR US? WHAT DO YOU MEAN BY
20 NONCOMPETITIVE?

21 A THIS IS A COLLEGE THAT REALLY DOES NOT HAVE A
22 COMPETITIVE, THAT IS TO SAY A SELECTION BAR OF A CERTAIN
23 SAT SCORE OR G P A THAT YOU HAVE TO HAVE RECEIVED IN
24 ORDER TO BE ELIGIBLE FOR ADMISSION TO THAT UNIVERSITY OR
25 COLLEGE

1 Q OKAY AND 5007-F?

2 A AND THEN AGAIN AS YOU MIGHT EXPECT, TEACHERS EARN
3 LESS IN THE HIGH POVERTY DISTRICTS THAN IN THE LOWER
4 POVERTY DISTRICTS SO AVERAGE SALARIES ARE A BIT LOWER
5 WE DID LOOK AT WHETHER THAT'S BECAUSE THE AVERAGE
6 EXPERIENCE LEVEL IS MUCH DIFFERENCE AND THERE'S NOT A LOT
7 OF DIFFERENCE IN THE AVERAGE EXPERIENCE LEVEL BETWEEN
8 THESE TWO SETS OF DISTRICTS

9 SO THOSE ARE KIND OF STANDARDIZED BUT THERE ARE
10 A LOT MORE TEACHERS IN THE HIGH POVERTY DISTRICTS THAT ARE
11 EITHER VERY INEXPERIENCED OR THERE ARE ANOTHER GROUP THAT
12 ARE VERY EXPERIENCED BUT THERE ARE A LOT OF NEW TEACHERS
13 THAT BALANCE THAT OUT

14 Q LET'S GO BACK AND LOOK AT THESE THE CHARTS THAT YOU
15 PREPARED IN COMBINATION AND ESSENTIALLY WHAT DOES THAT
16 TELL YOU, AND THIS IS A COMPARISON OF HIGH POVERTY, NOT
17 THE PLAINTIFF DISTRICTS BUT HIGH POVERTY VERSUS MORE
18 AFFLUENT SCHOOL DISTRICTS?

19 A RIGHT

20 Q TELL US WHAT, WHY ALL OF THIS IS IMPORTANT TO YOU

21 A WELL, TEACHER QUALITY IS DEFINED IN A LOT OF
22 DIFFERENT WAYS BY A VARIETY OF FOLKS AND SO WE WANTED TO
23 SEE WHETHER THERE IS A PATTERN IN THE DISTRIBUTION OF
24 TEACHERS AND WHAT WE BASICALLY SEE HERE IS THAT BY ANY
25 STANDARD OF QUALITY BY ANY MEASURE OF QUALITY THERE ARE

1 OVER AND OVER AGAIN LESS WELL QUALIFIED TEACHERS IN THE
2 HIGH POVERTY DISTRICTS, ALTHOUGH BASED ON THE
3 CHARACTERISTICS OF STUDENTS IN THOSE DISTRICTS ONE WOULD
4 PERHAPS EXPECT THAT YOU OUGHT TO HAVE EVEN MORE HIGHLY
5 SKILLED TEACHERS IN THOSE DISTRICTS IF WE ARE GOING TO
6 CATCH THOSE KIDS UP AND ENABLE THEM TO MEET THE
7 STANDARDS

8 SO THE TEACHER LABOR MARKET IS OBVIOUSLY
9 OPERATING SO THAT IN A SENSE THE RICH GET RICHER AND THE
10 POOR GET POORER IN TERMS OF ACCESS TO QUALIFIED TEACHERS

11 Q SOME OF THESE PERCENTAGES IF YOU LOOK AT THEM AS A
12 LAY PERSON, DO NOT APPEAR TO BE STRIKING YOU HAVE A TEN
13 PERCENT DIFFERENCE IN SEVERAL OF THESE CHARTS I HAVEN'T
14 COUNTED THEM ARE THESE PERCENTAGE DIFFERENCES
15 STATISTICALLY SIGNIFICANT AND IF SO HOW DOES THAT IMPACT
16 STUDENT ACHIEVEMENT?

17 A YES, THESE ARE STATISTICALLY SIGNIFICANT DIFFERENCES
18 WITH RESPECT TO ADVANCED DEGREES THAT ARE VERY HIGHLY
19 SIGNIFICANT, SOMETHING CALLED PROBABILITY LEVELS I DON'T
20 KNOW IF WE WANT TO GET INTO IT BUT P VALUE TELLS HOW
21 SIGNIFICANT IT IS

22 AND ONE OF THE MOST SIGNIFICANT LEVELS IS THAT
23 IT'S SIGNIFICANT IS A P IS LESS THAN POINT 001 WHICH
24 MEANS WITH 99 PERCENT CONFIDENCE YOU CAN SAY THIS IS A
25 REAL STATISTICAL DIFFERENCE SO THESE ARE STATISTICALLY

1 SIGNIFICANT

2 IN MANY CASES AT THAT LEVEL BOTH WITH RESPECT TO
3 ADVANCED DEGREES AND CONTINUING CONTRACTS AND SUBSTANDARD
4 CERTIFICATES AND BACHELOR'S DEGREES FROM COLLEGES AND
5 AVERAGE TEACHER SALARIES, ALL OF THOSE ARE HIGHLY
6 SIGNIFICANT DIFFERENCES, BUT THEY ARE -- IT'S NOT JUST THE
7 STATISTICS THAT WE CARE ABOUT, IT'S WHAT HAPPENS IN THE
8 FIELD WITH CHILDREN

9 AND THEY ARE PRACTICALLY SIGNIFICANT IN A NUMBER
10 OF WAYS FOR ONE THING, IF YOU HAVE FOUR TIMES AS MANY
11 TEACHERS ON SUBSTANDARD CERTIFICATES FOR EXAMPLE AS WE SAW
12 AND THAT STATISTIC IS JUST AN AVERAGE

13 THERE'S SOME SCHOOLS IN WHICH THAT PROPORTION IS
14 MUCH, MUCH HIGHER IT'S 30 OR 40 PERCENT, NOT TEN PERCENT
15 AS IT IS ON AVERAGE THEN THAT MEANS THAT THERE'S A VERY
16 HIGH PROBABILITY THAT THE STUDENT IS GOING TO BE TAUGHT BY
17 SOME PEOPLE WHO HAVEN'T EVEN MET THE MOST MINIMAL
18 STANDARDS BECAUSE A CERTIFICATION STANDARD IS NOT A
19 MAXIMUM STANDARD, IT'S A VERY MINIMUM STANDARD

20 AND THERE IS A HIGH LIKELIHOOD THAT THAT TEACHER
21 WILL NOT HAVE THE SKILLS THAT ARE NEEDED TO HELP THAT
22 STUDENT LEARN AND IN EACH CHILD'S LIFE ONE YEAR CAN BE
23 VERY, VERY CRITICAL

24 IF YOU HAVE A TEACHER WHEN YOU ARE IN SECOND
25 GRADE WHO DOESN'T KNOW HOW TO TEACH YOU HOW TO READ, THE

1 ODDS ARE THAT BY THIRD GRADE YOU WILL NOT BE ABLE TO PASS,
2 YOU KNOW, THE REQUISITE EXAMINATIONS, THE ODDS ARE THAT
3 YOU WILL BE HELD BACK IN GRADE WE KNOW THAT IF THAT
4 HAPPENS THE ODDS ARE THAT THE CHANCES OF YOU DROPPING OUT
5 WILL GO UP BY ABOUT 50 PERCENT, THAT YOU WILL FALL FURTHER
6 BEHIND

7 AND SO THESE THINGS THAT LOOK LIKE KIND OF RAW
8 STATISTICS ARE ACTUALLY VERY IMPORTANT FOR THE DAY TO DAY
9 LIVES OF CHILDREN AND FOR THE EXPECTATIONS OF PARENTS
10 BECAUSE PARENTS HAVE AN EXPECTATION IF THEY SEND THEIR
11 CHILD TO SCHOOL THAT THE TEACHERS WHO ARE THERE KNOW WHAT
12 THEY ARE DOING AND ARE ABLE TO DO WHAT'S NECESSARY

13 Q WHY DID YOU DO A COMPARISON OF HIGH POVERTY VERSUS
14 LOW POVERTY? AND I THINK YOU DEFINED THE VARIABLES BUT
15 FOR THE COURT IN TERMS OF CRITERIA FOR SELECTION WHY DID
16 YOU DO THESE VARIABLES TO BEGIN WITH?

17 A WELL, BECAUSE WHEN WE LOOKED AT THE PLAINTIFF
18 DISTRICTS, I TRIED TO SEE WHAT WERE THE CHARACTERISTICS OF
19 THE PLAINTIFF DISTRICTS WE FIND THAT THOSE ARE HIGH
20 POVERTY DISTRICTS THAT THEY REFLECT HIGH POVERTY
21 DISTRICTS IN THE STATE THEY ARE ALSO -- REFLECT
22 DISTRICTS WITH HIGH PROPORTIONS OF MINORITY STUDENTS AND
23 IN PARTICULAR AFRICAN-AMERICAN STUDENTS

24 Q ALL RIGHT LET'S GO AHEAD NOW AND LOOK AT THE
25 PLAINTIFF VERSUS THE NONPLAINTIFF DISTRICTS AND DID YOU

1 DEGREES, ABOUT TEN PERCENTAGE POINTS FEWER, NINE
2 PERCENTAGE POINTS FEWER

3 Q ALL RIGHT 50 -- SORRY DID I INTERRUPT?

4 A NO, GO AHEAD

5 Q 5007-K?

6 A SAME POINT AS EARLIER THAT THE PLAINTIFF DISTRICTS
7 HAVE A SMALLER PROPORTION OF TEACHERS ON CONTINUING
8 CONTRACTS AS EVEN SMALLER THAN THE HIGH POVERTY DISTRICTS
9 AS WHOLE IT'S ONLY ABOUT 69 PERCENT OF TEACHERS WHO ARE
10 IN THIS POSITION OF BEING STABLE, RENEWABLE EVERY YEAR
11 BECAUSE THEY ACTUALLY HAVE THEIR CREDENTIAL, THEY HAVE
12 ACTUALLY FINISHED THEIR PROBATIONARY PERIOD

13 SO THIS IS A LARGE PROPORTION OF TEACHERS WHO
14 ARE NOT ABLE TO BE ON A CONTINUING CONTRACT BECAUSE THEY
15 HAVEN'T COMPLETED THEIR TRAINING OR THEY HAVEN'T COMPLETED
16 THEIR PROBATIONARY PERIOD

17 Q THIS MIGHT BE A GOOD TIME TO TALK IN GENERAL ABOUT
18 STATE LICENSING PROCEDURES AND WHAT IT MEANS TO HAVE A
19 LICENSE TO TEACH TELL US WHAT--

20 A PROBABLY EVEN AT THE NEXT SLIDES I TALK ABOUT THE
21 CERTIFICATES AND THEN I--

22 Q OKAY LET'S -- WE WILL DO THAT

23 A SO WE HAVE THE SAME THING THE SAME TREND, PERCENT OF
24 TEACHERS WITH OUT-OF-FIELD PERMITS NOT QUITE TWICE AS
25 MANY IN THE PLAINTIFF DISTRICTS AGAIN MORE THAN IN THE

1 POVERTY DISTRICTS AS A WHOLE

2 AND ON THE NEXT ONE IF WE COULD, 5007-M PERCENT
3 OF TEACHERS ON SUBSTANDARD CERTIFICATES AGAIN, THIS IS
4 EVEN HIGHER THAN IN THE POVERTY DISTRICTS AS A WHOLE, IT'S
5 ABOUT 13 PERCENT OF TEACHERS WHO ARE ON SUBSTANDARD
6 CERTIFICATES

7 Q IS THAT A HIGH NUMBER?

8 A THAT'S A HIGH NUMBER IF WE SAID THAT 13 PERCENT OF
9 THE DOCTORS IN SOUTH CAROLINA DID NOT HAVE A MEDICAL
10 LICENSE, I THINK PEOPLE WOULD BE CONCERNED ABOUT THAT
11 AND I THINK IT'S A, IT'S A HIGH NUMBER BASED ON WHAT OTHER
12 STATES ALSO HAVE

13 Q WILL THIS BE A GOOD TIME TO TALK ABOUT STATE
14 LICENSING FOR TEACHERS?

15 A SURE

16 Q OKAY ALL RIGHT GOOD THANKS FOR LEADING ME
17 TELL ME A LITTLE BIT ABOUT WHAT STATE LICENSING ACTUALLY
18 DOES AND WHETHER IT IS A GUARANTEE OF A QUALIFIED TEACHER
19 WHAT THE STATE TRIES TO DO

20 A LICENSING IN TEACHING IS LIKE LICENSING IN OTHER
21 PROFESSIONS IT DOESN'T GUARANTEE YOU THAT EVERYONE WILL
22 PRACTICE TO THE MAXIMUM LEVEL OF EFFECTIVENESS BUT IT'S A
23 MINIMUM STANDARD THAT SAYS THAT WE BELIEVE THAT WE HAVE
24 EVIDENCE THAT THIS PERSON HAS MASTERED CERTAIN KINDS OF
25 KNOWLEDGE AND SKILLS AND IS MINIMALLY QUALIFIED TO COME IN

1 AND BE PERMITTED TO PRACTICE IN THIS PROFESSION IN THIS
2 STATE

3 SO THAT'S WHAT IT MEANS AND SOUTH CAROLINA HAS
4 A LICENSING SYSTEM THAT'S VERY MUCH LIKE MOST OTHER
5 STATES, THAT HAS A NUMBER OF COMPONENTS IN IT, EVIDENCE
6 ABOUT BASIC SKILLS THERE'S A TEST THAT PEOPLE HAVE TO
7 TAKE, EVIDENCE ABOUT SUBJECT MATTER KNOWLEDGE THAT,
8 ANOTHER TEST THAT STUDENTS HAVE TO TAKE AND COURSES THAT
9 THEY ARE EXPECTED TO HAVE COMPLETED IN THE CONTENT AREA
10 THAT THEY ARE SUPPOSED TO TEACH, AND SOME EVIDENCE OF
11 TEACHING SKILLS BOTH THROUGH WHAT THEY ACCOMPLISH IN THE
12 TEACHER EDUCATION PROGRAM AND DEMONSTRATE IN THEIR STUDENT
13 TEACHING AND SO ON

14 AND THROUGH A -- AN ADDITIONAL TEST OF TEACHING
15 SKILLS, SO THAT'S A COMMON CONFIGURATION FOR STATE
16 LICENSING AND IT KIND OF SETS A MINIMUM BAR FOR PEOPLE TO
17 BE PERMITTED TO PRACTICE

18 Q IS SOUTH CAROLINA DISSIMILAR FROM THE MAJORITY OF
19 STATES IN TERMS OF ITS RIGOR FOR ADMISSION OF TEACHERS TO
20 THE PROFESSION?

21 A IT'S ABOUT, IT HAS TRIED TO IMPROVE ITS RIGOR IN
22 RECENT YEARS, BUT I WOULD SAY IT'S NOW AT ABOUT WHERE MANY
23 OTHER STATES ARE, IT'S A LITTLE LESS RIGOROUS IN A COUPLE
24 OF AREAS ABOUT AND ON PAR IN SOME -- IN MOST OF THE
25 CRITERIA

1 Q IS IT DESIGNED TO ASSURE A MINIMAL LEVEL OF ADEQUACY?

2 A YES, THAT'S -- I WOULD SAY IS THE IS THE GOAL AND
3 THAT'S ABOUT WHAT IT DOES

4 Q ALL RIGHT I WANT TO TURN NOW TO 5007 N AND AGAIN
5 WE ARE TALKING ABOUT PERCENTAGE OF TEACHERS FROM
6 NONCOMPETITIVE COLLEGES

7 A AGAIN HERE IN THE PLAINTIFF DISTRICTS AS IN THE HIGH
8 POVERTY DISTRICTS, THERE WERE MORE TEACHERS WHOSE DEGREES
9 ARE FROM NONCOMPETITIVE COLLEGES

10 Q DO YOU THINK THAT IS AN IMPORTANT FACTOR IN JUDGING,
11 AS A GROUP TEACHER QUALITY?

12 A WELL IT S LIKE ALL OF THESE DIFFERENT INDICATORS
13 THERE ARE VARIETIES OF INDICATORS YOU KNOW, IT GIVES YOU
14 SOME INDICATION OF HOW THE LABOR MARKET IS FUNCTIONING

15 THERE ARE CERTAINLY PEOPLE WITH BACHELOR'S
16 DEGREES FROM NONCOMPETITIVE COLLEGES WHO WENT TO THOSE
17 COLLEGES BECAUSE THEY HAVE LARGE TEACHER TRAINING
18 PROGRAMS, OR BECAUSE IT WAS CLOSE TO HOME OR WHATEVER WHO
19 ARE ABLE PEOPLE AND WHO ARE WHO ARE PROBABLY DOING AN
20 ADEQUATE JOB AND PARTICULARLY THEY HAVE ALSO PASSED THE,
21 YOU KNOW, LICENSING TESTS AND DONE OTHER THINGS

22 BUT WHEN YOU SEE A PATTERN ACROSS DISTRICTS WITH
23 A VARIETY OF QUALIFICATIONS THAT YOU LOOK AT WHERE THERE
24 ARE FEWER TEACHERS WITH YOU KNOW, THE KIND OF SELECTIVE
25 ACADEMIC TRAINING THAT COMES FROM MORE HIGHLY RATED

1 COLLEGES WITH DIFFERENTIAL IN DEGREES, WITH A DIFFERENTIAL
2 IN HAVING BEEN ABLE TO PASS THE LICENSING STANDARDS AND
3 YOU SEE THAT HAPPENING ACROSS A MULTIPLE DIMENSION IT'S
4 TELLING YOU THAT A GROUP OF DISTRICTS ARE HAVING
5 DIFFICULTY RECRUITING AND RETAINING PEOPLE ACCORDING TO
6 WHATEVER QUALIFICATIONS ONE LOOKS FOR AND TYPICALLY ONE
7 LOOKS ACROSS ALL OF THESE IF YOU ARE HIRING TEACHERS, THAT
8 THEY ARE FALLING SHORT IN A NUMBER OF AREAS

9 Q AND TALK ABOUT MARKET CONDITIONS, LET'S LOOK AT
10 5007-O

11 A UH-HUH

12 Q AND WHAT DOES THAT REFLECT PLEASE?

13 A AGAIN THAT SHOWS THAT THE PLAINTIFF DISTRICTS OFFER
14 LOWER TEACHER SALARIES, ABOUT TEN PERCENT LOWER THAN THOSE
15 IN THE NONPLAINTIFF DISTRICTS

16 Q ALL RIGHT DO WE SEE A PATTERN? I THINK YOU JUST,
17 YOU GOT INTO THAT JUST A MOMENT AGO DO YOU SEE A PATTERN
18 DEVELOPING HERE BOTH COMPARING THE LOW WEALTH DISTRICTS OR
19 THE HIGH POVERTY DISTRICTS WOULD BE A BETTER WAY OF
20 EXPRESSING AS STATED ON YOUR CHARTS AND ALSO THE PLAINTIFF
21 DISTRICTS WITH THE REST OF THE STATES IN TERMS OF THE WAY
22 THAT YOU MEASURE TEACHERS AND THE TEACHER QUALIFICATIONS?

23 A YES THERE'S CLEARLY A PATTERN THAT THE, THAT THE
24 PLAINTIFF DISTRICTS ARE, FOR A VARIETY OF REASONS NOT
25 RECRUITING AND RETAINING TEACHERS WHO MEET THE SAME LEVEL

1 OF STANDARD AND THE SAME LEVEL OF QUALIFICATIONS AT THE
2 SAME RATE AS OTHER DISTRICTS

3 Q DO YOU HAVE AN OPINION AS TO WHY THAT IS THAT THEY
4 ARE UNABLE TO RECRUIT AND RETAIN THE SAME QUALITY OF
5 TEACHERS?

6 A WELL, TYPICALLY -- AND THE EVIDENCE I HAVE LOOKED AT
7 SUGGESTS THAT THIS IS ALSO THE CASE IN SOUTH CAROLINA,
8 THAT'S A FUNCTION OF A LOT OF FACTORS, SALARY IS A FACTOR
9 YOU KNOW COMPETITIVENESS OF THE WAGES, WORKING CONDITIONS
10 ARE A MAJOR FACTOR THE KINDS OF MATERIALS AND EQUIPMENT
11 TEACHERS HAVE TO WORK WITH THE KIND OF FACILITIES THEY
12 TEACH IN, THE KINDS OF SUPPORTS THEY HAVE IN THE DISTRICT
13 MAKES A DIFFERENCE

14 THERE'S SOME EVIDENCE THAT TEACHERS ALMOST EQUAL
15 FIND IT EASIER TO TEACH STUDENTS WHO ARE BETTER SUPPORTED
16 AT HOME AND THAT WHEN YOU HAVE CONCENTRATIONS OF STUDENTS
17 FROM A HIGH POVERTY BACKGROUND WHERE THERE ARE HEALTH
18 NEEDS AND YOU KNOW VARIETY OF LACK OF SUPPORTS IN THE
19 COMMUNITY AND THE HOME AND SOMETIMES IN THE SCHOOLS AS
20 WELL BECAUSE OFTEN THE RESOURCES ARE LESS IN THE SCHOOLS
21 THAT CERTAINLY THOSE STUDENTS AS WELL, THAT YOU OFTEN NEED
22 TO PAY EVEN A HIGHER SALARY TO ATTRACT THE SAME QUALITY OF
23 TEACHER THAN YOU WOULD IN A DISTRICT WHERE THE TEACHING
24 CONDITIONS GENERAL TEACHING CONDITIONS ARE LESS
25 DIFFICULT

1 SO IT APPEARS IN THESE DISTRICTS AS THOUGH ALL
2 OF THOSE FACTORS ARE OPERATING

3 Q BECAUSE OF THE TEACHER SUPPLY YOU SAID GENERAL
4 OVERALL SUPPLY OF TEACHERS, IF A TEACHER HAS A CHOICE,
5 EVERYTHING ELSE BEING EVEN, WOULD MONEY MATTER IN WHERE
6 THAT TEACHER WENT TO TEACH?

7 A YES, TO SOME EXTENT ABSOLUTELY THERE IS EVIDENCE
8 THAT MONEY MATTERS WHERE YOU GO TO TEACH AND THEN THERE'S
9 SOME EVIDENCE THAT MONEY MATTERS ALSO WITH RESPECT TO
10 WHERE YOU STAY TEACHING, WHERE YOU CHOOSE TO CONTINUE TO
11 TEACH

12 Q SO DR DARLING-HAMMOND, YOU WERE NOT HERE LAST WEEK
13 OR THE WEEK BEFORE TO HEAR THE DESCRIPTION ABOUT SCHOOL
14 FACILITIES FROM VARIOUS PEOPLE WHO WORKED IN TWO OF THE
15 DISTRICTS WE HAVE DISCUSSED THUS FAR

16 WOULD THE QUALITY OF THE FACILITY, THAT IS
17 WHETHER IT'S ATTRACTIVE OR WHETHER IT'S CONDUCIVE TO
18 STUDENT LEARNING AND TEACHING, WHETHER IT IS ADEQUATE ON
19 ANY GROUNDS, WHETHER IT'S IN A GOOD NEIGHBORHOOD OR BAD
20 NEIGHBORHOOD, WOULD THAT POTENTIALLY IMPACT WHETHER A
21 TEACHER WHO HAS BEEN, BEEN RECRUITED MIGHT CHOOSE TO GO TO
22 THAT SCHOOL OR NOT GO TO THAT SCHOOL TO TEACH?

23 A WELL, YEAH, WE ALL KNOW THAT TEACHERS ARE ALTRUISTIC
24 AND TEACHING HAS ITS, YOU KNOW SHARE OF ALTRUISTS MAYBE
25 MORE THAN ITS FAIR SHARE BUT PEOPLE DO WEIGH AND BALANCE

1 THESE THINGS THEY TRY TO FIGURE OUT, YOU KNOW WHERE
2 THEY WILL BE ABLE TO DO AN EFFECTIVE JOB NOBODY LIKES TO
3 BE IN A SITUATION WHERE THEY CAN'T BE EFFECTIVE SO THOSE
4 THINGS MATTERS

5 SCIENCE TEACHERS WANT SCIENCE EQUIPMENT AND LABS
6 AND YOU KNOW, TEACHERS WANT THE CONDITIONS IN WHICH THEY
7 THINK THEY CAN BE SUCCESSFUL IN THEIR WORK THAT'S PART
8 OF THE INTRINSIC REWARD OF TEACHING IS TO BE SUCCESSFUL

9 SO OF COURSE PEOPLE WEIGH AND BALANCE ALL OF
10 THESE FACTORS AS THEY DECIDE WHAT KIND OF JOBS TO TAKE ON

11 Q AND WOULD YOU THINK IT WOULD BE DIFFICULT FOR A
12 SCHOOL DISTRICT IN ONE OF THESE HIGH POVERTY AREAS TO
13 ATTRACT A TEACHER FROM SOMEWHERE ELSE IN THE STATE OR
14 SOMEWHERE ELSE FROM OUTSIDE OF THE STATE, IN OTHER WORDS
15 SOMEBODY OTHER THAN A HOMEGROWN PERSON TO COME IN AND
16 TEACH IN THAT SCHOOL SYSTEM WITH THE SALARY STRUCTURE
17 BEING THE WAY IT IS AND THE GENERAL CONDITIONS THAT WOULD
18 IMPACT THE DECISION SUCH AS THE LACK OF APPROPRIATE
19 SUPPORT SUPPLIES FACILITIES OR WHAT HAVE YOU?

20 A WELL, YEAH I MEAN, IT KIND OF STANDS TO REASON AND
21 IT CERTAINLY, YOU KNOW, RESEARCH, YOU KNOW, UNDERSCORES
22 THAT WORKS THIS WAY, THAT THE STATE OR PERSON WILL COME
23 TEACH WITH US, YOU WILL MAKE LESS MONEY, YOU WILL HAVE
24 LESS SUPPLIES AND MATERIALS, YOU WILL HAVE KIDS WHO HAVE A
25 LOT GREATER NEEDS AND A LOT FEWER SUPPORTS, THAT THAT'S A

1 TOUGH SELL FOR A DISTRICT, THAT YOU NEED TO BE ABLE TO
2 PROVIDE PEOPLE WITH THE CONDITIONS IN WHICH THEY HAVE A
3 REASONABLE EXPECTATION OF BEING ABLE TO BE SUCCESSFUL TO
4 GET THE TEACHERS WHO HAVE A WIDE VARIETY OF OPTIONS

5 SOME PEOPLE HAVE FEWER OPTIONS THAN OTHERS AND
6 FOR EXAMPLE TEACHERS WHO ARE NOT FULLY CREDENTIALLED THOSE
7 WHO HAVE NOT COMPLETED AND MET THE STANDARDS HAVE FEWER
8 OPTIONS THAN OTHERS, THEY MAY BE MORE LIKELY TO END UP IN
9 DISTRICTS THAT CAN'T OFFER THEM THE KIND OF CONDITIONS IN
10 WHICH THEY -- MOST PEOPLE WOULD WANT TO BE ABLE TO TEACH

11 Q IS THAT WHAT YOU SEE COMING INTO PLAY HERE BASED ON
12 YOUR RESEARCH?

13 A IT CERTAINLY LOOKS LIKE IT JUST LIKE THE OTHER
14 BATCH OF ANALYSIS THAT WE DID ALMOST ALL OF THESE CHARTS
15 THAT WE HAVE JUST SEEN SHOW A HIGH LEVEL OF STATISTICAL
16 SIGNIFICANCE IN THE DIFFERENCES BETWEEN THE PLAINTIFF AND
17 NONPLAINTIFF DISTRICTS

18 SO THIS IS NOT -- WHAT THAT SIMPLY MEANS IS IT'S
19 NOT HAPPENING BY CHANCE THAT THERE'S SYSTEMATIC GOING ON
20 HERE IN THE DISTRICT WITH THESE TEACHERS

21 Q LET'S TURN NOW TO THE NEXT SERIES OF CHARTS WHICH
22 MEASURES STUDENTS' OUTCOME BASED ON DIFFERENT TEACHERS'
23 QUALIFICATION, SAME ONES WE DISCUSSED AND WE WILL START
24 WITH 5007-P AND TAKE US THROUGH THESE CHARTS AND I WILL
25 STOP YOU -- GO SLOWLY IF YOU WILL -- I WILL STOP YOU TO

Linda Darling Hammond Ph D (Plaintiffs Expert)
Charles E Ducommun Prof of Education Stanford Univ
Former Exec Dir Natl Comm on Teaching and America's
Future
Direct Examination by Mr Epps

1 THE COURT THANK YOU WE WILL TAKE OUR MORNING
2 RECESS AT THIS POINT IN TIME DR DARLING-HAMMOND, OUR
3 RULES DO NOT ALLOW YOU TO TALK WITH ANYBODY ABOUT YOUR
4 TESTIMONY WHILE YOU'RE OFF THE STAND YOU CAN TALK
5 WITH

6 (ADMONISHED WITNESS NOT TO TALK WITH ANYBODY)

7 THE COURT BE IN RECESS FOR 15 MINUTES

8 (WHEREUPON A RECESS WAS HAD)

9 THE COURT DR DARLING-HAMMOND, IF YOU WILL RESUME
10 THE STAND, PLEASE MA'AM

11 (WHEREUPON THE WITNESS RESUMED THE STAND)

12 BY MR EPPS

13 Q DO YOU NEED A COPY OF YOUR SLIDES?

14 A YEAH

15 Q DR DARLING-HAMMOND, WE TALKED ABOUT TEACHER
16 QUALIFICATIONS AND AT-RISK STUDENTS IN GENERAL AND, YOU
17 KNOW, WHAT TYPE OF QUALIFICATIONS OR TALENTS THE TEACHER
18 NEEDS TO TEACH DISADVANTAGED CHILDREN

19 NOW, I WANT TO LOOK AT SOME DATA AND PERHAPS
20 IT'D BE GOOD TO BRING THE NEXT SLIDE UP ON THIS AND SEE
21 HOW THE DIFFERENCES IN THE TEACHER QUALIFICATIONS THAT WE
22 HAVE BEEN THROUGH IMPACT A STUDENT PERFORMANCE AND
23 PARTICULARLY STUDENT'S PERFORMANCE IN LOW-INCOME AREAS
24 AND LET'S BRING--

25 A WELL--

1 Q LET'S BRING UP 5007-V

2 A GO AHEAD AND TALK ABOUT THAT?

3 Q YES, PLEASE

4 A OKAY ONE OF THE THINGS THAT'S ALWAYS A PUZZLE IN
5 THESE KIND OF INVESTIGATIONS IS YOU OFTEN HAVE A VERY HIGH
6 CORRELATION AS WE HAVE SEEN BETWEEN THE DISTRIBUTION OF
7 TEACHERS IN POOR AND LESS POOR DISTRICTS AND ALSO
8 ACHIEVEMENT

9 AND THERE IS A LOT OF LITERATURE THAT SUGGESTS
10 THAT THE FAMILY INCOME AND PARENT EDUCATION AND SO ON ALSO
11 HAVE AN INDEPENDENT EFFECT ON ACHIEVEMENT SO IT'S HARD
12 TO DISENTANGLE ALL OF THAT BECAUSE IF THE HOME IS LESS
13 SUPPORTIVE HAS FEWER LEARNING RESOURCES THEN YOU ARE
14 GOING TO GET EFFECT ON ACHIEVEMENT, BUT SCHOOLS MAY ALSO
15 BE LESS SUPPORTIVE IF THEY DON'T HAVE ALL THE RESOURCES
16 AND QUALITY TEACHERS THAT ARE NEEDED

17 SO WHAT I DID HERE WAS I JUST USED A TECHNIQUE
18 THAT'S OFTEN USED WHERE YOU KIND OF CONTROL FOR POVERTY,
19 USE STATISTICAL METHODS TO CONTROL FOR POVERTY TAKE THAT
20 EFFECT OUT AND LOOK AT WHETHER AFTER YOU HANDLE THAT,
21 AFTER YOU HAVE ACCOUNTED FOR THAT, WHETHER THESE KINDS OF
22 VARIABLES STILL HAVE AN EFFECT ON ACHIEVEMENT INDEPENDENT
23 OF POVERTY

24 AND WHAT WE FOUND IN LOOKING AT THIS IS THAT THE
25 PERCENT OF TEACHERS ON SUBSTANDARD CERTIFICATES HAS A

1 VERY, VERY HIGH CORRELATION WITH THE PERCENTAGE OF
2 STUDENTS SCORING BELOW BASIC THE MORE KIDS -- THE MORE
3 TEACHERS WHO ARE WITHOUT FULL CREDENTIALS THE MORE
4 STUDENTS WHO ARE SCORING ABOVE BASIC

5 A CORRELATION OF POINT SIX IS VERY SIGNIFICANT
6 IT'S A SCALE THAT GOES FROM ZERO TO ONE SO POINT SIX IS
7 HIGH AND IF YOU CONTROL FOR POVERTY, YOU STILL HAVE A
8 HIGH CORRELATION WHICH IS POINT 24, THAT RED BAR, WHICH IS
9 STILL STATISTICALLY SIGNIFICANT

10 THAT IS TO SAY, THE RELATIONSHIP BETWEEN THE
11 QUALIFICATIONS OF TEACHERS AND THE ABILITY OF STUDENTS TO
12 ACHIEVE AT A BASIC LEVEL OR ABOVE IS STILL VERY HIGHLY
13 CORRELATED

14 SAME THING IS TRUE WITH THE PERCENTAGE OF
15 TEACHERS ON CONTINUING CONTRACTS THESE TEACHERS WHO HAVE
16 MET THE STANDARDS AND WHO HAVE YOU KNOW FINISHED THEIR
17 PROBATIONARY PERIOD AND GOTTEN CERTIFIED

18 AFTER YOU CONTROL FOR POVERTY THERE IS STILL A
19 STRONGLY SIGNIFICANT RELATIONSHIP BETWEEN THE PERCENTAGE
20 OF CONTINUING CONTRACT TEACHERS AND THE PERCENTAGE OF
21 STUDENTS WHO SCORE YOU KNOW, AT OR ABOVE BASIC LEVEL

22 SO THE RELATIONSHIP IMPACT IS ONE WAY, THE MORE
23 TEACHERS ON CONTINUING CONTRACTS THE FEWER STUDENTS
24 SCORING BELOW BASIC IN STATISTICAL TERMS THAT WOULD BE A
25 NEGATIVE CORRELATION BUT I SHOWED IT HERE IN TERMS OF THE

1 SIZE OF THE CORRELATION

2 I ALSO WANTED TO SEE HOW THIS PLAYS OUT IF YOU
3 LOOK AT SCHOOL RESOURCES AGAINST POVERTY AND RACE BECAUSE
4 THIS IS A, YOU KNOW, KIND OF AN ONGOING CONVERSATION ABOUT
5 WELL WHAT REALLY ACCOUNTS FOR STUDENT LEARNING

6 SO I IN ADDITION I DID A REGRESSION EQUATION
7 THAT WE TALKED ABOUT AT MY DEPOSITION WHICH BASICALLY
8 SHOWS THAT, YES, POVERTY AND RACE DO HAVE A STRONG EFFECT
9 ON PREDICTING THE PERCENTAGE OF STUDENTS WHO ARE BELOW
10 BASIC, BUT IF YOU ADD IN THE PERCENTAGE OF TEACHERS ON
11 SUBSTANDARD CREDENTIALS AND THEN YOU ALSO LOOK AT SOME OF
12 THESE OTHER TEACHER QUALITY VARIABLES YOU HAVE CONTINUING
13 CONTRACTS AND VACANCIES THAT ARE FILLED OR UNFILLED, YOU
14 ACTUALLY GET A SIGNIFICANT EFFECT OF THE TEACHER
15 QUALIFICATIONS, THE PERCENTAGE OF SUBSTANDARD CERTIFICATES
16 AND THE RACE EFFECT GOES AWAY, THAT IS TO SAY, THE EFFECT
17 OF RACE ON A TEACHER BECOMES INSIGNIFICANT

18 SO WHILE YOU CAN'T WITH THE VARIABLES THAT WE
19 CAN LOOK AT WHICH IS A SMALL SLICE OF THE REALITY IN
20 DISTRICTS, NOW YOU CAN'T ACCOUNT FOR ALL OF THE STUDENT
21 PERFORMANCE, YOU CAN MAKE A MAJOR DENT IN WHAT ACTUALLY
22 STUDENTS ARE ABLE TO LEARN BY PROVIDING THEM WITH BETTER
23 QUALIFIED TEACHERS, BY PROVIDING THEM WITH A STABLE
24 COMPETENT TEACHING FORCE

25 Q ALL RIGHT THIS IS BASED ON SOUTH CAROLINA DATA?

1 A THIS IS SOUTH CAROLINA DATA

2 Q AND SO BUT THE PURPOSE OF THIS WAS TO FIND OUT
3 WHETHER THE TEACHER QUALIFICATIONS THAT WE WENT THROUGH
4 EARLIER HAD ANY IMPACT ON STUDENT PERFORMANCE PARTICULARLY
5 AT-RISK OR KIDS RAISED IN POVERTY?

6 A RIGHT

7 Q AND IN SUMMARY YOU FOUND, WHAT?

8 A WHAT I FOUND THAT TEACHER QUALIFICATIONS DO AFFECT
9 STUDENT ACHIEVEMENT, THE PERCENTAGE OF KIDS WHO ARE ABLE
10 TO SCORE AT BASIC OR THOSE WHO SCORE BELOW BASIC AND
11 THAT THOSE QUALIFICATIONS AND A RANGE OF TEACHER VARIABLES
12 THAT WE LOOKED AT HAVE THAT EFFECT INDEPENDENT OF AND IN
13 ADDITION TO THE KINDS OF EFFECTS THAT WE NORMALLY SEE FROM
14 POVERTY AND THE EFFECTS OF THESE OTHER SCHOOL VARIABLES
15 ARE SUFFICIENT TO ELIMINATE WHAT YOU USUALLY SEE AS THE
16 EFFECT OF RACE ON TOP OF THAT FORM ACHIEVEMENT TO MAKE IT
17 NONSIGNIFICANT SO TO SPEAK

18 Q THAT S WHAT I WANT TO FOCUS ON AS A SECOND PART OF
19 THIS DISCUSSION TO MAKE SURE THAT I UNDERSTAND IT THE
20 COURT UNDERSTANDS IT --

21 A UH-HUH

22 Q -- WHAT WERE YOU -- WHAT DID YOU FIND OUT WHEN YOU
23 LOOKED AT THE TEACHER QUALIFICATIONS IN THE PLAINTIFF
24 DISTRICTS AND THE TEACHER QUALIFICATIONS, I GUESS IN HIGH
25 POVERTY DISTRICTS, CORRECT?

1 A YEAH
2 Q THIS IS A HIGH POVERTY NOT THE PLAINTIFF DISTRICTS?
3 A UH-HUH
4 Q WHEN YOU LOOK AT TEACHER QUALIFICATIONS AS WE WENT
5 THROUGH EARLIER AND THEN DID A REGRESSION ANALYSIS --
6 A UH-HUH
7 Q -- AND LOOKED AT WHAT IMPACT TEACHER QUALIFICATIONS
8 HAD ON THE CHILD'S ABILITY TO LEARN --
9 A UH-HUH
10 Q -- ULTIMATELY AND RACE, YOU LOOKED AT IT NOT ONLY
11 FROM POVERTY BUT FROM RACE WHAT DID YOU FIND?
12 A I FOUND THAT POVERTY HAS A STRONG AFFECT ON STUDENT
13 ACHIEVEMENT AND RACE DOES AS WELL WHEN YOU JUST LOOK AT
14 THOSE TWO VARIABLES ALONE BUT WHEN YOU ADD IN LOOKING AT
15 THE PERCENTAGE OF TEACHERS WHO ARE ON SUBSTANDARD
16 CREDENTIALS, THE EFFECT OF RACE BECOMES INSIGNIFICANT
17 STATISTICALLY, NONSIGNIFICANT
18 THE EFFECT OF TEACHERS ON SUBSTANDARD
19 CREDENTIALS IS HIGHLY SIGNIFICANT IN PREDICTING STUDENT
20 ACHIEVEMENT EVEN AFTER YOU HAVE CONTROLLED THE POVERTY AND
21 CONTROLLED FOR RACE
22 WHEN YOU ADD IN OTHER SCHOOL VARIABLES, VACANCY
23 RATES AND TEACHERS ON CONTINUING CONTRACT AND SO ON, YOU
24 EXPLAIN A LITTLE BIT MORE OF THE VARIATION IN STUDENT
25 ACHIEVEMENT

1 Q MEANING WHAT, PLEASE?

2 A THAT YOU ARE ABLE TO, THOSE THINGS ALSO AFFECT
3 STUDENT ACHIEVEMENT SO THEY THEY ADD SOME ABILITY TO
4 EXPLAIN THE DIFFERENCES IN STUDENT ACHIEVEMENT

5 Q AND SO THE EFFECT OF RACE AND POVERTY DOESN'T
6 DISAPPEAR BUT IT CERTAINLY DIMINISHED?

7 A IT'S DIMINISHED

8 Q AND ON THE RACE SIDE IT LITERALLY BECOMES
9 INSIGNIFICANT?

10 A IT BECOMES STATISTICALLY NONSIGNIFICANT

11 Q WHAT DOES THAT LEAD YOU TO AGAIN, WITH RESPECT TO
12 TRYING TO PROVIDE AN ADEQUATE EDUCATIONAL OPPORTUNITY TO
13 ETHNIC MINORITIES AND CHILDREN WHO ARE RAISED IN POVERTY?

14 A WELL, IT JUST SUGGESTS THAT THERE IS SOME BENEFIT TO
15 PUTTING EFFORT INTO ENSURING THAT THE, THAT THE STUDENTS
16 HAVE TEACHERS WHO MEET THE STATE STANDARDS FOR
17 QUALIFICATIONS WHO, YOU KNOW, ARE BETTER PREPARED, WHO
18 HAVE MORE EXPERIENCE AND TRAINING AS IN THE CASE OF
19 CONTINUING CONTRACT TEACHERS, THEY HAVE TO HAVE A LITTLE
20 BIT MORE EXPERIENCE AS WELL AS HAVING MET THE CREDENTIAL
21 STANDARDS

22 IT'S THAT THOSE THINGS MAKE A DIFFERENCE
23 THAT'S REALLY WHAT IT TELLS US, THAT NO SINGLE FACTOR
24 ALONE ELIMINATES THE LONG-STANDING EFFECTS OF POVERTY BUT
25 THAT THEY CAN REALLY MAKE A DIFFERENCE IN OUTCOMES OF

1 STUDENTS

2 Q I WANT TO TALK TO YOU A LITTLE BIT ABOUT WHAT TYPE OF
3 EFFORT IS NEEDED TO PROVIDE A CHILD BORN INTO A FAMILY OF
4 POVERTY WHERE THE PARENTS HAVE LITTLE TO NO FORMAL
5 EDUCATION AND TELL ME, IF YOU WILL, WHAT TYPE OF
6 ACTIVITIES OR EFFORT IS NEEDED TO PROVIDE THESE CHILDREN
7 EDUCATIONAL OPPORTUNITIES OR AN OPPORTUNITY TO RECEIVE A
8 MINIMALLY ADEQUATE EDUCATION

9 A WELL, I THINK THAT YOU HAVE TO LOOK AT IT FROM
10 SEVERAL DIMENSIONS FIRST OF ALL, MANY TIMES CHILDREN WHO
11 LIVE IN POVERTY HAVE -- AND THE SOUTH CAROLINA EDUCATIONAL
12 OVERSIGHT COMMITTEE HAS POINTED THIS OUT, HAVE MORE
13 DIFFICULT HEALTH CIRCUMSTANCES, AND IF YOU HAVE HEALTH
14 DIFFICULTIES THAT AFFECTS YOUR LEARNING, YOU HAVE OFTEN
15 NUTRITIONAL NEEDS AND SO ON, HAVE LESS ACCESS, MAYBE NO
16 ACCESS TO BOOKS IN THE HOME, TO, YOU KNOW EXTRA
17 ACTIVITIES, SUMMER CAMPS, ALL OF THE KINDS OF THINGS THAT
18 HELP CHILDREN GET INFORMATION ABOUT THE WORLD AND BEGIN TO
19 LEARN

20 SO TO TEACH THEM SO THAT THEY REACH THE SAME
21 KIND OF STANDARDS WHERE YOU ARE REALLY WANTING TO BE SURE
22 THAT YOU MAKE UP IN THE SCHOOL FOR WHAT HAS NOT BEEN
23 AVAILABLE IN THE HOME, THOSE DISTRICTS HAVE TO TAKE CARE
24 OF THEIR SORT OF HEALTH AND NUTRITIONAL NEEDS AND SO ON,
25 OFTEN NEED A SUBSTANTIAL PARENT-EDUCATION PROGRAMS BECAUSE

1 THE PARENT EFFECT IS A STRONG ONE AND IF PARENTS KNOW MORE
2 ABOUT HOW TO READ TO THEIR CHILDREN AND HOW TO BE
3 SUPPORTIVE OF THEIR CHILDREN THAT CAN HELP

4 AND THEN THEY HAVE TO DO ALL OF THE WORK OF
5 EDUCATION WHICH INCLUDES PROVIDING A RICHER EXPERIENCE
6 USUALLY IN TERMS OF LITERACY OFTEN IT REQUIRES PRESCHOOL
7 EDUCATION YOU NEED TO START EARLIER BECAUSE OTHER KIDS
8 ARE GETTING PRESCHOOL AS WELL AS HOME SUPPORT

9 SO YOU NEED TO BE SURE THAT STUDENTS ARE
10 LEARNING HOW TO, THERE'S SO MUCH THAT GOES INTO BEGINNING
11 READING FOR EXAMPLE IT'S YOUR EXPOSURE TO ORAL LANGUAGE
12 THAT BUILDS YOUR VOCABULARY AND BUILDS YOUR SENSE OF
13 MEETING YOUR EXPOSURE TO LITERACY MATERIALS AND BOOKS
14 THERE'S LEARNING ABOUT, YOU KNOW LETTER SOUNDS
15 COMBINATIONS WHICH A LOT OF KIDS COME TO SCHOOL ALREADY
16 HAVING MASTERED THEY START KINDERGARTEN PRACTICALLY
17 READING OR PERHAPS READING

18 STUDENTS WHO HAVEN'T HAD THOSE EXPERIENCES NEED
19 TO GET ALL OF THAT IN THE SCHOOL AND THEY NEED IT
20 SUFFICIENTLY BOTH DURING THE SCHOOL DAY AND THEN OFTEN
21 BETWEEN TIMES

22 ONE OF THE OTHER FINDINGS WE HAVE IS THAT
23 STUDENTS, PARTICULARLY THOSE FROM LOWER INCOME FAMILIES,
24 LOSE GROUND EVERY SUMMER BECAUSE WHILE SOME STUDENTS ARE
25 GOING AHEAD AND GETTING ADDITIONAL ENRICHMENT ACTIVITIES

1 DURING THE SUMMER, STUDENTS WHO DON'T HAVE THAT
2 OPPORTUNITY MAY ACTUALLY LOSE, FORGET A FAIR AMOUNT OF
3 WHAT THEY LEARNED DURING THE SCHOOL YEAR

4 SO YOU NEED TO HAVE RICH CLASSROOMS WITH VERY
5 ACTIVE INSTRUCTION TEACHERS WHO ARE HIGHLY SKILLED IN
6 PUTTING TOGETHER ALL OF THIS KIND OF INSTRUCTION AS WELL
7 AS AN ENVIRONMENT FOR EXAMPLE FOR READING, FOR MATHEMATICS
8 AND SCIENCES AS WELL AND YOU NEED THE ADDITIONAL SUPPORT
9 DURING THE SUMMER AND SOMETIMES AFTER SCHOOL TO ENABLE
10 STUDENTS TO CATCH UP

11 Q CATCH UP LET ME ASK YOU A QUESTION ABOUT WHAT
12 SCHOOLS CAN DO BECAUSE WE TALKED ABOUT A PUBLIC SCHOOL
13 SYSTEM AND THEN WE TALKED ABOUT SOME HEALTH ISSUES OR
14 NUTRITIONAL ISSUES AND SUCH AS THAT

15 IS IT APPROPRIATE FOR THE PUBLIC SCHOOL SYSTEM,
16 K THROUGH 12 FOR EXAMPLE TO INTERFACE WITH OTHER STATE
17 AGENCIES SUCH AS HEALTH AND HUMAN SERVICES OR DEPARTMENT
18 OF SOCIAL SERVICES OR WHATEVER OTHER AGENCIES OF THE
19 STATE TO COORDINATE THE WELL BEING AND EDUCATION OF THAT
20 CHILD?

21 A ABSOLUTELY AND STATES WHERE WE HAVE SEEN REAL
22 HEADWAY IN TERMS OF BRINGING UP THE ACHIEVEMENT OF
23 STUDENTS WHO HAVE BEEN, YOU KNOW, LEFT BEHIND, IF YOU
24 WILL, HAVE TYPICALLY HAD THAT KIND OF COORDINATION OF
25 HEALTH SERVICES AND HUMAN SERVICES AND INVESTMENTS IN

1 AND --

2 A RIGHT

3 Q -- AND PROBLEMS WITH IDENTIFYING CORE KNOWLEDGE EVEN
4 ON THE LICENSING EXAMINATION DO YOU HAVE TEACHERS THAT
5 DON'T HAVE THE CORE KNOWLEDGE TO TEACH THE SUBJECT MATTER
6 THEY ARE TEACHING?

7 A OH, ABSOLUTELY AND IT DOES APPEAR THAT SOUTH
8 CAROLINA HAS ITS SHARE OF PEOPLE WHO MAY NOT HAVE CORE
9 KNOWLEDGE AND THAT KIND OF GETS TO THE CONTENT OF THE
10 PROFESSIONAL DEVELOPMENT THERE'S TWO PARTS OF THE
11 CONTENT BASE

12 ONE THING THAT'S IMPORTANT IS THAT IF YOU DON'T
13 HAVE PEOPLE WHO COME IN WITH SOLID KNOWLEDGE OF THE
14 CONTENT AND SOLID KNOWLEDGE OF HOW TO TEACH, THEY'VE
15 ALREADY STUDIED HOW DO PEOPLE LEARN HOW DO CHILDREN
16 DEVELOP, WHAT ARE TEACHING TECHNIQUES THAT ARE EFFECTIVE
17 IN ELEMENTARY MATHEMATICS OR SECONDARY SCIENCE, CATCHING
18 THEM UP WITH LATER PROFESSIONAL DEVELOPMENT IS VERY
19 DIFFICULT

20 IF YOU DON'T HAVE PEOPLE ADEQUATELY TRAINED THE
21 BANDAIDS AT THE BACK END ARE MOST LIKELY TO BE
22 UNSUCCESSFUL SO A LOT OF THAT CONTENT IS IDEALLY SECURED
23 BEFORE YOU GET IN THE CLASSROOM AND IT'S VERY HARD TO
24 LEARN TO TEACH IF YOU HAVEN'T SEEN GOOD PEOPLE TEACH YOU
25 HAVEN'T STUDIED YOU KNOW IN STUDENT TEACHING IN A

1 CLINICAL SETTING

2 SO IF YOU MISS THAT, IF YOU COME IN THROUGH AN
3 ALTERNATIVE ROUTE OR YOU COME IN THROUGH SORT OF A BACK
4 DOOR, YOU MAY HAVE MISSED A LOT OF THOSE THINGS AND THEN
5 THE PROFESSIONAL DEVELOPMENT IS MORE DIFFICULT

6 SO YOU HAVE TO HAVE THAT CORE KNOWLEDGE AND IT
7 NEEDS TO BE FLEXIBLE KNOWLEDGE OF THE CONTENT AREA BECAUSE
8 YOU HAVE TO KNOW IT DEEPLY ENOUGH, NOT JUST TO HAVE ONE
9 WAY OF TALKING TO THE KIDS ABOUT IT -- I'M GOING TO TELL
10 IT TO YOU AND YOU ARE GOING TO LEARN IT -- YOU HAVE TO BE
11 ABLE TO REPRESENT IT IN LOTS OF DIFFERENT WAYS

12 YOU HAVE TO UNDERSTAND WHAT ARE THIRD GRADERS
13 LIKELY TO MISUNDERSTAND ABOUT DIVIDING BY FRACTIONS
14 THAT'S A HARD CONCEPT YOU UNDERSTAND AND IF YOU
15 UNDERSTAND IT DEEPLY, THEN YOU CAN EXPLAIN IT

16 BUT IF YOU DON'T YOU ARE LIKELY TO JUST DO IT BY
17 ROTE, AND THE KIDS WILL TRY TO DO IT BY ROTE, AND THEY
18 WILL GET CONFUSED SO THAT HAS TO HAPPEN BEFORE YOU GET
19 IN THE CLASSROOM TO A LARGE EXTENT

20 BUT THEN ONCE YOU'RE IN THE CLASSROOM THE
21 CONTENT OF PROFESSIONAL DEVELOPMENT NEEDS TO BOTH HELP YOU
22 LEARN WITHIN YOUR CONTENT AREA AND IT'S MUCH BETTER FOR IT
23 TO BE CONTENT BASED THAN GENERIC AND ALSO THERE'S
24 EVIDENCE THAT THE KIND OF PROFESSIONAL DEVELOPMENT OUGHT
25 TO HELP YOU SPECIFICALLY LEARN TO TEACH DIVERSE LEARNERS

1 IT'S AN INTERESTING STUDY THAT CAME OUT USING THE NATIONAL
2 ASSESSMENT OF EDUCATIONAL PROGRESS

3 Q YOU USED THE WORDS DIVERSE LEARNERS THAT'S BEEN
4 USED, TO MY KNOWLEDGE, ONE TIME IN THIS WHAT IS A
5 DIVERSE LEARNER?

6 A WHAT OF COURSE FALLS UNDER THAT CATEGORY ARE LEARNERS
7 WHO HAVE DIFFERENT LEARNING NEEDS, EXCEPTIONAL NEEDS,
8 SPECIAL NEED STUDENTS, WHO MAY HAVE A RANGE OF LEARNING
9 DISABILITIES OR LEARNING DIFFICULTIES

10 IT CAN MEAN, AS WELL, STUDENTS WHO HAVE A RANGE
11 OF LANGUAGE BACKGROUNDS, STUDENTS WHOSE FIRST LANGUAGE IS
12 NOT ENGLISH AND WHO ARE NEEDING TO LEARN ENGLISH AND
13 CONTENT AT THE SAME TIME IT CAN MEAN STUDENTS FROM A
14 VARIETY OF RACIAL ETHNIC AND CULTURAL BACKGROUNDS WHO
15 BRING DIFFERENT KINDS OF EXPERIENCES AND CULTURAL
16 KNOWLEDGE TO THE CLASSROOM THAT YOU HAVE TO BE ABLE TO
17 CONNECT TO IF YOU ARE GOING TO BE ABLE TO MAKE SURE THAT
18 WHAT S GOING ON IN THE CLASSROOM IS UNDERSTANDABLE TO
19 STUDENTS

20 Q ARE TEACHERS TAUGHT HOW TO TEACH, TO YOUR KNOWLEDGE,
21 HOW TO TEACH ETHNIC MINORITIES IN THEIR CULTURAL
22 BACKGROUNDS THAT WOULD MAKE THEM LEARN DIFFERENTLY?

23 A THERE ARE MANY TEACHER EDUCATION PROGRAMS THAT NOW
24 HAVE A LOT OF INTENSE STUDY OF HOW TO TEACH STUDENTS IN
25 ALL OF THOSE CATEGORIES AND WHAT IMPLICATIONS IT HAS FOR

Linda Darling Hammond Ph D (Plaintiffs Expert)
Charles E Ducommun Prof of Education Stanford Univ
Former Exec Dir Natl Comm on Teaching and America's
Future
Direct Examination by Mr Epps

1 POLICIES ACTUALLY THE SAME THING COULD BE SAID OF
2 CALIFORNIA'S POLICIES A LOT OF FRAGMENTATION, NOT THAT
3 SENSE OF FOCUS AND INTENSITY AND SUSTAINABILITY THAT A LOT
4 OF PROGRAMS, GOOD IDEAS HAVE COME AND THEY HAVE GONE, THEY
5 HAVE BEEN FUNDED AT A RELATIVELY SMALL LEVEL AND NOT
6 SUSTAINED OVER TIME

7 AND SO WHILE THERE HAS BEEN PROGRESS IN SOUTH
8 CAROLINA, IT HASN'T BEEN SUFFICIENT PARTICULARLY IN THESE
9 DISTRICTS WITH THE LONG TERM EFFORT WITH THE LEVEL OF
10 CONTINUITY IN POLICY TO ALLOW ADEQUATE CATCH UP ON THE
11 PART OF THE DISTRICTS AND THE STUDENTS

12 FOR EXAMPLE THERE WAS -- WHEN THE
13 ACCOUNTABILITY ACT CAME IN THERE WAS ABOUT SEVEN MILLION
14 DOLLARS PUT ASIDE FOR HELPING PROFESSIONAL DEVELOPMENT
15 AROUND THE STANDARDS, ABOUT THREE MILLION DOLLARS FOR
16 READING INSTITUTES

17 BUT THAT'S A VERY TINY DROP IN THE BUCKET
18 COMPARED TO WHAT YOU, YOU NEED OVER TIME SUSTAINED TO
19 ACTUALLY ENSURE THAT ALL OF THE TEACHERS COULD TEACH TO
20 THE STANDARDS AND TEACH READING EFFECTIVELY

21 SO GOOD THINGS HAVE BEEN DONE BUT OFTEN AT A
22 VERY SMALL SCALE AND SORT OF A YO-YO DIET OF PROFESSIONAL
23 DEVELOPMENT IT COMES AND IT GOES AND IT DOESN'T STAY
24 OVER TIME

25 MR EPPS ONE MOMENT PLEASE YOUR HONOR

1 AND THE FACILITIES AND SO ON THAT WOULD ALLOW THAT KIND OF
2 EDUCATION THAT'S NECESSARY TO GO ON

3 Q WITHIN THAT BROAD UMBRELLA OF QUALIFIED TEACHERS
4 WOULD YOU INCLUDE SUCH THINGS AS THE PERCENTAGE OF
5 TEACHERS ON, NOT ON CONTINUING CONTRACTS, THE LACK OF
6 TEACHERS WITH ADVANCED DEGREES, THE PERCENTAGE OF
7 SUBSTANDARD CERTIFICATES BEING OFFERED IN THE DISTRICT,
8 THE PERCENTAGE OF TEACHERS FROM NONCOMPETITIVE COLLEGES
9 THAT YOU DISCUSSED WOULD YOU CONSIDER THAT ALL AS A
10 PACKAGE OF LACK OF QUALIFIED TEACHERS TO TEACH IN THE
11 PLAINTIFF SCHOOL DISTRICTS AND ESPECIALLY THIS GROUP OF
12 CHILDREN?

13 A WELL, WE CONSIDER THOSE VARIOUS INDICATORS AS A
14 PACKAGE OF EVIDENCE OF THE DIFFICULTY THAT THE DISTRICTS
15 HAVE RECRUITING AND RETAINING TEACHERS ACCORDING TO
16 DIFFERENT DEFINITIONS OF QUALIFICATIONS, VARIOUS WAYS OF
17 SEEKING TEACHER QUALITY OR TEACHER QUALIFICATIONS

18 WITH RESPECT TO THE REQUIREMENT THAT THE STATE
19 HAS SORT OF SET FOR ITSELF THAT REQUIREMENT IS THAT IT
20 HAS SET A SET OF STANDARDS THAT ARE REASONABLY RELATED TO
21 THE EXPECTATIONS IT HAS FOR TEACHERS TO TEACH TO THESE
22 STANDARDS AND THOSE ARE REFLECTED IN THE CERTIFICATION
23 SYSTEM

24 AND I THINK THAT THE FACT, THE INABILITY OF THE
25 STATE TO ENSURE THAT EVEN THAT MINIMAL STANDARD IS MET IS

1 PARTICULARLY PROBLEMATIC IT WOULD BE NICE TO HAVE MORE
2 TEACHERS WITH ADVANCED DEGREES PERHAPS BUT THAT'S NOT
3 REALLY THE STATE STANDARD FOR WHAT TEACHERS NEED TO KNOW
4 IN ORDER TO BE ABLE TO BE MINIMALLY QUALIFIED SO I THINK
5 THAT THE CERTIFICATION STANDARD IS PARTICULARLY IMPORTANT
6 FROM THAT PERSPECTIVE

7 Q NOW I'M NOT SURE IF YOU THREW THE REMEDIAL HELP OR
8 THE LACK OF REMEDIAL HELP INTO THAT, INTO THAT AS A BASIS
9 FOR YOUR OPINION, BUT BECAUSE OF THESE STUDENTS NOT
10 RECEIVING THE OPPORTUNITY FOR A MINIMALLY ADEQUATE
11 EDUCATION, BUT WOULD YOU THROW OR CONSIDER THAT AS ONE OF
12 THE CAUSES?

13 A YEAH, I INTENDED THAT TO BE INCLUDED WHEN I TALKED
14 ABOUT CURRICULUM SUPPORTS AND SERVICES AND THAT INCLUDES
15 THE ADDITIONAL SUPPORTS THAT ARE SOMETIMES NEEDED WHEN
16 STUDENTS HAVE FALLEN BEHIND

17 Q AND THE PROFESSIONAL DEVELOPMENT NEEDS THAT ARE NOT
18 BEING RECEIVED IN THE PLAINTIFF SCHOOL DISTRICTS WOULD
19 THAT BE INCLUDED IN THE LIST OF CAUSES OF THE CHILDREN NOT
20 RECEIVING A MINIMALLY ADEQUATE EDUCATION IN THE PLAINTIFF
21 DISTRICTS?

22 A YES, AS BOTH WHAT TEACHERS KNOW WHEN THEY COME INTO
23 THE DISTRICT AND WHEN THEY ARE NOT SUCCEEDING WHAT HELP
24 THEY GET TO BE ABLE TO TEACH MORE EFFECTIVELY, ABSOLUTELY

25 Q OKAY THANK YOU

1 AND LOTS OF ROOKIE TEACHERS WITHOUT ENOUGH SUPPORT AND SO
2 ON ARE HARD TO DO BECAUSE THE MONEY CAN'T BE TAKEN OUT OF
3 THE CATEGORICAL POTS THAT IT'S BEING ALLOCATED TO, BUT IT
4 HAS TO BE ALLOCATED TO PUT IT INTO THE CORE FUNCTIONING OF
5 THE SYSTEM AROUND FOR EXAMPLE GETTING AN ADEQUATE SALARY
6 SCHEDULE

7 SO THERE ARE CONSTRAINTS IN THE RESOURCES
8 AVAILABLE AND THERE ARE ALSO COSTS THAT DON'T PARTICULARLY
9 HELP THE EFFECTIVENESS OF EDUCATION LIKE TRANSPORTATION
10 COSTS IN SPARSELY POPULATED RURAL DISTRICTS THAT
11 UNFORTUNATELY ARE KIND OF SUBCOSTS

12 SO THERE ARE SOME RESOURCES THAT ARE DOING SOME
13 OF THESE THINGS BUT THERE ARE ALSO CONSTRAINTS ON THE
14 RESOURCES THAT ARE AVAILABLE

15 Q WELL, ARE YOU AWARE THEN IN SOUTH CAROLINA THOSE
16 RESTRAINTS HAVE BEEN LIFTED FOR THIS UPCOMING BUDGET YEAR?

17 A YOU MEAN THE YEAR TO COME?

18 Q YES

19 A I WAS NOT AWARE THAT WAS THE CASE, BUT YOU ARE SAYING
20 THERE ARE NO LONGER ANY CATEGORICAL CONSTRAINTS FROM
21 FEDERAL AND STATE PROGRAMS IN SOUTH CAROLINA

22 Q WELL, I'M NOT SPEAKING TO THE FEDERAL BUDGET, BUT I'M
23 SPEAKING TO SOUTH CAROLINA ASSUMING THERE WERE NO
24 RESTRAINTS ON THAT, THE MONEY, IS THERE SUFFICIENT -- ARE
25 THERE SUFFICIENT RESOURCES IN THOSE DISTRICTS TO

1 Q NOW ARE YOU AWARE THAT MANY, IF NOT ALL -- I DON'T
2 HAVE THAT FACT OFF THE TOP OF MY HEAD -- OF THE PLAINTIFF
3 DISTRICTS RECEIVE ADDITIONAL PROFESSIONAL DEVELOPMENT
4 MONEY AS PART OF THE EDUCATION ACCOUNTABILITY ACT AS A
5 RESULT OF THEIR RATINGS ON THE REPORT CARDS?
6 A YES, I'M AWARE THAT THERE IS SOME ADDITIONAL MONEY
7 Q ARE YOU AWARE THAT IN CERTAIN INSTANCES THERE IS
8 SIGNIFICANT ADDITIONAL MONEY?
9 A I DON'T KNOW WHAT YOU WOULD CALL SIGNIFICANT BUT I AM
10 AWARE THAT THEY DO GET SOME ADDITIONAL MONEY
11 Q AND AS PART OF THE ADDITIONAL MONEY THEY HAVE, OR
12 WITHIN THEIR GENERAL OR USUAL AND CUSTOMARY PROFESSIONAL
13 DEVELOPMENT BUDGETS, IS THERE NOT THE OPPORTUNITY WITHIN
14 THAT BUDGET AT THE DISTRICT LEVEL DR DARLING-HAMMOND, TO
15 SCRAP THE SPRAY AND PRAY PROGRAMS AND IMPLEMENT SOME
16 TARGETED PROGRAM OF PROFESSIONAL DEVELOPMENT THAT CAN BE
17 INSTITUTIONALIZED AND BECOME A PART OF YOUR DISTRICT?
18 A YOU SAY, IS THERE ENOUGH MONEY TO DO THAT?
19 Q WELL, YES, MA'AM IS THERE NOT ENOUGH MONEY TO DO
20 THAT?
21 A I DON'T KNOW IF THERE'S ENOUGH MONEY TO DO THAT OR
22 NOT I'D HAVE TO REALLY GET INSIDE THE BUDGETS OF THE
23 DISTRICTS AND COMPETING USES IN THE MONEY TO KNOW IF THAT
24 WERE THE CASE
25 Q BUT IT'S POSSIBLE, IS IT NOT, THAT INSTEAD OF THESE

1 ONE SHOT DEAL PROFESSIONAL DEVELOPMENT PROGRAMS THE
2 DISTRICTS COULD CHOOSE ON THEIR OWN TO IMPLEMENT SOME
3 TARGETED SYSTEMATIC APPROACH TO PROFESSIONAL DEVELOPMENT?

4 A IF THEY HAVE THE RESOURCES TO DO IT AND IF THEY HAVE
5 THE EXPERTISE TO DO IT WHICH IS ANOTHER THING THAT IT
6 LOOKS LIKE IN SOME OF THESE DISTRICTS IS IN RELATIVELY
7 SHORTER SUPPLY

8 Q WELL, BY AND LARGE THEY BRING IN PEOPLE FROM THE
9 OUTSIDE ANYWAY, DO THEY NOT?

10 A WHAT DO YOU MEAN, THEY BRING IN PEOPLE FROM THE
11 OUTSIDE?

12 Q PEOPLE FROM THE OUTSIDE TO DO THE ONE SHOT, ONE DAY
13 PROGRAMS

14 A I'M SURE THAT SOME OF THAT DOES COME IN FROM PEOPLE
15 WHO ARE OUTSIDE OF THE COUNTY IS THAT WHAT YOU ARE
16 SAYING AS OPPOSED TO INSIDE OF THE COUNTY?

17 Q OR JUST OUTSIDE OF THE SCHOOL DISTRICT, MORE
18 SPECIFICALLY

19 A UH-HUH I'M SURE THAT SOMETIMES THEY DO, BUT IT'S A
20 LOT LESS EXPENSIVE TO GET PEOPLE TO COME IN FOR A ONE DAY
21 WORKSHOP THAN IT IS TO HAVE, YOU KNOW, INTENSIVE
22 INSTITUTES WITH SCHOOL BASED COACHES AND SO ON SO IT'S NOT
23 LIKE YOU ARE TRADING SORT OF BAD EQUALLY PRICED
24 PROFESSIONAL DEVELOPMENT FOR GOOD USES OF THE SAME MONEY
25 IT DOES REQUIRE MORE INFRASTRUCTURE TO DO THE MORE

1 INTENSIVE WORK

2 Q WELL, IS IT NOT POSSIBLE RATHER THAN HAVING FIVE
3 DIFFERENT PEOPLE COME FIVE DIFFERENT DAYS YOU COULD HAVE
4 ONE PERSON COME FIVE DAYS?

5 A YES, IT IS POSSIBLE THAT YOU COULD MAKE THINGS A
6 LITTLE LESS FRAGMENTED AS SOME, SOME OF THE PROGRAMS THAT
7 GO ON ARE MORE CONTINUOUS

8 Q DR DARLING-HAMMOND, ARE YOU AWARE THAT SOUTH
9 CAROLINA SYSTEM OF ACCOUNTABILITY HAS BEEN DEEMED TO BE
10 ONE OF THE TOP FIVE SYSTEMS IN THE COUNTRY IN TERMS OF
11 IT'S STANDARDS AND ACCOUNTABILITY?

12 A I'M SORRY THE PROFESSIONAL DEVELOPMENT SYSTEM HAS
13 BEEN DEEMED ONE OF THE TOP FIVE IN TERMS OF IT'S STANDARDS
14 AND ACCOUNTABILITY?

15 Q THE EDUCATION ACCOUNTABILITY, OUR ACCOUNTABILITY
16 SYSTEM

17 A OH, OKAY YOU SAID PROFESSIONAL DEVELOPMENT

18 Q I APOLOGIZE

19 A I AM AWARE THAT I SAW A REFERENCE TO THE FACT -- ARE
20 YOU TALKING ABOUT A FORDHAM FOUNDATION REPORT --

21 Q YEAH

22 A -- THAT MADE THAT DESCRIPTION? I HAVE SEEN THAT, A
23 REFERENCE TO THAT THE REPORT LOOKED AT THE CONTENT OF
24 STANDARDS IN STATES IT DID NOT LOOK AT THE
25 IMPLEMENIATION OF STANDARDS OR THE SYSTEM IN PLACE TO

1 THE COURT YOU CAN CERTAINLY ASK A QUESTION ABOUT
2 SUMMER SCHOOL SHE DID TALK ABOUT THIS

3 MR EPPS THAT'S WHAT I WANT TO DO
4 BY MR EPPS

5 Q LET'S TALK ABOUT SUMMER SCHOOL SOME AND MR BARNES
6 MADE SOME NOTES OVER HERE AND I AM SURE SUMMER SCHOOL WAS
7 MENTIONED

8 A IT'S DOWN THERE

9 Q RIGHT HERE SPECIAL PROGRAMS SUMMER SCHOOL NOW
10 WHAT DOES THE RESEARCH SHOW ABOUT THE NECESSITY OF SUMMER
11 SCHOOL FOR AT RISK CHILDREN AND THE QUALITY AND DURATION
12 OF SUMMER SCHOOL?

13 A WELL THERE ARE SEVERAL LINES OF RESEARCH THAT BEAR
14 ON THAT ONE IS THAT ESPECIALLY AT RISK CHILDREN, THAT
15 IS, LOW ACHIEVING STUDENTS AND STUDENTS FROM LOWER INCOME
16 FAMILIES, TEND TO LOSE GROUND ON ACHIEVEMENT DURING THE
17 SUMMER

18 SO, YOU KNOW, THEY RE -- BECAUSE THEY ARE NOT IN
19 SCHOOL, THEY FORGET SOME OF WHAT THEY HAVE LEARNED THEY
20 ARE NOT GETTING IT REINFORCED AT HOME, THEY ARE NOT GOING
21 TO SUMMER CAMP, THEY ARE NOT DOING ENRICHMENT PROGRAMS
22 SO THAT'S ONE PIECE OF RESEARCH

23 ANOTHER BODY OF RESEARCH LOOKED AT SUMMER
24 SCHOOLS THAT ARE SUCCESSFUL AT IMPROVING ACHIEVEMENT NOT
25 ALL SUMMER SCHOOLS HAVE BEEN FOUND TO IMPROVE ACHIEVEMENT

1 AND YOU LIKE TO HAVE EXTRA TIME ON LEARNING, BUT THE
2 SUMMER SCHOOLS THAT ARE FOUND TO BE EFFECTIVE IN REALLY
3 CATCHING KIDS UP AND MOVING THEM AHEAD TEND TO BE PRETTY
4 LONG IN DURATION, TALKING SIX TO EIGHT WEEKS LONG, THEY
5 TEND TO BE A PRETTY FULL SCHOOL DAY THAT CAN RANGE
6 DEPENDING ON PROGRAMS FROM ABOUT FOUR TO EIGHT HOURS
7 OFTEN AROUND SIX HOURS, AND THEY TEND TO BE STAFFED BY
8 PRETTY HIGHLY QUALIFIED AND HIGHLY SKILLED TEACHERS WHO
9 ARE ABLE TO FIGURE OUT AND DIAGNOSE WHAT THE CHILDREN KNOW
10 AND DON'T KNOW INDIVIDUALLY AS WELL AS A GROUP AND THEN
11 TARGET THE INSTRUCTION TO THEM, SO THAT IT ACTUALLY MEETS
12 THEM WHERE THEY ARE AND MOVES THEM FORWARD

13 Q NOW THERE ARE TWO ASPECTS OF THIS AND ONE IS WHAT
14 HAPPENS TO CHILDREN WHO DO NOT TAKE ADVANTAGE OF SUMMER
15 SCHOOL OR CANNOT TAKE ADVANTAGE OF SUMMER SCHOOL, AT RISK
16 CHILDREN, RIGHT?

17 A UH-HUH

18 Q AND THE OTHER IS IF YOU'RE GOING TO HAVE A SUMMER
19 SCHOOL, DO YOU HAVE TO HAVE TO HAVE AN EFFECTIVE SUMMER
20 SCHOOL IS THAT WHAT YOU JUST SAID?

21 A RIGHT

22 Q ALL RIGHT LET'S TALK ABOUT THE FORMER FIRST AND
23 THAT IS IF YOU HAVE AT RISK CHILDREN THAT ARE MOVING
24 THROUGH THE SCHOOL AND TRYING TO KEEP UP OR KEEP IT UP OR
25 WHATEVER AND THEY ARE NOT GIVEN THE OPPORTUNITY TO

1 Q DO YOU HAVE ANY TEACHERS THAT YOU DEEM TO BE
2 INCOMPETENT TO TEACH THE STUDENTS IN DILLON SCHOOL
3 DISTRICT TWO?

4 A IF THERE IS ANYONE THAT IS INCOMPETENT, THEN WE ARE
5 FOLLOWING THE PROCESS THAT WE WOULD HAVE TO TO REMOVE THEM
6 FROM THEIR POSITION

7 Q I UNDERSTAND THAT BUT I NEED A MORE SPECIFIC ANSWER
8 THAN THAT IS THERE ANY STUDENT WHO -- EXCUSE ME -- ANY
9 TEACHER WHO IS EMPLOYED BY DILLON SCHOOL DISTRICT TWO WHO
10 YOU BELIEVE IS INCOMPETENT TO TEACH THE STUDENTS IN DILLON
11 SCHOOL DISTRICT TWO?

12 A AT THIS MOMENT?

13 Q YES SIR

14 A I WOULDN'T SAY THAT THAT AT THIS POINT THAT WE HAVE
15 DEEMED ANYONE INCOMPETENT, NO

16 Q SO YOU ARE NOT GOING TO TESTIFY AS OTHER
17 SUPERINTENDENTS HAVE THAT THERE IS A PERCENTAGE OF
18 TEACHERS IN YOUR DISTRICT THAT YOU THINK ARE INCOMPETENT?

19 A I BELIEVE I STATED LAST WEEK THAT WE HAVE SOME GOOD
20 TEACHERS, WE HAVE SOME TEACHERS THAT WE NEED A WHOLE LOT
21 OF WORK WITH I'M NOT GOING TO SIT HERE AND TELL YOU
22 THAT YOU KNOW, WE GOT INCOMPETENT TEACHERS BECAUSE IF
23 WE'VE GOT INCOMPETENT TEACHERS WE ARE GOING TO TRY TO AND
24 ALLEVIATE THAT SITUATION

25 Q ALL RIGHT, SIR AND WOULD YOU AGREE THAT THE

1 A YES, MA'AM

2 Q DO YOU KNOW -- IT IS THE BEDS REPORT?

3 A THE BEST REPORT?

4 Q RIGHT YOU MAY NOT KNOW THAT THAT'S WHAT THE STATE
5 DEPARTMENT CALLS IT, BUT I'D LIKE TO PUT THAT UP ON THE --
6 PLEASE 2832 -- TO SEE IF YOU RECOGNIZE THAT YOU FILL OUT A
7 REPORT LIKE THIS

8 A WE FILL OUT THE BEDS EVERY YEAR

9 Q YES, MA'AM DEFENDANT'S EXHIBIT 2832 IT'S BEEN
10 INTRODUCED

11 (ATTORNEYS CONFERRING)

12 Q DEFENDANT S EXHIBIT 2832 IS WHAT I CALL BEDROOM
13 REPORT YOU CALL THIS A BED REPORT?

14 A IT'S PART OF WHAT WE WOULD CALL A BEDS REPORT

15 Q YES, SIR AND WHAT THIS DOES IS IT CERTIFIES TO THE
16 STATE DEPARTMENT OF EDUCATION EVERY YEAR THE CONDITIONS
17 RELATING TO DILLON SCHOOL DISTRICT TWO ON A NUMBER OF
18 MATTERS, CORRECT?

19 A YES, MA'AM

20 Q AND IN EXHIBIT 2833 HAS THE STANDARDS THAT YOU ARE
21 CERTIFYING AS SUPERINTENDENT OF SCHOOL DISTRICT TWO TO THE
22 EXISTENCE OF THESE ITEMS EACH YEAR TO THE STATE DEPARTMENT
23 OF EDUCATION, CORRECT?

24 A YES, MA'AM

25 Q AND SOME OF THE MATTERS THAT YOU CERTIFIED TO ON

1 DEFENDANT'S EXHIBIT 2833 HAVE TO DO WITH PERSONNEL

2 RELATING TO BOARD MEMBERS, SUPERINTENDENTS, ADDITIONAL

3 CENTRAL OFFICE STAFF, SECRETARY PERSONNEL, RIGHT?

4 A YES, MA'AM

5 Q AND THEN THERE'S A SECTION ON CURRICULUM AND YOU

6 CERTIFY AS TO CURRICULUM AND INSTRUCTIONAL MATERIALS,

7 CORRECT?

8 A YES, MA'AM

9 Q AND WHAT YOU ARE DOING IS YOU ARE CERTIFYING TO THE

10 EXISTENCE THAT YOU'RE TEACHING THE CURRICULUM THAT YOU

11 HAVE GOT THE MATERIALS TO TEACH THE CURRICULUM YOU'RE

12 TELLING THE STATE DEPARTMENT EVERYTHING IS FINE IN DILLON

13 AS IT RELATES TO THAT, CORRECT?

14 A WE ARE TELLING THEM WE HAVING THE MINIMUM TO DEAL

15 WITH

16 Q YES, SIR WELL, YOU ARE TELLING THEM THAT ALL THE

17 ITEMS THAT ARE ON THIS LIST ARE IN PLACE IN DILLON SCHOOL

18 DISTRICT TWO?

19 A WE ARE ATTEMPTING TO EDUCATE TO THE BEST OF OUR

20 ABILITY WITH THE FUNDS THAT WE HAVE

21 Q ALL RIGHT SO WELL, LETS LOOK OVER ON PAGE FOUR OF

22 THIS DOCUMENT WHICH HAS A SUBSECTION ON FACILITIES ROMAN

23 NUMERAL FOUR, IS THAT CORRECT?

24 A YES, MA'AM

25 Q YOU GOT IT IN FRONT OF YOU?

1 A YES

2 Q ROMAN NUMERAL FOUR, YOU CERTIFY TO THE STATE
3 DEPARTMENT OF EDUCATION THAT THE DISTRICT BOARD OF
4 TRUSTEES INSURES THAT SCHOOLS AND PROPERTY ARE MAINTAINED
5 IN ACCORDANCE WITH SANITATION REQUIREMENTS ESTABLISHED BY
6 THE STATE DEPARTMENT OF D H E C RIGHT?

7 A TO THE BEST OF OUR ABILITY

8 Q ALL RIGHT, SIR AND YOU ARE CERTIFYING THAT THE
9 STATE DEPARTMENT OF EDUCATION IN SECTION "C" THAT
10 BUILDINGS AND GROUNDS ARE ADEQUATE IN SIZE AND ARRANGEMENT
11 TO ACCOMMODATE THE PROGRAMS OFFERED CORRECT?

12 A WITH THE ABILITY THAT WE HAVE WITH THE FACILITIES
13 THAT WE HAVE

14 Q NOW YOU DON'T -- YOU DON'T QUALIFY YOUR CERTIFICATION
15 TO THE STATE DEPARTMENT DO YOU, MR ROGERS?

16 A NO THESE ARE FORMS THAT ARE SENT EVERY YEAR AND
17 THE THING ABOUT IT IS WE DON'T HAVE ANY OTHER CLASSROOMS
18 AND THESE CLASSROOMS THAT HAVE BEEN THERE FOR A HUNDRED
19 75 YEARS, AND THEY HAVE BEEN -- THEY ARE FORMS THAT ARE
20 CERTIFIED EACH YEAR THAT THAT IS WHAT WE HAVE AS FAR AS
21 ACCOMMODATION FOR CLASSROOMS

22 Q YES SIR AND SUB-PARAGRAPH ROMAN NUMERAL 4-E SAYS
23 PLAYGROUND, PHYSICAL EDUCATION AND PLAY EQUIPMENT ARE
24 ADEQUATELY MAINTAINED AND SAFE, CORRECT?

25 A YES, MA'AM

1 Q AND "D" -- I SKIPPED OVER ONE -- SAYS ALL OPERATING
2 SCHOOL FACILITIES COMPLY WITH SAFETY REGULATIONS
3 PRESCRIBED BY THE STATE FIRE MARSHAL IS THAT CORRECT?
4 A YES, MA'AM
5 Q AND "F" SAYS SUFFICIENT FIRE EXTINGUISHERS PROVIDED
6 AND INSPECTED ANNUALLY AND CLEARLY DESIGNATED IN ALL
7 BUILDINGS CORRECT?
8 A YES, MA'AM
9 Q "G" SAYS EACH ROOM IS DESIGNED AND EQUIPPED, SERVE
10 THE SPECIFIC PURPOSE FOR WHICH IT IS USED CORRECT?
11 A YES MA'AM
12 Q EIGHT I AM SORRY
13 A WHICH THAT IS NOT THE -- THE THING IS, MRS GRAY,
14 WHEN THESE ROOMS WERE CONSTRUCTED A HUNDRED YEARS AGO OR
15 75 YEARS AGO OR 80 YEARS AGO, WHATEVER THE AGE, THEY MIGHT
16 HAVE BEEN AT THAT TIME -- AND I'M SURE WE ARE
17 GRANDFATHERED IN WITH A WHOLE LOT OF REGULATIONS, BUT
18 THESE ARE THE ONLY FACILITIES THAT WE HAVE AND THAT'S THE
19 ONLY WAY WE CAN CERTIFY THAT WE ARE STILL USING THOSE SAME
20 FACILITIES
21 Q YES, SIR AND ITEM ROMAN NUMERAL 4-I SAYS BUILDINGS
22 AND GROUNDS ARE PROPERLY MAINTAINED, SAFE AND ATTRACTIVE,
23 CORRECT?
24 A YES MA'AM
25 Q AND YOU CERTIFY THAT TO THE STATE DEPARTMENT OF

1 EDUCATION EACH YEAR, CORRECT?

2 A YES, MA'AM

3 Q AND YOU DON'T QUALIFY YOUR CERTIFICATION TO THE STATE

4 DEPARTMENT OF EDUCATION, DO YOU?

5 A MY -- THEY KNOW OUR SITUATION THEY -- THEY

6 UNDERSTAND WHAT, YOU KNOW, THE BUILDINGS THAT WE HAVE

7 Q MR ROGERS?

8 A YES, MA'AM

9 Q MY QUESTION IS DO YOU QUALIFY--

10 MR EPPS YOUR HONOR?

11 THE COURT YES, SIR

12 MR EPPS YOUR HONOR, AGAIN SHE INTERRUPTED THE

13 WITNESS I WOULD APPRECIATE IT IF SHE WOULD NOT DO THAT,

14 ALLOW HIM TO FINISH

15 THE COURT WELL, THE ANSWER WAS REALLY NOT

16 RESPONSIVE TO THE QUESTION I THINK HE WAS -- SHE WAS

17 TRYING TO GET HIM BACK TO THE QUESTION CERTAINLY AFTER

18 YOU'VE GIVEN THE ANSWER YOU CAN EXPLAIN AS MUCH AS YOU

19 NEED TO

20 MRS GRAY THANK YOU, YOUR HONOR THAT'S EXACTLY

21 WHAT I WAS TRYING TO DO IF HE GIVES ME THE ANSWER, I

22 WILL BE HAPPY TO LISTEN TO THE EXPLANATION

23 MR EPPS SHE OBJECTS ON THE BASIS IT'S NOT

24 RESPONSIVE THAT WOULD BE FINE BUT TO INTERRUPT HIM IN THE

25 MIDDLE OF AN ANSWER I THINK IS JUST NOT AN APPROPRIATE

1 THING TO DO

2 THE COURT WELL, THERE PROBABLY IS A MORE FORMAL WAY
3 TO DO IT UNDER THE RULES, AND YOU'RE RIGHT ABOUT THAT BUT
4 THAT WAS THE REASON THAT I ALLOWED HER TO GO BACK AND TRY
5 TO GET A RESPONSE AND THEN GET AN EXPLANATION, AND I WILL
6 BE MORE MINDFUL OF DIRECTING THE TRAFFIC ALONG THOSE
7 LINES

8 MRS GRAY I WILL BE HAPPY TO MOVE TO STRIKE HIS
9 TESTIMONY IF IT'S NONRESPONSIVE, YOUR HONOR
10 BY MRS GRAY

11 Q GOING BACK TO MY QUESTION, MR ROGERS ROMAN NUMERAL
12 4-E REQUIRES YOU TO CERTIFY TO THE STATE DEPARTMENT OF
13 EDUCATION WHETHER OR NOT THE FACILITIES INCLUDING THE
14 PLAYGROUND, THE PHYSICAL EDUCATION -- AND I'M SORRY --
15 THAT'S -- MISSED MY PLACE ON SUB-PARAGRAPH "I",
16 BUILDINGS AND GROUNDS ARE PROPERLY MAINTAINED, SAFE AND
17 ATTRACTIVE, CORRECT?

18 A YES MA AM, TO THE BEST OF OUR ABILITY

19 Q AND MY NEXT QUESTION TO YOU WAS ISN'T IT TRUE THAT
20 YOU DO NOT QUALIFY YOUR CERTIFICATION TO THE STATE
21 DEPARTMENT OF EDUCATION?

22 A LIKE AN ATTACHMENT, IS THAT YOUR QUESTION?

23 Q YES

24 A NO, MA'AM

25 Q OKAY AND IN FACT, ON DEFENDANT'S EXHIBIT 2832 WHICH

1 IS THE EARLIER EXHIBIT WE TALKED ABOUT, THE SECOND PAGE OF
2 THAT EXHIBIT WHICH I THINK WILL COME UP SHORTLY HAS A
3 PLACE FOR YOU TO PUT YOUR NONCOMPLIANCE ITEMS, CORRECT?
4 A YES MA'AM
5 Q AND YOU DON'T DO THAT, CORRECT?
6 A NO, MA'AM, BECAUSE THEY MEET THE -- THEY MEET THE --
7 THE MINIMUM REQUIREMENTS
8 Q RIGHT AND YOU HAVE CERTIFIED TO THE STATE
9 DEPARTMENT YOUR FACILITIES ARE SAFE, ADEQUATE AND
10 ATTRACTIVE, CORRECT?
11 A BY THAT FORM
12 Q NOW AFTER THAT THE STATE DEPARTMENT GIVES YOU THE
13 ALL CLEAR TO PROCEED DURING YOUR SCHOOL YEAR, CORRECT?
14 A YES, MA'AM
15 Q AND THAT FORM NEEDS TO BE FILLED OUT IN THE EARLY
16 PART OF THE SCHOOL YEAR, CORRECT?
17 A YES MA'AM
18 Q AND YOU GET BACK WHAT IS CALLED AN ALL CLEAR FROM THE
19 STATE DEPARTMENT?
20 A YES, MA'AM THESE ARE DOCUMENTS THAT ARE SENT TO US
21 TO STATE THAT WE ARE MEETING THE MINIMUM REQUIREMENTS
22 Q YES AND DEFENDANT'S EXHIBIT 2834, 2835 EXHIBIT
23 302, EXHIBIT 318 319, 320 AND 321 ARE ALL CERTIFICATIONS
24 GOING BACK IN TIME OF THE STATE DEPARTMENT TO DILLON
25 SCHOOL DISTRICT TWO DECLARING ALL OF YOUR FACILITIES ALL

1 GRANT MONEY AND THAT'S -- THAT'S THE DIFFERENCE
2 Q AND THE GRANT, YOU MADE APPLICATION FOR THE GRANT AT
3 THE STATE DEPARTMENT OF EDUCATION CORRECT?
4 A YES, MA'AM
5 Q AND YOU WON GRANTS FOR GORDON?
6 A YES, MA'AM
7 Q STEWART HEIGHTS?
8 A THAT'S CORRECT
9 Q AND J V MARTIN?
10 A YES, MA'AM
11 Q AND YOU HAVE ALSO GOTTEN A TECHNOLOGY GRANT, HAVE YOU
12 NOT?
13 A YES MA'AM
14 Q FOR DILLON HIGH SCHOOL?
15 A YES MA'AM
16 Q AND SO THAT ADDS ANOTHER 37 HUNDRED -- \$37,839 TO
17 DILLON HIGH SCHOOL, CORRECT?
18 A THAT'S CORRECT
19 Q SO YOU ARE LOOKING AT ANOTHER 75 750 OR MORE
20 THOUSAND DOLLARS?
21 A MORE
22 Q FOR FACILITIES IN DILLON RIGHT NOW?
23 A YES, MA'AM
24 Q THAT YOU HAVEN'T SPENT YET?
25 A THAT'S -- IT'S ON THE TABLE THAT WE -- IN FACT WE

1 AS STABLE ESPECIALLY IN FOURTH AND FIFTH GRADE LEVELS,
2 AND THEN AT THE JUNIOR HIGH SCHOOL AND HIGH SCHOOL WHERE
3 WE HAVE GOT -- WE HAVE HAD TO BRING IN RETIRED TEACHERS

4 Q YES, SIR AND YOUR TEACHING STAFF IS FAIRLY STABLE,
5 ISN'T IT?

6 A YES, MA'AM

7 Q SOME OF YOUR TEACHERS HAVE GONE ON TO BECOME TEACHER
8 SPECIALISTS IN OTHER DISTRICTS, HAVEN'T THEY?

9 A SOME OF THEM YES MA'AM

10 Q NOW, THE TEACHER SPECIALIST PROGRAM IN SOUTH
11 CAROLINA, THAT -- THAT IS SOMETHING THAT CAME AS A RESULT
12 OF THE EDUCATION ACCOUNTABILITY ACT, CORRECT?

13 A YES, MA'AM

14 Q NOW, TEACHER SPECIALISTS ARE PARTICULARLY GOOD
15 TEACHERS THAT THE STATE DEPARTMENT HIRES TO GO IN TO
16 IMPAIRED SCHOOL DISTRICTS TO PROVIDE MENTORING, TRAINING,
17 OF TEACHERS IN THOSE IMPAIRED DISTRICTS, CORRECT?

18 A THAT'S CORRECT

19 Q AND WHAT -- AND HOW THAT SYSTEM WORKS IS THAT THAT
20 TEACHER STAYS ON YOUR PAYROLL BUT YOU GET REPAID FOR IT BY
21 THE STATE DEPARTMENT CORRECT?

22 A YES, MA'AM

23 Q SO EVEN -- SO THE TEACHERS WHO ARE TEACHER
24 SPECIALISTS THAT MAY BE IN FOR EXAMPLE MARION SEVEN, AND
25 THAT'S JUST AN EXAMPLE, STILL GETS A CHECK FROM DILLON

1 EXHIBIT 2871

2 (ATTORNEYS CONFERRING)

3 Q EXHIBIT 2871, MR ROGERS, IS A MEMORANDUM THAT WAS A
4 DRESSED TO THE DISTRICT SUPERINTENDENTS AND DISTRICT
5 TRANSPORTATION SUPERVISORS DATED AUGUST 27TH 2002
6 CORRECT?

7 A YES MA'AM

8 Q AND ACTUALLY THE DOCUMENT THAT IS IN FRONT OF YOU IS
9 ON A WEBSITE FROM THE STATE DEPARTMENT OF EDUCATION
10 TRANSPORTATION DIVISION AT -- AND I WILL GIVE YOU A HARD
11 COPY IN CASE YOU'D LIKE TO READ IT NOW, EXHIBIT 2871
12 SAYS SUBJECT FUNDING FOR STUDENT TRANSPORTATION TO E A A
13 EDUCATIONAL PROGRAMS IN THE FISCAL YEAR 2002, 2003 THAT
14 WAS LAST YEAR, RIGHT?

15 A YES, MA'AM

16 Q APPROPRIATIONS ACT GENERAL ASSEMBLY PROVIDED FUNDING
17 TO REDUCE SCHOOL DISTRICTS' COST OF PROVIDING
18 TRANSPORTATION SERVICES TO STUDENTS ATTENDING
19 INSTRUCTIONAL PROGRAMS REQUIRED BY THE E A A , CORRECT?

20 A YES, MA'AM

21 Q THESE FUNDS MAY BE USED TO PAY FOR TRANSPORTATION
22 COSTS ASSOCIATED WITH THE FOLLOWING E A A PROGRAMS ONE,
23 E A A MODIFIED SCHOOL YEAR DAY TWO, E A A REDUCED
24 CLASS SIZE GRADE ONE THROUGH THREE

25 THREE, E A A SUMMER SCHOOL FOUR, E A A

1 COMPREHENSIVE REMEDIATION, PARENS AFTERSCHOOL PROGRAMS
2 FIVE, E A A HOMEWORK CENTER, IMPAIRED DISTRICTS SIX,
3 E A A ALTERNATIVE SCHOOL NOW, YOU HAD SOME OF THOSE
4 PROGRAMS, CERTAINLY TESTIFIED YOU WANTED SOME OF THOSE
5 PROGRAMS?
6 A YES, MA'AM YES MA'AM
7 Q AND THE NEXT PARAGRAPH SAYS TO UTILIZE THESE FUNDS TO
8 PAY FOR TRANSPORTATION SERVICES NECESSARY TO TRANSPORT
9 STUDENTS ATTENDING THE E A A PROGRAMS LISTED ABOVE A
10 SCHOOL DISTRICT NEED ONLY COMPLETE A ROUTE DESCRIPTION,
11 PARENS "F" 16/17 FOR EACH BUS ROUTE OPERATED AND SUBMIT
12 THEM TO THE STATE DEPARTMENT OF EDUCATION COUNTY
13 SUPERVISOR FOR APPROVAL
14 UPON APPROVAL BY THE COUNTY SUPERVISOR, THE
15 S D E WILL FUND THE MAINTENANCE AND OPERATIONS COST FOR
16 STATE SCHOOL BUSES OPERATED ON THE E A A PROGRAM ROUTE
17 IS THAT WHAT IT SAYS?
18 A YES MA AM
19 Q AND YOU GOT THIS MEMORANDUM DIDN'T YOU?
20 A I'M -- I MUST HAVE, YES, MA'AM
21 Q ALL RIGHT SIR DID YOU TURN IN YOUR BUS ROUTES TO
22 THE STATE DEPARTMENT OF EDUCATION?
23 A WE HAD BUS ROUTES THAT WE TURNED IN FOR J V MARTIN
24 AND GORDON THAT WE DID USE -- THAT WE DID USE SOME
25 TRANSPORTATION

1 Q OKAY DO YOU KNOW HOW MUCH THE STATE DEPARTMENT
2 ALLOCATED FOR DILLON SCHOOL DISTRICT TWO FOR THAT BUS
3 ROUTE?
4 A NO, MA'AM
5 Q WELL, I DO
6 A OKAY I FIGURED YOU DID
7 Q AND WE ARE GOING TO CLICK ON THE WEBSITE AGAIN THE
8 STATE DEPARTMENT, FOR THE ALLOCATION BY DISTRICT OF THE
9 STATE DEPARTMENT AND I WILL ASK, IF YOU WILL SCROLL DOWN
10 TO DILLON -- THE AMOUNT FOR DILLON TWO WAS \$10,470 24,
11 CORRECT?
12 A YES, MA'AM
13 Q HOW MUCH OF THAT \$10 000 DID YOU GET FOR DILLON
14 SCHOOL DISTRICT TWO, MR ROGERS?
15 A I CAN'T REMEMBER I DON'T REMEMBER THOSE FIGURES
16 Q COULD IT BE NOTHING?
17 A I -- AGAIN I -- THAT'S -- THIS IS SOMETHING THAT I'M
18 -- THAT I HAVEN'T -- HAVEN'T SEEN NOW, WE USE BUSES AND
19 MONEY FROM THE 21ST CENTURY GRANT FOR GORDON AND FOR J V
20 MARTIN
21 Q WELL YOU HAD \$10,000 AVAILABLE FROM THE STATE
22 DEPARTMENT AND YOU CAN'T REMEMBER WHETHER YOU GOT IT?
23 A I DON'T, YOU KNOW, RIGHT OFF I'D HAVE TO GO BACK
24 AND TAKE A LOOK TO SEE THOSE FIGURES
25 Q YOUR MILLAGE IN DILLON COUNTY WAS INCREASED THIS

1 Q FOR NONACHIEVING ACADEMIC STUDENTS, CORRECT?
2 A CERTAIN YEARS NOT LAST YEAR
3 Q WELL LAST YEAR YOU HAD THE COMMUNITIES IN SCHOOL AND
4 THE 21ST CENTURY LEARNING GRANT, AND WE TALKED ABOUT THAT
5 COMING BACK AGAIN THIS YEAR
6 A YES MA'AM
7 Q AND YOU HAVE THE REMEDIAL CLASSES THAT ACCOMPANY THAT
8 EXERCISE, CORRECT?
9 A YES, MA'AM
10 Q AND YOU KNOW, YOU HAVE REMEDIAL CLASSES WITHIN THE
11 SCHOOL DAY DON'T YOU?
12 A REMEDIAL CLASSES WITHIN THE SCHOOL DAY WE HAVE A
13 COUPLE OF SITUATIONS WHERE WE MAY HAVE TEACHERS TO WORK
14 WITH -- WORK WITH SOME -- SOME OF THE LOWER ACHIEVERS, BUT
15 NOT A -- NOT A PROGRAM WHERE THEY ARE ALL TAKEN CARE OF,
16 NO, MA'AM
17 Q YES SIR AT J V MARTIN, ARE YOU AWARE OF THE
18 ASSISTED MATH CLASS THAT TAKES PLACE AT THAT JUNIOR HIGH
19 SCHOOL EVERY DAY?
20 A YES MA'AM
21 Q AND THERE ARE TEACHERS THAT ARE TEACHING THAT CLASS
22 IN THE SCHOOL, IS THAT CORRECT?
23 A YES, MA'AM
24 Q ALL RIGHT AT THE TECHNOLOGY CENTER YOU HAD PROVIDED
25 TECHNOLOGY TRAINING FOR STAFF AND INSTRUCTIONAL MATERIAL

1 AND EQUIPMENT SUPPLY FOR TEACHER USE?
2 A YES, MA'AM
3 Q YOU HAD IN THE PAST A GOALS 2000 AND TECHNOLOGY
4 LITERACY CHALLENGE GRANTS FUNDING \$300,000 FOR COMPUTERS
5 IN THE CLASSROOMS AT DILLON SCHOOL DISTRICT TWO AS WELL AS
6 STAFF DEVELOPMENT YOU HAD THAT?
7 A YES MA'AM
8 Q YOU HAVE COMPUTER BASED REMEDIAL INSTRUCTION IN YOUR
9 SCHOOLS, DON'T YOU?
10 A A -- AS FAR AS I'M CONCERNED A LIMITED BASIS
11 Q MR ROGERS, YOU HAVE THOSE PROGRAMS WITHIN YOUR
12 SCHOOLS, DON'T YOU?
13 A SOME, YES
14 Q AND YOU HAVE READING COUNTS?
15 A YES, MA'AM
16 Q AND THAT'S REALLY ACTIVE IN EVERY SCHOOL IN YOUR
17 DISTRICT, ISN'T IT?
18 A YES, MA'AM
19 Q YOU HAVE CORNERSTONE?
20 A YES, MA'AM
21 Q YOU HAVE ED MARK?
22 A YES MA'AM
23 Q WHICH IS A COMPUTER EDUCATIONAL PROGRAM FOR PRE-K
24 THROUGH TWELFTH GRADE ACROSS THE CURRICULUM, CORRECT?
25 YES?

1 Q BOTH DOCUMENTS OR JUST

2 A I LOOKED AT THE FIRST ONE I'M FAMILIAR WITH BOTH
3 DOCUMENTS

4 Q ALL RIGHT NOW, BEFORE I ASK YOU SPECIFICALLY ABOUT
5 THESE DOCUMENTS, EACH YEAR THAT YOU SUBMITTED THIS REPORT
6 GOING BACK TO THE TIME THAT YOU WERE SUPERINTENDENT -- IS
7 THAT FAIR?

8 A YES, SIR

9 Q IS THAT 11 OR 12 YEARS AGO?

10 A THAT WAS 12 YEARS AGO THIS IS MY 13TH YEAR AT
11 DILLON

12 Q STARTED FRIDAY THIS PAST FRIDAY?

13 A AS SCHOOL STARTED THAT'S RIGHT YEAH

14 Q IT NEVER ENDS, SO IT'S HARD TO SAY WHEN IT STARTS I
15 GUESS

16 A SUPPOSED TO START JULY 1, BUT REALLY I GUESS IT WOULD
17 START WHEN THE KIDS WALK IN

18 Q NOW, EACH YEAR WHEN YOU SUBMITTED THIS DOCUMENT
19 SAYING THAT YOUR FACILITIES WERE SAFE AND ADEQUATE I
20 ASSUME I'M SURE YOU DID THAT IN GOOD FAITH?

21 A I DID

22 Q AT LEAST SAFE?

23 A I DID ON WHAT -- WHAT KNOWLEDGE I HAD AND WHAT I WAS
24 GIVEN BY SUPPOSEDLY EXPERTS AND FIRE MARSHALS AND
25 MAINTENANCE AND CONTRACTORS AND THOSE KINDS OF THINGS

1 Q WELL, WERE YOU WORRIED ABOUT THE SAFETY? WAS THAT
2 YOUR CONCERN?

3 A YES, SIR

4 Q AND THE OLDEST BUILDING WAS BUILT IN 1896 AND THE
5 NEWEST BUILDING WAS BUILT IN 1970?

6 A THAT'S TRUE

7 Q THE NEWEST BUILDING IS NOW 33 YEARS OLD

8 A THAT'S RIGHT

9 Q NOW, AS YOU WERE SUBMITTING THESE REPORTS WERE YOU
10 AWARE OF THE MOLD PROBLEMS THAT WE DISCUSSED LAST WEEK?

11 A YES SIR I WAS AWARE OF THE MOLD PROBLEMS THAT WE
12 HAD TO THE FACT THAT I HAVE BROUGHT IN PEOPLE TO TEST I
13 HAVE HAD SPECIAL CHEMICALS THAT HAVE BEEN GIVEN TO US OR
14 NAMES OF WHAT TO SPRAY ON THE BUILDINGS TO TRY TO
15 ELIMINATE THAT TYPE SITUATION YES, WE HAVE DONE ALL OF
16 THE ABOVE

17 Q WERE YOU FAMILIAR WITH THE SPACE CONSTRICTIONS THAT
18 YOU HAD?

19 A YES

20 Q WERE YOU FAMILIAR WITH THE NOISY CLASSROOMS THAT YOU
21 HAD?

22 A IT'S BEEN THAT WAY AS LONG AS I CAN REMEMBER

23 Q WERE YOU FAMILIAR WITH THE HEATING AND AIR
24 CONDITIONING PROBLEMS THAT YOU HAD?

25 A YES, SIR

1 Q THE LEAKY ROOFS?

2 A YES, SIR

3 Q THE SLIPPERY SIDEWALKS?

4 A YES, SIR

5 Q DID YOU EVEN SUBMIT A REPORT THE YEAR BEFORE OR THE
6 YEAR AFTER YOUR BELL TOWER FELL IN BECAUSE OF PIGEON
7 DROPPINGS?

8 A NO, SIR WE JUST FIXED IT

9 Q WELL, YOU HAD TO SEND IN ONE OF THESE REPORTS

10 A OH YEAH, WE SENT SOME IN THE REPORT, BUT WE JUST
11 FIXED IT

12 Q DID YOU MENTION ANY OF THAT IN ANY OF THESE REPORTS?

13 A NO, SIR

14 Q HAVE YOU MENTIONED IN YOUR REPORT FOR EXAMPLE THAT
15 YOUR FLOOR HAS FALLEN A FOOT IN PART OF THE OLD BUILDING?

16 A NO, SIR

17 Q HAVE YOU MENTIONED--

18 MRS GRAY YOUR HONOR, I OBJECT THIS IS GETTING
19 BEYOND THE LEADING INTO TESTIFYING

20 THE COURT WELL I WILL ALLOW HIM SOME MEASURE OF
21 THIS FOR POINT OF COMPARISON OF WHAT'S IN -- NOT IN THESE
22 REPORTS AS LONG AS WE DON'T GO THROUGH EVERY CEILING TILE
23 IN DILLON TWO

24 MR EPPS I THINK, YOUR HONOR, SOMETIMES I DO THINK
25 WE OVER-DO IT, AND IT'S JUST AN ABUNDANCE OF CAUTION, SO

1 I YOU KNOW, I UNDERSTAND FROM YOUR POSITION

2 MRS GRAY YOUR HONOR, FOR THE RECORD IT'S CLEAR
3 THAT NONE OF THIS WAS IN THE REPORT, AND I DON'T KNOW THAT
4 WE NEED TO RE-HASH ALL THE DIRECT TESTIMONY AGAIN WITH
5 THIS WITNESS

6 THE COURT RIGHT THAT'S THE POINT I'M TRYING TO
7 MAKE EVERYTHING THAT WAS -- IF WE GO THROUGH EVERY
8 WARRANT FROM THE CONSTRUCTION OF THE SCHOOLS OR THE SCHOOL
9 DISTRICTS NOT INCLUDED IN THAT REPORT, IT WOULD BE A
10 LENGTHY PROCESS THAT I

11 MR EPPS AND I DON'T THINK IT'S NECESSARY, YOUR
12 HONOR I JUST ASKED HIM -- GOING TO FOLLOW UP NOW WITH
13 THESE LETTERS IF THAT'S OKAY

14 THE COURT YES, SIR

15 MR EPPS

16 Q WHEN YOU SUBMITTED A REPORT IN THE YEAR 2001 PRIOR TO
17 THE CEILING FALLING IN IN EAST ELEMENTARY, DID YOU SAY
18 ANYTHING ABOUT BEING CONCERNED ABOUT YOUR STUDENTS BECAUSE
19 THE CEILING WAS GOING TO FALL IN? I KNOW THE ANSWER TO
20 THAT IS NO

21 A NO, SIR

22 Q NOW, LET'S LOOK AT YOUR LETTER OF OCTOBER 3, 2001
23 AND YOU TESTIFIED TO THIS, BUT YOUR LETTER CONFIRMS, A
24 PORTION OF THE TEACHER EVACUATED THE ROOM PRIOR TO THE
25 INCIDENT AND FORTUNATELY NO ONE WAS INJURED THAT'S IN

1 THE OLD ROOFING NAILS AND SOME OF THE LATH
2 APPEAR TO BE RUSTY AT SOME TIME THE CEILING MAY HAVE
3 BEEN WET FROM A ROOF LEAK OR CONDENSATION EVIDENCE OF
4 CEILING MOVEMENT WAS FOUND IN A NUMBER OF OTHER ROOMS
5 RIGHT?
6 A THAT'S CORRECT
7 Q AND THEN THE BOTTOM OF THE NEXT PARAGRAPH WE THINK
8 THE DANGER OF ADDITIONAL CEILING COLLAPSES ARE TOO GREAT
9 TO ALLOW CONTINUED USE OF THIS PART OF THE SCHOOL CAMPUS
10 SO YOU MIGHT HAVE EVEN SIGNED THIS REPORT RIGHT BEFORE THE
11 ROOF FELL IN AND THE WHOLE ROOF COULD HAVE FALLEN IN,
12 CORRECT?
13 A YES SIR
14 Q YOU JUST DON'T KNOW, DO YOU?
15 A THAT'S CORRECT BUT IN OLD FACILITIES LIKE THAT YOU
16 DON'T KNOW YOU DON'T KNOW
17 Q DID AT ANY TIME IN SIGNING AND SENDING EXHIBITS 2833
18 OR 2832 DID YOU INTEND TO CERTIFY TO THE STATE THAT YOU
19 HAD SAFE AND ADEQUATE SCHOOL FACILITIES?
20 A NO, SIR IN THESE OLD BUILDINGS, MR EPPS, THERE IS
21 TOO MUCH UNKNOWN AND I'M NOT AN ARCHITECT AND I'M NOT A
22 STRUCTURAL ENGINEER I CAN ONLY GO ON WHAT THEY TELL ME
23 BUT YOU KNOW, ONE THING THAT I -- I DON'T KNOW IS, IS WHAT
24 DAMAGE OVER A PERIOD OF YEARS FROM LEAKS WHAT THEY DO TO
25 THE UNSEEN EYE OR TO THE NAKED EYE

1 THERE IS THINGS THAT I CAN, YOU KNOW, I DON'T --
2 I DON'T KNOW ABOUT DO WE CHECK THESE BUILDINGS, YES
3 BUT THE THING ABOUT IT IS IT'S LIKE EVERYTHING ELSE I
4 GUESS THEY'RE ONLY BUILT TO LAST SO LONG

5 Q OKAY

6 MR EPPS YOUR HONOR I WILL MENTION TO THE COURT
7 AND TO THE OTHER SIDE AT THIS POINT THAT WE HAVE SOME
8 PRELIMINARY RESULTS FROM 2003 PACT DATA THAT, YOU KNOW, I
9 WILL GET TO THE OTHER SIDE, YOU KNOW

10 I HAVE PERSONALLY HAVE NOT LOOKED AT THE
11 RESULTS, BUT I COULD OFFER TESTIMONY ABOUT THAT AT THIS
12 POINT I THINK IT WOULD BE UNFAIR TO DO THAT TO THE OTHER
13 SIDE, AND SO I'D JUST RESERVE THE RIGHT TO RECALL MR
14 ROGERS TO THE STAND SHOULD IT BECOME NECESSARY OR SHOULD
15 WE WANT TO DO THAT NOW, SIR

16 THE COURT I THINK RESERVING THE RIGHT TO RECALL HIM
17 NOW AFTER MRS GRAY HAS HAD A CHANCE TO LOOK AT THOSE
18 DOCUMENTS--

19 MR EPPS I JUST THINK IT WOULD NOT BE APPROPRIATE
20 TO DO IT UNTIL WE HAVE THE FIGURES FINALIZED AND THEY HAD
21 THE SAME OPPORTUNITY WE HAVE

22 THE COURT I AGREE WITH THAT

23 MRS GRAY YOUR HONOR, IF I MIGHT BE HEARD ON THAT
24 JUST A MINUTE MY UNDERSTANDING IS THESE SCORES ARE NOT
25 PUBLICLY AVAILABLE, AND I'M NOT SURE THAT THEY -- PERHAPS

1 FUNDED FORMULA

2 THE SCHOOL BUS ROUTE ETC ETC QUOTE SCHOOL
3 DISTRICTS WILL RECEIVE FUNDING FOR DRIVER SALARY UP TO BUT
4 NOT EXCEEDING THE TOTAL AMOUNT OF THE ALLOCATED FUNDS, AND
5 THEN IT GIVES YOU A TAX SPREADSHEET

6 NOW, DEFENDANT'S EXHIBIT 2874 FOR ALL OF THESE
7 PROGRAMS, ALL THE TRANSPORTATION IN THESE PROGRAMS, IF YOU
8 LOOK AT DILLON TWO, HOW MUCH MONEY DID YOU GET?

9 A WELL THIS IS SHOWING IS \$10,400 I BELIEVE

10 Q ALL RIGHT SO THE STATE THEN IN PAYING FOR THE
11 TRANSPORTATION OF ALL OF YOUR REMEDIAL PROGRAMS GIVES YOU
12 \$10,000 DOES THAT PAY FOR YOUR REMEDIAL PROGRAMS OR THE
13 TRANSPORTATION I SHOULD SAY FOR YOUR REMEDIAL PROGRAMS?

14 A NO, THAT WOULDN'T PAY FOR ALL OF IT

15 Q WOULD IT COME CLOSE IF YOU RAN A GOOD SUMMER SCHOOL
16 OR A GOOD AFTER HOURS PROGRAM?

17 A NOT IF WE SERVED ALL THE STUDENTS THAT WE NEED TO
18 SERVE, NO

19 Q WHEN YOU RAN YOUR AFTER HOURS PROGRAM, HOW MANY
20 SCHOOLS EVEN WERE YOU ABLE TO OFFER PROGRAMS IN?

21 A WHICH YEAR, MR EPPS, THIS PAST YEAR OR

22 Q LET ME -- I'M GOING TO BACK UP A MINUTE

23 A OKAY

24 Q WHERE DID YOU -- WHERE DID YOU TRANSPORT STUDENTS TO
25 AND FROM IF AT ALL BY USING--

1 (REPORTER READ BACK)

2 THE WITNESS OKAY

3 THE COURT THANK YOU, KATHY

4 THE WITNESS I GUESS -- LET'S JUST GO BACK TO THE
5 PARTICULAR GRAPH IS THAT WHAT YOU WANT ME TO COMMENT
6 ON?

7 BY MS HART

8 Q WELL, YOU HAD SAID THAT YOU'RE DESIGNING PROFESSIONAL
9 DEVELOPMENT WITH THIS KIND OF DATA IN MIND AND I THINK
10 YOU HAD STARTED TO SAY SOMETHING ABOUT ONE OF THE
11 PHILOSOPHIES OF THE STATE DEPARTMENT ON THIS

12 A WELL, ONE OF THE UNDERPINNINGS OF THE SOUTH CAROLINA
13 READING INITIATIVE WHICH IS ONE OF OUR PRIMARY EMPHASIS
14 WITHIN THE ENGLISH LANGUAGE ARTS TEAM IS THAT ALL
15 CHILDREN CAN LEARN PROVIDED THEY HAVE COMPETENT WELL-
16 INFORMED TEACHERS

17 SO WHEN I LOOK AT A GRAPH LIKE THIS AND I SEE
18 THAT THE PERCENTAGES ARE NOT THE SAME FOR ALL CHILDREN,
19 THEN THAT TELLS ME THAT WE, YOU KNOW AS THE ENGLISH,
20 LANGUAGE ARTS TEAM AT THE AGENCY NEED TO LOOK AT WHY THAT
21 IS SO

22 AND AS FAR AS THE READING INITIATIVE IS
23 CONCERNED THERE ARE VERY SPECIAL THINGS THAT WE PUT IN
24 PLACE TO ADDRESS THAT

25 Q OKAY AND THE READING INITIATIVE, WE WILL TALK A

1 THE COURT YES SIR

2 MR BARNES I'M NOT SURE THERE'S A PROPER FOUNDATION
3 HERE AND MRS LEE'S TESTIFYING THAT IT'S HER
4 UNDERSTANDING IF SHE HAS SOME, YOU KNOW, FULLY DEVELOPED
5 KNOWLEDGE OF THIS THEN I SUPPOSE THAT SHE CAN TESTIFY
6 ABOUT IT, BUT IT -- BASED ON HER TESTIMONY I HAVE HEARD SO
7 FAR IT SEEMS LIKE MAYBE SHE'S SPECULATING A LITTLE BIT
8 ABOUT THE PARTICULARS OF THIS PARTICULAR DEFINITION

9 THE COURT AND I THINK SHE'S SIMPLY USING THAT AS A
10 SPRINGBOARD INTO HER ANSWER RATHER THAN FOR THE TRUTH OF
11 THE MATTER THAT SHE'S ASSERTING SHE STATED IT'S HER
12 UNDERSTANDING I WILL ALLOW HER TO ANSWER ALONG THOSE
13 LINES WITH THAT QUALIFICATION

14 THE PRINTED MATERIAL THAT ANYONE CAN READ ON
15 THE SOUTH CAROLINA EXIT EXAM SAYS THAT IT WAS WRITTEN ON
16 THE EIGHTH GRADE LEVEL
17 BY MS HART

18 Q ALL RIGHT AND IS THE EIGHTH GRADE LEVEL A LEVEL OF
19 CRITICAL LITERACY?

20 A NO IT IS NOT

21 Q DOES AN EIGHTH GRADE READING LEVEL AS MEASURED ON THE
22 EXIT EXAM ENABLE CHILDREN TO READ AND PERFORM ON A
23 MINIMALLY ADEQUATE LEVEL OF READING COMPREHENSION?

24 MR BARNES YOUR HONOR I OBJECT TO THAT
25 CHARACTERIZATION OF MINIMALLY ADEQUATE I MEAN IT'S

1 ATTEMPTING TO BOOTSTRAP INTO SOME EXPERT OPINION WITH
2 REGARDS TO THE ABBEVILLE STANDARD

3 THE COURT I THINK THIS IS HER OPINION OF WHAT
4 MINIMALLY ADEQUATE IS

5 MS HART AND ALL THE OTHER PRINCIPALS TEACHERS AND
6 SUPERINTENDENTS, EVERYBODY IN THIS COURTROOM HAS TALKED
7 ABOUT THAT

8 THE COURT ULTIMATELY THIS COURT IS GOING TO HAVE TO
9 DETERMINE WHAT MINIMAL ADEQUACY REALLY MEANS TO MRS LEE
10 IT'S A LEVEL OF READING PROFICIENCY BEYOND THE BASIC
11 LEVEL

12 AND SHE'S ALREADY SAID THAT IN ESSENCE, AND I
13 ASSUME IS GOING TO SAY SOMETHING LIKE THAT AGAIN I WILL
14 ALLOW HER TO DO IT THIS IS JUST ANOTHER PERSON'S OPINION
15 OF WHAT MINIMAL ADEQUACY MEANS THAT'S WHAT THIS CASE IS
16 ALL ABOUT, REALLY

17 MS HART THANK YOU YOUR HONOR

18 THE COURT THANK YOU THAT'S AT LEAST A PART OF
19 WHAT THIS CASE IS ABOUT THANK YOU
20 BY MS HART

21 Q WANT ME TO REPEAT THE QUESTION?

22 A THAT WOULD BE HELPFUL

23 Q ALL RIGHT DOES AN EIGHTH GRADE READING LEVEL AS
24 MEASURED ON THE SOUTH CAROLINA EXIT EXAM ENABLE CHILDREN
25 TO READ AND PERFORM AT A MINIMALLY ADEQUATE LEVEL OF

1 READING COMPREHENSION?

2 A NO EVERYTHING THAT WE DO, WE MEAN THE ENGLISH
3 LANGUAGE ARTS TEAM AT THE STATE DEPARTMENT OF EDUCATION IS
4 BASED UPON THE PREMISE THAT READING MUST BE, THAT IN ORDER
5 FOR CHILDREN -- THAT IN ORDER FOR ANYONE TO BE ADEQUATELY
6 PREPARED FOR LIFE IN THE 21ST CENTURY YOU HAVE TO BE A
7 THOUGHTFUL, CRITICAL READER

8 AN EIGHTH GRADE READING LEVEL AS MEASURED ON THE
9 SOUTH CAROLINA EXIT EXAM IS NOT GOING TO ENABLE YOU TO DO
10 THAT

11 Q ALL RIGHT THANK YOU NOW LET'S TALK ABOUT THE --
12 YOU MENTIONED NAEP, N-A-E-P IS -- DOES NAEP -- IS THAT A
13 NATIONAL ASSESSMENT OF READING ABILITY?

14 A IT IS

15 Q OKAY AND I THINK YOU SAID IT STANDS FOR NATIONAL
16 ASSESSMENT OF EDUCATIONAL PROGRESS?

17 A RIGHT

18 Q THERE ARE SEVERAL KINDS OF NAEP TESTS ARE THERE NOT?

19 A THERE ARE

20 Q OKAY IS THERE ONE SPECIFICALLY ABOUT READING?

21 A THERE IS

22 Q OKAY CAN YOU TELL US HOW NAEP OPERATES, WHAT THE,
23 HOW IT WORKS?

24 A WELL, ESSENTIALLY -- I MEAN, AS WITH ANY OTHER
25 STANDARDIZED TESTS STUDENTS ARE GIVEN FOR THE MOST PART

1 PASSAGES THAT THEY ARE ASKED TO READ AND THEN THERE ARE A
2 WIDE VARIETY OF QUESTIONS THAT THEY ARE ASKED ABOUT THOSE
3 PASSAGES
4 Q ALL RIGHT IS IT GIVEN TO EVERY STUDENT IN EVERY
5 STATE?
6 A NO, IT'S A SAMPLING
7 Q IS IT GIVEN TO STUDENTS IN EVERY STATE?
8 A YES
9 Q OKAY
10 A YES, IT IS GIVEN TO SOME STUDENTS IN ALL STATES
11 Q OKAY AND THE READING TEST IS IT GIVEN TO ALL GRADE
12 LEVELS, SAMPLES FROM ALL GRADE LEVELS?
13 A WHERE NAEP IS TESTED
14 Q OKAY NOW HOW DOES NAEP RELATE TO YOUR JOB AS THE
15 ENGLISH, LANGUAGE ARTS TEAM COORDINATOR?
16 A WELL AS I INDICATED EARLIER THE STATE DEPARTMENT IS
17 VERY CONCERNED NOT ONLY ABOUT HOW STUDENTS IN SOUTH
18 CAROLINA PERFORM ON THE STATE ASSESSMENTS BUT ALSO HOW WE
19 MEASURE UP IN COMPARISON WITH STUDENTS ACROSS THE UNITED
20 STATES AND ACTUALLY THE WORLD
21 Q OKAY
22 MS HART YOUR HONOR I'D LIKE TO INTRODUCE -- YOUR
23 HONOR, I AM GOING TO HAND UP PLAINTIFFS' EXHIBIT 5023 AND
24 PLAINTIFFS' EXHIBIT 5028 WHICH I'D LIKE TO INTRODUCE INTO
25 EVIDENCE I M GOING TO GIVE YOU COPIES, MRS LEE

1 MR BARNES AND, YOUR HONOR, MY ONLY OBJECTION IS
2 LIKE EVERY EXHIBIT WITH THE EXCEPTION OF ONE THEY GAVE ME
3 YESTERDAY, IT WAS NOT ON THEIR ORIGINAL EXHIBIT LIST AND I
4 NEVER SAW IT BEFORE YESTERDAY, YOU KNOW

5 I DON'T HAVE ANY PROBLEM WITH THE FACT THAT IT
6 IS WHAT IT IS, BUT IT'S SIMPLY YOU KNOW LIKE I SAID NOT
7 ONE OF THE 1700 EXHIBITS PREVIOUSLY LISTED

8 THE COURT AS IN THE OTHER CASES MR BARNES, IF
9 THAT INHIBITS YOUR ABILITY TO EFFECTIVELY CROSS-EXAMINE I
10 WILL BE GLAD TO EXTEND THE TIME FOR THAT SHOULD THE NEED
11 ARISE MR SMITH?

12 MR BARNES MR SMITH DIDN'T GET A COPY

13 MR SMITH I HAVE NOT SEEN A COPY

14 MS HART WE DID INCLUDE CERTAIN NAEP REPORTS ON THE
15 EXHIBIT LIST FOR SOME REASON THESE WERE NOT, BUT THESE
16 ARE MORE COMPLETE AND THAT'S WHY THESE ARE BEING USED
17 RATHER THAN THOSE THAT HE ACTUALLY LISTED ALL RIGHT

18 MR BARNES THAT MAY BE THE CASE FOR THIS PARTICULAR
19 DOCUMENT THAT IS NOT THE CASE FOR SOME EXHIBITS WHICH
20 SHE INTENDS TO TALK ABOUT IN THE FUTURE, I BELIEVE, WITH
21 THIS PARTICULAR WITNESS

22 THE COURT JUST TALK ABOUT THESE TWO THANK YOU

23 MS HART YOUR HONOR WOULD YOU LIKE -- I'M NOT
24 REALLY GOING TO REFER TO THESE ALL THAT MUCH BUT THEY ARE,
25 I WANTED THEM INTO--

1 THE COURT IF YOU WILL PASS THEM UP, THEN I WILL
2 THANK YOU, MA'AM
3 MR BARNES YOUR HONOR CAN YOU GIVE US ONE MINUTE,,
4 PLEASE SIR?
5 THE COURT YES, SIR
6 (WHEREUPON THERE WAS A PAUSE)
7 MR SMITH NO OBJECTION AT THIS TIME, YOUR HONOR
8 THE COURT THANK YOU, MR SMITH
9 BY MS HART
10 Q NOW THIS, MRS LEE, IS JUST THE STATE REPORT FOR
11 SOUTH CAROLINA IS THAT WHAT THAT IS?
12 A WHICH DOCUMENT ARE YOU --
13 Q I'M SORRY
14 A -- REFERRING TO?
15 Q PLAINTIFFS' 5023
16 A OKAY YES
17 Q OKAY AND 5028 IS WHAT THAT'S THE SINGLE PAGE
18 A IT'S JUST A STATE PROFILE DEALING WITH ACHIEVEMENT
19 LEVELS FOR READING IN SOUTH CAROLINA
20 Q ALL RIGHT LET'S GO PLEASE TO SLIDE EXHIBIT 5008-M
21 NOW THIS, IF YOU COULD READ THAT, PLEASE, INTO THE RECORD,
22 MRS LEE
23 A THIS IS NAEP'S DEFINITION OF READING SAYS READING
24 INVOLVES THE DEVELOPMENT OF THE UNDERSTANDING OF TEXT,
25 THINKING ABOUT THE TEXT IN DIFFERENT WAYS AND USING A

1 VARIETY OF TEXT TYPES FOR DIFFERENT PURPOSES
2 Q IS THAT HOW YOU UNDERSTAND, IS THAT WHAT YOU
3 UNDERSTAND READING TO BE?
4 A YES
5 Q NOW, LET'S GO TO 5008-N AND IF YOU COULD TELL US
6 WHAT THAT SLIDE REPRESENTS, MRS LEE PLEASE
7 A THIS IS APPARENTLY A DELINEATION OF THE NAEP
8 ACHIEVEMENT LEVEL POLICY DEFINITIONS --
9 Q IS THIS--
10 A -- SIMILAR TO WHAT, YOU KNOW, WE HAVE ON PACT
11 Q ALL RIGHT HOW DOES NAEP, THE NAEP TESTING ON
12 READING COMPARE TO THE SOUTH CAROLINA E L A LANGUAGE ARTS
13 PACT?
14 A WELL OF COURSE ON PACT WE HAVE ADVANCED PROFICIENT,
15 BASIC, BELOW BASIC SO THERE IS ONE DELINEATION ON THE
16 PACT THAT IS NOT NOTED ON NAEP
17 Q ARE THESE TWO TESTS COMPARABLE IN TERMS OF RIGOR OR
18 DO YOU KNOW?
19 A I DON T
20 Q OKAY ALL RIGHT THANK YOU EXPLAIN TO US THEN,
21 USING THIS SLIDE, MRS LEE, WHAT THE DEFINITIONS OF BASIC,
22 PROFICIENT AND ADVANCED ARE ACCORDING TO NAEP AND THE NAEP
23 ASSESSMENT
24 A NAEP DEFINES BASIC AS PARTIAL MASTERY OF PREREQUISITE
25 KNOWLEDGE AND SKILLS THAT ARE FUNDAMENTAL FOR PROFICIENT

1 WORK AT EACH GRADE

2 Q IS THAT -- LET ME INTERRUPT YOU IF I COULD IS THAT
3 SIMILAR TO THE SOUTH CAROLINA DEFINITION OF BASIC FOR
4 PACT?

5 A THE SIMILARITY IS THAT THERE THEY ARE SIMILAR THEY
6 ARE NOT EXACTLY THE SAME BUT THEY ARE SIMILAR

7 Q OKAY

8 MR BARNES YOUR HONOR, AND I WANT TO INTERPOSE AN
9 OBJECTION HERE MRS LEE'S ALREADY INDICATED SHE DOESN'T
10 KNOW ABOUT THE RIGOR OF THE TEST SO OTHER THAN HER
11 COMPARING THE DEFINITIONS HERE I WANT THE -- I -- I'M
12 GOING TO OBJECT TO THE SENSE SHE'S GOING TO MAKE SOME
13 CORRELATION BETWEEN A COMPARISON WITH REGARDS TO HOW THEY
14 RELATE TO ACTUAL TESTS BECAUSE I DON'T THINK SHE'S
15 INDICATED SHE CAN DO THAT

16 THE COURT ALL RIGHT WHERE ARE YOU GOING WITH
17 THIS, MS HART?

18 MS HART WE ARE GOING TO LOOK AT THE NAEP SCORES IN
19 SOUTH CAROLINA FROM THIS THAT'S ALL

20 THE COURT ALL RIGHT I WILL ALLOW HER TO DO THAT
21 AS LONG AS -- AS LONG AS IT DOESN'T GO BEYOND THAT TO SOME
22 SORT OF ANALYSIS OF THOSE DISTINCTIONS I THINK SHE CAN
23 DO THAT

24 BY MS HART

25 Q DO YOU USE THE NAEP DATA?

1 A WE DO

2 Q OKAY DO YOU USE IT AS YOU USE THE PACT DATA?

3 A YES, WE DO

4 Q ALL RIGHT READING INTO THE RECORD, PLEASE MRS LEE,

5 THE DEFINITION OF PROFICIENT UNDER NAEP

6 A PROFICIENT IS DEFINED AS SOLID ACADEMIC PERFORMANCE

7 FOR EACH GRADE ASSESSED STUDENTS REACHING THIS LEVEL HAVE

8 DEMONSTRATED COMPETENCY OVER CHALLENGING SUBJECT MATTER

9 INCLUDING SUBJECT MATTER KNOWLEDGE, APPLICATION OF SUCH

10 KNOWLEDGE TO REAL WORLD SITUATIONS AND ANALYTICAL SKILLS

11 APPROPRIATE TO THE SUBJECT MATTER

12 Q AND THEN ADVANCED

13 A IT'S DEFINED AS SUPERIOR PERFORMANCE

14 Q OKAY ON THE PROFICIENT DEFINITION, IS THIS SIMILAR

15 TO YOUR DEFINITION OF CRITICAL LITERACY?

16 A YES

17 Q IS THIS WHAT IS NECESSARY IN TODAY'S WORLD FOR A

18 PERSON TO FUNCTION AS A READER?

19 MR BARNES YOUR HONOR, I'M GOING TO OBJECT MS

20 HART ASKED HER THAT WE ONE TIME BEFORE SHE'S NOT

21 QUALIFIED AS AN EXPERT TO TALK ABOUT THAT I MEAN, THERE

22 ARE EXPERTS INDEED DR DARLING-HAMMOND HAS DONE THIS AND

23 OTHER LAWSUITS I MEAN, THAT GOES TO THE VERY -- KIND OF

24 HEART OF EXPERT TESTIMONY

25 MS HART HAS EXHIBITS THAT SHE'S GOING TO --

1 INTENDS TO -- I'M SURE, INTRODUCE IN THE FUTURE ABOUT, YOU
2 KNOW, READING JURY SUBPOENAS AND THOSE KINDS OF THINGS
3 THAT GOES TO THE VERY HEART OF THE KIND OF EXPERT
4 TESTIMONY THAT DR DARLING-HAMMOND AND OTHER OF THEIR
5 EXPERTS DO

6 AND I'M GOING TO OBJECT TO HER ANSWERING THAT
7 QUESTION AND ALSO JUST GO AHEAD AND SET THE STAGE FOR MY
8 OBJECTION TO THESE UPCOMING EXHIBITS

9 THE COURT ALL RIGHT MS HART?

10 MS HART WELL, YOUR HONOR, I MEAN, I THINK THE
11 FOUNDATION IS LAID THAT MRS LEE AND THE STATE DEPARTMENT
12 USE THIS DATA, USE THESE DEFINITIONS AND USE ALL OF THIS
13 INFORMATION IN DESIGNING THE CURRICULUM STANDARDS AND
14 THEY HAVE TO KNOW WHAT THEY ARE DOING WHEN THEY ARE
15 DESIGNING THOSE CURRICULUM STANDARDS THAT APPLY
16 STATE-WIDE AND I'M JUST ASKING HER TO COMMENT ON WHAT IT
17 IS THEY ARE DOING WITH THIS INFORMATION

18 THE COURT ALL RIGHT I WILL OVERRULE THE
19 OBJECTION THANK YOU

20 THE WITNESS AS I INDICATED WHEN WE WERE TALKING
21 ABOUT PACT, EVERYTHING THAT WE DO RELATIVE TO ENGLISH
22 LANGUAGE ARTS AT THE STATE DEPARTMENT IS BASED UPON A
23 DEFINITION OF READING LITERACY AS THAT WHICH IS THOUGHTFUL
24 OR CRITICAL AND CERTAINLY TO BE A THOUGHTFUL OR CRITICAL
25 READER, YOU WOULD HAVE TO BE ABLE TO PERFORM AT A

1 PROFICIENT LEVEL

2 BY MS HART:

3 Q LET'S LOOK MRS LEE, AT EXHIBIT 5008-O I THINK
4 THAT'S THE NEXT SLIDE CAN YOU EXPLAIN WHAT THIS CHART
5 SHOWS US?

6 A THIS IS AN -- AN ILLUSTRATION OF SOUTH CAROLINA'S
7 ACHIEVEMENT ON THE READING PORTION OF THE NATIONAL
8 ASSESSMENT OF EDUCATIONAL PROGRESS LOOKING SPECIFICALLY AT
9 THE SCORES OF STUDENTS IN GRADES FOUR AND EIGHT IN THE
10 YEAR 2002

11 Q WHY DO WE LOOK AT GRADES FOUR AND EIGHT?

12 A WELL THAT, OF COURSE ARE THE GRADES THAT ARE TESTED
13 ON NAEP

14 Q ALL RIGHT SO THEY DON'T TEST GRADES THREE, SIX?

15 A NO

16 Q THEY TEST GRADES FOUR AND EIGHT?

17 A FOUR AND EIGHT

18 THE COURT MS HART, COULD -- I DON'T WANT TO INJECT
19 MYSELF INTO THIS AND INTRUSIVELY BREAK UP THE LINE, MRS
20 LEE INDICATED THAT THE NAEP TESTS ARE GIVEN TO A SAMPLING
21 OF STUDENTS

22 MS HART YES, SIR

23 THE COURT I WOULD LIKE TO UNDERSTAND HOW THAT
24 SAMPLING IS SELECTED AND WHAT CRITERIA IS USED TO DECIDE
25 THE SAMPLE

1 DISTRICTS IN SOUTH CAROLINA AS WELL?

2 A YES, I DO, AND IT'S SOMETHING THAT WE PAY PARTICULAR
3 ATTENTION TO BECAUSE, YOU KNOW AS -- I MEAN WE ARE
4 VERY CONCERNED NOT ONLY ABOUT POVERTY BUT ALSO ABOUT
5 ETHNICITY AND THOSE ARE THINGS THAT WE DO TAKE INTO
6 ACCOUNT AS WE ARE PROVIDING PROFESSIONAL DEVELOPMENT TO
7 TEACHERS THEY ARE FACTORS THAT INFLUENCE STUDENT
8 ACHIEVEMENT AND TO OVERLOOK THEM MEANS THAT WE ARE NOT
9 DOING OUR JOBS

10 Q HOW DO THEY INFLUENCE STUDENT ACHIEVEMENT?

11 A THE LITERATURE TELLS YOU THAT TEACHERS, WELL FIRST OF
12 ALL LET ME GO BACK TO--

13 MR BARNES YOUR HONOR, I OBJECT TO THIS TESTIMONY
14 ABOUT ETHNICITY AND ITS RELEVANCE AND FRANKLY I MOVE TO
15 STRIKE HER EARLIER TESTIMONY A SECOND AGO ABOUT ETHNICITY
16 AND--

17 THE COURT SHE SAID IT'S JUST A FACTOR THAT THEY
18 TAKE INTO ACCOUNT AND CERTAINLY THEY DO AND THAT'S --
19 AND THAT'S FINE I HAVE RULED EARLIER BECAUSE OF THIS
20 OBJECTION AT THE LATE TIME IN THE TRIAL OF THIS CASE IT
21 WAS NOT A FACTOR, BUT I'M GOING TO CONSIDER IT ONLY
22 INsofar AS CORRELATION OF POVERTY, NOT THE ISSUE OF
23 ETHNICITY

24 IT MAY BE RELEVANT TO WHAT THEY DO AT THE STATE
25 DEPARTMENT BUT IT WAS INJECTED IN THIS LAWSUIT AT SUCH

1 TIME THAT IT IS NOT A PART OF THIS LAWSUIT I WILL ALLOW
2 THIS LIMITED INQUIRY INTO THIS, BUT IF, IT WILL NOT BE A
3 SPRINGBOARD FOR THIS COURT'S DECISION

4 MR BARNES THANK YOU

5 MS HART YOUR HONOR, MAY I BE HEARD JUST BRIEFLY ON
6 THAT? IF -- AND THE ABBEVILLE OPINION DOES IN FACT, SAY
7 THAT EACH CHILD MUST BE PROVIDED --

8 THE COURT IT DOES

9 MS HART -- WITH THE OPPORTUNITY TO RECEIVE A
10 MINIMALLY ADEQUATE EDUCATION THE ABILITY TO ACQUIRE -- I
11 AM ALL MESSED UP

12 THE COURT I KNOW WHAT IT MEANS

13 MS HART AN OPPORTUNITY TO ACQUIRE THE ABILITY TO
14 READ AND IF ETHNICITY INFLUENCES A PERSON'S, A CHILD'S
15 ABILITY TO READ AND THE STATE DEPARTMENT IS LOOKING AT
16 THAT AS AN FACTOR IN READING

17 I MEAN, I THINK IT IS CERTAINLY SOMETHING THAT'S
18 RELEVANT TO THIS CASE I'M NOT MAKING IT, WE ARE NOT
19 MAKING THIS AN EQUAL PROTECTION CASE IN THIS CASE, IT JUST
20 HAS TO DO WITH WHAT THE STATE DEPARTMENT, WHAT TEACHERS,
21 WHAT SCHOOLS AND SCHOOL DISTRICTS NEED TO DO WITH RESPECT
22 TO PROVIDING THE OPPORTUNITY TO EACH CHILD

23 THE COURT OF COURSE, THE DEFENSE'S CONCERN IS THAT
24 NOW THEY ARE PUT TO THE TASK OF DEFENDING THIS CASE ON A
25 DIFFERENT FIELD AND IN A DIFFERENT FRONT THAT THEY WERE

1 CURRICULUM AND SHE'S TALKED ABOUT THE IMPORTANCE OF
2 TEACHER QUALITY WHICH IS SELF-EVIDENT, I THINK

3 BUT WHEN SHE GOES INTO PARTICULARS ABOUT THE
4 PHILOSOPHIES OF TEACHING, THINGS OF THAT NATURE, IF YOU
5 COULD ESTABLISH HER BASIS FOR A FOUNDATION TO TESTIFY
6 ALONG THOSE LINES, I MIGHT REVISIT THAT BUT RIGHT NOW TO
7 SPRINGBOARD INTO THIS AREA WITHOUT MORE IS PROBLEMATIC
8 SO TRY TO ESTABLISH A FOUNDATION

9 BY MS HART

10 Q ALL RIGHT MRS LEE IN YOUR ROLE AS ENGLISH
11 LANGUAGE ARTS TEAM COORDINATOR, DO YOU VISIT SCHOOLS?

12 A WE DO

13 Q DO YOU OBSERVE TEACHERS TEACHING?

14 A WE DO

15 Q DO YOU SURVEY TEACHERS ABOUT THEIR TEACHING AND THEIR
16 EXPERIENCES IN CLASSROOMS?

17 A WE DO

18 Q AND HOW DO YOU USE THAT INFORMATION?

19 A WE USE THAT INFORMATION TO PERFORM OUR WORK NOT ONLY
20 THE DEVELOPMENT OF THE STANDARDS BUT ALSO THE CRAFTING OF
21 PROFESSIONAL DEVELOPMENT INITIATIVES LIKE THE SOUTH
22 CAROLINA READING INITIATIVE

23 Q DO YOU HAVE AN UNDERSTANDING BASED ON YOUR INQUIRY IN
24 THE DISTRICTS AND THE SCHOOLS IN SOUTH CAROLINA AS TO
25 WHETHER OR NOT ALL TEACHERS BELIEVE THAT CHILDREN CAN

1 LEARN?

2 A I DO

3 Q OKAY WHAT IS THAT UNDERSTANDING?

4 A IT IS MY UNDERSTANDING BASED ON OBSERVATION, MY
5 PERSONAL OBSERVATION AND MY CONVERSATIONS WITH TEACHERS,
6 MY ANALYSIS OF SURVEYS THAT WE HAVE ADMINISTERED TO
7 TEACHERS, THAT ALL TEACHERS DO NOT BELIEVE THAT ALL
8 CHILDREN CAN LEARN AND IT IS INCUMBENT UPON--

9 THE COURT I WILL ALLOW HER TO TESTIFY ALONG THESE
10 LINES

11 THE WITNESS IT IS INCUMBENT UPON US THEN TO DESIGN
12 PROFESSIONAL DEVELOPMENT TO HELP TEACHERS UNDERSTAND THAT
13 ALL CHILDREN CAN LEARN BUT IN ORDER FOR THEM TO LEARN
14 TEACHERS HAVE TO HAVE THE STRATEGIES NECESSARY TO TEACH
15 ALL CHILDREN TO LEARN

16 BY MS HART

17 Q OKAY WE ARE GOING TO GET, IN JUST A FEW MOMENTS, I
18 PROMISE, TO HOW YOU DO THAT LET'S TALK ABOUT ONE MORE
19 AREA, PLEASE, BEFORE WE MOVE INTO WHAT YOU ARE DOING
20 THERE

21 THE COURT THAT WOULD BE A GOOD PLACE FOR US TO STOP
22 BEFORE WE EVEN GET INTO THAT OTHER AREA BUT THE MOMENT--

23 MS HART THIS IS SORT OF A SHORT AREA AND THAT HAS
24 TO DO WITH DISABILITY AND SPECIAL NEEDS CHILDREN

25 BY MS HART

1 BY MS HART

2 Q DOES INABILITY TO READ LOOK LIKE SPECIAL NEEDS TO
3 SOME TEACHERS?

4 A YES

5 Q OKAY

6 A THERE ARE MANY TEACHERS -- AS CHILDREN ARE LEARNING
7 OR AS CHILDREN ARE TRYING TO LEARN TO READ AND TEACHERS
8 ARE ATTEMPTING TO TEACH CHILDREN TO READ, THERE ARE FAR
9 TOO MANY CHILDREN THAT ARE REFERRED TO SPECIAL ED AND
10 THIS IS DOCUMENTED BOTH IN SOUTH CAROLINA AND THROUGHOUT
11 THE NATION

12 MR SMITH WE OBJECT I DON'T THINK THIS IS AN
13 ISSUE IN THIS CASE ABOUT AS I UNDERSTAND WE GET INTO AN
14 ISSUE ABOUT CHILDREN BEING SENT TO SPECIAL ED BECAUSE THEY
15 CAN'T READ AND I DON'T BELIEVE THIS IS AN ISSUE IN THIS
16 CASE YOUR HONOR

17 THE COURT WELL, TO THE EXTENT THAT THE INABILITY TO
18 READ CHANNELS SOMEONE INTO A SPECIAL AREA WHICH CONTINUES
19 TO HOLD THEM BACK, IT IS AN AREA OF CONCERN I'M NOT SURE
20 HOW WIDESPREAD IT IS I SIMPLY THINK IT GOES TO MRS
21 LEE'S TESTIMONY ABOUT THE IMPORTANCE OF READING DEVELOPED
22 AS A CHILD, WHICH SHE CAN TESTIFY TO

23 NOW, ONCE SHE GETS INTO SPECIAL NEEDS SHE'S
24 GOING TO HAVE TO LEAD THEM THERE BECAUSE THAT'S THAT'S
25 BEYOND HER AREA

1 MS HART WE'RE NOT ASKING HER ABOUT HOW YOU DEAL
2 WITH SPECIAL NEEDS CHILDREN WE ARE ASKING HER HOW YOU
3 DEAL WITH CHILDREN WHO ARE UNABLE TO READ AND WHAT HAPPENS
4 TO SOME OF THEM

5 THE COURT RIGHT AND SHE'S ANSWERED THAT

6 THE WITNESS THE STATE DEPARTMENT OF EDUCATION IS
7 PRESENTLY UNDER AN O C R AGREEMENT OFFICE OF CIVIL
8 RIGHTS, RELATIVE TO THE LARGE NUMBER OF STUDENTS IN SOUTH
9 CAROLINA THAT ARE REFERRED TO SPECIAL ED

10 AND WE HAVE WORKED VERY COLLABORATIVELY WITH THE
11 OFFICE OF EXCEPTIONAL CHILDREN AT THE STATE DEPARTMENT OF
12 EDUCATION WHICH IS IN THE SAME DIVISION WHERE THE OFFICE
13 OF CURRICULUM STANDARDS IS ON THIS VERY ISSUE

14 ONE OF THE THINGS THAT WE HAVE BEEN LOOKING AT
15 VERY CLOSELY IS HOW TO DECREASE THE NUMBER OF CHILDREN
16 THAT ARE REFERRED ESPECIALLY VERY EARLY, TO SPECIAL ED
17 RECOGNIZING THAT MANY OF THEM ARE REFERRED TO SPECIAL ED
18 WHEN IN FACT ALL THEY HAVE IS DIFFICULTY IN LEARNING TO
19 READ AND NOT A DOCUMENTED DISABILITY

20 SO THAT HAS CERTAINLY BEEN ONE OF THE OBJECTIVES
21 OF THE SOUTH CAROLINA READING INITIATIVE IS TO HELP
22 TEACHERS IDENTIFY WHY IT IS THAT A CHILD IS STRUGGLING TO
23 LEARN TO READ, THAT IT MIGHT BE SOMETHING AS SIMPLE AS
24 THEY DON'T HAVE A GOOD GRASP ON ONE OF THE CUING SYSTEMS
25 OR ONE OF THE READING PROCESSES WHICH I TALKED ABOUT

1 BUT I -- MAYBE WE CAN COME UP WITH ONE IF
2 NECESSARY I WILL ALLOW HER TO ANSWER THE QUESTION AND
3 EXPLAIN THAT ANSWER, PLEASE THANK YOU
4 BY MS HART
5 Q DO YOU NEED MORE DESCRIPTIVE IN THIS QUESTION OR ARE
6 YOU COMFORTABLE IN ANSWERING THE QUESTION?
7 A PERHAPS YOU WOULD REPHRASE THE QUESTION
8 Q ARE THE STANDARDS THAT YOU HOLD IN YOUR HAND, THAT'S
9 PLAINTIFFS' EXHIBIT 5024, DESIGNED TO PRODUCE STUDENTS OR
10 ADULTS ONCE THEY GET THROUGH OUR SCHOOLING SYSTEM OR
11 EDUCATIONAL SYSTEM WHO ARE PRODUCTIVE CITIZENS OF THIS
12 SOCIETY?
13 A YES
14 Q OKAY IS IT -- ARE THESE STANDARDS NECESSARY, IS IT
15 NECESSARY FOR STUDENTS TO ACCOMPLISH AND MASTER THESE
16 STANDARDS IN ORDER TO BE PRODUCTIVE CITIZENS IN TODAY'S
17 SOCIETY?
18 A YES AND THAT WAS THE PREMISE UPON WHICH THESE
19 STANDARDS WERE DEVELOPED THESE STANDARDS, FIRST OF ALL,
20 WERE DEVELOPED WITH -- WELL LET ME BACK UP A MOMENT
21 Q OKAY
22 A THE TWO PREMIERE READING ORGANIZATIONS IN THE UNITED
23 STATES ARE THE INTERNATIONAL READING ASSOCIATION AND THE
24 NATIONAL COUNCIL OF TEACHERS OF ENGLISH THEY HAVE
25 DEVELOPED A CORE SET OF STANDARDS COLLABORATIVELY

1 THE ADMINISTRATORS LEARN ALONGSIDE THE TEACHERS THE TIME
2 THAT THEY ARE INVESTING IS AFTER SCHOOL TIME TWO, TWO AND
3 A HALF THREE HOURS TWICE A MONTH
4 Q OKAY
5 A OVER THE NINE MONTH PERIOD
6 Q WELL HOW MUCH TIME--
7 A AND THEY EARNED, BY THE WAY, THREE HOURS OF GRADUATE
8 CREDIT PER YEAR IN LANGUAGE AND LITERACY FOR A TOTAL OF
9 NINE HOURS OVER THE THREE YEAR PERIOD
10 Q HOW ABOUT THE COACHES, HOW MUCH TIME WAS INVESTED BY
11 THE SCHOOLS AND DISTRICTS IN THE COACH'S LEARNING?
12 A WELL THEY WERE RELEASED AT A MINIMUM ONE DAY A MONTH
13 FOR THE DURING THE SCHOOL YEAR ACTUALLY FOR A FULL WEEK
14 IN MAY AND THEN THREE WEEKS DURING THE SUMMER AND THE
15 SCHOOLS OF COURSE WILL NOT -- WELL NOT FOR THE TIME DURING
16 THE SCHOOL YEAR, BUT DURING THE SUMMER THE SCHOOLS DID
17 COMPENSATE THEIR COACHES FOR THE TIME THAT THEY SPENT IN
18 STUDY
19 Q SO THIS WAS MORE THAN THE NORMAL TEN DAYS OF
20 IN-SERVICE THAT IS BUILT INTO A TEACHER'S STANDARD
21 CONTRACT IN SOUTH CAROLINA?
22 A RIGHT WE, WE NOW KNOW THAT WHAT IT TAKES TO BE A
23 LITERACY COACH IN SOUTH CAROLINA IS REALLY THE EQUIVALENT
24 OF A 210 DAY CONTRACT AS OPPOSED TO THE 190 DAY CONTRACT
25 WHICH MOST TEACHERS HAVE

1 Q HOW MANY BOOKS ARE NEEDED IN A CLASSROOM TO PROVIDE
2 THIS KIND OF READING OUT LOUD AND INDEPENDENT READING THAT
3 IS IMPORTANT?

4 A WELL, FIRST OF ALL, IT IS CRITICAL THAT CHILDREN HAVE
5 ACCESS TO BOOKS AT SCHOOL OTHER THAN THE BASIL READING
6 SERIES

7 Q WHAT IS THE BASIL READING SERIES?

8 A THAT IS YOUR READING TEXTBOOK SOUTH CAROLINA
9 PROVIDES WHAT WE CALL TEXT FOR THE VARIOUS SUBJECT AREAS
10 AND WHEN YOU ARE TALKING ABOUT READING YOU TALK ABOUT
11 BASIL READING PROGRAMS

12 Q ALL RIGHT SO THEY HAVE THAT?

13 A SO THEY HAVE THAT, AND THAT IS PROVIDED BY THE STATE,
14 YOU KNOW, WITH FUNDING FROM THE GENERAL ASSEMBLY BUT IT
15 IS CRITICAL THAT CHILDREN HAVE ACCESS TO TEXT IN THE
16 CLASSROOM AND IN THE SCHOOL LIBRARY AND IN THE CLASSROOM
17 THE STANDARD IS AT LEAST 500 DIFFERENT TITLES ON DIFFERENT
18 INSTRUCTIONAL LEVELS

19 Q WHY SO MANY TITLES?

20 A WELL, BECAUSE THERE ARE A WIDE VARIETY OF CHILDREN IN
21 THE CLASSROOM CHILDREN NEEDS BOOKS THAT THEY CAN READ
22 AND BY THE WAY, THAT 500 FIGURE REALLY IS FOR THE EARLY
23 GRADES, GRADES K THROUGH THREE

24 AS CHILDREN ARE LEARNING TO READ, NUMBER ONE
25 THEY NEED BOOKS THAT ARE EASY FOR THEM TO READ THEY NEED

1 BOOKS ON WHAT WE CALL THEIR INSTRUCTIONAL LEVEL AND THEN
2 THEY ALSO NEED BOOKS THAT WILL CHALLENGE THEM

3 AND IF YOU THINK ABOUT THE FACT THAT A TYPICAL
4 FIRST GRADER PROBABLY NEEDS TO HAVE ACCESS TO ABOUT TEN
5 BOOKS A DAY DURING THE COURSE OF A SCHOOL YEAR, NOW A LOT
6 OF TIMES THEY MAY READ BOOKS AND THAT IS ENCOURAGED, THE
7 RE-READING OF BOOKS IS ENCOURAGED TO HELP DEVELOP
8 FLUENCY, BUT IF YOU THINK ABILITY A CHILD, A VERY YOUNG
9 CHILD READING ABOUT TEN BOOKS A DAY, THEN YOU CAN EASILY
10 SEE HOW 500 BOOKS ON VARYING LEVELS ABOUT VARYING TOPICS,
11 NOT JUST LITERATURE BUT ALSO INFORMATIONAL TEXT, ARE GOING
12 TO BE NEEDED IN THE CLASSROOM

13 Q DOES THAT INCLUDE NUMBERS OF BOOKS THAT A TEACHER
14 NEEDS AVAILABLE TO READ ALOUD?

15 A NO, THE TEACHER ALSO IS GOING TO NEED BOOKS FOR
16 READING ALOUD I MEAN, YOU'RE GOING TO NEED BOOKS FOR THE
17 TEACHER TO READ ALOUD TO THE CHILD THE CHILDREN, AND THEN
18 YOU'RE ALSO GOING TO NEED BOOKS FOR THE CHILDREN TO BE
19 ABLE TO SELF SELECT AND READ DURING WHAT WE CALL
20 INDEPENDENT READING

21 Q WHY IS IT IMPORTANT FOR A TEACHER TO READ ALOUD TO A
22 CHILD AND FOR A CHILD TO BE SELF SELECTIVE IN READING?

23 A WELL, WITHIN ANY CLASSROOM, IT IS IMPORTANT FOR
24 CHILDREN TO HAVE VARYING OPPORTUNITIES FOR READING WE
25 BASICALLY SEGMENT THAT READING INTO A WIDE VARIETY OF

1 EXPERIENCES INCLUDING GUIDED READING WHERE THE TEACHER IS
2 ACTUALLY WORKING WITH A SMALL GROUP OF STUDENTS, NORMALLY
3 ON A PARTICULAR STRATEGY WHERE, YOU KNOW, SHE HAS
4 IDENTIFIED THAT THIS SMALL GROUP OF STUDENTS, FIVE
5 STUDENTS, NEED INSTRUCTION ON A PARTICULAR TOPIC

6 BUT THEY ALSO NEED TIME FOR WHAT WE CALL
7 INDEPENDENT READING WHERE THEY GET TO SELECT BOOKS THAT
8 THEY CHOOSE TO READ THEMSELVES

9 AND ONE OF THE THINGS THAT TEACHERS STRIVE TO DO
10 IS TO TEACH CHILDREN HOW TO SELECT BOOKS WE CAN TALK
11 ABOUT THAT A LITTLE BIT LATER BUT THEN THEY ALSO HAVE,
12 ARE GOING TO NEED OPPORTUNITIES FOR TEACHERS TO SHARE WHAT
13 WE CALL SHARED READING WHERE A TEACHER ACTUALLY USES A
14 TEXT TO TEACH A PARTICULAR SKILL WITH THE ENTIRE GROUP
15 ONE OF THE REASONS FOR READING ALOUD IS TO HELP
16 DEMONSTRATE FLUENCY

17 IF CHILDREN HEAR TEXT READ FLUENTLY THAT HELPS
18 THEM TO BECOME FLUENT READERS

19 Q OKAY DOES THE NUMBER OF BOOKS IN A CLASSROOM MAKE
20 THE DIFFERENCE IN EDUCATING CHILDREN WHO ARE NOT FROM
21 PRINT RICH ENVIRONMENTS?

22 A ABSOLUTELY I MEAN, MANY CHILDREN COME TO SCHOOL
23 FROM HOMES WHERE THERE ARE NO BOOKS THERE IN FACT IS NOT
24 PRINTED MATERIAL, NEWSPAPERS, MAGAZINES AND IN ORDER TO
25 LEARN TO READ YOU HAVE TO ACTUALLY INTERACT WITH TEXT

1 YOU HAVE TO BE ABLE TO PICK UP A BOOK, KNOW
2 WHICH WAY TO HOLD THE BOOK I MEAN, A LOT OF CHILDREN
3 HAVE TO BE TAUGHT NOT TO HOLD A BOOK UPSIDE DOWN YOU
4 HAVE GOT TO BE ABLE TO HOLD A BOOK CORRECTLY IN ORDER TO
5 KNOW THAT YOU READ FROM RIGHT TO LEFT, TURN THE PAGES,
6 THOSE KIND OF THINGS
7 Q YOU READ FROM LEFT TO RIGHT, DON'T YOU?
8 A LEFT TO RIGHT SORRY THANK YOU
9 Q I THOUGHT YOU HAD A TRICK WE DIDN'T KNOW ABOUT
10 A NO, JUST A MISSED CUE
11 Q NOW AGAIN BUT THE NUMBERS OF BOOKS IN THE
12 CLASSROOMS, WHO PROVIDES THOSE MATERIALS FOR CLASSROOMS?
13 A DISTRICT AND SCHOOLS
14 Q DOES THE STATE HAVE ANY FUND OF MONEY THAT IS
15 TARGETED FOR THAT PURPOSE?
16 A THE STATE DOES NOT PER SAY YOU KNOW IT IS REALLY
17 UP TO THE DISTRICTS AND SCHOOLS TO DETERMINE HOW THEY ARE
18 GOING TO SPEND STATE FUNDING NOW THEY CERTAINLY CAN
19 ELECT TO SPEND STATE FUNDING ON BOOKS FOR CLASSROOMS
20 BOOKS FOR LIBRARIES BUT OF COURSE, YOU KNOW IT HAS TO BE
21 USED FOR EVERYTHING
22 AND CERTAINLY DISTRICTS AND SCHOOLS CAN USE
23 TITLE ONE FUNDS TO PURCHASE BOOKS BOOKS ARE AN ALLOWABLE
24 EXPENDITURE THE ISSUE IS WHETHER OR NOT THERE'S ENOUGH
25 MONEY TO BUY BOOKS

1 WHEREAS THE PALMETTO ACHIEVEMENT CHALLENGE TEST OR PACT
2 TEST, STUDENTS MUST TAKE THAT
3 SO IT'S A PUBLIC POLICY MATTER IT WAS FAR MORE
4 IMPORTANT THAT WE LOOKED AT THE PACT SERIES AS OPPOSED TO
5 THE SATS, SO THAT WAS OUR NEXT STUDY
6 Q AND DID YOU AND YOUR COLLEAGUES PUBLISH A STUDY
7 ENTITLED UNDERSTANDING POOR PERFORMANCE, PALMETTO
8 ACHIEVEMENT CHALLENGE TEST SCORES AND POVERTY?
9 A YES, SIR WE DID, OR I DID THAT WAS ONE OF MY
10 PIECES OF WORK AND THE TITLE IS TO CAPTURE THE ISSUE OF
11 POVERTY THROUGH THAT STUDY WE IDENTIFIED A NUMBER OF
12 FACTORS AND THEIR RELATIONSHIP TO PERFORMANCE ON THE PACT
13 SERIES FAR AND AWAY THE MORE SUBSTANTIAL, THE MOST
14 SIGNIFICANT FACTOR IN DETERMINING PACT PERFORMANCE WAS
15 POVERTY SO THAT'S WHY WE TITLED IT UNDERSTANDING POOR
16 PERFORMANCE
17 Q OKAY I'M GOING TO COME BACK TO YOUR ARTICLES A
18 LITTLE BIT LATER, BUT COULD YOU TELL US A LITTLE BIT ABOUT
19 YOUR TEACHING BACKGROUND, PARTICULARLY IN TERMS OF
20 RESEARCH METHODOLOGIES AS IT MIGHT RELATE TO PUBLIC POLICY
21 AND EDUCATION, PUBLIC POLICY SPECIFICALLY?
22 A ABSOLUTELY EVERY YEAR I TEACH A TWO SEMESTER
23 SEQUENCE TO SENIORS AT CLEMSON UNIVERSITY ON RESEARCH
24 METHODOLOGY THE FIRST SEMESTER WE SPEND TEACHING BASIC
25 RESEARCH METHODOLOGIES, RESEARCH DESIGN, ISSUES OF

1 A YES

2 Q THE FIRST ITEM THERE WHY DON'T YOU WALK THROUGH,
3 USING THE SLIDE, WHAT YOU FOUND AND WHAT YOUR COMMENTS
4 WERE THERE

5 A OKAY AGAIN, I THINK, MR MORRISON, AGAIN THIS WAS A
6 FOLLOW UP STUDY TO OUR UNDERSTANDING POOR PERFORMANCE
7 PIECE WHICH FOUND IN THE STATE OF SOUTH CAROLINA THERE IS
8 SUCH A PROFOUND CORRELATION BETWEEN POVERTY MEASURED BY
9 ELIGIBILITY FOR FREE OR REDUCED LUNCH AND ACADEMIC
10 PERFORMANCE AS MEASURED BY THE PACT SERIES TO THE POINT IN
11 FACT THAT FOR A SCHOOL WITH 80 PERCENT OF ITS STUDENTS
12 ELIGIBLE FOR FREE OR REDUCED LUNCH WE CAN EXPECT 40
13 PERCENT OF THOSE STUDENTS TO FAIL TO MEET MINIMUM
14 STANDARDS ON PACT, THAT IS, TO BE BELOW BASIC

15 AS A FOLLOW-UP TO THAT WE BEGAN TO LOOK AT THE
16 SCHOOL REPORT CARDS, THE FIRST GENERATION OF THE REPORT
17 CARDS, AND THESE ARE SOME OF THE ITEMS WE FOUND ARE
18 UNSATISFACTORY

19 ELEMENTARY AND MIDDLE SCHOOLS HAVE AN AVERAGE OF
20 79 PERCENT OF THEIR STUDENTS ELIGIBLE FOR FREE OR REDUCED
21 LUNCH SO PRACTICALLY 80 PERCENT OF OUR UNSATISFACTORY
22 SCHOOL STUDENTS ARE IMMERSSED IN THE CONTEXT OF POVERTY
23 COMPARED TO ONLY 32 PERCENT IN OUR EXCELLENT SCHOOLS

24 Q OKAY

25 A THE SECOND ITEM THERE LESS THAN 20 PERCENT OF OUR

1 NEEDED TO LOOK AT IT MORE CLOSELY AND GO TO ACTUAL SCHOOL
2 LEVEL DATA BECAUSE WITHIN ANY SCHOOL DISTRICT YOU COULD
3 HAVE TREMENDOUS VARIATION

4 YOU MAY HAVE A HIGH POVERTY SCHOOL IN THE SAME
5 DISTRICT WITH A FAIRLY AFFLUENT SCHOOL AND SO THEY CAN
6 OFFSET EACH OTHER'S SCORES TO SOME DEGREE OR THE REALLY
7 POOR PERFORMANCE OF ONE CAN BE MASKED BY THE VERY HIGH
8 PERFORMANCE OF ANOTHER SO WE DID GO TO SCHOOL LEVELS
9 THAT'S ONE OF THE KEY LESSONS WE LEARNED FROM THE INITIAL
10 TOTAL ACADEMIC PERFORMANCE

11 Q SO YOU DID STATE-WIDE DISTRICTS THEN WENT TO SCHOOL
12 LEVEL?

13 A YES YES THAT'S CORRECT

14 Q AND IN THE CONTEXT OF PREPARING FOR THIS CASE, DID
15 YOU LOOK AT THE SPECIFIC DISTRICTS, THE EIGHT SPECIFIC
16 DISTRICTS THAT WE HAVE THAT WE REPRESENT IN THIS CASE?

17 A YES I DID IN PREPARATION FOR THIS CASE I AGAIN
18 RELIED VERY HEAVILY ON MY PREVIOUS WORK AT SCHOOL LEVEL
19 AND FROM THAT DATABASE I WAS ALSO ABLE TO ISOLATE THE
20 PLAINTIFF DISTRICTS FOR COMPARISON TO THE STATE AVERAGE ON
21 A VARIETY OF MEASURES

22 Q DR HAWKINS LET'S LOOK FOR A GLOBAL OPINION HERE
23 DO YOU -- BASED AN YOUR ANALYSIS AND THE WORK THAT WE
24 DESCRIBED TOGETHER HAVE YOU REACHED ANY CONCLUSIONS
25 REGARDING THE EFFECT THAT POVERTY HAS ON STANDARDIZED

1 TESTS LIKE PACT AND OTHER STANDARDIZED TESTS?

2 A ACTUALLY I HAVE A VERY STRONG OPINION AND I WOULD
3 DARE SAY NOT JUST AN OPINION, MY OPINION IS BASED ON A
4 DIRECT EXAMINATION OF THE EMPIRICAL EVIDENCE THERE IS NO
5 FACTOR IN THE STATE OF SOUTH CAROLINA THAT EXPLAINS MORE
6 VARIATION ON STANDARDIZED TEST SCORES THAN LEVEL OF
7 POVERTY IT OVERWHELMS EVERY OTHER MEASURE THAT I HAVE
8 LOOKED AT

9 Q OKAY IS THERE A METRIC WE SHOULD BE LOOKING AT FOR
10 EVERY TWO PERCENT INCREASE IN FREE AND REDUCED LUNCH
11 THERE'S SOME KINDS OF AN IMPACT ON TESTING? CAN YOU, HAVE
12 YOU REACHED ANY CONCLUSION?

13 A YES AGAIN WITH THE PACT SERIES IN PARTICULAR, THE
14 METRIC THAT I MENTIONED BEFORE IS THAT FOR EVERY TWO
15 PERCENTAGE POINT INCREASE IN FREE OR REDUCED LUNCH
16 ELIGIBILITY THERE IS A CORRESPONDING ONE PERCENTAGE POINT
17 DECREASE IN THE PERCENTAGE OF STUDENTS WHO MEET THE
18 MINIMUM STANDARDS ON PACT

19 AND I MENTIONED THAT FIGURE BEFORE IF YOU ARE
20 A SCHOOL WITH 80 PERCENT OF YOUR STUDENTS ELIGIBLE FOR
21 FREE OR REDUCED LUNCH YOU CAN EXPECT AND IT'S VERY LIKELY
22 THAT 40 PERCENT OF YOUR STUDENTS WILL FAIL TO MEET
23 STANDARDS ON PACT

24 Q LET'S TALK ABOUT THE DATA THAT YOU TOOK FROM THE --
25 FROM THE SOUTH CAROLINA DEPARTMENT OF EDUCATION WEBSITE

1 THIS TYPE OF RELATIONSHIP AND SO WE DRAW THE REGRESSION
2 LINE THROUGH THAT AND IT SHOWS A VERY, VERY SUBSTANTIAL
3 NEGATIVE CORRELATION

4 Q OKAY

5 A SO AS OUR POVERTY LEVEL GOES UP IN SOUTH CAROLINA
6 SCHOOLS, OUR PACT SCORES SHOW ALMOST A PERFECT NEGATIVE
7 CORRELATION MEANING THEY GO DOWN DRAMATICALLY

8 Q NOW, IN STATISTICS THERE'S SOMETHING CALLED
9 STATISTICALLY SIGNIFICANT AND TO ME THAT COMES ACROSS AS A
10 COMPETENCE LEVEL BUT WHAT IS, IS THIS -- IS THERE DOUBT
11 ABOUT THIS CORRELATION AT ALL OR HOW WOULD YOU
12 CHARACTERIZE YOUR JUDGMENT THERE AFTER LOOKING AT THE
13 DATA?

14 A YES YOU MENTIONED STATISTICALLY SIGNIFICANT WHEN
15 YOU HAVE CORRELATION, IT'S NOT ENOUGH TO SAY THERE IS OR
16 THERE ISN'T A RELATIONSHIP, BUT WE WANT TO KNOW IF THAT
17 RELATIONSHIP IS STATISTICALLY SIGNIFICANT DOES THIS
18 FACTOR EXPLAIN A SIGNIFICANT AMOUNT OF THE VARIATION --

19 Q RIGHT

20 A -- IN OUR OUTCOME, OUR "Y" THEN IN THIS CASE
21 POVERTY LEVEL, THIS ONE FACTOR ALONE EXPLAINS WELL OVER 62
22 PERCENT OF THE VARIATION OF PACT SCORES

23 NOW AS A STATISTICIAN I KNOW THAT THERE ARE GUYS
24 LIKE ME NUMBER CRUNCHERS WHO SPEND THEIR CAREERS TRYING TO
25 FIND COLLECTIONS OF FACTORS THAT CAN EXPLAIN THIS MUCH

1 VARIATION IN SOME OUTCOME THIS IS A PROFOUND
2 RELATIONSHIP IT OVERWHELMS EVERY OTHER CORRELATION THAT
3 CAN EXPLAIN PACT SCORES IN THE STATE OF SOUTH CAROLINA
4 AND BY THE WAY, POVERTY AS A FACTOR IS SO HIGHLY
5 CORRELATED WITH RACE THAT THEY ARE ESSENTIALLY WHAT WE
6 CALL COLINEAR IN THE STATE OF SOUTH CAROLINA THEY ARE
7 ESSENTIALLY ONE AND THE SAME FACTOR
8 Q OKAY RACE AND POVERTY ARE COLINEAR?
9 A ESSENTIALLY COLLINEAR
10 Q DEFINE COLINEAR JUST FOR THE RECORD HERE
11 A COLINEAR WOULD BE SORT OF THAT PERFECT RELATIONSHIP
12 AS ONE VALUE GOES UP BY A UNIT OF ONE THE OTHER ALSO GOES
13 UP BY A UNIT OF ONE THEY ESSENTIALLY ARE SO CLOSELY TIED
14 THAT WE CAN'T SEPARATE THE TWO EFFECTIVELY
15 Q OKAY WE HAVE GOT SOME MORE CHARTS THAT WILL WORK ON
16 THAT LATER, BUT THANK YOU
17 A YOU ARE WELCOME
18 Q DR HAWKINS, I GUESS THE NEXT LOGICAL QUESTION IS
19 DOES POVERTY EXPLAIN ALL OF THE DIFFERENCES ON PACT SCORES
20 IF IT'S THAT PROFOUND AS YOU JUST SAID, OR IS THERE
21 SOMETHING ELSE OUT THERE?
22 A OH, IT'S -- IT'S SILLY TO THINK THAT ONE FACTOR WOULD
23 EVER EXPLAIN EVERY, EVERY BIT OF THE VARIATION AND TO
24 GET BACK TO THIS WHOLE NUMBERS THING, IF YOU THINK ABOUT
25 VARIATION AND OUTCOMES AS BEING A STORY, YOU THINK ABOUT

1 WHAT HAPPENS ON PACT AS BEING A STORY, THIS ONE FACTOR
2 EXPLAINS WELL OVER 62 PERCENT OF THAT STORY

3 NO ONE FACTOR IS GOING TO EXPLAIN ALL OF IT
4 BUT THE FACT IS THAT THE NEAREST COMPETING FACTOR IN TERMS
5 OF ITS EXPLANATORY VALUE IS RACE THEN THERE'S A HUGE
6 DROP WHEN WE GET BACK DOWN TO, I BELIEVE TEACHER SALARY
7 IS THE NEXT CLOSEST AND THAT FACTOR ONLY EXPLAINS 16 POINT
8 EIGHT PERCENT OF THE VARIATION IN PACT

9 Q OKAY AND TEACHER SALARY IS POSITIVELY CORRELATED
10 WITH POVERTY?

11 A YES, YES THAT'S A POSITIVE CORRELATE THAT'S
12 CORRECT

13 Q OKAY AS WE WORK THROUGH THIS ONE OF THE THINGS THAT
14 WE HAVE SEEN IN THE -- ONE THING THAT WE HEAR FROM OTHER
15 EXPERTS IS THAT GOSH, THERE'S ALREADY MONEY BEING SPENT
16 HERE IN THE DISTRICTS WE REPRESENT ABOVE THE STATE
17 AVERAGE

18 SHOULDND'T THAT WIPE OUT THE POVERTY
19 CORRELATION? I MEAN, SHOULDND'T WE ALREADY BE AT A POINT
20 WHERE IT'S NOT, NO LONGER CORRELATED?

21 MR STEPP YOUR HONOR, I'M NOT SURE THAT'S WITHIN
22 DR HAWKINS' AREA OF EXPERTISE THE EDUCATIONAL
23 ADMINISTRATION, EDUCATIONAL POLICY IN SCHOOL AT THE SCHOOL
24 DISTRICT LEVEL, I MEAN IF HE'S CORRELATING SPENDING THAT S
25 ONE THING BUT IF HE WANTS TO TALK ABOUT HOW RESOURCES ARE

1 A YES

2 Q I WAS ASKING YOU ABOUT THESE VARIABLES WOULD YOU
3 WALK US THROUGH THOSE VARIABLES AND TELL US WHAT IT WAS
4 THAT YOU WERE LOOKING AT PLEASE

5 A ABSOLUTELY NOW THE TERM EXPLANATORY VARIABLE TO
6 KIND OF PUT IT IN THE CONTEXT OF THINGS WE'VE ALREADY
7 TALKED ABOUT, WOULD BE OUR "X" FACTOR OVER HERE ON OUR
8 DIAGRAM OKAY SO IT'S THE THING THAT WE ARE CORRELATING
9 WITH PACT

10 THE CORRELATION WITH PACT SCORES IS THE
11 MEASUREMENT, THE PEARSON PRODUCT MOMENT CORRELATION
12 COEFFICIENT WHICH MEASURES THE STRENGTH OF THE
13 RELATIONSHIP BETWEEN THE TWO FACTORS

14 AND THE THIRD COLUMN, PERCENTAGE OF VARIATION
15 EXPLAINED IS "R" SQUARED SO IT'S BASICALLY JUST THE
16 SQUARE OF THAT SECONDS COLUMN AND IT TELLS YOU HOW MUCH
17 OF THE STORY, THE STORY BEING PERFORMANCE ON PACT, IS
18 EXPLAINED BY THAT VARIABLE

19 Q OKAY

20 A SO THE FACTORS OF VARIABLES I LOOKED AT WERE 135 DAY
21 AVERAGE DAILY MEMBERSHIP, A TWO YEAR AVERAGE, AND THE TWO
22 YEARS WERE 1999 AND 2000 ACADEMIC YEARS

23 Q OKAY

24 A SECOND VARIABLE IS PERCENTAGE OF STUDENTS TESTED OUT
25 OF SCHOOL, AGAIN A TWO YEAR AVERAGE

1 Q WHY WERE YOU LOOKING SPECIFICALLY AT THE PERCENTAGE
2 OF STUDENTS TESTED AT SCHOOL?

3 A BECAUSE IT WAS HYPOTHESIZED THAT ONE STRATEGY FOR
4 CIRCUMVENTING THE CONSEQUENCES ASSOCIATED WITH THESE TESTS
5 WOULD BE TO NOT HAVE THE KIDS SHOW UP ON TEST DAY

6 Q OKAY AND THE NEXT ITEM AVERAGE TEACHER EXPERIENCE?

7 A YES THE AVERAGE TEACHER EXPERIENCE WITHIN A SCHOOL,
8 AGAIN A TWO YEAR AVERAGE, THE FOURTH FACTOR WE LOOKED AT
9 WAS PERCENTAGE OF SCHOOLS' TEACHERS WITH A GRADUATE DEGREE
10 AND THAT COULD BE A MASTERS DEGREE, A SIX YEAR CERTIFICATE
11 OR A P H D , AND AGAIN, A TWO YEAR AVERAGE

12 Q OKAY

13 A THE NEXT FACTOR WAS AVERAGE TEACHER SALARY WITHIN THE
14 SCHOOL, A TWO YEAR AVERAGE NEXT IS THE PERCENTAGE OF THE
15 STUDENT POPULATION CLASSIFIED AS MINORITY AND FOR THE
16 PURPOSES OF THIS STUDY THAT WAS ANY STUDENT WHO WAS
17 NONCAUCASIAN

18 AND FINALLY THE PERCENTAGE OF STUDENTS ENROLLED
19 IN FREE OR REDUCED LUNCH AND AGAIN THE AVERAGE ACROSS THE
20 TWO YEARS EXAMINED

21 Q NOW I'M GOING TO WALK OVER HERE BY THE -- BY THE
22 CHART AND IF INSTEAD OF PUTTING PACT SCORES ON THE "Y"
23 AXIS HERE AND WE WERE SHOWING THIS NEGATIVE CORRELATION
24 WITH POVERTY, INSTEAD OF PUTTING THE PACT SCORES HERE, WE
25 PUT ANY ONE OF THESE FIRST FACTORS UP THERE 135 DAY DAILY

1 AVERAGE MEMBERSHIP?

2 A UH-HUH

3 Q PERCENTAGE OF STUDENTS TESTED AT SCHOOL, AVERAGE
4 TEACHER EXPERIENCE AT SCHOOL, PERCENTAGE OF SCHOOLS'
5 TEACHERS WITH GRADUATE DEGREE, AND AVERAGE TEACHER SALARY,
6 AS POVERTY GOES UP FOR ANY OF THOSE FACTORS, DO THOSE
7 FACTORS GO DOWN?

8 A YES, THERE'S A NEGATIVE CORRELATION BETWEEN POVERTY
9 AND 135 A D M

10 Q RIGHT

11 A A NEGATIVE CORRELATION BETWEEN POVERTY AND THE
12 PERCENTAGE OF STUDENTS TESTED, ALTHOUGH VERY SLIGHT,
13 NEGATIVE CORRELATION BETWEEN POVERTY AND AVERAGE TEACHER
14 EXPERIENCE AT A SCHOOL AND A NEGATIVE CORRELATION BETWEEN
15 POVERTY AND THE PERCENTAGE OF THE SCHOOLS TEACHERS WITH A
16 GRADUATE DEGREE AND A NEGATIVE CORRELATION BETWEEN POVERTY
17 AND AVERAGE TEACHER PAY THAT'S CORRECT

18 Q OKAY AND ALSO A NEGATIVE CORRELATION BETWEEN
19 POVERTY AND PACT TEST SCORES?

20 A ABSOLUTELY --

21 Q OKAY

22 A -- PROFOUND

23 Q THERE IS A POSITIVE CORRELATION BETWEEN PACT TEST
24 SCORES AND EACH OF THESE FIVE ITEMS AVERAGE TEACHER
25 SALARY, THAT MEANS AS AVERAGE TEACHER SALARY GOES UP, PACT

1 SCORES GO UP?

2 A THAT'S CORRECT

3 Q PERCENTAGE OF SCHOOL TEACHERS WITH GRADUATE DEGREES

4 MEANING AS THAT PERCENTAGE GOES UP, PACT SCORES GO UP?

5 A THAT'S ALSO CORRECT

6 Q AVERAGE TEACHER EXPERIENCE AT THE SCHOOL MEANING AS

7 TEACHER EXPERIENCE GOES UP PACT SCORES GO UP?

8 A THAT'S CORRECT

9 Q PERCENTAGE OF STUDENTS TESTED AT THE SCHOOL MEANING

10 AS THE PERCENTAGE GOES UP, THE SCORES GO UP?

11 A THAT'S CORRECT

12 Q AND THE 135 DAY AVERAGE MINIMUM DAILY MEMBERSHIP

13 MEANING AS STUDENT POPULATION GOES UP THE PACT SCORES GO

14 UP?

15 A THAT'S CORRECT

16 Q OKAY

17 A BUT IF YOU LOOK AT -- AGAIN, IF YOU LOOK AT THE

18 VALUES THERE SPECIFICALLY THE THIRD COLUMN ON THE GRAPH,

19 THE PERCENTAGE OF VARIATION IN PACT SCORES EXPLAINED

20 Q I THINK HE SAID THE VALUES WAS THE WORD?

21 A YES, IF YOU LOOK AT THE VALUES I'M SORRY

22 Q YOU HAVE TO SLOW DOWN JUST A LITTLE BIT, I THINK

23 PROBABLY WOULD HELP

24 A OKAY IF YOU LOOK AT THE VALUES FOR ALL THOSE

25 CORRELATIONS, THE TERMS OF CORRELATION COEFFICIENTS ITSELF

1 IN THE SECOND COLUMN AND THE PERCENTAGE OF VARIATION
2 EXPLAINED, THESE FIRST TWO FACTORS DON'T TREMENDOUSLY
3 DIFFER FROM AFFLUENT SCHOOLS AND OUR HIGH POVERTY
4 SCHOOLS

5 THERE IS A DIFFERENCE THERE IS NO DOUBT ABOUT
6 IT, AND IT IS SIGNIFICANT BUT IT'S NOT AS GREAT IN
7 PROPORTION AS THE OTHER ITEMS BUT WHEN WE GET DOWN INTO
8 TEACHER EXPERIENCE, TEACHERS WITH ADVANCED DEGREES, AND
9 AVERAGE TEACHERS' SALARIES, YES, THOSE ARE VERY, VERY
10 IMPORTANT FACTORS AND THEY DO DIFFER SUBSTANTIALLY BETWEEN
11 HIGH POVERTY SCHOOLS AND OUR MORE AFFLUENT SCHOOLS

12 Q OKAY NOW THE LAST TWO ITEMS ON THIS CHART IN
13 EXHIBIT 5051 AND IT'S -- ARE PERCENTAGE OF STUDENT
14 POPULATION QUOTE MINORITY END QUOTE?

15 A YES

16 Q DOES THAT MEAN AFRICAN-AMERICANS?

17 A TYPICALLY IN SOUTH CAROLINA, YES, BUT IT ALSO
18 CAPTURES OUR HISPANIC POPULATION OUR ASIAN POPULATION
19 NATIVE AMERICAN ANY NONCAUCASIAN STUDENT IS CAPTURED BY
20 THAT CLASSIFICATION

21 Q AND IF WE WERE GOING OVER TO THE PERCENT OF THE
22 SCORING THAT'S EXPLAINED BY RACE, BY MINORITY STATUS AND
23 RACE --

24 A YES

25 Q -- IT'S 49 4 PERCENT?

1 A YES (SCORING)
2 Q AND PERCENTAGE OF STUDENTS ENROLLED IN FREE AND
3 REDUCED LUNCHES, THAT'S THE PROXY FOR POVERTY, RIGHT?
4 A YES
5 Q SO THE PERCENTAGE OF THE SCORING TOLD BY POVERTY IS
6 62 3 PERCENT?
7 A THAT'S CORRECT
8 Q THOSE TWO NUMBERS THAT YOU NOTED IN THIS STUDY ARE
9 PROFOUNDLY CONNECTED, I THINK WERE YOUR WORDS?
10 A YES, THE TERM I USED IS COLINEAR
11 Q RIGHT
12 A ACTUALLY ESSENTIALLY COLINEAR THERE'S ABOUT A -- I
13 BELIEVE A 90 PERCENT CORRELATION BETWEEN THE TWO A POINT
14 NINE CORRELATION BETWEEN THE TWO AND AGAIN ONE POINT ZERO
15 CORRELATION IS A PERFECT CORRELATION SO THE TWO ARE
16 VIRTUALLY INDISTINGUISHABLE
17 Q LET'S LOOK IF WE COULD AT THE NEXT CHART, THE
18 SCATTERGRAPH ON EXHIBIT 5051 THAT FOCUSES ON 135 A D M
19 A YES
20 Q AVERAGE, AVERAGE DAILY MEMBERSHIP, AND THE PERCENTAGE
21 OF STUDENTS PASSING PACT AND SINCE THIS IS THE FIRST
22 SCATTERGRAPH WE HAVE LOOKED AT, COULD YOU DESCRIBE THE "X"
23 AXIS AND THE "Y" AXIS FOR US AND THEN THESE DATA POINTS
24 THAT ARE THERE?
25 A YES THE "X" AXIS IS LABELED AS 135 A D M , A TWO

1 YOU SORT OF LEAD THAT DISCUSSION WITH THE
2 STATEMENT, A KEY CONSIDERATION FOR INTERPRETING A SCHOOL'S
3 PERFORMANCE ON STANDARDIZED TESTS IS POVERTY
4 A THAT'S CORRECT
5 Q AND THAT'S FOR THE REASONS THAT YOU HAVE ALREADY
6 DISCUSSED TODAY, THERE IS THIS PROFOUND RELATIONSHIP THAT
7 YOU DESCRIBED BETWEEN POVERTY AND STUDENT ACHIEVEMENT?
8 A YES, THAT'S CORRECT AND THE CONTEXT OF THAT
9 STATEMENT IS IN LOOKING AT BOTH THE SHORT AND LONG TERM
10 IMPLICATIONS OF ACCOUNTABILITY SYSTEMS TO INTERPRET A
11 SCHOOL, A STUDENT'S SCORES FAIRLY WITH INVOLVED
12 CONSIDERATION OF THE CONTEXT OF THEIR PERFORMANCE
13 Q RIGHT AND WE ARE GOING TO GET TO THAT IN SOME MORE
14 DETAIL TOO IN A FEW MINUTES NOW, THE RELATIONSHIP
15 BETWEEN POVERTY -- IN YOUR STUDY YOU LOOKED AT POVERTY IN
16 SOUTH CAROLINA AND PACT SCORES IN SOUTH CAROLINA, IS THAT
17 RIGHT?
18 A THAT'S CORRECT
19 Q BUT THE RELATIONSHIP THAT YOU DISCOVER IN SOUTH
20 CAROLINA IS NOT UNIQUE TO SOUTH CAROLINA, IS IT?
21 A NO, IT'S NOT POVERTY IS A SITUATION OR A CONTEXT
22 THAT HAS BEEN SHOWN TO NEGATIVELY IMPACT ACADEMIC
23 ACHIEVEMENT ACROSS THE COUNTRY AND IT'S WIDESPREAD
24 Q AND IT'S ALSO NOT SOMETHING THAT'S NEW, IS IT? THIS
25 IS, THIS IS A RELATIONSHIP THAT HAS EXISTED FOR AS LONG AS

1 PERFORMANCE THAT RESEARCH DOCUMENTING THE RELATIONSHIP
2 BETWEEN SOCIOECONOMIC DISADVANTAGE -- SAYS DISADVANTAGED,
3 THAT'S MY FAULT, I'M SORRY, AND POOR ACADEMIC PERFORMANCE
4 IS ABUNDANT?
5 A YES
6 Q AND YOU SORT OF PIONEERED THIS IN SOUTH CAROLINA BUT
7 YOUR FINDINGS ARE CONSISTENT WITH THE FINDINGS OF OTHER
8 RESEARCHERS WHO HAD EXAMINED THIS SAME RELATIONSHIP, AM I
9 RIGHT ABOUT THAT?
10 A THAT'S CORRECT
11 Q NOW I GUESS WE COME BACK TO SPUD WEBB TO A CERTAIN
12 EXTENT WHEN YOU HAVE THE NEXT LINE YOU ALSO STATE THAT
13 CERTAINLY CHILDREN IN POVERTY CAN AND DO SUCCEED BUT
14 OVERWHELMING EMPIRICAL EVIDENCE SHOWS THAT POVERTY MOST
15 OFTEN REPRESENTS A SUBSTANTIAL HURDLE TO ACADEMIC SUCCESS?
16 A YES
17 Q NOW, WE ARE GOING TO COME TO THESE RELATIONS, THESE
18 STATISTICAL RELATIONSHIPS IN A MINUTE BUT YOU COVERED THEM
19 WITH MR MORRISON AND I SORT OF GATHER FROM THAT THERE'S
20 KIND OF THIS TWO TO ONE RATIO, FOR EVERY TWO STUDENTS WHO
21 ARE ON FREE AND REDUCED LUNCH CHANCES ARE ONE OF THEM IS
22 GOING TO SCORE BELOW BASIC ON THE PACT TEST IS THAT THE
23 RATIO?
24 A IT CAN BE MISLEADING FOR EVERY TWO PERCENTAGE POINT
25 INCREASE IN LEVEL OF POVERTY WE SEE A ONE PERCENTAGE POINT

1 DECREASE IN STUDENTS, SO THERE IS THAT TWO TO ONE TYPE OF
2 RELATIONSHIP

3 Q ALL RIGHT SO MAYBE IT'S NOT ONE OUT OF EVERY TWO
4 ACROSS THE BOARD BUT IF WE INCREASE THE NUMBER OF -- THE
5 PERCENTAGE OF STUDENTS ON FREE AND REDUCED LUNCH BY TWO
6 PERCENT, YOU ARE LIKELY TO DECREASE THE PERCENTAGE OF
7 STUDENTS SCORING BASIC OR ABOVE BY ONE PERCENT?

8 A THAT'S CORRECT

9 Q THAT'S THE RIGHT WAY TO SAY THAT?

10 A THAT'S ACCURATE

11 Q ALL RIGHT AND SO TO A CERTAIN EXTENT THESE STUDENTS
12 IN POVERTY WHO DO SCORE BASIC OR ABOVE ON THE PACT ARE THE
13 EXCEPTION TO THE RULE IN YOUR VIEW IS THAT--

14 A THAT'S CORRECT

15 Q ALL RIGHT

16 A NOW I WOULD BACK UP THERE IT'S NOT THAT THE
17 INDIVIDUAL STUDENT WHO ACHIEVES HIGHLY OR DOES WELL ON THE
18 TEST IS THE EXCEPTION I'M TALKING IN MY RESEARCH ABOUT
19 SCHOOLS THAT SUCCEED AT HIGH LEVELS

20 Q RIGHT AND YOU ARE CORRECT WE ARE TALKING ABOUT
21 SCHOOL LEVEL OR EVEN DISTRICT LEVEL WE ARE NOT TALKING
22 ABOUT INDIVIDUALS

23 A CORRECT

24 Q NOW THIS RELATIONSHIP THE POVERTY PERFORMANCE
25 RELATIONSHIP IS NOT AN ACCIDENTAL ONE, IS IT?

1 THE PACT BATTERY, ADDITIONAL EXAMINATIONS SUGGEST THAT
2 POVERTY REMAINS THE MOST POWERFUL AND EXPLANATORY OF THE
3 SET AND THERE IS REALLY NO DOUBT ABOUT THAT?
4 A THAT'S CORRECT
5 Q THAT'S YOUR ALMOST PERFECT ONE, ALMOST SHEER RIGHT
6 ANGLE SLOPING LINE ON THAT SCATTERPLOT THAT EVEN I CAN SEE
7 IS A LINE
8 A THAT'S CORRECT
9 Q OKAY AND THEN WE HAVE ALREADY TALKED ABOUT THIS
10 BUT SORT OF IN A DIFFERENT WAY TO EXPRESS THAT
11 RELATIONSHIP AS YOU HAVE ALREADY SAID IS, OF COURSE, TWO
12 PERCENTAGE POINT INCREASE IN FREE AND REDUCED LUNCH YOU'RE
13 GOING TO GET A ONE PERCENTAGE POINT DECREASE IN STUDENTS
14 MEETING OR EXCEEDING PACT
15 AND THEN FINALLY SORT OF YET ANOTHER WAY TO SAY
16 IT IS THAT 62 PERCENT OF THE DIFFERENCES IN PACT SCORES
17 ARE EXPLAINED BY THE POVERTY LEVEL OF THE PERCENTAGE OF
18 STUDENTS IN THE SCHOOL ON FREE AND REDUCED LUNCH?
19 A YES
20 Q AND THEN ALL THOSE OTHER THINGS TAKEN TOGETHER
21 EXPLAIN SIX PERCENT OF THE DIFFERENCES IN PACT SCORES?
22 A ALMOST, MR STEPP YOU ARE REALLY LEARNING YOUR
23 STATISTICS BUT WHAT THIS LAST BULLET IS STATING IS THAT
24 THE ONE FACTOR, POVERTY, EXPLAINS 62 PERCENT OF THE
25 VARIATION IF WE EXPAND OUR REGRESSION MODEL TO INCLUDE

1 THOSE OTHER FACTORS, WE ONLY GAIN ANOTHER SIX PERCENT OF
2 THE STORY BEING EXPLAINED

3 Q OKAY SO A TOTAL OF 68 PERCENT OF THE STORY IS
4 EXPLAINED BY ALL OF THESE THINGS TOGETHER?

5 A IF WE GET EVERYTHING ELSE IN THERE AS WELL, SO THE
6 POWER OF THE ONE FACTOR IS JUST STARTLING

7 Q OKAY AND I'M GOING TO GIVE YOU A CHANCE MAYBE TO
8 CORRECT ME AGAIN BECAUSE NOW I'M DEPARTING FROM WHAT YOU
9 SAID AND I'M TRYING TO SAY IT IN WAYS THAT I UNDERSTAND
10 IT

11 A OKAY

12 Q SO HERE'S THE NEXT ONE NOW THIS IS ME IF WE HAD
13 IDENTICAL STUDENT POPULATIONS IN TERMS OF PERCENTAGE OF
14 FREE AND REDUCED LUNCH IN EVERY SCHOOL IN SOUTH CAROLINA,
15 THERE WOULD BE 62 PERCENT LESS DIFFERENCE IN THE
16 PERCENTAGE OF STUDENTS AT BASIC OR ABOVE IN PACT IS THAT
17 ANOTHER WAY TO LOOK AT THIS?

18 A I'M GOING TO WITH AN ASTERISK SAY THAT THAT APPEARS
19 TO BE A REASONABLE STATEMENT AND I CAN SAY THAT BECAUSE
20 ONE OF THE THINGS THAT WE HAVE DONE OR I HAVE DONE IN MY
21 RESEARCH IS STATISTICALLY ADJUST EVERY SCHOOL IN THE STATE
22 TO THE SAME LEVEL OF POVERTY TO SEE WHICH SCHOOLS WERE
23 MEETING OR EXCEEDING EXPECTATIONS

24 Q RIGHT AND WE ARE GOING TO GET THERE

25 A OKAY

1 AN EVALUATION OF SCHOOLS TRYING TO TAKE INTO ACCOUNT THE
2 CIRCUMSTANCES PARTICULAR TO EACH SCHOOL --

3 A YES

4 Q -- IS THAT RIGHT? AND YOU SORT OF INTRODUCED THAT
5 CONCEPT IN UNDERSTANDING POOR PERFORMANCE AND THEN
6 SUBSEQUENTLY PUBLISHED WITH YOUR MENTOR, I BELIEVE, DR
7 BECKER --

8 A YES

9 Q -- A SUBSEQUENT PAPER THAT MORE FULLY DEVELOPED THAT
10 IDEA, RIGHT?

11 A YES

12 Q LET ME SEE THE NEXT SLIDE, PLEASE IN UNDERSTANDING
13 POOR PERFORMANCE YOU SAY, TO FAIRLY ASSESS SCHOOL
14 PERFORMANCE ON STANDARD BASED TESTING, IT IS NECESSARY TO
15 INCORPORATE THE INFLUENCES OF FACTORS SUCH AS POVERTY
16 CONCEPTUALIZATIONS OF EXCEPTIONAL PERFORMANCE
17 SHOULD BE SUFFICIENTLY BROAD AND INCLUDE SCHOOLS THAT,
18 DESPITE LOWER THAN AVERAGE TEST SCORES, EXCITE PERFORMANCE
19 THAT EXCEEDS EXPECTATIONS WHEN THE EFFECTS OF POVERTY ARE
20 ACCOUNTED FOR

21 A YES

22 Q NOW IS THIS A WAY IN WHICH YOU ARE ATTEMPTING TO
23 CONTROL FOR POVERTY, SO TO SPEAK?

24 A YES THE MOTIVATIONS FOR STATEMENTS OF THIS SORT AND
25 SUBSEQUENT STATEMENTS IN THE RELATIVE PERFORMANCE MATRIX

1 REPORT WERE SHORT TERM IN NATURE BECAUSE THE CLIMATE, THE
2 EDUCATION POLICY CLIMATE IN WHICH WE WERE WRITING THESE
3 PAPERS WAS ONE IN WHICH STUDENTS, TEACHERS AND
4 ADMINISTRATORS WERE GOING TO BE POSITIONED TO RECEIVE
5 CONSEQUENCES AND PENALTIES BASED ON PERFORMANCE WHICH IN
6 OUR MINDS WAS INHERENTLY SOCIALLY UNJUST GIVEN THE FACT
7 THAT WE ARE BASICALLY TALKING ABOUT POOR AFRICAN-AMERICANS
8 CHILDREN

9 Q I MEAN, AS YOU SAID WITH MR MORRISON YOU COULD LOOK
10 AT, I MEAN, IF SOMEBODY JUST PUT THE PERCENT BELOW BASIC

11 --

12 A YES

13 Q -- ON A PIECE OF PAPER AND HANDED IT TO YOU, YOU
14 COULD PREDICT WITH SOME DEGREE OF CERTAINTY THE PERCENTAGE
15 OF FREE AND REDUCED LUNCH IN EACH OF THOSE, EITHER SCHOOLS
16 OR DISTRICTS, IS THAT RIGHT?

17 A YES

18 Q WITHOUT LOOKING AT ANYTHING ELSE?

19 A YES, WITH A FAIR AMOUNT OF ACCURACY THAT'S CORRECT

20 BUT THE REASON FOR THIS IS, AGAIN, THAT WE WERE
21 CONCERNED WITH THE NEAR TERM IMPACTS AND NEAR TERM
22 SOLUTIONS ARE FAR DIFFERENT THAN THE LONG TERM SOLUTIONS

23 Q I UNDERSTAND AND I THINK IT'S FAIR TO SAY THAT
24 YOU'RE NOT REALLY A BIG FAN OF THE ACCOUNTABILITY SYSTEM
25 AND LABELING SCHOOLS BASED UPON RAW TEST PERFORMANCE, IS

1 THAT FAIR TO SAY IS?

2 A I AM A BIG FAN OF THE ACCOUNTABILITY SYSTEM IN
3 CONTRAST TO YOUR STATEMENT BUT I'M ALSO AN ADVOCATE I
4 BELIEVE, FOR FAIR ACCOUNTABILITY RELYING ON ONE TEST, ONE
5 STANDARDIZED TEST ALONE I BELIEVE IS PROBABLY SHORT
6 SIGHTED AND MYOPIC IN NATURE AS OPPOSED TO THE FULL
7 CONTEXT IN WHICH EDUCATION PERFORMANCE OCCURS

8 Q ALL RIGHT WELL, I AM DELIGHTED THAT YOU DISAGREED
9 WITH ME ABOUT THAT BUT YOU CERTAINLY THINK IT IS UNFAIR
10 TO LABEL A SCHOOL BASED UPON THE ACHIEVEMENT OF STUDENTS
11 ON ONE TEST UNADJUSTED FOR ANY OTHER CIRCUMSTANCE?

12 A PARTICULARLY SO YOU WOULD -- TO ANSWER YOUR
13 QUESTION YES, BUT PARTICULARLY SO IF THERE'S NOT GOING TO
14 BE A CORRESPONDING LEVEL OF SUPPORT PROVIDED TO THAT
15 SCHOOL TO OVERCOME THE POOR PERFORMANCE

16 Q RIGHT OKAY I ACCEPT THAT THEN UNDERSTANDING
17 POOR PERFORMANCE YOU UNDERTOOK TO RANK ALL 856 SCHOOLS IN
18 THE STATE USING SOMETHING CALLED ADJUSTED PACT SCORES IS
19 THAT RIGHT? TELL ME WHAT ADJUSTED SCORES ARE FOR THE
20 PURPOSE

21 A THE ADJUSTED SCORE LOOKS AT THE LEVEL OF POVERTY
22 WITHIN EACH SCHOOL SO BASICALLY WE DEVELOPED A FORMULA
23 THAT SHOWS WHAT THE SCHOOL SHOULD PERFORM OR HOW THEY
24 SHOULD PERFORM GIVEN THEIR LEVEL OF POVERTY

25 Q OKAY AND IS THAT IT DID YOU ALSO CONTROL FOR ANY

1 OF THE OTHER VARIABLES THAT YOU TESTED, TEACHER QUALITY OR
2 ANYTHING ELSE OR WAS IT JUST POVERTY?

3 A IT WAS ACTUALLY JUST POVERTY IN THIS INSTANCE
4 BECAUSE, AGAIN, POVERTY WAS SUCH A STRONG SINGLE
5 EXPANDATORY FACTOR

6 Q OKAY AND THEN YOU CONCLUDE ON PAGE 12 BY ADJUSTING
7 SCORES PERFORMANCE MEASUREMENTS BETTER ACCOUNT FOR
8 DISPARITIES ASSOCIATED WITH POVERTY AND BETTER ENABLES
9 EDUCATIONAL LEADERS TO COMPARE SCHOOL LEVEL PACT
10 PERFORMANCE, IS THAT CORRECT?

11 A YES

12 Q AND THEN I WANT TO LOOK AT THE TOP FIVE SCHOOLS IN
13 YOUR RANKING AND --

14 A YES

15 Q -- THE NUMBER ONE SCHOOL IN THE STATE AND I CAN SAY
16 THAT IT IS IN ITS PERFORMANCE RELATIVE TO EXPECTATIONS
17 IS THAT A FAIR WAY TO SAY THAT? WELL, WE HAVE SEVERAL
18 FACTORS IDENTIFIED ON THIS CHART ON PAGE 13 TO WHICH I
19 THINK YOU'RE REFERRING?

20 A YES

21 Q SO, YES, WHAT WE HAVE REPRESENTED ON THIS CHART IS
22 THE NAME OF THE SCHOOL, THE DISTRICT IN WHICH THE SCHOOL
23 RESIDES, THEIR POVERTY LEVEL WHICH IS THE S C THREE
24 AVERAGE VARIABLE LABEL, THE SCHOOL AVERAGE WHICH IS THE
25 ACTUAL PERCENTAGE OF STUDENTS WHO DID MEET OR EXCEED

1 THEY ENTER THE SCHOOLS IN THE PLAINTIFF DISTRICTS THEY ARE
2 NOT VERY LIKELY TO ACHIEVE THAT POTENTIAL BECAUSE OF THE
3 ABSENCE OF THE BEST QUALIFIED TEACHERS, ALL THE OTHER
4 POSITIVE TYPES OF FACTORS THAT ARE SYSTEMATICALLY ABSENT
5 IN THESE DISTRICTS

6 Q DO THOSE CHILDREN IN THE PLAINTIFFS' DISTRICT BASED
7 ON YOUR RESEARCH AND THE DATA YOU FOUND RECEIVE FROM THE
8 STATE OF SOUTH CAROLINA AN OPPORTUNITY TO ACQUIRE A
9 MINIMALLY ADEQUATE EDUCATION AS DEFINED BY THE ABBEVILLE
10 CASE?

11 MR STEPP YOUR HONOR THIS WILL BE THE THIRD TIME
12 THAT QUESTION HAS BEEN ASKED I DON'T THINK WE NEED TO
13 ASK IT AGAIN

14 THE COURT RIGHT I WILL ALLOW THE ANSWER ONE MORE
15 TIME ASSUMING IT'S GOING TO BE SHORT

16 THE WITNESS YES, SIR, IT WILL BE IT DEPENDS IN
17 MY MIND AND IN MY OPINION I THINK THAT THE STATE HAS
18 OPERATIONALLY DEFINED MINIMAL ADEQUACY IN TERMS OF PACT
19 BASIC ALTHOUGH I'M AWARE THAT THE FEDERAL GOVERNMENT IS
20 GOING TO REQUIRE PROFICIENCY IN THE VERY NEAR TERM

21 SO IF WE WORK FROM THE OPERATIONAL DEFINITION OF
22 MINIMALLY ADEQUATE AS BEING BASIC THEN NO, NO, STUDENTS
23 ARE NOT GETTING ACCESS TO A MINIMALLY ADEQUATE EDUCATION
24 IN THE PLAINTIFF DISTRICTS

25 MR MORRISON THANK YOU JUST ONE MOMENT

1 Q LET ME FOLLOW UP ON THAT THE POINT YOU'RE MAKING IS
2 IT'S NOT JUST OPENING NEW DOORS FOR THE KIDS IN THE NINTH
3 GRADE WAITING TO DROPOUT BUT WHAT WERE YOU SAYING ABOUT
4 PRIOR TO THAT?

5 A PRIOR TO THAT WE THINK THERE NEEDS DO BE OTHER
6 INTERVENTIONS FOR THOSE KIDS THAT ARE ALSO, IT ISN'T
7 SUDDENLY A NINTH GRADER'S SCHOOL PERFORMANCE IS SHOT
8 THEY HAVE BEEN FAILING EARLY ON AND, YOU KNOW, IN THIRD
9 GRADE AND IF THEY ARE NOT READING BY THIRD GRADE WE KNOW
10 THEY ARE NOT GOING TO DO WELL AFTER THAT

11 SO OBVIOUSLY EARLY ON READING IS A FUNDAMENTAL
12 REMEDIATION STRATEGY NOW, I AM NOT TRYING TO BE AN
13 EDUCATOR BUT I'M TELLING YOU WHAT THE TASK FORCE IS
14 STAYING

15 OBVIOUSLY FUNDAMENTAL READING REMEDIATION BY
16 THIRD GRADE IS A CRITICAL SUCCESS FACTOR TO TRY TO GROW A
17 LIFE LINE TO SOME OF THESE KIDS THAT WILL NEED IT INTO THE
18 FUTURE

19 Q MR HERRIOTT, LOOKING AT THE FRONT PAGE OF PATHWAYS,
20 AND THIS SUBTITLE SUCCESS FOR EVERY STUDENT IN THE 21ST
21 CENTURY WORK PLACE, I NOTICE THAT THE WORDS EVERY IS
22 ITALICIZED WHY IS THAT?

23 A WELL, IT GOES BACK TO, YOU KNOW, I'M PRACTICAL AND
24 SO I KNOW THAT MAYBE WE WON T BE ABLE TO GET EVERY STUDENT
25 THROUGH HIGH SCHOOL DIPLOMA, BUT IF THAT IS NOT THE GOAL,

1 I MEAN, THEY MAY NOT EVEN COME I ACTUALLY HAD
2 ONE EXPERIENCE WHERE I WAS TRYING TO GET A GUY FROM ROCHE
3 PLANT IN BOULDER, COLORADO WHO I KNEW BECAUSE I USED TO
4 WORK THERE HE WOULDN'T EVEN COME OUT BECAUSE HE SAID
5 I'VE SEEN YOUR EDUCATIONAL STATISTICS, I'M NOT GOING TO
6 MOVE MY KIDS OUT THERE

7 I SAID LISTEN YOU HAVE TO BE, I THINK I SAID,
8 THERE ARE SOME GOODS STUDENTS, WENT THROUGH THE WHOLE
9 AVERAGE THING WITH HIM BUT HE EVEN REFUSED TO COME OUT TO
10 INTERVIEW HE SAID MAYBE AFTER MY KIDS ARE OUT OF HIGH
11 SCHOOL I MIGHT THINK ABOUT IT

12 IT'S ALWAYS A QUESTION THAT COMES UP, WHAT'S THE
13 QUALITY OF SCHOOLS AND THESE ARE, THEY HAVE DONE THEIR
14 HOMEWORK THEY'VE GOT DATA TO SUPPORT THEIR CONCERN

15 Q MR HERRIOTT, COULD YOU JUST AMPLIFY FOR THE COURT
16 AND THE RECORD HERE HOW OR WHY YOU BELIEVE ECONOMIC
17 DEVELOPMENT AND EDUCATION ARE LINKED IN THIS COMMENT,
18 INDUSTRIAL DEVELOPMENT TRULY BEGINS IN THE CLASSROOM?

19 A YEAH, THE -- IF I'M LOOKING TO GET A GROWING BUSINESS
20 OR START A BUSINESS HERE I'M LOOKING AT MAYBE FOUR OR
21 FIVE KEY FACTORS I'M GOING TO BE LOOKING AT KIND OF THE
22 ECONOMICS, WHAT IS SOUTH CAROLINA GOING TO DO AND WHAT'S
23 THE ECONOMICS OF, WHAT'S THE COST OF DOING BUSINESS IN
24 SOUTH CAROLINA

25 THAT'S GOING TO BE A HURDLE THAT MAY NOT BE

1 THE SHOW STOPPER I'M GOING TO BE LOOKING IN BUSINESSES
2 LIKE MINE I'M GOING TO BE LOOKING AT INFRASTRUCTURE
3 DOES IT HAVE THE ROADS OR IN OUR CASE WE NEEDED ACCESS TO
4 A DEEP WATER PORT

5 DO I HAVE THE INFRASTRUCTURE AVAILABLE TO BE
6 ABLE TO BE SUCCESSFUL IN MY OPERATIONS AND THEN THE
7 THIRD THING IS GOING TO BE, WHAT'S THE QUALITY OF THE
8 EDUCATORS DO I HAVE A POOL HERE THAT'S GOING TO BE GOOD

9 NOW YOU KNOW, IF YOU LOOK AT STARTING A BIOTECH
10 COMPANY WHERE ARE YOU GOING TO PLACE IT TODAY, PLACE IT IN
11 OTHER BIOTECH ORGANIZATIONS BECAUSE THAT'S WHERE YOUR POOL
12 OF LABORERS ARE

13 WHERE ARE THEY LOCATED? THEY ARE LOCATED BY TOP
14 FLIGHT UNIVERSITIES SO, IS THERE CAUSE AND EFFECT HERE?
15 ABSOLUTELY THERE'S CAUSE AND EFFECT THAT GENERATED,
16 THAT SPAWNED A WHOLE EDUCATIONAL CYCLE ABOUT, YOU KNOW,
17 BIOTECH OR HIGH TECH, BEST WORK

18 SO TO ME, THAT'S AN -- HOW I WOULD UNRAVEL TO,
19 YOU CAN'T DO BUSINESS UNLESS YOU HAVE A QUALITY WORK
20 FORCE

21 Q MR HERRIOTT, I WANT TO CALL YOUR ATTENTION TO THE
22 ISSUE OF VOCATIONAL SKILLS AND IF WE COULD GO TO THAT
23 QUOTE FROM ABBEVILLE ON VOCATIONAL SKILLS IT'S THE --
24 I'M GOING TO QUOTE FROM THE ABBEVILLE CASE

25 WE DEFINE THIS MINIMALLY ADEQUATE EDUCATION

1 Q OKAY

2 A SO IT'S BOTH -- BOTH ARE OF CRITICAL IMPORTANCE

3 Q ALL RIGHT JUST YOU ARE SAYING BOTH MEANING ACADEMIC
4 AND?

5 A YEAH, IT'S NOT, WHAT MAYBE THE TESTIMONY SOUNDS LIKE
6 IS I'M ADVOCATING, YOU KNOW THESE TON OF WORKERS THAT GO
7 OUT THERE AND KIND OF ARE JUST FOCUSED ON STUFF OR THINGS
8 AND THAT'S NOT IT I'M A CHEMICAL MANUFACTURER AND I NEED
9 PEOPLE WHO CAN THINK AND I NEED PEOPLE WHO CAN DO

10 I HAVE TO HAVE BOTH, NOT WITH ONE OR THE OTHER
11 IF I HAD A PERSON WHO CAN THINK AND CAN'T DO, HE'S
12 USELESS I DON'T HAVE ANY USE FOR THESE PEOPLE BUT A
13 PERSON WHO CAN'T THINK BUT CAN ONLY DO IN THE TYPES OF
14 JOBS I HAVE, ESPECIALLY IN A CHEMICAL PLANT FACTORY, THAT
15 PERSON IS DANGEROUS

16 IF HE CAN'T THINK ABOUT WHAT HE'S DOING, CAN'T
17 APPLY KNOWLEDGE, CAN'T BE INNOVATIVE, HE CAN'T BE A
18 PROBLEM SOLVER, THEN HE S A BASICALLY HE'S ACTUALLY WORSE
19 THAN THE OTHER ONE THE OTHER ONE JUST COSTS ME MONEY SO
20 I HAVE GOT TO HAVE BOTH

21 I HAVE GOT TO HAVE SOME PEOPLE OH, AND THAT'S --
22 IF WE BREAK IT INTO THINKING AND DOING, VOCATIONAL IS THE
23 APPLICATION OF USEFUL KNOWLEDGE, THEN I NEED, YOU KNOW,
24 WHAT'S MINIMALLY ADEQUATE, I HAVE TO HAVE PEOPLE WHO ARE
25 AT MY APPRENTICESHIP LEVEL WHO HAVE THE ABILITY TO LEARN

1 HOW TO DO AND WE PUT THE MINIMALLY ADEQUATE AT TWELFTH
2 GRADE

3 IF YOU PASS THAT YOU ARE MINIMALLY ADEQUATE TO
4 LEARN HOW TO DO THE VOCATIONAL, THE SKILLS, THE SKILLS TO
5 ACT SO THAT'S THE CONTEXT I WOULD DO

6 Q I'D LIKE TO CONCLUDE WITH THE QUESTION ABOUT YOUR --
7 GOING BACK TO YOUR LETTER IN EXHIBIT 353 WHERE YOU, I
8 THINK YOU ACCENTUATED THE OPTIMISM, I THINK YOU SAID
9 THAT

10 A UH-HUH

11 Q BUT THERE'S A SENTENCE THERE THAT SAYS, EQUALLY
12 STRONG IS THE TASK FORCE'S CONVICTION THAT FAILURE TO
13 FULLY IMPLEMENT AND SUSTAIN REQUISITE EDUCATIONAL REFORMS
14 WILL HAVE PROFOUND NEGATIVE, SOCIAL AND ECONOMIC
15 CONSEQUENCES

16 AND I GUESS CAN I FAIRLY READ THAT YOU ARE
17 TELLING THE GOVERNOR YOU ARE CONCERNED FOR THE FUTURE OF
18 SOUTH CAROLINA?

19 A THAT'S CORRECT

20 Q AND IF WE, IF WE DON'T IMPLEMENT THESE REFORMS, WHAT
21 DO YOU SEE FOR THE STATE OF SOUTH CAROLINA, WHAT ARE YOU
22 TELLING THE GOVERNOR THERE?

23 A IT'S A PLACE I DON'T -- WELL MAYBE WE WILL ASK
24 ANOTHER TEN YEARS AND I WILL STILL BE WORKING HERE BUT
25 IT'S A PLACE I WOULDN'T BE WORKING HERE, MY COMPANY -- LET

1 CAROLINA I DO WISH THAT ON THE ENTIRE STATE
2 Q AND IF -- WHEN YOU SAY THAT THERE, IF WE DON'T DO
3 THESE THINGS WE WILL HAVE PROFOUND NEGATIVE, SOCIAL AND
4 ECONOMIC CONSEQUENCES OTHER THAN JUST YOUR BUSINESS, WHAT
5 DID YOU SEE, WHAT DID YOU SEE FOR THE STATE OF SOUTH
6 CAROLINA?
7 A WELFARE COSTS GOING UP, THERE'LL BE PEOPLE RUN OVER
8 FOR WELFARE THAT'S SEVERE POVERTY I OBJECT TO
9 POVERTY PRISONS, MORE PRISONS, MORE INCARCERATIONS UNTIL
10 THE STATE SAYS WE DON'T HAVE ENOUGH MONEY TO FUND PRISONS
11 OR WE DON'T HAVE ENOUGH MONEY TO TREAT THE PEOPLE WITH
12 MENTAL ILLNESSES AND THEN WE SEE MORE PEOPLE BEING
13 RELEASED FROM PRISONS
14 THAT, AND OUR MENTAL INSTITUTIONS, I SAW A
15 LITTLE OF THAT PERSONALLY IN CALIFORNIA WHEN RONALD REAGAN
16 DID IT AND HAD A BUDGET CUTTING THING
17 THAT'S -- THAT'S A VERY NEGATIVE SOCIAL
18 CONSEQUENCE IT'S ALSO, FROM A BUSINESS ENVIRONMENT
19 YOU'RE NOT GOING TO, YOU ARE STARTING TO SEE WHAT PEOPLE
20 CALL THE DEATH SPIRAL
21 AS THIS STUFF IS SYSTEMIC, AS THE ECONOMY GOES
22 DOWN YOU HAVE LESS REVENUES, YOU HAVE LESS GOVERNMENT
23 INFRASTRUCTURE, YOUR SCHOOLS DEGENERATE AND YOU GET WORSE
24 AND WORSE AND WORSE AND WORSE AND WORSE
25 IT COULD BE AS BAD AS A THIRD WORLD ECONOMY

1 AND YOU KNOW, I VISITED A FEW COSTA RICA IS A 2 5 POOR
2 ECONOMY MEXICO HAS CERTAINLY SPENT SOME TIME THERE
3 IT'S NOT A PLACE THAT I WANT TO LIVE
4 Q LET'S FINISH ON THE POSITIVE THE SENTENCE RIGHT
5 BEFORE THAT SAYS PROPERLY EDUCATED WORK FORCE PREPARED
6 THROUGH COLLEGE TECHNICAL COLLEGE OR HIGH SCHOOL IS
7 FUNDAMENTAL IN CREATING AND MAINTAINING A VIBRANT ECONOMIC
8 ENVIRONMENT NEEDED TO TURN OUR VISION INTO REALITY IS --
9 IN YOUR JUDGMENT -- EDUCATION THE CORE TO THIS VIBRANT
10 ECONOMY YOU EXPRESS?
11 A IT CAN'T HAPPEN WITHOUT IT
12 Q THANK YOU
13 THE COURT THANK YOU MR BARNES, CAN YOU GET
14 STARTED ON YOUR CROSS-EXAMINATION?
15 MR BARNES YES, SIR WITH A LITTLE LUCK I MAY EVEN
16 FINISH
17 THE COURT WELL GOOD
18 CROSS-EXAMINATION BY MR BARNES
19 Q GOOD AFTERNOON, MR HERRIOTT
20 A GOOD AFTERNOON HE'S ACTUALLY FROM MY HOMETOWN I'M
21 FROM YOUR HOMETOWN
22 Q NOT ONLY ARE YOU AN EAST COASTER NOW, BUT YOU ARE A
23 FLORENTINE MORE IMPORTANTLY AND AS MY FRIENDS LIKE TO
24 REMIND ME, I'M ALSO ACCUSED OF SAYING ALL ROADS LEAD TO
25 FLORENCE AND IT'S TRUE

1 Q ALL RIGHT MRS RAMSDALE, HOW MANY CHILDREN ARE AT
2 RISK IN SOUTH CAROLINA AND NEED THESE SERVICES?

3 A WELL, IT DEPENDS ON WHAT NUMBERS YOU LOOK AT, BUT AT
4 A MINIMUM ON THIS C S A B WHICH IS ANTIQUATED I'D SAY ONE
5 IN FIVE CHILDREN IN EVERY AGE COHORT, AND THE AGE COHORT
6 IS BETWEEN -- THE LATEST FIGURES ARE BETWEEN 50 AND 55,000
7 CHILDREN DEPENDING ON THE YEAR

8 Q NOW BY AN AGE COHORT YOU MEAN A GROUP OF CHILDREN OF
9 THE SAME AGE ARE GOING TO BE ENTERING SCHOOL IN THE SAME
10 YEAR?

11 A YES ZERO TO ONE, ONE TO TWO, TWO TO THREE

12 Q OKAY

13 A THREE TO FOUR SO IF YOU SAY 20 PERCENT OF 50,000 IS
14 10,000, ZERO TO ONE, 10,000, ONE TO TWO, 10,000, TWO TO
15 THREE, 10,000, THREE TO FOUR, 10,000, FOUR TO FIVE SO
16 RIGHT THERE YOU HAVE 50,000 CHILDREN THAT I THINK ARE
17 SERIOUSLY AT RISK OF NOT BEING READY FOR SCHOOL, NOT
18 COUNTING THE CHILDREN RIGHT ABOVE THAT

19 AND IF YOU LOOK AT THE POVERTY FIGURES, THAT 52
20 PERCENT OF CHILDREN ARE MEDICAID ELIGIBLE WHICH IS 150
21 PERCENT LESS POVERTY, THEN YOU ARE LOOKING AT OVER 25 000
22 CHILDREN IN EACH AGE PARABLE

23 SO IF YOU EVEN TOOK SOMEWHERE IN THE MIDDLE OF
24 THOSE TWO FACTORS, SOMEWHERE BETWEEN 10,000 AND 25,000 TO
25 BE FAIR, I THINK YOU ARE STILL LOOKING AT AROUND 13, 14,

1 15,000 CHILDREN IN EACH AGE COHORT AT SERIOUS RISK OF NOT
2 BEING READY FOR SCHOOL

3 AND WHY THAT IS IMPORTANT IS BECAUSE THERE'S A
4 DIRECT LINK BETWEEN SCHOOL READINESS AND IF CHILDREN ARE
5 READY FOR SCHOOL, YOU HAVE LESS NEED FOR REMEDIAL
6 EDUCATION, THE CHILDREN ARE MORE LIKELY TO FINISH HIGH
7 SCHOOL, THEY ARE MORE LIKELY TO GO INTO A FOUR YEAR
8 COLLEGE, THEY ARE LESS LIKELY TO DROP OUT OF HIGH SCHOOL,
9 THEY ARE LESS LIKELY TO BE WELFARE DEPENDENT

10 IT IS SO MUCH MORE COST EFFECTIVE TO PUT MONEY
11 IN THE FRONT END THAN TO LATER ON HAVE TO SPEND IT ON
12 REMEDIATION WHICH IS -- WHICH IS WHAT HAPPENS WE SPEND
13 TEN TO 14 TIMES AS MUCH ON CHILDREN IN K THROUGH 12 PER
14 CHILD AS WE DO IN THE EARLY YEARS

15 IT'S STILL OBVIOUSLY NOT ENOUGH BUT THE POINT
16 IS IF WE ARE NOT INVESTING IN THE EARLY YEARS, THEN WE
17 HAVE TO PLAY CATCH-UP LATER ON

18 Q OKAY ARE THERE STUDIES THAT SUPPORT THAT--

19 A THERE ARE THERE ARE MANY MANY STUDIES IN FACT,
20 THERE'S A NOBEL PRIZE WINNING ECONOMIST FROM THE
21 UNIVERSITY OF CHICAGO DR JAMES HECKMAN, WHO HAS
22 PUBLISHED SEVERAL REPORTS SPEAKING ABOUT THE VALUE VESTED
23 IN EARLY CHILDHOOD EDUCATION

24 THERE IS ALSO THE A B C DARIAN STUDY DONE IN
25 NORTH CAROLINA, THE CHICAGO HOPE STUDY THAT CAME OUT LAST

1 YEAR, THE RAND STUDY DONE FOR FIVE -- PREPARING
2 PRESCHOOL--

3 COURT REPORTER I'M SORRY

4 THE COURT ASK YOU TO SLOW UP JUST A LITTLE BIT

5 THE WITNESS I WILL GO BACK A LITTLE BIT THE
6 A B C DARIAN STUDY, THERE IS THE PERRY PRESCHOOL STUDY,
7 THERE IS THE CHICAGO HOPE STUDY THERE IS THE RAND STUDY
8 WHICH I BELIEVE WAS DONE FOR FIGHT CRIME (SIC) INVESTING
9 KIDS

10 I MEAN, THERE IS NUMEROUS OTHER INITIATIVES TO
11 BE DONE I MEAN, THE BOTTOM LINE IS THE VALUE OF
12 INVESTING IN EARLY CHILDHOOD EDUCATION, PUTTING DOLLARS
13 INTO IT IS VERY WELL RECOGNIZED EVERYWHERE

14 SOUTH CAROLINA DID A GOOD JOB OF CREATING THE
15 IEGISLATION THE PROBLEM IS THEY HAVE NOT ADEQUATELY
16 FUNDED EARLY CHILDHOOD EDUCATION

17 Q OKAY AND WHAT DOES THAT MEAN FOR THE CHILDREN THAT
18 YOU IDENTIFIED AS POTENTIALLY AT RISK?

19 A IT MEANS THAT THESE CHILDREN MOST IN NEED, ZERO TO
20 FIVE DO NOT HAVE THE OPPORTUNITY TO BE READY FOR SCHOOL,
21 SO THEY START SCHOOL BEHIND

22 Q LET'S MOVE NOW AND TALK A LITTLE BIT ABOUT -- WELL,
23 WE HAVE ALREADY I THINK TALKED ABOUT THE STRUCTURE OF
24 FIRST STEPS, BUT COULD YOU JUST GIVE US AN OVERALL
25 INSTRUCTION? YOU DID NOT WORK IN ALL 46 COUNTIES

1 THE RIGHT FOOT?

2 AND FOR SOME REASON OUR LEGISLATURE -- WHEN I
3 SAY THAT I MEAN IN TERMS OF ITS VOTE AS A WHOLE -- REFUSES
4 TO PRIORITIZE EARLY CHILDHOOD EDUCATION WHICH IS MY
5 AREA I CAN'T SPEAK AS MUCH TO WHAT HAPPENS LATER ON
6 Q IS EARLY CHILDHOOD EDUCATION A PART OF EDUCATING THE
7 CHILD?

8 A ABSOLUTELY A CHILD BEGINS LEARNING THE DAY IT IS
9 BORN, THE MINUTE IT COMES INTO THIS WORLD, AND YOU HAVE
10 GOT TO MAKE SURE THAT FROM DAY ONE THIS CHILD IS
11 APPROPRIATELY STIMULATED IS APPROPRIATELY NURTURED AND
12 THAT WE INVEST IN THAT

13 WE CAN'T DO IT ALL, BUT WE CAN CERTAINLY
14 PRIORITIZE FUNDING 4-K PARENT EDUCATION WHICH ARE
15 NATIONALLY BASED RECOGNIZED PROGRAMS THAT OTHER STATES
16 ARE DOING, AND FIXING OUR CHILDCARE SYSTEM

17 THERE IS A REAL SEPARATION BETWEEN CHILDCARE AND
18 THE PUBLIC SCHOOL SYSTEM, AND FIRST STEPS IS STARTING TO
19 REMEDY THAT WE IN FACT LAUNCHED THE FIRST PRIVATE SECTOR
20 4-K PROGRAM THAT MET STATE STANDARDS IN PARTNERSHIP WITH
21 S D E , STATE DEPARTMENT OF EDUCATION, AND IT'S A
22 WONDERFUL MODEL

23 AND WE WERE ABLE TO CONTINUE THAT THIS YEAR BUT
24 BARELY AND OUR PLAN WAS COMPILED INTO TEN PRIVATE
25 CHILDCARE FACILITIES LAST YEAR AND GROW IT AND WE ARE NOT

1 ABLE TO GROW IT

2 SO WE WERE GOING TO DO AMAZING THINGS, AND WE
3 DID FOR A WHILE, AND IT'S JUST NOT GOING TO BE AMAZING ANY
4 MORE FOR THESE CHILDREN AND I WILL JUST ADD I WAS IN
5 MARION COUNTY LAST YEAR AT A 4-K PROGRAM AND ONE OF THE
6 THINGS I CONSISTENTLY OBSERVED WHEN I WENT OUT TO COUNTIES
7 IS THE ENGAGEMENT LEVEL OF THE PARENTS ONCE YOU GET THE
8 CHILDREN INTO A QUALITY CLASSROOM SETTING

9 EVERY TIME I WENT TO A PERFORMANCE IN MARION OR
10 IN ANDERSON OR A PLACE WHERE CHILDREN WERE DOING AN
11 ACTIVITY, THE PARENTS ARE THERE AND JUST HUGE NUMBERS OF
12 PARENTS THERE

13 SO I WAS IN MCCORMICK AND SAW THE SAME THING
14 SO YOU ARE GETTING THE PARENTS ENGAGED IN THE SYSTEM AND
15 INTERESTED AT THIS EARLY AGE THAT'S SO CRITICAL, AND SO
16 THEN THEY ARE GOING HOME AND WORKING WITH THEIR CHILDREN
17 AND WE HAVE GOT TO GET STARTED EARLY BECAUSE OTHERWISE
18 IT'S SO EXPENSIVE TO CATCH UP

19 Q AT THE CURRENT AND HISTORICAL FUNDING LEVELS FOR
20 FIRST STEPS, ARE CHILDREN IN THE PLAINTIFF DISTRICTS READY
21 TO LEARN?

22 A I THINK THE ONES, THE FEW, THAT CAN GET PARENT
23 EDUCATION AND 4-K AND HAVE THEIR HEALTH WELL TAKEN CARE OF
24 OR HAVE A QUALITY EARLY CHILDHOOD EXPERIENCE, THERE ARE
25 CHILDREN THAT ARE READY TO LEARN IT'S THE ONES THAT

Senator John Matthews
Member, Finance and Senate Education Committees,
SC Senate
Member, SC Education Oversight Committee
Direct Examination by Mr Morrison

1 DEFICIENCIES --

2 A UH-HUH

3 Q -- AND WHOSE PARENTS VOLUNTARILY ALLOW
4 PARTICIPATION THE REGULATIONS MUST REQUIRE INTENSIVE AND
5 SPECIAL EFFORTS TO RECRUIT CHILDREN WHOSE PARTICIPATION IS
6 DIFFICULT TO OBTAIN LET'S LOOK AT THAT

7 IT TALKS ABOUT EARLY CHILDHOOD DEVELOPMENT
8 PROGRAMS FOR FOUR YEAR OLD CHILDREN WHY DID THE
9 LEGISLATURE BELIEVE THOSE WERE IMPORTANT IN TERMS OF
10 PROVIDING A CHILD WITH AN EDUCATIONAL OPPORTUNITY?

11 A THE SOUTHERN REGIONAL EDUCATION BOARD PUT OUT A LOT
12 OF STUDIES THAT TELL -- THAT TOLD US THAT THE EARLIER YOU
13 INTERVENE IN THE LEARNING PROCESS OF A CHILD, THE EASIER
14 IT IS TO BRING THEM BACK UP TO STANDARD, AND YOU GET A
15 BIGGER RETURN ON THAT INVESTMENT

16 AT THAT TIME WE HAD KINDERGARTNERS, SIX -- YOU
17 HAD TO BE FIVE YEARS OLD THE STUDY TOLD US THAT WE NEED
18 TO INTERVENE AT A MUCH EARLIER STATE AND WE NEED TO TARGET
19 THOSE KIDS IN THE AREAS THAT HAD THE MOST CHALLENGES
20 PRIMARILY POVERTY ACROSS SCHOOL DISTRICTS

21 AND SO THIS LAW WAS DESIGNED TO ATTACK THAT
22 PROBLEM IT WAS VOLUNTARILY BECAUSE WE DIDN'T WANT TO
23 MANDATE A PARENT WITH A FOUR YEAR OLD -- HAD TO TAKE THEM
24 TO SCHOOL IF A PARENT DIDN'T WANT TO DO THAT, THEY
25 DIDN'T HAVE TO SO IT WAS PUT ON KIND OF A VOLUNTARY

1 BASIS

2 Q OKAY NOW, WHY WAS IT -- WHY IS THIS PART HERE
3 IMPORTANT, THAT IS INTENSIVE AND SPECIAL EFFORTS TO
4 RECRUIT WHY WOULD YOU HAVE TO RECRUIT TO THIS KIND OF
5 THING?

6 A IF THE -- IF YOU ARE IN AN AREA WHERE YOU HAVE YOUR
7 LOT OF CHALLENGED PARENTS, THAT MEAN THAT SOME CASES YOU
8 HAVE TO GO SEE THEM, YOU GOT TO GO TALK TO THEM SOME
9 PARENTS DON'T UNDERSTAND THE IMPORTANCE OF EARLY
10 INTERVENTION

11 SOME PARENTS DON'T -- DIDN'T UNDERSTAND THE
12 VALUE OF EDUCATION THAT SOME OTHERS DO SO WE RECOGNIZE
13 AS A CHILD OF THIS STATE, REGARDLESS THAT WHERE THEY ARE
14 OR THE CIRCUMSTANCE THEY FIND THEMSELVES IN, IT WAS THE
15 STATE RESPONSIBILITY TO OFFER THAT CHILD, STUDENT, AND SO
16 WE SAID YOU GO FIND THE PARENTS REGARDLESS OF WHERE THEY
17 ARE, GIVE THEM AN OPPORTUNITY TO PARTICIPATE

18 AND THESE RECORDS WILL SHOW THAT THE VAST
19 MAJORITY OF THEM WERE EAGER TO GET THEIR CHILDREN IN THAT
20 EARLY FOUR YEAR OLD PROGRAM

21 Q THE BOTTOM OF THAT PARAGRAPH -- JUST CALL YOUR
22 ATTENTION TO THE SECTION ON THE GOVERNOR IT SAYS THE
23 GOVERNOR SHALL INITIATE THE DEVELOPMENT OF A STATE PLAN ON
24 EARLY CHILDHOOD DEVELOPMENT AND EDUCATION TO ASSIST THE
25 STATE IN PROVIDING APPROPRIATE SERVICES FOR PRESCHOOL

Senator John Matthews
Member, Finance and Senate Education Committees
SC Senate
Member SC Education Oversight Committee
Direct Examination by Mr Morrison

1 ECONOMICS AS ONE -- ALMOST ONE IN THE SAME IF YOU
2 EDUCATE YOUR PEOPLE, WE WILL GROW AN ECONOMY IF WE DON'T
3 EDUCATE THEM, OUR ECONOMY WILL CONTRACT
4 Q LET'S TURN TO TARGET 2000 IN 1989 AND WE ARE JUST
5 GOING TO MOVE OVER HERE AND TALK A LITTLE BIT ABOUT
6 EXPECTATIONS AND STANDARDS AS THEY COME ALONG HERE,
7 PARTICULARLY WITH REGARD TO AT RISK CHILDREN THAT WE HAVE
8 BEEN TALKING ABOUT A LOT

9 AND I WOULD CALL UP THIS STATE -- THIS SEGMENT
10 ABOUT THE SELECT COMMITTEE TARGET 2000 IT'S PAGE 5 OF
11 23 I ACTUALLY HAD THAT AT THE TOP OF THE PAGE I'M
12 LOOKING AT TOO SO SORRY ABOUT THAT

13 SENATOR THIS STATES AFTER PILOT TESTING, THE
14 STATE BOARD OF EDUCATION AFTER CONSULTATION WITH THE
15 SELECT COMMITTEE, AND I WILL COME BACK TO THAT, SHALL
16 PROMULGATE REGULATIONS TO IMPLEMENT PARENT EDUCATION
17 PROGRAMS IN ALL SCHOOL DISTRICTS

18 IMPLEMENTATION OF THE PROGRAMS IN THE DISTRICTS
19 MUST BE PHASED IN OVER THREE YEARS PRIORITY MUST BE
20 GIVEN TO SERVING THOSE PARENTS WHOSE CHILDREN ARE
21 CONSIDERED AT RISK FOR SCHOOL FAILURE ACCORDING TO
22 CRITERIA ESTABLISHED BY THE STATE BOARD OF EDUCATION

23 FROM FUNDS APPROPRIATED FOR PROGRAMS, EACH
24 SCHOOL DISTRICT MUST BE ALLOCATED AN AMOUNT DETERMINED BY
25 COMPUTING THE PERCENTAGE OF ALL FAMILIES WITH CHILDREN

1 AGES BIRTH THROUGH FIVE YEARS SERVED STATE-WIDE AS
2 COMPARED WITH THOSE FAMILIES WHO ARE SERVED BY THE SCHOOL
3 DISTRICT AND MULTIPLYING THIS PERCENTAGE BY THE TOTAL
4 STATE-WIDE APPROPRIATION FOR THE PROGRAM

5 FIRST OFF, I WANT TO FOCUS ON THAT BIRTH THROUGH
6 FIVE YEARS THE STATE LEGISLATURE IS TALKING ABOUT BIRTH
7 THROUGH FIVE YEARS IN TERMS OF AT RISK WHY IS THAT?

8 A ALL RESEARCH TELLS US AT THIS POINT THAT NO LONGER --
9 WE USED TO TALK ABOUT EDUCATION AS K THROUGH 12 BEFORE
10 THAT IT WAS FIRST GRADE ONE THROUGH 12 THEN WE DROPPED
11 DOWN TO WHAT WE CALL FOUR THROUGH 12

12 WE UNDERSTAND THAT EARLY INTERVENTION IN PARENTS
13 AND CHILDREN WHO ARE AT RISK PAYS DIVIDENDS IN THE LONG
14 RUN IT IS MUCH CHEAPER ON THE STATE WE GET A BETTER
15 RETURN ON OUR INVESTMENT

16 AS THEY SAY WE JUST GET A BIGGER BANG FOR YOUR
17 BUCK AND SO IF WE ARE GOING TO BE COMPETITIVE, YOU HAVE
18 GOT TO CUT THAT OFF AS EARLY AS POSSIBLE

19 Q AND IN 1989 ABOUT 14 YEARS AGO --

20 A YEAH

21 Q -- THE STATE LEGISLATURE IS MAKING A PRIORITY GIVEN
22 TO SERVING KIDS THAT ARE AT RISK, BIRTH THROUGH FIVE?

23 A THAT IS CORRECT

24 Q SO THIS FIRST STEPS IDEA WE TALK ABOUT WHERE THE
25 FUNDS WERE CUT IS NOT A NEW DEAL?

1 A THAT'S NOT A NEW DEAL WE RECOGNIZED BIRTH THROUGH
2 FIVE WAS CRITICAL FOR A CHILD ABILITY TO ATTAIN AND TO
3 DEAL WITH THE COMPLICATED ISSUE THAT THEY WILL FACE IN
4 LIFE

5 Q AND CONSIDERED IT A -- STATE BOARD OF EDUCATION SAYS
6 AFTER THE TESTING, AFTER PILOT TESTING THE STATE BOARD OF
7 EDUCATION MEANING THE STATE --

8 A THE STATE BOARD

9 Q -- WOULD WORK ON BIRTH THROUGH FIVE RIGHT?

10 A THEY WERE GIVEN AUTHORIZATION TO GO AHEAD AND TO
11 DEVELOP PILOT TESTS AND TO IMPLEMENT THEM

12 Q WHAT IS THE SELECT COMMITTEE, SIR? IT'S THE FIRST
13 TIME WE HAVE SEEN THAT IT'S UNDER THIS I GUESS TARGET
14 2000

15 A THAT WAS A COMMITTEE PUT IN PLACE THAT WE COULD -- TO
16 LOOK AT AND TO MAKE SURE THAT TARGET 2000 KIND OF BLEND IN
17 WITH OTHER STATUTE WE CREATED A LOT OF -- THAT COMMITTEE
18 I THINK HAS BEEN DISSOLVED AT THIS POINT, AND EDUCATION
19 OVERSIGHT IS -- HAS KIND OF ASSUMED THAT RESPONSIBILITY OF
20 THE COORDINATION OF EDUCATIONAL POLICIES

21 Q LET'S LOOK A LITTLE BIT FURTHER ABOUT THIS IN SECTION
22 FOUR, AND THIS IS UNDER DIVISION THREE ENTITLED MAKE
23 SIGNIFICANT ADDITIONAL BASIC SKILLS AND GAINS IN READING,
24 WRITING AND MATH THE SECTION I'D LIKE TO PULL OUT IS
25 NUMBER SEVEN THIS IS ON PAGE FIVE OF 23 A LITTLE

1 MORE IMPORTANT TO THOSE DISTRICTS THAN TO ANOTHER DISTRICT
2 WHERE THEY NORMALLY GET 30 PERCENT OR 20 PERCENT OF THEIR
3 MONEY FROM THE STATE SO WE HAVE A GREATER IMPACT ON THE
4 POORER RURAL DISTRICTS

5 Q DOES THE GENERAL ASSEMBLY IN SETTING EDUCATION POLICY
6 FOR SOUTH CAROLINA ALSO SET THE EXPECTATIONS AND THE
7 STANDARDS FOR THE SCHOOLS THE TEACHERS AND THE STUDENTS?

8 A WE SET THE STANDARDS AND THE EXPECTATIONS ACROSS THE
9 BOARD FOR ALL DISTRICTS AND WE SET THE MEASUREMENT WHERE
10 IN WHICH THEY MUST ATTAIN TO MEET WHAT WE DEFINE AS THE
11 MINIMUM ADEQUATE STANDARD

12 AND THE GENERAL ASSEMBLY ITSELF HAS DEFINED WHAT
13 THAT IS THE GENERAL ASSEMBLY DEFINED BY STATUTE WHAT IS
14 THE MINIMUM ADEQUATE STANDARD THAT YOU MUST MEET IS
15 BASICS IF YOU DON'T MEET BASICS ON OUR PACT TEST, YOU'RE
16 NOT MEETING OUR STANDARDS

17 AND ONE OF THE POINTS THAT THE PUBLIC GENERALLY
18 NOT AWARE OF, OUR BASIC STANDARDS ACCORDING TO THE
19 PRINCETON STUDY IS MUCH HIGHER THAN THE PROFICIENT
20 STANDARDS FOR MANY OTHER STATES

21 OUR PROFICIENT STANDARDS RANK NUMBER TWO AND
22 THREE IN THE NATION ACCORDING TO THE PRINCETON STUDY AND
23 SO WE HAVE VERY HIGH STANDARDS THAT WE SET BY STATUTE FOR
24 ALL DISTRICTS AND THEN THE INEQUITY IN THE FUNDING THEN
25 CAUSE MAJOR PROBLEM FOR THESE RURAL DISTRICTS, DON'T HAVE

1 ACCESS TO ASSETS THEY CAN'T MEET IT

2 Q SENATOR, IS THE GENERAL ASSEMBLY ACCOUNTABLE FOR THE
3 POLICIES THAT IT SETS IN THE AREA OF EDUCATION? IS IT A
4 TWO WAY ACCOUNTABILITY SYSTEM IN ESSENCE? THE SCHOOLS ARE
5 ACCOUNTABLE, BUT THE GENERAL ASSEMBLY IS ALSO ACCOUNTABLE?

6 A I BELIEVE THAT THE GENERAL ASSEMBLY IS ETHICALLY AND
7 MORALLY RESPONSIBLE FOR WHAT WE DO BUT THERE ARE GAPS IN
8 HOW WE LIVE UP AND SUSTAIN WHAT WE SAY WE ARE GOING TO
9 DO WE TELL SCHOOL DISTRICTS WHAT THEY MUST DO, THE
10 STANDARDS THAT THEY MUST MEET, AND YET IN MANY INSTANCE WE
11 RENEGE ON THE FUNDING MECHANISM THAT WE SAY THAT TAKES TO
12 PROVIDE FOR THEM TO MEET THAT

13 EVERY TIME WE PASS A BILL WE GET A STATEMENT
14 TELLING US WHAT IT'S GOING TO COST, WHAT THE TAX GOING TO
15 BE, WHAT IT'S GOING TO TAKE TO FUND IT AND EVERY YEAR WE
16 TEND TO RENEGE ON THOSE STANDARDS AND SO THAT'S WHERE YOU
17 CAUSE SCHOOL DISTRICTS A LOT OF PROBLEMS WHEN YOU SET
18 HIGH STANDARDS THAT WE KNOW ARE GOING TO COST MORE MONEY
19 AND WE DON'T DO -- I'LL GIVE YOU AN EXAMPLE OF WHAT I'M
20 TALKING ABOUT

21 IN OUR NEW PACT TESTS STANDARDS WE TELL SCHOOL
22 DISTRICTS AND CHILDREN THAT BY EIGHTH GRADE THEY MUST BE
23 LITERATE IN SCIENCE AND THAT REALLY MEANS THAT THE SCHOOL
24 DISTRICT HAS TO HAVE A SCIENCE LAB TO HAVE THOSE
25 EXPERIENCE IF YOU GO TO SOME OF THESE SCHOOLS THEY DON'T

1 A WE HAVE RECOMMENDED OVER AND OVER, THEY HAVE NOT
2 FUNDED IT

3 Q SENATOR, WE ALSO TALKED THIS MORNING A LITTLE BIT
4 ABOUT HEALTH AND WE TALKED ABOUT THE HEALTH IMPACTS OR THE
5 HEALTH THAT KIDS COME TO SCHOOL WITH WE DID NOT TALK
6 THIS MORNING ABOUT HOW KIDS WHO ARE RELATIVELY HEALTHY
7 COME TO SCHOOL IN TERMS OF THEIR PREPARATION FOR SCHOOL
8 AND WHAT THEY HAVE FROM THEIR HOMES IN TERMS OF
9 EXPERIENCE, READING BOOKS OR HAVING SOMEONE READ TO THEM
10 OR SO FORTH, JUST YOUR AVERAGE KID COMING READY TO GO TO
11 SCHOOL

12 WHAT DO YOU SEE IN THESE RURAL, ISOLATED
13 DISTRICTS THAT HAVE A LOT OF POVERTY IN TERMS OF THE KIDS
14 READINESS TO LEARN IN THE K-5 OR FIRST GRADE?

15 A BASED ON THE STUDIES THAT WE HAVE LOOKED AT WE HAVE
16 REACHED THE CONCLUSION THAT INTERVENTIONS OR INTERVENING
17 THE EARLIEST POSSIBLE GIVE US THE BEST RESULTS

18 AND SO WE HAVE MOVED FROM WHAT WE CALL PRE-K TO
19 TWELVE TO PRENATAL TO TWELVE BECAUSE WE LEARN, WE KNOW
20 THAT THE BRAIN ABSORB MUCH MORE AND LEARN MUCH MORE IN THE
21 FIRST THREE YEARS AND WHAT WE HAVE BEEN FINDING IN THAT
22 THOSE CHILDREN WHO ARE COMING FROM CHALLENGED DISTRICTS OR
23 HIGH POVERTY DISTRICTS THE PARENTS JUST DON'T READ TO
24 THEM AS MUCH, THEY DON'T GET THEM INVOLVED IN SOCIAL
25 ACTIVITY, THEY DON'T GET INVOLVED IN CULTURAL EXPERIENCES,

1 THEY DON'T UNDERSTAND THE NUMBERS AS WELL THEY DON'T
2 UNDERSTAND THE CHARTS OR THE COLORS AND SO THEY COME TO
3 SCHOOL WITH A DEFICIT

4 WE HAVE ALSO SEEN BY THE IMPLEMENTATION OF THE
5 FOUR YEAR OLD PROGRAM OUR READINESS SCHOOLS HAS GONE UP
6 SUBSTANTIALLY WE HAVE TIED THAT BACK TO THE FOUR YEAR
7 PROGRAM IN THOSE DISTRICTS AND THAT'S THE EARLY
8 INTERVENTION THAT WE SEE WE GET RESULTS FROM

9 Q HAS THE LEGISLATURE FULLY FUNDED FOUR YEAR OLD
10 KINDERGARTEN FOR ALL STUDENTS IN SOUTH CAROLINA?

11 A WE HAVE NOT FULLY FUNDED NONE OF OUR PROGRAMS WE
12 HAVE PUT THEM ON THE BOOKS, FUNDED SOME OF THEM CALLED
13 SOME OF IT GRANT MONEY BUT WE HAVE NO NO WE HAVE NOT
14 FULLY FUNDED

15 Q HAS THE LEGISLATURE FUNDED, FULLY FUNDED ALL OF THE
16 TEACHER SPECIALISTS AND PRINCIPAL SPECIALISTS THAT ARE
17 NEEDED BY THE SCHOOLS?

18 A NOT ACCORDING TO THE BUDGETARY REQUEST THAT WE
19 SUBMITTED AND WHAT THE STATE DEPARTMENT STATE THEY NEEDED,
20 NO

21 Q SENATOR, WITH REGARD TO PARENTS IN TERMS OF TALKING A
22 LITTLE BIT ABOUT PARENTS, ARE THE PARENTS OF THE CHILDREN
23 THAT ARE COMING FROM THESE LOW, POORER AREAS AND MORE
24 ISOLATED AREAS, ARE THE PARENTS AS CAPABLE OF INTERACTING
25 WITH COLLEGE EDUCATION PEOPLE AND PARTICULARLY THE SCHOOL

1 Q OKAY

2 A WE FUNDED IT ON A 1976 OR '75 MODEL SO THE MODEL
3 WAS DEVELOPED AROUND A 1973 MODEL, IT WAS FUNDED ON I
4 THINK, A '75 MODEL NOW, WE PASSED IT IN 1977 SO THAT PUT
5 THE FUNDING IN THE MODEL TWO YEARS BEHIND WE HAVE NEVER
6 CHANGED THAT MODEL THAT WE USED TO DETERMINE WHAT IT COST
7 TO EDUCATE A CHILD NOW GIVE YOU AN EXAMPLE

8 Q SO THE BASE STUDENT COST IS STILL BEING CALCULATED?

9 A THE BASE STUDENT COST IS STILL USING THE SAME
10 ENTITIES TO CALCULATE TODAY THAT IT WAS USED 30 YEARS AGO

11 Q OKAY AND DOES IT INCLUDE ALL OF THESE STANDARDS AND
12 SO FORTH THAT WE HAVE BEEN TALKING ABOUT WITH THE
13 EDUCATION OVERSIGHT COMMITTEE AND ALL OF THE CURRICULUM
14 STANDARDS AND TESTING FROM 1998 AND BEYOND?

15 A ABSOLUTELY NOT

16 Q OKAY

17 A NONE OF THOSE IMPROVEMENTS ARE CALCULATED IN THE BASE
18 STUDENT COST WE STILL -- AND I GIVE YOU ANOTHER -- YOU
19 HAVE GOT TO UNDERSTAND THE WHOLE PICTURE

20 Q GO AHEAD

21 A WHEN WE PASSED THE EDUCATION ACCOUNTABILITY ACT,
22 THERE WERE THREE BASIC THINGS THAT WAS NOT INCLUDED IN THE
23 COST OF EDUCATION WE DID NOT INCLUDE TRANSPORTATION AS A
24 COST WE DID NOT INCLUDE FRINGE BENEFITS NOR TEXTBOOKS
25 NOR RESOURCE MATERIAL

1 Q WHERE WAS THAT SUPPOSED TO COME FROM?

2 A WE DIDN'T PUT IT IN THE MODEL FOR THIS REASON WE
3 WERE, THE STATE WAS PAYING A HUNDRED PERCENT FOR THOSE
4 ITEMS AT THE TIME

5 Q OKAY

6 A SO IF YOU PUT THAT IN THE MODEL IT WOULD HAVE HURT
7 THOSE POOR SCHOOL DISTRICTS SO WE SAID SINCE THE STATE
8 IS PAYING IT, WE WON'T PUT IT IN THE MODEL

9 Q RIGHT

10 A BUT HAS HAPPENED OVER THE PAST 30 YEARS IS THAT WE NO
11 LONGER PAY THE FRINGE BENEFIT FOR THOSE KIDS ALL OF IT,
12 WE DON'T PAY THE TRANSPORTATION COST NOR DO WE PAY FOR
13 THOSE RESOURCE MATERIAL

14 I GIVE YOU AN EXAMPLE I THOUGHT TO MY BEST
15 RECOLLECTION WE PUT ABOUT \$3 IN THERE FOR LIBRARY
16 MATERIALS WE DID A STUDY IN 1991 SAID TODAY TO HAVE
17 LIBRARY MATERIAL AVAILABLE TO A CHILD COST \$86 THAT IS
18 NOT TAKEN CARE OF IN THAT OLD MODEL BECAUSE WE STILL USING
19 THE OLD MODEL TO FUND IT

20 Q SO TAKING THAT ONE EXAMPLE IN '77 WE WERE PAYING,
21 THE STATE WAS PAYING A HUNDRED PERCENT, \$3 A STUDENT FOR
22 LIBRARY, RIGHT?

23 A YES, SIR

24 Q IN 1991 SOMEWHERE AROUND TARGET 2000, JUST TWO YEARS
25 AFTER TARGET 2000 YOU DID A STUDY AND FOUND THAT CURRENT

1 LIBRARIES NEEDED \$86 A STUDENT?

2 A \$86 PER STUDENT THAT'S WHAT THE COST WAS

3 Q DID YOU GO AHEAD THEN AND FUND \$86 AS OPPOSED TO THE
4 THREE?

5 A WE DID NOT FUND THAT AND THE OTHER THINGS WE DID
6 NOT FUND WAS THAT IN TEACHER SALARY WHICH WAS A PART OF
7 THE ORIGINAL MODEL WE DID NOT FUND THE STEP INCREASES

8 Q STEP INCREASES MEANING THE EXPERIENCE INCREASES?

9 A EVERY YEAR YOU GET A LITTLE BIT OF MONEY BECAUSE YOU
10 GOT THAT EXPERIENCE

11 Q AND THE DEGREE INCREASES?

12 A WE DIDN'T FUND THE DEGREE INCREASES THAT MEAN AS
13 TEACHERS GO BACK AND GET A MASTERS DEGREE, WE DIDN'T PUT
14 THE MONEY IN THAT MODEL UNDER THE E F A IT'S NOT FUNDED
15 THAT MEAN LOCAL PEOPLE HAVE TO PICK IT UP

16 AND I THINK IT WAS IN 1991 OR SOMETHING WE
17 RENEGED ON THAT PROCESS AND SHIFT ALL OF THAT COST TO THE
18 DISTRICTS AND WHEN WE DID THAT, THAT WAS A SEVERE BLOW
19 TO THESE RURAL DISTRICTS BECAUSE THEN THEY HAVE TO TAKE
20 THE EXISTING MONEY TO PICK UP THOSE COSTS

21 AND HERE'S THE OTHER PROBLEM UNDER -- WHEN WE
22 PASSED THE EDUCATION ACCOUNTABILITY ACT, WE ADD ADDITIONAL
23 COSTS WHICH IS NOT CALCULATED BACK IN THE E F A AND WHEN
24 WE, AND I HOPE THE POINT IS CLEAR WHEN WE TELL A SCHOOL
25 THAT A CHILD MUST BE LITERATE IN SCIENCE IN EIGHTH GRADE

1 THAT MEANS THAT THAT SCHOOL HAS TO HAVE THE SCIENCE LAB IN
2 EIGHTH GRADE IF WE TELL THEM THEY GOT TO HAVE COMPUTER
3 LITERACY BY EIGHTH GRADE, THAT MEANS THEY GOT TO HAVE
4 COMPUTERS, SOFTWARE, MAINTENANCE

5 THAT IS NOT COVERED AND SO ALL OF THAT HAS
6 DETERIORATED THE MODEL FOR WHICH WE USE TO FUND PUBLIC
7 EDUCATION

8 Q NOW, BACK HERE IN '77 WHEN WE CREATED THE FOUNDATION,
9 THE BASE\STUDENT COST WE DIDN'T INCLUDE TRANSPORTATION?

10 A NO

11 Q DID NOT INCLUDE --

12 A FRINGE BENEFITS

13 Q -- FRINGE BENEFITS?

14 A AND RESOURCE MATERIAL

15 Q AND RESOURCE MATERIALS

16 A WHICH IS DEFINED AS TEXTBOOKS AND THAT SAME '91
17 STUDY -- LET ME JUST TELL YOU THIS WHEN WE ADDED ALL
18 THOSE ITEMS, IT ADDED ABOUT ANOTHER \$380 TO THE COST SO
19 YOU HAVE GOT THE RESOURCE COST PLUS THE STEP COST IT
20 ADDED ALMOST ABOUT \$400 TO PER STUDENT

21 Q NOW, WHAT IS SUPPOSED TO HAPPEN TO THIS BASE STUDENT
22 COST, WAS IT SUPPOSED TO BE INFLATED WITH INFLATION?

23 A HERE'S THE PROBLEM WHEN WE USED THE 1973 MODEL AND
24 FUND IT IN 1977, WE SAY THAT WE WILL ADJUST THAT COST
25 FIGURE BASED ON THE EDUCATION INDEX, INFLATION FACTOR

1 THAT AT THIS POINT

2 THE COURT THE ONLY RELEVANCY WHICH I HAVE ALLOWED
3 TO BE ATTACHED TO THOSE RACIAL CHARACTERISTICS IN THIS
4 CASE THE REASONS FOR WHICH WE ALREADY PUT ON THE RECORD
5 WOULD BE THE CORRELATION BETWEEN THOSE CHARACTERISTICS AND
6 POVERTY ITSELF

7 AND I THINK THAT THIS IS -- THERE IS A
8 CORRELATION IN THIS REGARD BETWEEN POVERTY AND RACE AS IT
9 AFFECTS THOSE STATISTICS AND I WILL ALLOW HIM TO TESTIFY
10 FROM THAT PERSPECTIVE, BUT THIS, THE ONLY ASPECT OF THIS
11 THAT I'M TAKING INTO ACCOUNT IS THE RELATIONSHIP BETWEEN
12 POVERTY IN THESE DIFFERENCES

13 MR MORRISON UNDERSTOOD YOUR HONOR

14 BY MR MORRISON

15 Q I GUESS, SENATOR, WHAT I WAS ASKING YOU TO COMMENT ON
16 IS IF YOU COULD BE, IF YOU ARE A WHITE PERSON AND CAN PAY
17 FOR LUNCH --

18 A UH-HUH

19 Q -- WHAT HAVE YOU, WHAT IS YOUR EXPERIENCE WITH REGARD
20 TO STAYING IN THESE UNSATISFACTORY SCHOOLS OR BEING MORE
21 WHITE CHILDREN WHO CAN PAY FOR THEIR LUNCH, STAYING IN
22 THOSE SCHOOLS?

23 A GENERALLY THE PRESSURE IS ON FOR THEM NOT TO STAY
24 IF THEY CAN AFFORD TO MOVE ON OR TRANSFER, THEY TEND TO DO
25 THAT IF IT'S A SYMPTOM, NOT NECESSARILY OF THE TOTAL

1 A THAT IS CORRECT

2 Q SO THE LEGISLATURE WANTED TO MONITOR THIS ACT, RIGHT?

3 A WE WANTED TO MONITOR THAT ACT AND SEE WHETHER, WHAT
4 AFFECT IT WAS HAVING AND SECONDLY TO DETERMINE WHETHER
5 THERE WAS ANY PROBLEM THAT ANY DISTRICT WAS NOT COMPLYING
6 WITH

7 Q THEN I WOULD -- I WOULD CALL YOUR ATTENTION TO PAGE
8 15 OF 16 OF ACT 135 SAME EXHIBIT ITEMS NINE AND TEN
9 WHICH STATE, THE LEGISLATIVE AUDIT COUNCIL SHALL AUDIT TO
10 ASSESS COMPLIANCE WITH THIS CHAPTER AS REQUESTED BY THE
11 GENERAL ASSEMBLY

12 ON THE BASIS OF THESE AUDITS THE LEGISLATIVE
13 AUDIT COUNCIL SHALL MAKE RECOMMENDATIONS TO THE GENERAL
14 ASSEMBLY CONCERNING NECESSARY CHANGES IN THIS CHAPTER

15 A 12 MEMBER EDUCATION FINANCE REVIEW COMMITTEE
16 MUST BE ESTABLISHED TO ADVISE THE GENERAL ASSEMBLY AND
17 REVIEW ITS IMPLEMENTATION OF THIS CHAPTER THIS ADVICE
18 AND REVIEW MAY INCLUDE BUT NOT BE LIMITED TO THE COST OF
19 THE DEFINED MINIMUM PROGRAM, PROVISIONS INCLUDED IN THE
20 DEFINED MINIMUM PROGRAM, THE PUPIL CLASSIFICATION WEIGHTS
21 IN SECTION 59-20-40, THE FORMULA FOR COMPUTING REQUIRED
22 LOCAL EFFORT, THE ONGOING EVALUATION OF THE EDUCATION
23 PROGRAM NEEDS OF THE SCHOOL DISTRICTS

24 SENATOR, WERE ALL OF THOSE ITEMS BEING MONITORED
25 AND HAD OVERSIGHT UNDER THE ACT 135?

1 THAT?

2 A I CONCUR WITH THAT WHOLEHEARTEDLY

3 Q ALL RIGHT NOW, IN TERMS OF THAT PARTICULAR BULLET
4 POINT, K P M G IS SAYING THAT WE DON'T HAVE A CONSISTENT
5 APPROACH

6 WHAT IS YOUR OBSERVATION, SENATOR, WITH REGARD
7 TO THIS, THIS PROGRESSION OR THIS SERIES OF ACTS FROM '77
8 UP THROUGH 1999 AS IT RELATES TO HAVING A SYSTEMATIC
9 APPROACH OR A SUSTAINED APPROACH?

10 A THE SYSTEM, IF YOU LOOK AT THE EDUCATION
11 ACCOUNTABILITY IN 1997 ALL THE WAY DOWN TO FIRST STEP, IT
12 IS DISJOINTED AND NOT ORGANIZED AND IT DOES NOT MATCH TO
13 A GOOD COMPREHENSIVE STRATEGY TO OBTAIN OUR OBJECTIVES

14 AND SECONDLY, THE STRATEGY THAT WE HAVE PUT IN
15 PLACE WE HAVE UNDERFUNDED THOSE STRATEGIES

16 Q SENATOR, I WOULD LIKE TO CLOSE YOUR HONOR IF YOU
17 DON'T MIND ON THE -- ON MRS NIELSEN'S 1995 REPORT WHICH
18 IS MARKED AS PLAINTIFFS' EXHIBIT 545 AND THIS IS A
19 REPORT FROM THE DEPARTMENT OF EDUCATION TO THE GENERAL
20 ASSEMBLY IN THE HOUSE WAYS AND MEANS COMMITTEE, PUBLIC
21 EDUCATION

22 AND SENATOR, I WOULD ASK YOU TO LOOK
23 SPECIFICALLY AT THE RECOMMENDATIONS THAT SUPERINTENDENT
24 NIELSEN IS MAKING BACK IN '95 AND LET'S--

25 A WHAT--

1 Q LET'S GO TO THE THIRD PARAGRAPH

2 A WHAT PAGE?

3 Q PAGE 2251 THE THIRD FULL PARAGRAPH AND THEN THE
4 RECOMMENDATIONS BELOW THAT THIS, SHE SAYS THE PLAN AND
5 OF COURSE THIS IS, THIS IS PUTTING CHILDREN AND FAMILIES
6 FIRST WHICH I THINK WAS THE BEASLEY ADMINISTRATION IF I
7 REMEMBER THE SLOGAN RIGHT PUTTING CHILDREN AND FAMILIES
8 FIRST A SOUTH CAROLINA PLAN TO REACH THE NATIONAL
9 EDUCATION GOALS

10 AND PARAGRAPH THREE SAID, THE PLAN CONTAINS
11 PROPOSALS TO REVISE DRAMATICALLY THE STRUCTURE GOVERNANCE
12 AND FUNDING OF EDUCATION SPECIFICALLY WITH REGARD TO THE
13 LATTER MEANING FUNDING WE RECOMMEND THAT K-12 FUNDING
14 START AT THE SCHOOLHOUSE LEVEL THAT OUR PRIORITIES
15 REFLECT A ZERO BASE PROCESS WHICH FOCUSES ON THE BASICS
16 NEEDED BY EVERY CLASSROOM AND SCHOOL IN ORDER TO PREPARE
17 OUR YOUNG PEOPLE TO LIVE, WORK AND RAISE A FAMILY IN THE
18 21ST CENTURY

19 NOW SENATOR, DR NIELSEN IS RECOMMENDING A
20 COMPLETE OVERHAUL OF THE EDUCATION SYSTEM OR THE EDUCATION
21 FUNDING SYSTEM DID THAT OCCUR?

22 A THAT DID NOT OCCUR WE TENDED, WE CONTINUED TO DO
23 THE PIECEMEAL APPROACH AND ONE OF THE THINGS THAT, WHEN
24 WE WERE TALKING ABOUT WHAT WE NEED TO MAKE THE HARD
25 DECISION, THIS WAS A HARD, KIND OF A HARD DECISION THAT

1 HAD TO BE MADE IF WE WERE GOING TO IMPROVE EDUCATION

2 Q AND YOU DIDN'T DO IT?

3 A WE DID NOT MAKE THE HARD DECISIONS

4 Q LOOK BACK UP AT THE SECOND PARAGRAPH WHERE --

5 A OKAY

6 Q -- SHE SAYS, THE PLAN IS DESIGNED NOT TO TINKER WITH
7 OUR CURRENT SYSTEM BUT TO REINVENT EDUCATION ALTOGETHER

8 ALONG THE THEMES OF RESTRUCTURING THAT THE GENERAL

9 ASSEMBLY HAS ADVOCATED THE BOTTOM LINE WILL BE A

10 GUARANTEE OF RESULTS FOR ALL AND SHE HAS ALL ALL CAPS,

11 A-L-L, ALL SOUTH CAROLINA'S CHILDREN

12 SENATOR, SHE SAYS IT'S -- THE PLAN'S DESIGNED

13 NOT TO TINKER HAS THE GENERAL ASSEMBLY DONE A

14 COMPREHENSIVE REVISION OF THE STATE EDUCATION SYSTEM AND

15 THE FUNDING OF IT?

16 A ABSOLUTELY NOT WE HAVE BROUGHT IT -- THE EDUCATION

17 OVERSIGHT COMMITTEE HAS TALKED ABOUT IT, WE HAVE TALKED

18 ABOUT NOT TINKERING WITH THE SYSTEM THAT IT NEED TO BE

19 TONED DOWN, START OVER AND FUNDED AT ADEQUATE LEVEL

20 THOSE RECOMMENDATIONS HAS NEVER BEEN ADHERED

21 TO AND WHAT BARBARA NIELSEN WAS TALKING ABOUT WAS THE

22 RESTRUCTURING OF THE TOTAL PROCESS IN PUTTING THE

23 RESOURCES IN THE SYSTEM WHERE THEY WERE NEEDED

24 Q AND DR NIELSEN IS TALKING ABOUT A DRAMATIC REVISION

25 IN THE STRUCTURE GOVERNANCE AND FUNDING AND SHE'S TALKING

1 ABOUT RESULTS FOR ALL OF SOUTH CAROLINA'S CHILDREN WHY
2 IS SHE TALKING ABOUT RESULTS OR WHAT'S YOUR UNDERSTANDING
3 OF WHY SHE IS TALKING ABOUT RESULTS FOR ALL OF SOUTH
4 CAROLINA'S CHILDREN WHEN SHE TALKS TO THE GENERAL
5 ASSEMBLY?

6 A THE GENERAL CONSENSUS WAS THAT IF WE WERE GOING TO
7 MOVE THIS STATE FORWARD AND ALLOW OUR CHILDREN TO COMPETE
8 IN THE 21ST CENTURY, WE HAD TO EDUCATE ALL THE CHILDREN
9 REGARDLESS TO WHERE THEY LIVE

10 Q AND WHAT, AND SHE, SHE SAYS THAT BASICALLY THAT SHE
11 NEEDS TO PREPARE OR WE NEED TO PREPARE OUR YOUNG PEOPLE TO
12 LIVE, WORK AND RAISE A FAMILY IN THE 21ST CENTURY IS
13 THAT THE PURPOSE OF EDUCATION IN YOUR JUDGMENT?

14 A THAT IS THE, THAT IS THE MAIN PURPOSE OF EDUCATION IS
15 TO PREPARE OUR CHILDREN TO BE COMPETITIVE IN THIS NEW
16 ENVIRONMENT ONE OF THE THINGS THAT WE TALKED ABOUT AT
17 THAT TIME IS WE WERE MOVING INTO A KNOWLEDGE BASED ECONOMY
18 THAT REQUIRED DIFFERENT SETS OF SKILLS SKILLS WERE NOT
19 BEING OFFERED AT THAT TIME

20 AND SO IN ESSENCE TO COMPETE IN THAT 21ST
21 CENTURY WE HAD TO RESTRUCTURE OUR EDUCATIONAL PROGRAM AND
22 FUND IT AND FUND IT AT AN APPROPRIATE LEVEL

23 Q LOOK AT THE RECOMMENDATIONS, THE THREE BULLET POINTS
24 AT THE BOTTOM OF THE PAGE AND THIS WILL CLOSE US OUT FOR
25 TODAY THIS IS STILL ON PAGE 2251 THESE RECOMMENDATIONS

1 Q NOW, I JUST TURNED BRIEFLY, IF YOU WOULD, TO PAGE
2 2253 AND WHILE I DON'T WANT TO GO THROUGH THE NUMBERS
3 BECAUSE THEY ARE NOW SOMEWHAT OLD BUT THE TITLE AT THE
4 TOP OF THAT PAGE IS ADEQUATE STUDENT BASED COSTS

5 A RIGHT

6 Q AND SHE HAS YEAR ONE, FISCAL YEAR '95 '96 AND SHE'S
7 GOT A -- JUST TO REMIND YOU WHERE WE ARE SHE RECOMMENDS A
8 STEP IMPLEMENTATION, I THINK IT'S THREE OR FOUR STEPS,
9 FIRST YEAR BEING FISCAL YEAR '95, '96

10 IS THIS ADEQUATE STUDENT BASE COST WHAT YOU WERE
11 JUST REFERRING TO, THAT IS THE BASE FOUNDATION OPERATING
12 COSTS FOR THE SCHOOL DISTRICTS?

13 A THAT IS -- THAT WAS HER RECOMMENDATION TO MAKE THE
14 ADJUSTMENTS TO COVER WHAT THEY THOUGHT THEY -- THEY HAD
15 RECOMMENDED TO GO BACK FOR THE BASE STUDENT COSTS

16 Q RIGHT

17 A THESE WERE SOME OF THE MECHANISMS IN THERE, AND THESE
18 WERE THE RECOMMENDATION THAT SHE HAD FOR -- TO COVER THOSE
19 COSTS

20 Q AND THE REMAINING PAGES HERE THERE'S ANOTHER ONE,
21 2255 ADEQUATE STUDENT BASE COSTS FOR FISCAL YEAR '97,
22 '96 '97, AND THEN ANOTHER ADEQUATE STUDENT BASE COST,
23 2257 FOR FISCAL YEAR '97 '98

24 WERE THESE BUDGET REQUESTS IMPLEMENTED AS
25 REQUESTED BY THE SUPERINTENDENT OF EDUCATION OF THE

1 LEGISLATURE?

2 MR STEPP OBJECTION, YOUR HONOR I MEAN, I DON'T
3 THINK THOSE ARE BUDGET REQUESTS, SO I WOULD OBJECT TO THE
4 QUESTION

5 BY MR MORRISON

6 Q WERE THESE ADEQUATE STUDENT BASE COSTS IMPLEMENTED?

7 THE COURT I WILL ALLOW THAT

8 THE WITNESS NO, THE RECOMMENDATIONS WERE NOT
9 IMPLEMENTED

10 BY MR MORRISON

11 Q LET ME ASK YOU TO TURN OVER TO -- WITHOUT GETTING
12 DEEP INTO THE NUMBERS -- EXHIBIT 22 -- I MEAN PAGE 2260 OF
13 THE SAME EXHIBIT PLAINTIFFS' 545 AT THE BOTTOM OF THAT
14 PAGE, IF WE COULD JUST LOOK AT THE PAGE AND THEN PULL UP
15 THE PARAGRAPH AT THE BOTTOM OF THE PAGE

16 THE SUPERINTENDENT IN HER LETTER STATES THERE
17 BUDGETING BY SPECIAL PROJECT AND PROVISIO HAS ERODED THE
18 RESOURCES NEEDED TO FUND SCHOOLS' BASIC OPERATING COSTS
19 WHAT IS THE PROBLEM THAT S BEING DISCUSSED THERE SENATOR
20 MATTHEWS, IN YOUR UNDERSTANDING?

21 A THE BUDGET DOCUMENT IS SUPPOSED TO CONTAIN FUNDING
22 MECHANISM FOR THE STATE, GOES THROUGH WAYS -- GOES THROUGH
23 WAYS AND MEANS FIRST, THEN FROM WAYS AND MEANS IT COMES
24 OVER TO THE SENATE, COME TO SENATE FINANCE

25 WHAT HAPPENED IS THAT A LOT OF TIMES PEOPLE ON

1 THE FLOOR ARE IN COMMITTEE THAT MAY NOT BE ON THE BUDGET
2 COMMITTEE, BUT PUT UP A PROVISIO AND SAY THE STATE SHALL
3 FUND SO AND SO AND SO AN AMOUNT

4 AND WHAT THAT WILL DO IS JUST ERODE THE BASIC
5 CORE BUDGET AND SOMETIME THEY WILL CHANGE PROGRAMS BY
6 PROVISOS, AND THOSE PROVISOS TEND NOT TO HAVE SUBCOMMITTEE
7 INPUT, COMMITTEE INPUT AND IT'S JUST DONE ON THE FLOOR
8 SOMETIME WITH THREE READINGS, SO YOU BYPASS THE SYSTEM
9 WE CALL IT SHORT CUT

10 Q NOW, THIS -- WHAT YOU ARE -- THE BASE STUDENT COST
11 IDEA IS EMBEDDED IN THE 1977 E F A , RIGHT?

12 A THAT IS CORRECT

13 Q AND THAT'S SUPPOSED TO PROVIDE THE FOUNDATIONAL
14 OPERATING COSTS FOR THE DISTRICTS

15 A THE BASE STUDENT COST IN THAT PLUS INFLATION FACTOR

16 --

17 Q RIGHT

18 A -- TIED TO IT IS SUPPOSED TO PROVIDE FOR THE BASIC
19 STUDENT COSTS IN PROVIDING FOR PUBLIC EDUCATION

20 Q IF YOU OVERLAY THESE KIND OF PROGRAMS WE HAVE ON THE
21 BOARD WITHOUT NEW TAX MONEY PLUS THESE PROVISOS AND
22 SPECIAL PROGRAMS WHAT -- SHE SAYS YOU ARE ERODING THE
23 BASE STUDENT COSTS DO YOU AGREE WITH THAT?

24 A YOU ARE ABSOLUTELY ERODING THE BASE STUDENT COST AND
25 YOU ARE ERODING THE FOUNDATION FOR WHICH THE EDUCATIONAL

1 SYSTEM IS BUILT UPON

2 Q SENATOR, DOES THAT HAVE A DISPARATE IMPACT ON THE
3 POOREST DISTRICTS?

4 A IT HAS A SEVERE IMPACT BECAUSE HOW -- HOW WE ADJUST
5 FOR THAT REVENUE HAS BEEN THAT WE ADJUST INFLATION
6 FACTOR AND WHEN YOU ADJUST INFLATION FACTOR YOU ERODE
7 THEIR BASE STUDENT COSTS AND WHEN YOU DO THAT, THEN THEY
8 HAVE TO FIND REVENUE FROM OTHER PLACES

9 Q AND WHAT, IF ANYTHING, DOES THIS EROSION OF THE BASE
10 STUDENT COST BY SPECIAL PROJECT AND PROVISIO HAVE TO DO
11 WITH THE ABILITY OF A SCHOOL DISTRICT PARTICULARLY THE
12 PLAINTIFF DISTRICTS, TO PROVIDE EACH CHILD AN OPPORTUNITY
13 TO ACQUIRE A MINIMALLY ADEQUATE EDUCATION?

14 A BECAUSE PROVISOS CAN MISDIRECT FUNDS IT CAN HAVE
15 WHAT WE CALL UNINTENDED CONSEQUENCE BECAUSE IF WE DON'T
16 HAVE A REAL OPPORTUNITY TO STUDY THE IMPACT, YOU SIMPLY
17 LOOK AT THE LANGUAGE AND SAY IT SOUNDS GOOD AND YOU DO
18 IT

19 AND IT'S BASED ON -- NOT ON NEED OR A REQUEST,
20 BUT SIMPLY ON THE ABILITY TO GET 51 PERCENT OF THE VOTES
21 AND SOMEBODY ELSE MAY HAVE ANOTHER PROVISIO FROM ANOTHER
22 COUNTY, SAY YOU SUPPORT MY PROVISIO AND I WILL SUPPORT
23 YOURS SO THERE IS NO THOUGHT PROCESS TO IT, JUST TRYING
24 TO GET 51 VOTES

25 Q SO DOES IT OR DOES IT NOT ERODE THE OPPORTUNITY OR

1 THE ABILITY OF THE SCHOOL DISTRICT TO PROVIDE AN
2 OPPORTUNITY FOR A MINIMALLY ADEQUATE EDUCATION, IN
3 PARTICULARLY THE PLAINTIFF DISTRICTS?

4 A ABSOLUTELY BECAUSE IT UNDERMINE THE BUDGETARY PROCESS
5 AND MISDIRECT FUNDS, AND THOSE FUNDS TEND TO COME OUT THE
6 BASE STUDENT COSTS AND WHEN YOU TAKE FUNDS OUT OF THE
7 BASE STUDENT COST, YOU HURT THOSE DISTRICTS WHO DEPEND
8 HEAVILY ON STATE FUNDING

9 Q SENATOR, THERE IS A PERSONAL COMMENT STARTING WITH
10 THE PRONOUN "I" IN THE NEXT SENTENCE HERE WHERE THE
11 SUPERINTENDENT OF EDUCATION IN 1995 SAYS I REALIZE THIS
12 NEW APPROACH IS A DRAMATIC DEPARTURE FROM THE EXISTING
13 SYSTEM, BUT YOU HAVE PROVIDED US WITH THE OPPORTUNITY TO
14 MAKE DRAMATIC IMPROVEMENTS BY ZERO BASING THE STATE'S K
15 THROUGH TWELVE EDUCATION BUDGET, AND I'M GOING ON TO PAGE
16 2261 -- BY SETTING PRIORITIES TO ENSURE THAT STUDENTS
17 TEACHERS CLASSROOMS AND SCHOOLS HAVE ADEQUATE RESOURCES
18 TO GUARANTEE FUNDING

19 NOW -- I'M SORRY -- GUARANTEE LEARNING IT'S
20 EARLY IN THE DAY AND I'M ALREADY READING BADLY SORRY
21 LET ME JUST PUT THAT -- IT'S -- I REALIZE THIS NEW
22 APPROACH IS A DRAMATIC DEPARTURE FROM THE EXISTING SYSTEM
23 BUT YOU HAVE PROVIDED US WITH THE OPPORTUNITY TO MAKE
24 DRAMATIC IMPROVEMENTS BY ZERO BASING THE STATE'S K THROUGH
25 TWELVE EDUCATION BUDGET AND SETTING PRIORITIES TO ENSURE

1 THAT STUDENTS TEACHERS CLASSROOMS AND SCHOOLS HAVE
2 ADEQUATE RESOURCES TO GUARANTEE LEARNING

3 I WANT TO SPEND A MINUTE WITH THAT SENTENCE
4 SHE'S TALKING ABOUT A DRAMATIC DEPARTURE FROM THE EXISTING
5 SYSTEM WHY IS THE PROPOSAL OF THE STATE SUPERINTENDENT A
6 DRAMATIC DEPARTURE FROM THE EXISTING SYSTEM?

7 A IF YOU UNDERSTAND THE BUDGETING PROCESS, HOW WE
8 NORMALLY DO IT YOU HAVE SEVERAL SUBCOMMITTEE YOU MAY
9 HAVE ONE ON EDUCATION, ONE ON HEALTHCARE, AND ONE ON
10 JUDICIAL, CRIMINAL OR -- AND WHAT THEY NORMALLY WOULD DO
11 WOULD TAKE -- EACH ONE OF THOSE SUBCOMMITTEES TAKE THE
12 PREVIOUS YEAR BUDGET LOOK AT THE NEW REVENUE THAT WE
13 WOULD HAVE OVER THE PREVIOUS YEAR AND THEN THEY ASSIGN A
14 PERCENTAGE OF THAT REVENUE TO EACH ONE OF THOSE
15 SUBCOMMITTEES AND SAY TAKE YOUR SUBCOMMITTEE AND DEVELOP
16 YOUR BUDGET ON THAT

17 WHAT SHE'S TALKING ABOUT IS FORGET ALL THAT,
18 START FROM ZERO, SET YOUR PRIORITIES FIRST IF YOU SET
19 EDUCATION AS THE NUMBER ONE PRIORITY, THEN YOU GO BACK
20 INTO THE BUDGETARY PROCESS AND YOU START TO FULFILL THE
21 NEEDS OF EDUCATION FIRST, AND WHATEVER YOU GOT SECOND YOU
22 DO THAT SECOND AND THEREFORE YOU SET YOUR PRIORITIES,
23 YOU MATCH THE MONEY TO THE PRIORITIES

24 Q SENATOR, WE ARE DEALING HERE WITH A SECTION OF THE
25 SOUTH CAROLINA CONSTITUTION, THAT IS THE EDUCATION

1 CLAUSE ARE YOU TELLING US THAT THE EDUCATION CLAUSE DOES
2 OR DOES NOT GET A PRIORITY AT THE LEGISLATURE FOR NEW
3 FUNDING OR FOR THE ZERO BASE FUNDING?

4 A CURRENT BUDGETARY PROCESS DOES NOT LEND IT TO
5 PRIORITIES IN TERMS OF SETTING A BUDGETARY PRIORITIES
6 SPENDING TO MATCH WHAT YOU SAY YOUR NUMBER ONE PRIORITIES
7 IN THE STATE

8 Q EVEN IF THE CONSTITUTION REQUIRES, THE LEGISLATURE IS
9 NOT CONSIDERING THAT?

10 A EVEN WITH THE CONSTITUTION, THEY DON'T DO IT THAT
11 WAY

12 Q SENATOR, THE SUPERINTENDENT OF EDUCATION GOES ON TO
13 SAY THAT IF YOU ZERO BASE THE BUDGET AND SET PRIORITIES,
14 YOU WOULD ENSURE E-N-S-U-R-E ENSURE, THAT THE STUDENTS,
15 TEACHERS, CLASSROOMS AND SCHOOLS HAVE ADEQUATE RESOURCES

16 NOW WHAT WAS THE DISCUSSION BACK IN 95
17 REGARDING ADEQUATE RESOURCES IN THIS CONTEXT ENSURING
18 THAT THE CLASSROOMS AND SCHOOLS HAVE ADEQUATE RESOURCES?

19 A THE SUPERINTENDENT ACKNOWLEDGED THAT ADEQUATE
20 RESOURCES WERE NOT GOING TO PUBLIC EDUCATION, K THROUGH
21 TWELVE AND WE NEEDED TO SHIFT OUR PRIORITIES TO MAKE SURE
22 THAT HAPPENED AND SHE SUGGESTED A FUNDING BUDGETING
23 PROCESS THAT WOULD ALIGN ITSELF TO OUR NEW -- WHAT WE
24 CONSIDER TO BE OUR PRIORITIES

25 Q AND SHE SAYS THAT IF YOU HAD ADEQUATE RESOURCES TO --

1 IT WOULD BE ADEQUATE RESOURCES TO GUARANTEE LEARNING,
2 MEANING PROVIDE EACH CHILD WITH AN OPPORTUNITY TO ACQUIRE
3 A MINIMALLY ADEQUATE EDUCATION?

4 MR STEPP OBJECTION, YOUR HONOR HE IS LEADING
5 THE COURT THAT'S RIGHT

6 BY MR MORRISON:

7 Q SORRY, WITHDRAW THE QUESTION WHAT DOES ADEQUATE
8 RESOURCES TO GUARANTEE LEARNING MEAN TO YOU IN YOUR
9 UNDERSTANDING SENATOR?

10 A IN OUR CONVERSATION, IT ACKNOWLEDGE THAT WE WERE NOT
11 PROVIDING THE REAL COSTS FOR THE PROGRAMS THAT WE HAD
12 IMPLEMENTED AND PUT ON THE STATUTE AND TO GET ADEQUATE
13 BUDGETARY MATTERS TO MATCH THOSE PROGRAMS WE HAD TO
14 INCREASE THE SPENDING ON THOSE ITEMS THAT WE HAD ON
15 STATUTE, AND WAS RECOMMENDED TO THE STATE DEPARTMENT OF
16 EDUCATION

17 Q AND WHAT IMPACT, IF ANY DID THAT HAVE ON THE ABILITY
18 OF THE PLAINTIFF SCHOOL DISTRICTS TO PROVIDE AN
19 OPPORTUNITY TO ACQUIRE A MINIMALLY ADEQUATE EDUCATION?

20 A THE CONCLUSION THAT WE HAVE -- THAT WAS REACHED THAT
21 IF FUNDING DID NOT MATCH THE REQUIREMENTS, THEN THE
22 ABILITY OF THE SCHOOLS TO DELIVER WOULD HAVE BEEN
23 SUBSTANTIALLY ERODED, ESPECIALLY THOSE SCHOOLS WHO DEPEND
24 HEAVILY ON THE E F A FOR FUNDING THEIR PROGRAMS

25 Q SENATOR, IS THE SAME THING THAT WE HAVE BEEN

1 DISCUSSING ABOUT THIS 1995 LETTER TRUE TODAY?

2 A I THINK IT'S NOT ONLY TRUE TODAY, IT'S PROBABLY --
3 THEY HAVE A GREATER PROBLEM TODAY THAN THEY HAD BACK IN
4 1995

5 Q LET'S GO ON LOOKING AT PAGE 2261 AND THE NEXT
6 PARAGRAPH, THAT THE SUPERINTENDENT OF EDUCATION STATES
7 IT'S A STATEMENT ABOUT THE EDUCATION SYSTEM IN SOUTH
8 CAROLINA QUOTE, THE EDUCATION SYSTEM SOUTH CAROLINA HAS
9 NOW IS ONE WHERE MANY -- WHERE THERE ARE MANY STATE
10 MANDATES BUT NO CLEAR LINES OF RESPONSIBILITY FOR
11 RESULTS

12 LOCAL COMMUNITIES HAVE LITTLE TO SAY IN THE
13 DECISIONS THAT AFFECT THEIR CHILDREN AND STATE TAXPAYERS
14 HAVE NO REDRESS WHEN THEIR INVESTMENT PRODUCES A POOR
15 RETURN

16 LET'S BEGIN WITH THAT LAST SEGMENT WHEN THEIR
17 INVESTMENT PRODUCES A POOR RETURN IS -- WHAT -- IS THAT
18 ABOUT PERFORMANCE OF STUDENTS?

19 A CLEARLY WHEN WE TALKED ABOUT IN -- WHEN -- WHERE DID
20 YOU GET THE BIGGEST BANG FOR YOUR BUCK IN INVESTING IN
21 EDUCATION AND HOW DO YOU GET THAT BIGGEST BANG BASED ON
22 OUR KIND OF DISJOINTED STRUCTURE AND LACK OF CONTINUITY,
23 WE DIDN'T HAVE A SEAMLESS PROCESS FROM THE BEGINNING TO
24 ENDING TO DELIVER THAT EDUCATION TO THE SCHOOL DISTRICTS
25 AND DIDN'T HAVE A SEAMLESS PROCESS FOR THE FUNDING TO

1 ASKING THE WITNESS TO AGREE

2 THE COURT IT IS THAT IS A LEADING QUESTION I
3 SUSTAIN THAT

4 BY MR. MORRISON

5 Q WHAT IS YOUR UNDERSTANDING WITH REGARD TO THE
6 PRIORITIES THAT THE LEGISLATURE WAS SETTING WHEN THEY GAVE
7 PROPERTY TAX RELIEF ACT -- WHEN THEY -- WHEN THEY APPLIED
8 THE PROPERTY TAX RELIEF AND DID NOT FULLY FUND E F A OR
9 GRANT THE SCHOOL DISTRICTS THE PROJECTED DOLLARS THAT
10 WOULD BE LOST?

11 A IT MEANS THAT WE -- THE GENERAL ASSEMBLY RENEGED ON
12 THE PREMISE BECAUSE WHEN WE PUT THAT SECTION IN THERE, WE
13 WERE TELLING THE PEOPLE THE SCHOOL PEOPLE, THAT WE WOULD
14 GIVE EDUCATION THE NUMBER ONE PRIORITY FIRST BUT IN
15 TERMS OF REALITY OF FUNDING, WE FUNDED PROPERTY TAX FIRST

16 Q AND DID THAT IN YOUR JUDGMENT IMPACT THE ADEQUACY OF
17 EDUCATION OFFERED TO THE CHILDREN IN THE PLAINTIFF
18 DISTRICTS?

19 A ABSOLUTELY WHEN A DEBATE AROUND PROPERTY TAX ROLL
20 BACK WE WERE LED TO BELIEVE THAT IT WOULD BE CAPPED AT
21 194 MILLION DOLLARS THAT WAS THE CONFERENCE COMMITTEE
22 WHO SIGNED THAT STATEMENT AND CAME BACK AND TOLD US THAT
23 AND THE NEXT YEAR THERE WAS AN OPINION THAT THAT WAS
24 UNCONSTITUTIONAL COULDN'T DO IT

25 IN ESSENCE THAT PROCESS THEN CONTINUED TO GIVE

1 THE PROPERTY TAX ROLLBACK EVEN THOUGH THAT PROVISION IS
2 IN THAT STATUTE

3 Q SENATOR YOU SAID THE FIRST YEAR WAS 194 MILLION
4 WHAT'S YOUR RECOLLECTION OF THE LAST YEAR'S PROPERTY TAX
5 ROLLBACK?

6 A I AM NOT TOO SURE BUT I THINK IT'S UP AROUND 300
7 SOMETHING MILLION AND IT WAS GROWING FASTER THAN
8 INFLATION IT WAS GROWING FASTER THAN THE STATE BUDGET

9 Q SENATOR, BASED ON YOUR EXPERIENCE WITH THE SENATE
10 FINANCE COMMITTEE AND THE SENATE EDUCATION COMMITTEE AND
11 YOUR YEARS OF EXPERIENCE IN THE LEGISLATURE, WHAT IMPACT
12 DO YOU BELIEVE THAT 300 MILLION DOLLARS WOULD HAVE IF
13 DELIVERED TO THE PLAINTIFF SCHOOL DISTRICTS PROVIDE
14 EDUCATION TO THEIR CHILDREN?

15 A I THINK IF YOU LOOK AT THE MODELS THAT SET THE
16 STANDARDS FOR THESE FUNDING, IT WAS SUBSTANTIALLY
17 INCREASED AMOUNT OF FUND THAT WOULD GO THROUGH THE E F A
18 BACK TO THESE LOCAL DISTRICTS, AND THEREFORE ENHANCE THEIR
19 ABILITY TO DELIVER ON WHAT THE STATE IS REQUIRING THEM SO
20 THAT THEY COULD DELIVER WHAT WE CALL A MINIMUM ADEQUATE
21 EDUCATION FOR EVERY STUDENT

22 Q SENATOR, RETURNING NOW TO THE -- THESE REPORTS FROM
23 PEOPLE LIKE THE COMPTROLLER GENERAL AND THE -- AND THE
24 SUPERINTENDENT OF EDUCATION AND K P M G , AND I AM GOING
25 TO CALL YOUR ATTENTION NEXT TO PLAINTIFFS' EXHIBIT NUMBER

1 A FROM E F A ALL THE WAY UP BECAUSE THE E F A WAS
2 BUILT ON 1973 MODEL, FUNDED ON 1975 STARTED OFF WITH
3 GAPS IN DEFICIENCIES AND WE HAVE BUILT ON THOSE
4 DEFICIENCIES ALL THE WAY THROUGH THE SYSTEM

5 Q NOW SENATOR WITH REGARD TO THE DISTRICT BY DISTRICT
6 COMPARISON OF MONEY THAT WE -- THAT WE HAVE LAID OUT --
7 WELL NEVER MIND I THINK I COVERED THAT THERE WAS A
8 DOCUMENT WHERE FEDERAL FUNDS WERE INCLUDED, AND THAT WAS
9 2881 IF YOU TAKE A LOOK AT IT, THIS WAS THE REVENUE PER
10 PUPIL FROM LOCAL, STATE AND FEDERAL SOURCES

11 A ALL RIGHT MY ORGANIZATION SYSTEM IS NOT AS

12 Q WELL, MINE IS GETTING A LITTLE OUT OF WHACK TOO

13 A I SEE IT

14 Q ALL RIGHT I PARTICULARLY WANTED TO ASK YOU ABOUT
15 FEDERAL SOURCES THERE HASN'T BEEN MUCH DISCUSSION OF
16 THAT TO DATE AND FROM A POLICY STANDPOINT, THESE FEDERAL
17 SOURCES THAT ARE BEING REFERRED TO AS IT RELATES TO THESE
18 DISTRICTS, DO YOU KNOW WHETHER OR NOT THOSE SOURCES OF
19 INCOME FROM THE FEDERAL GOVERNMENT HAVE STRINGS ATTACHED
20 TO THEM?

21 A MOST FEDERAL MONEY I SEEN HAVE

22 Q RIGHT

23 A MOST PEOPLE IN THE SCHOOL SAY YOU DON'T HAVE STRING,
24 YOU HAVE ROPES

25 Q ROPES, CHAINS? SO THEY ARE RESTRICTIVE IN THE WAY

1 THEY CAN BE USED?

2 A CAN'T SPEND THEM OUT OF CATEGORY FROM WHICH THEY WERE
3 -- RECEIVED THE FUND

4 Q AND IN FACT YOU CAN'T SPEND THEM TO SUBSTITUTE FOR
5 WHAT THE STATE SHOULD BE DOING, CAN YOU?

6 A NO, THEY ARE EARMARKED WE CALL THEM EARMARKED
7 FUNDS

8 Q RIGHT

9 A AND THAT EARMARKED FUND IS DEFINED FOR SPECIFIC
10 PURPOSE, AND YOU HAVE GOT TO SPEND IT FOR THAT PURPOSE
11 SO WHEN THEY AUDIT YOU, YOU'VE GOT TO MAKE SURE THAT MONEY
12 IS BACK IN THE CATEGORY -- SAME CATEGORY THAT YOU RECEIVED
13 IT

14 Q SO FOR EXAMPLE IF YOU GET FEDERAL FUNDS FOR 80 TO 90
15 TO ALMOST A HUNDRED PERCENT OF YOUR KIDS FOR FREE AND
16 REDUCED LUNCH --

17 A YES

18 Q -- IT SHOULD SHOW UP ON A FEDERAL SOURCE OF FUNDS
19 RIGHT?

20 A IT WOULD SHOW UP

21 Q AND IT WOULD INCREASE YOUR PER PUPIL AMOUNT, RIGHT?

22 A IT CERTAINLY WILL

23 Q JUST TO FEED THEM

24 A COSTING MILK AND COOKIES

25 Q MILK AND COOKIES ALL RIGHT AND SENATOR IF YOU

1 QUALIFY BECAUSE YOU'RE FROM A POVERTY AREA FOR OTHER KINDS
2 OF ASSISTANCE FOR THE CHILDREN IN YOUR DISTRICT, THAT
3 WOULD ADD TO YOUR PER PUPIL EXPENDITURE RIGHT?

4 A IT ALWAYS SHOWS UP IN THE TOTAL COUNT

5 Q AND IF YOU HAD A DISTRICT THAT HAD FEWER OR A SMALLER
6 PORTION OF THEIR POPULATION QUALIFIED, THEY WOULD SHOW UP
7 WITH LESS PER PUPIL EXPENDITURE, RIGHT?

8 A THEY WOULD SHOW UP, BUT WOULD NOT HAVE THE INPUT

9 Q SO WHEN YOU GET TO THESE PER PUPIL EXPENDITURES SHOWN
10 ON EXHIBIT 2881, WHAT IF ANYTHING DO THEY HAVE TO DO WITH
11 SHOWING THAT THE KIDS IN THESE EIGHT DISTRICTS WITH THESE
12 REPORT CARD NUMBERS ARE RECEIVING THE OPPORTUNITY TO
13 ACQUIRE A MINIMALLY ADEQUATE EDUCATION?

14 A IT'S A DISTORTION

15 Q AND AS A DISTORTION, DOES IT -- DOES IT -- ARE THESE
16 NUMBERS IN ANY WAY RELATED TO THE NEEDS OR THE RESOURCES
17 THAT WE TAKE TO DRIVE A MINIMALLY ADEQUATE EDUCATIONAL
18 OPPORTUNITY TO THOSE CHILDREN?

19 A THEY DO NOT BECAUSE THEY INCLUDE A LOT OF THINGS THAT
20 ARE NOT NECESSARILY RELEVANT TO THEIR EDUCATION

21 Q OKAY NOW, IN TERMS OF -- IN TERMS OF THE SOUTHERN
22 REGIONAL EDUCATION BOARD YOU WERE ASKED TO LOOK AT
23 DEFENDANTS' EXHIBIT NUMBER 2915 AFTER A SHORT BREAK

24 A OKAY

25 Q DO YOU HAVE THAT ONE?

1 ADEQUATE EDUCATION TO COMPETE ON A NATIONAL BASIS, TO

2 COMPETE IN THIS NATION

3 Q AND SENATOR, YOU AND MR STEPP TALKED ABOUT THE RIGOR
4 OF THE SOUTH CAROLINA TEST IS THE SOUTH CAROLINA PACT
5 TEST IN FACT MORE RIGOROUS THAN THE NATIONAL STANDARDS OF
6 THE NAEP ORGANIZATION?

7 A WE, WHAT WE SHOW THAT IT MAY BE JUST A LITTLE BIT,
8 BUT THE NAEP AND THE PACT WERE ALIGNED IN TERMS OF TEST
9 QUESTIONS AND OUTCOME

10 Q OKAY AND SENATOR, ARE YOU TRYING TO TEST WHAT -- OR
11 HAVE YOU -- I TAKE THAT BACK HAVE YOU TRIED TO DETERMINE
12 WHAT'S NECESSARY, WHAT LEARNING IS NECESSARY TO BE A
13 PRODUCTIVE CITIZEN?

14 A WE WERE TRYING TO MAKE SURE THAT OUR KIDS WAS
15 EDUCATED TO A POINT THAT THEY CAN COMPETE ON A NATIONAL
16 BASIS BECAUSE, YOU KNOW, YOU EDUCATE A KID IN DILLON, NOT
17 NINETY PERCENT OF THEM NOT GOING TO LIVE IN DILLON IF
18 YOU DO IT IN COLUMBIA OR BARNWELL, YOU KNOW, HOLLEY HILL
19 WHEREVER DISTRICT THREE, THOSE, THEY WILL MOVE

20 Q OKAY

21 A AND THEREFORE YOU HAVE GOT TO PREPARE THEM TO COMPETE
22 WHEREVER THEY MOVE TO IN THIS NATION

23 Q AND IN SETTING UP CURRICULUM STANDARDS FROM '77 ON
24 FORWARD, YOU'RE TRYING TO OUTLINE WHAT PEOPLE NEED TO
25 LEARN, WHAT LEARNING THEY NEED TO HAVE TO BE A PRODUCTIVE

1 CITIZEN?

2 A THOSE TESTS WAS PEGGED FOR THAT POINT, FIND OUT WHAT
3 THEY NEED TO LEARN, THEN ASSESS WHETHER THEY ARE LEARNING
4 OR NOT

5 Q SO THE TEST IS PEGGED TO WHAT PEOPLE MUST LEARN TO
6 ACHIEVE THIS GOAL OF PRODUCTIVE CITIZENSHIP?

7 A RIGHT

8 Q OKAY IS THE SOUTH CAROLINA PACT TEST FAIR TO THE
9 CHILDREN TO TRY -- IN TRYING TO REACH THAT GOAL?

10 A IT IS NOT FAIR BECAUSE WE ARE NOT COMPETING IN
11 PROVIDING RESOURCES COMPARED ON NATIONAL BASIS WE ARE
12 SLIGHTLY BELOW SOUTHEASTERN AVERAGE

13 Q AND IN THE CONTEXT OF -- IF WE WERE PROVIDING THE
14 CHILDREN WITH THE RESOURCES TO HAVE AN ADEQUATE
15 OPPORTUNITY TO ACHIEVE THE MINIMALLY -- OR ACQUIRE A
16 MINIMAL EDUCATION, WOULD THE PACT TEST THEN BE FAIR?

17 A I THINK IT WOULD BE FAIRER BUT WHETHER IT WOULD BE
18 TOTALLY FAIR I'M NOT TOO SURE

19 Q OKAY

20 A BUT I THINK IT WOULD BE FAIRER IF WE WERE-- IF WE
21 KNOW - -- WE KNOW WHAT IT TAKES, WE KNOW WHAT RESOURCES IT
22 TAKES, AND IF WE ARE NOT PROVIDING THEM, THEN IT WOULD NOT
23 BE FAIR TO THE KIDS

24 Q NOW SENATOR WITH REGARD TO THIS TEST, IS IT OKAY
25 BECAUSE OF THE RIGOR OF THE TEST, AND I GUESS THE ISSUE

1 A THAT'S CORRECT

2 Q NOW, WOULD -- WHILE IT SAYS GENERAL FUNDS WOULD THAT
3 ALSO INCLUDE THE E I A FUNDS?

4 A NO, IT WOULD NOT

5 Q ALL RIGHT, SIR NOW, LET'S TURN IF WE WILL TO THE
6 NEXT PAGE AND TELL US WHAT THAT SHOWS PLEASE

7 A ONCE AGAIN THERE -- THIS IS LOOKING AT ALL FUNDING
8 SOURCES WHICH SHOULD EQUATE BACK TO THE MUCH BROADER 15
9 BILLION DOLLAR FIGURE, AND IT TAKES A LOOK AT AGAIN THE
10 AMOUNT OF FUNDING IN THE CATEGORIES THAT YOU SEE DISPLAYED
11 THERE, K THROUGH TWELVE EDUCATION TRANSPORTATION, HEALTH
12 AND SOCIAL SERVICES, CORRECTIONAL HIGHER ED, AND IT
13 REFLECTS THE PERCENTAGES OF THE TOTAL

14 Q SO OUT OF ALL OF THE REVENUE AVAILABLE TO THE STATE
15 OF SOUTH CAROLINA IF WE LOOK AT IT IN THIS CONTEXT--

16 A ALL OF THE APPROPRIATIONS

17 Q ALL RIGHT ALL THE APPROPRIATIONS EXCUSE ME
18 THANK YOU FOR KEEPING ME STRAIGHT ON THAT, AS YOU WILL
19 HAVE TO THROUGHOUT THIS PROCESS

20 A OKAY

21 Q OUT OF ALL THE APPROPRIATIONS, THE MONEY APPROPRIATED
22 OUT OF SOUTH CAROLINA'S REVENUE, HOW -- WHAT PERCENTAGE
23 WENT TO K-12 EDUCATION?

24 A 19 3 PERCENT

25 Q ALL RIGHT WE VE HAD A LOT OF DISCUSSION DURING THE

1 --

2 A RIGHT

3 Q -- WOULD YOU AGREE OR DO YOU THINK THAT IT HAS A MORE
4 SEVERE IMPACT ON THOSE DISTRICTS THAN IT DOES FOR
5 DISTRICTS THAT ARE LESS DEPENDENT ON STATE FUNDS?

6 A THE -- GIVEN MID-YEAR AND EVERYTHING, THAT A DISTRICT
7 THAT IS MORE -- THAT HAS A LARGER RELATIVE PROPORTION OF
8 THEIR FUNDS BEING STATE FUNDS, THE BUDGET REDUCTIONS THAT
9 ARE TAKING PLACE WILL HAVE A MORE SIGNIFICANT IMPACT ON
10 THEM THAN DISTRICTS THAT HAVE A LESSER PERCENTAGE

11 Q OKAY MR COOLEY, I'M GOING TO SWITCH GEARS ON YOU
12 NOW AND TALK ABOUT TEACHER SALARIES, OKAY, FOR A MINUTE

13 A OKAY

14 Q I'M GOING TO SWITCH GEARS ON YOU A MINUTE AND TALK
15 ABOUT TEACHER SALARIES AND FIRST OF ALL, WHEN WAS TO
16 YOUR KNOWLEDGE A STATE-WIDE MINIMUM TEACHER SALARY
17 SCHEDULE SET IN SOUTH CAROLINA?

18 A TO THE BEST OF MY KNOWLEDGE IT WAS PROBABLY ABOUT THE
19 TIME THAT THE EDUCATION FINANCE ACT CAME OUT IN THE
20 RESEARCH THAT I HAVE BEEN ABLE TO DO, I HAVE BEEN ABLE TO
21 AT LEAST GO BACK AND TRACK ONE DOWN TO AROUND THE '75 '76
22 TIMEFRAME

23 Q ALL RIGHT, SIR AND HOW DOES THAT WORK, PLEASE?

24 A THE TEACHER SALARY SCHEDULE?

25 Q TELL ME JUST ESSENTIALLY HOW IT WORKS WE WILL GO

1 1990?

2 A YEAH THE CALCULATION THERE IS TAKING NOTHING MORE
3 THAN THE 2201 AND DIVIDING IT BY 1467 WHICH WAS THE '90
4 BASE STUDENT COST, JUST ADJUSTING FOR A FACTOR

5 Q I'M WITH YOU AND THEN COLUMN E WAS WHAT THE BUDGET
6 AND CONTROL BOARD SAID SHOULD HAVE BEEN BASE STUDENT COST
7 FOR LAST YEAR FOR THIS YEAR

8 A THAT'S CORRECT

9 Q AND THEN COLUMN F IS WHAT WAS FUNDED LAST YEAR?

10 A COLUMN F IS THE FIGURE THAT WAS PLACED IN THE
11 PROVISIO IN OTHER WORDS WHAT THE GENERAL ASSEMBLY STATED
12 THE PROVISIO WOULD BE IS WHAT OUR COLUMN F IS

13 Q ALL RIGHT NOW DOES THAT HAVE ANYTHING TO DO WITH
14 WHAT WAS ACTUALLY FUNDED?

15 A NO IT DOESN'T

16 Q OKAY THAT'S JUST A PROVISIO FIGURE THEN?

17 A RIGHT

18 Q ALL RIGHT NOW, AS YOU GO DOWN THESE COLUMNS, AND
19 WHAT I REALLY WANT TO DO IS SHOW WHAT, IF ANYTHING IS
20 IMPORTANT IN LOOKING AT THE MINIMUM SALARY SCHEDULE AND
21 THE IMPACT ON LOCAL DISTRICTS THAT'S WHERE I'M HEADED
22 WITH THIS

23 A OKAY THE -- IF WE COULD, IF IT'S APPROPRIATE, I'D
24 LIKE TO MOVE OVER TO COLUMN K AND WHAT THAT COLUMN
25 REPRESENTS IS THE FIGURE THAT WE DISCUSSED, WHAT WAS

1 ACTUALLY FUNDED AND WHAT WAS AVAILABLE, WHAT WAS PAID OUT
2 TO SCHOOL DISTRICTS OR PER PUPIL AMOUNT, BASE STUDENT
3 COSTS, PAID OUT TO SCHOOL DISTRICTS

4 AND FOR EASE OF DISCUSSION, EVEN THOUGH THE 1777
5 IS NOT A -- THAT'S WHAT WE ARE PLANNING ON PAYING, BUT
6 USING THE '04 YEAR YOU WILL NOTICE IN COLUMN M YOU HAVE
7 THE SAME SIMILAR CALCULATION THAT TOOK PLACE IN COLUMN D

8 WHAT HAS HAPPENED THERE, WE HAVE DIVIDED THAT
9 1990 BASE STUDENT COST OF 1467 INTO THE FIGURE OF 1777 AND
10 THAT RESULTS IN A FACTOR OF 1 2113 THAT'S CONTAINED IN
11 COLUMN M

12 Q NOW TELL ME WHY THAT IS IMPORTANT IF IT IS

13 A WELL, IT'S IMPORTANT BECAUSE IF YOU -- ONE OF THE
14 PRIMARY SOURCES TO SCHOOL DISTRICTS FOR PAYING SALARIES TO
15 SCHOOL -- ALL SALARIES, BUT ESPECIALLY SCHOOL TEACHERS, IS
16 THE BASE STUDENT COSTS AND THERE'S A REFLECTION THERE
17 THAT THAT HAS GONE UP BY A FACTOR OF 1 2113

18 THE REAL SIGNIFICANCE IS WHEN NOW YOU LOOK OVER
19 AT THE SALARY SCHEDULE AND THE SALARY AND SEE WHAT IT HAS
20 GONE UP BY OVER TIME, AND THE RELATIONSHIP WITH THAT TO
21 THE BASE STUDENT COST

22 Q WELL, TELL ME ABOUT THAT

23 A OKAY IF YOU WILL LOOK AT COLUMN N AND RECALL THE
24 WAY THE SALARY SCHEDULE LOOKED, THE NUMBER THAT YOU SEE
25 THERE IS THAT FIRST NUMBER, SALARY SCHEDULE IT EQUATES

1 BACK TO WHAT YOU SEE UP ON THE SCREEN, THE VIEW HERE OF
2 22,445

3 ONCE AGAIN WHAT I HAVE DONE IN COLUMN N IS
4 TAKING WHAT THE SALARY SCHEDULE WAS AT THE SAME BASE
5 STUDENT COST THAT EXISTED BACK IN 1990, AND YOU TAKE THAT
6 FIGURE OF 22445, DIVIDE 16268 INTO IT, AND WHAT YOU END UP
7 WITH IN COLUMN P REFLECTS THAT CHANGE INDEX OVER TIME

8 SO YOU SEE A FACTOR OF 1 3797 WHAT'S
9 SIGNIFICANT ABOUT THIS FIGURE IS THAT THE EDUCATION
10 FINANCE ACT BASE STUDENT COST IS THE -- IS PROBABLY THE
11 MAJOR SOURCE OF FUNDING FOR TEACHERS' SALARIES

12 IF YOU TRACK OVER TIME, YOU WILL SEE THAT WHEN
13 YOU END UP IN THE YEAR 2004, YOUR BASE STUDENT COST HAS
14 GONE UP BY A FACTOR OF 1 2113 BUT IF YOU LOOK AT COLUMN
15 P , WHICH IS THE BASE SALARY FIGURE IT HAS RISEN BY
16 1 3797

17 AND THE CONCLUSION THAT IS DRAWN FROM THERE IS
18 THAT SALARIES IN THE MATTER IN WHICH THE STATE ESTABLISHES
19 ON A STATE MINIMUM SALARY SCHEDULE HAS INCREASED TO A
20 FACTOR OF 1 3797 BUT THE BASE STUDENT COSTS FOR THAT
21 NUMBER, WHICH IS THE PRIMARY SOURCE OF FUNDING THAT
22 FIGURE, IS ONLY AT 1 2113 WHICH LEAVES YOU WITH ABOUT A 16
23 PERCENT VARIANCE OR GAP OR UNDER-RESOURCED FIGURE

24 Q SHORTFALL?

25 A SHORTFALL

1 Q ALL RIGHT, SIR WHAT HAS HAPPENED HERE THEN IS THAT
2 THE TEACHER SALARIES HAVE GONE UP UNDER THE E F A BASED
3 ON THE INFLATION RATE UNDER THE E F A --
4 A RIGHT
5 Q -- AS I READ THAT STATUTE TEACHER SALARIES ARE
6 BASED ON THE E F A INFLATION RATE, CORRECT?
7 A RIGHT
8 Q AND THEN YOU HAVE THE E I A MINIMUM SALARY SCHEDULE,
9 SUPPLEMENTS UNDER THE E I A CORRECT?
10 A THAT'S CORRECT
11 Q AND TEACHERS' SALARIES STOP FOR NO MAN -- NO PUN
12 INTENDED
13 A THAT'S
14 Q THEY GO UP IRRESPECTIVE OF WHETHER THE BASE STUDENT
15 COST GOES UP?
16 A THEY -- THAT IS CORRECT
17 Q AND SO IF THE BASE STUDENT COST DOES NOT KEEP PACE
18 WITH THE MINIMUM TEACHER SALARY SCHEDULE WHAT HAPPENS?
19 A THE SCHOOL DISTRICTS STILL HAVE TO PAY THE STAFF THAT
20 THEY STILL HAVE EMPLOYED THAT STATE MINIMUM SALARY
21 SCHEDULE, BUT THE RESOURCING AND THE FUNDS TO DO THAT HAVE
22 BASICALLY DETERIORATED DUE TO THE BUDGET REDUCTIONS,
23 HOWEVER THEY ARE HAVING TO MAINTAIN THE SALARY SCHEDULE
24 THAT THEY ARE CURRENTLY AT
25 Q BY LAW?

1 A BY LAW

2 Q ALL RIGHT NOW, I ASSUME THEY HAVE TO MAKE THIS UP
3 THROUGH SOME LOCAL FUNDS, SOME LOCAL RESOURCE

4 A THEY -- THEY -- THEY WILL HAVE TO MAKE IT UP SIMILAR
5 TO WHAT WE DISCUSSED EARLIER IF THEY HAVE GOT A FUND
6 BALANCE THEY CAN SURVIVE THAT IF THEY ANTICIPATED GOING
7 INTO THE YEAR SOMETHING LIKE THIS, THEY COULD HAVE HAD AN
8 INCREASE IN MILLAGE

9 IF THOSE TWO ARE NOT AN OPTION FOR THEM, THEY
10 HAVE TO TAKE THEIR EXISTING RESOURCES THAT THEY HAVE,
11 REALLOCATE THOSE AMONG INSTRUCTION OR WHATEVER THEIR
12 FUNCTIONAL OPERATIONS ARE, OR EITHER THEY HAVE TO REDUCE
13 EXPENDITURES BY REDUCING SERVICE OR BY REDUCING THE COST
14 OF STAFF

15 Q WELL WHAT ARE THE CONSEQUENCES OF UNDERFUNDING THE
16 BASE STUDENT COST IS YOU CANNOT UNDERFUND THE MINIMUM
17 SALARY SCHEDULE BY STATE LAW, AND THAT'S CONTROLLED BY
18 STATE LAW?

19 A WELL, YOU CANNOT PAY LESS --

20 Q WELL, I'M SORRY

21 A -- THAN MINIMUM SALARY SCHEDULE

22 Q FORGET--

23 A IT CAN BE UNDERFUNDED

24 Q I'M -- I'M GOING TO TRY TO BE MORE CAREFUL I'M
25 GOING TO TRY TO BE MORE CAREFUL I CAN'T PAY THE TEACHERS

1 THE COURT MR COOLEY, IF YOU WILL COME BACK AND
2 RESUME THE STAND YOU ARE STILL UNDER OATH

3 (WHEREUPON THE WITNESS RESUMED THE STAND)

4 THE COURT ALL RIGHT MR EPPS, YOU CAN EXAMINE THE
5 WITNESS

6 MR EPPS EXCUSE ME

7 THE COURT THAT'S OKAY

8 DIRECT EXAMINATION BY MR EPPS

9 Q GOOD MORNING, MR COOLEY

10 A GOOD MORNING

11 Q YESTERDAY WE WERE TALKING ABOUT MINIMUM SALARY
12 SCHEDULES AND UNDERFUNDING OF THE EDUCATION FINANCE ACT
13 AND I HAVE A COUPLE OF CHARTS THAT I WANT TO PULL UP IF
14 WE COULD PULL UP 6017 YOU GOT IT?

15 A I SEE IT

16 Q THIS IS YOUR CHART, CORRECT?

17 A THAT IS CORRECT

18 Q AND TELL US WHAT IT IS, PLEASE

19 A WELL, WHAT THIS CHART DOES IS TRY TO, IT PRESENTS A
20 GRAPHICAL REPRESENTATION VISUAL REPRESENTATION OF WHAT
21 THE FUNDED BASE STUDENT COST HAS BEEN ACROSS TIME
22 BEGINNING IN 1990 THROUGH THE FISCAL YEAR 2004 PROJECTED
23 AND YOU SEE STARTING WITH THE BASE YEAR OF \$1,467 AND SEE
24 HOW IT HAS CHANGED OVER TIME

25 Q OKAY HAVE YOU GONE BACK AND LOOKED AT THE BASE

1 STUDENT COST AS ALLOCATED FOR THE YEAR 2003, 2004 OF
2 \$1 777 TO SEE WHICH CALENDAR YEAR THAT WOULD COMPARE WITH
3 OR CAN YOU DO THAT NOW?

4 A YOU COULD, A PREVIOUS -- EXCUSE ME A PREVIOUS CHART
5 THAT WE HAD LOOKED AT WHICH WAS EXHIBIT 6015, IF YOU LOOK
6 AT 1777 AS BEING THE ANTICIPATED FUNDED BASE STUDENT COST,
7 BASICALLY IT FALLS BACK TO A TIMEFRAME SOMEWHERE AROUND,
8 IF YOU COMPARE IT TO THE FUNDED BASE STUDENT COST IN
9 PREVIOUS YEARS IT WOULD BE BACK IN THE '96, '97 AND '97
10 '98 TIMEFRAME AT WHICH TIME THE FUNDED BASE STUDENT COST
11 IN '97 WAS \$1,750, AND IN '97, '98 YEAR, THE FUNDED BASE
12 STUDENT COST WAS \$1,830

13 Q ALL RIGHT NOW, YOU SAID YESTERDAY THAT YOU HAD
14 RECEIVED A LETTER WHO WAS THIS FROM, THE BUDGET AND
15 CONTROL BOARD OR THE BUREAU OF -- THE BOARD OF ECONOMIC
16 ADVISORS INSTRUCTING THE DEPARTMENT TO SEQUESTER WAS THE
17 WORD, I THINK?

18 A THAT'S CORRECT

19 Q ONE PERCENT IS THAT WHAT I UNDERSTOOD YOU TO SAY?

20 A THAT'S CORRECT THERE WAS ACTION BY THE BOARD OF
21 ECONOMIC ADVISORS AS THEY REVIEWED THE REVENUE ESTIMATES
22 AND THE FLOW IN AND THAT IS THEN PASSED ON TO THE BUDGET
23 AND CONTROL BOARD AND DECISIONS ARE MADE AS FAR AS TO
24 ENSURE THE STATE HAS NOT OVERSPENT ITS REVENUE WE
25 RECEIVED PROBABLY LESS THAN TWO OR THREE WEEKS AGO

1 BOARD OF ECONOMIC ADVISORS THEY HAVE A WORKING GROUP
2 MEETING AND I BELIEVE IT'S SCHEDULED FOR THIS FRIDAY

3 Q THIS FRIDAY?

4 A THAT'S CORRECT

5 Q ALL RIGHT, SIR NOW, IF -- GOING BACK TO YESTERDAY
6 I WANT TO PULL UP A CHART OF 6019 AND ASK YOU AGAIN IF
7 THIS IS A CHART OF YOUR CREATION?

8 A YES IT IS

9 Q AND YOU DO THIS AS AN ORDINARY PART OF YOUR BUSINESS
10 WITH THE STATE BOARD OF EDUCATION?

11 A WE -- WE TRY AS BEST WE CAN TO TAKE SOMETHING THAT
12 SOMETIMES TENDS TO BE COMPLEX AND TRY TO MAKE IT AS SIMPLE
13 AS POSSIBLE SO THAT IT CAN BE UNDERSTAND (SIC), YOU KNOW
14 BY THE PUBLIC ALSO ANYONE THAT WE NEEDED IT TO BE
15 EXPLAINED TO BUT YES, THIS IS A CHART THAT I CREATED

16 Q ALL RIGHT, SIR AND JUST TELL THE COURT IF YOU WILL
17 WHAT THE CHART DEPICTS

18 A OKAY IF YOU RECALL FROM YESTERDAY, WE HAD AN
19 EXTREMELY LONG SPREAD SHEET THAT DEALT WITH HOW WE WERE
20 TRYING TO TIE THE BASE STUDENT COST AND THE SALARY ISSUES
21 TOGETHER IT WAS EXHIBIT 6018 RELATIVELY LONG SPREAD
22 SHEET BUT WHAT THIS GRAPH DOES IS TRY TO TIE THOSE
23 TOGETHER

24 AND BY EXPLANATION THE TOP LINE THAT YOU SEE ON
25 THE GRAPH THAT GOES ALL THE WAY TO THE TOP, YOU KNOW

1 CLOSE TO 15, THAT REPRESENTS THE TOTAL AVERAGE SALARY FOR
2 TEACHERS IN SOUTH CAROLINA, AND TO DROP DOWN NOW TO THE
3 VERY BOTTOM LINE, THE ONE THAT YOU SEE TAKE A TREMENDOUS
4 DROP, AT ABOUT 2001, THAT REPRESENTS THE BASE STUDENT
5 COST

6 THE TWO INTERVENING LINES THAT YOU SEE IN THE
7 MIDDLE, THE ONE THAT'S A BLOCK, IF YOU RECALL OUR
8 DISCUSSION WE WERE TALKING ABOUT THE BASE CELL AND THE
9 SALARY SCHEDULE

10 THAT LINE THAT'S GOT THE SQUARES AT THE POINTS
11 REPRESENTS THAT BASE FIGURE, THE FIRST FIGURE IN THE CELL
12 AND REPRESENTS WHERE IT'S SET IN RELATIONSHIP TO THE BASE
13 STUDENT COST

14 OF COURSE ALL THOSE GRAPH LINES ARE GRAPHING THE
15 FIGURES ACROSS TIME AND THE SIGNIFICANCE OF THIS GRAPH
16 TRYING TO POINT OUT THAT THE LINE THAT HAS THE SQUARES IS
17 REALLY WHERE SALARY IS AT THE FIRST NUMBER IN THE SALARY
18 SCHEDULE, WHICH IS FUNDED A SUBSTANTIAL PART OF THAT, THE
19 FUNDS THE SCHOOL DISTRICTS GETS TO PAY THE SALARY COME
20 FROM THE EDUCATION FINANCE ACT

21 AND THE LINE THAT'S GOT THE DIAMONDS WHICH IS
22 THE BASE STUDENT COST ACTUAL FUNDED FACTOR REPRESENTS THE
23 LEVEL OF FUNDING FOR THE BASE STUDENT COST

24 Q ALL RIGHT, SIR THE GREEN LINE IS THE -- IS THE
25 MINIMUM SALARY WHAT WE ALL LOOKED AT YESTERDAY AS THE

1 STARTING, A TEACHER'S SALARY?

2 A YOU'RE GOING TO HAVE TO REFER TO EITHER DIAMONDS OR
3 ITS NUMBER

4 Q YOU DON'T HAVE A COLOR CHART? I'M THE ONLY ONE WITH
5 THE COLOR CHART?

6 A I WAS LOOKING AT THE ONE ON -- GIVE ME A MOMENT

7 Q I'VE GOT A COLOR CHART SO IT'S THE NEXT TO THE
8 BOTTOM LINE

9 A THAT'S CORRECT THE NEXT TO THE BOTTOM LINE THAT'S
10 SYMBOLIZED BY THE SQUARES DOES REPRESENT THAT FIRST NUMBER
11 AND ITS MOVEMENT OVER TIME

12 Q ALL RIGHT AND THAT'S THE -- I THINK THE NUMBER WE
13 CAME UP WITH YESTERDAY FOR THIS YEAR 2003, 2004 FOR
14 STARTING TEACHER WITH A BACHELOR'S DEGREE HER FIRST YEAR
15 IN THE SCHOOL SYSTEM IS \$25,349 JUST TRUST ME ON THAT

16 A RIGHT

17 Q THERE'S BEEN A COMMENT MADE EARLIER IN THE TRIAL THAT
18 TEACHERS WERE NOT IN IT FOR THE MONEY WOULD YOU AGREE
19 WITH THAT?

20 A I THINK IT GOES, MY PERSONAL OPINION IT GOES MUCH
21 BEYOND OTHER THAN JUST MONEY THERE'S GOT TO BE A
22 DEDICATION TO THE CAUSE AND WHAT YOU MAY FEEL YOUR CALLING
23 IS FOR SERVICE

24 Q IF A COLLEGE GRADUATE WANTS TO GO OUT INTO THE
25 MARKET, GENERALLY SPEAKING, CAN THEY DRAW A HIGHER SALARY

1 THAN \$25,000 A YEAR?

2 MR STEPP OBJECTION, YOUR HONOR I DON'T KNOW THAT
3 THIS WITNESS HAS A FOUNDATION

4 THE COURT I WILL SUSTAIN THAT OBJECTION

5 BY MR EPPS

6 Q ALL RIGHT, SIR MR COOLEY, LET'S GO BACK NOW TO
7 6019 AND FOR THIS YEAR CAN YOU TELL ME HOW MUCH THE E F A
8 MINIMUM SALARY SCHEDULE FOR TEACHERS IN SOUTH CAROLINA IS
9 UNDER FUNDED?

10 A OKAY THE CALCULATIONS THAT WE PERFORMED GOES BACK
11 TO THE BASE STUDENT COST THAT WE USED AND THERE HAVING
12 STUDIED THE COMPONENTS OF THE BASE STUDENT COST AND
13 KNOWING HOW MUCH IS SUPPOSED TO BE SALARIED HOW MUCH IS
14 ALL THE OTHER TYPES OF COMPONENTS OF IT, WE ARE ABLE TO
15 PERFORM A CALCULATION THAT APPROXIMATES WHAT THE
16 UNDERFUNDING WOULD BE AND THAT FUNDING THAT WE CALCULATED
17 IS ANYWHERE BETWEEN 130 AND 150 MILLION DOLLARS

18 Q ALL RIGHT

19 A JUST SOLELY THROUGH THE EDUCATION FINANCE ACT

20 Q AND THAT IS CREATED BY THE GAP IN THE OBLIGATORY
21 MINIMUM TEACHER SALARY UNDER THE E F A AND THE E I A
22 COMPARED TO WHAT'S ACTUALLY CONTRIBUTED TOWARD THAT
23 TEACHER'S SALARY UNDER THE E F A CORRECT?

24 A THAT'S CORRECT

25 Q NOW, WE TALKED YESTERDAY ABOUT WHAT IMPACT THIS HAD

1 DISTRICTS

2 Q NOW, AND WHAT IS THAT CORRELATION?

3 A WELL, THE CORRELATION OR THE IMPACT ON THE SCHOOL
4 DISTRICT WOULD BE THAT THEY VIRTUALLY HAVE OR ARE UNABLE
5 WITH EXISTING RESOURCES OR HOW THEY ESTABLISHED THEIR
6 BUDGET OR HOW THEY PREVIOUSLY ESTABLISHED THEIR MILLAGE TO
7 RAISE THE FUNDS TO OFFSET ANY DECLINE IN FUNDS FROM THE
8 STATE

9 THEIR ONLY RECOURSE IS TO DIP INTO A FUND
10 BALANCE IF THEY HAVE IT AND IF THAT'S NOT PRACTICAL THEY
11 WOULD HAVE TO THEN START LOOKING AT REALLOCATING RESOURCES
12 WITHIN THEIR CURRENT PROGRAMS, THEIR COST CENTERS
13 REDUCING STAFF RESHUFFLING EXPENDITURES THAT WOULD
14 NORMALLY HAVE GONE FOR SUPPLIES AND MATERIALS AND
15 INSTRUCTIONAL SUPPORT AND EVENTUALLY IT COULD IMPACT
16 ACTUALLY THE INSTRUCTIONAL STAFF, SCHOOL TEACHERS, WHERE
17 THEY WOULD HAVE TO LOWER OR HAVE TO LET SOME OF THOSE OFF

18 Q OKAY ALL RIGHT I WANT TO TURN NOW IF I CAN TO
19 6020 AND ASK YOU, FIRST OF ALL, I WANT TO FOCUS ON THE
20 WHOLE SHEET AND ASK YOU AGAIN, IF THIS IS A CHART THAT
21 YOU PREPARED IN THE ORDINARY COURSE OF YOUR WORK WITH THE
22 STATE DEPARTMENT?

23 A THAT IS CORRECT IT'S BEEN -- ONCE I JOINED THE
24 DEPARTMENT AND BEGAN TO FIGURE OUT WHAT WAS, MY
25 RESPONSIBILITIES WERE AS FAR AS, YOU KNOW, PROVIDING

1 INFORMATION IT'S A CHART THAT I DID, I HAVE PRODUCED AND
2 KEPT UP FOR OBVIOUSLY SINCE AROUND THE LATE 80'S, EARLY
3 90'S

4 Q AND WHAT DOES IT SHOW, PLEASE?

5 A THE TWO COLUMNS THAT YOU SEE -- OF COURSE, SO IT
6 SHOWS BY FISCAL YEAR THE TWO COLUMNS THAT YOU SEE WERE
7 TRYING TO ADDRESS THE ISSUE OF UNDERFUNDING OF THE
8 EDUCATION FINANCE ACT AS I SHARED EARLIER, IT'S
9 IMPORTANT THAT YOU DEFINE, I THINK THE TERM THAT YOU ARE
10 USING AND AT THE BOTTOM OF THE SHEET IT MAKES REFERENCE TO
11 A NOTE AND THERE IS WHERE I DEFINED WHAT MY DEFINITION IS
12 FOR UNDERFUNDING FOR THE PURPOSES OF DEVELOPING THIS
13 TABLE

14 AS YOU MOVE UP TO THE TOP OF THE CHART AND YOU
15 SEE THE HEADINGS YOU HAVE GOT ONE THAT'S TITLED BUDGET
16 REDUCTION VETO CAP ON BASE STUDENT COST DURING THE
17 COURSE OF A YEAR ONCE AN APPROPRIATION IS ESTABLISHED BY
18 THE GENERAL ASSEMBLY FOR THE EDUCATION FINANCE ALONG WITH
19 THE BASE STUDENT COST, THERE ARE EVENTS THAT WILL HAPPEN
20 THAT WILL REDUCE THAT LINE ITEM AND THOSE EVENTS THAT ARE
21 ADDRESSED IN THAT COLUMN ARE A BUDGET REDUCTION WHICH YOU
22 ARE AWARE THAT WE HAVE EXPERIENCED THE LAST THREE YEARS
23 AND WE HAVE HAD SUBSEQUENT BUDGET REDUCTIONS BACK THROUGH
24 TIME

25 WE ALSO CAN HAVE REDUCTIONS DUE TO THE WEIGHTED

1 PUPIL COUNT BEING HIGHER THAN WAS APPROPRIATED AND THE
2 COLUMN THAT YOU SEE TITLED BUDGET REDUCTION VETO CAP ON
3 BASE STUDENT COST REFLECTS ACROSS TIME THE BUDGET OR THE
4 UNDERFUNDING OF THE BASE STUDENT COST OR THE UNDERFUNDING
5 OF THE EDUCATION FINANCE ACT

6 THE OTHER COLUMN THAT YOU LOOK AT, THAT WE CAN
7 LOOK AT IS UNDERFUNDING OF THE E F A INFLATION FACTOR
8 THAT EXAMINES -- IF YOU RECALL A PREVIOUS EXHIBIT WHERE WE
9 HAD A COLUMN THAT SAID BASE STUDENT COST BUDGET AND
10 CONTROL BOARD AND THEN WE HAD A COLUMN THAT HAD, YOU KNOW,
11 PROVISIO

12 THAT IS TRYING TO RECOGNIZE THE UNDER FUNDING
13 THAT IS DUE TO THE BASE STUDENT COST AS GIVEN TO US BY THE
14 BUDGET AND CONTROL BOARD VERSUS THE BASE STUDENT COST THAT
15 THE GENERAL ASSEMBLY, YOU KNOW, PUT IN THE BUDGET

16 SO THE, THIS -- THAT IS WHAT THE TWO COLUMNS
17 ATTEMPT TO SHOW

18 Q ALL RIGHT NOW THE COLUMN ON THE LEFT, BUDGET
19 REDUCTION VETO CAP ON BASE STUDENT COST IS THE SECOND
20 COLUMN YOU ADDRESSED? MAKE SURE I HAVE IT STRAIGHT

21 A THAT'S CORRECT

22 Q I'M WITH YOU

23 A WELL YEAH, BUDGET REDUCTION VETO CAP ON BASE STUDENT
24 COST IS THE FIRST COLUMN JUST TO THE RIGHT OF THE FISCAL
25 YEAR COLUMN

1 Q I'M WITH YOU NOW YOU DON'T HAVE ANYTHING MARKED
2 DOWN FOR 1980 , 1981 WAS THE E F A FULLY FUNDED DURING
3 THOSE YEARS?

4 A THERE'S -- THEY WERE NOT FULLY FUNDED BY MEASURE OF
5 WHAT WAS STATED AS A BASE STUDENT COST THE REASON THAT
6 YOU SEE BLANKS THERE IS THOSE WERE PHASED THOSE WERE
7 WORKING INTO A PHASE-IN AND BASED ON THE DATA THAT I
8 COULD FIND AND ANALYZE, I WAS NOT ABLE TO CLEARLY COME UP
9 WITH A FIGURE THAT COULD GO IN THERE SO INSTEAD OF
10 PUTTING SOMETHING IN THERE, I JUST LEFT IT, I JUST OMITTED
11 IT

12 Q ALL RIGHT, SIR ANY OTHER YEARS THAT YOU HAD TO
13 SIMPLY OMIT OTHER THAN '80 AND '81?

14 A TO THE BEST OF MY KNOWLEDGE, NO

15 Q ALL RIGHT SIR NOW HAVE YOU TOTALED UP HOW MUCH
16 THE E F A HAS BEEN UNDER FUNDED OVER TIME?

17 A THE TWO COLUMNS THAT YOU ARE LOOKING AT THERE, I HAVE
18 DONE A TOTAL ON THE TWO COLUMNS THE FIRST COLUMN TO THE
19 RIGHT OF THE FISCAL YEAR, IF YOU TOTAL THOSE FIGURES IT
20 WILL COME TO APPROXIMATELY 432 MILLION DOLLARS AND IF
21 YOU TOTAL THE COLUMN TO THE FAR RIGHT IT WILL TOTAL TO
22 APPROXIMATELY 189 MILLION DOLLARS

23 AND THE TOTAL OF THE TWO COLUMNS TOGETHER IS
24 APPROXIMATELY 621 MILLION DOLLARS

25 Q ALL RIGHT SIR AND AS FAR AS 1980 1981 WE DO NOT

1 1997 TO THE BEST OF YOUR KNOWLEDGE?

2 MR STEPP OBJECTION, YOUR HONOR MR COOLEY
3 OBVIOUSLY KNOWS THE FINANCIAL PART, BUT I DON'T THINK HE
4 HAS BEEN QUALIFIED TO COMMENT ON THE SUBSTANTIVE PROGRAMS
5 OF THE DEPARTMENT OF EDUCATION

6 THE COURT LET'S SEE A FOUNDATION BE LAID IN THAT
7 REGARD

8 MR EPPS SURE

9 BY MR EPPS

10 Q HAS THE BASE STUDENT COST BEEN ADJUSTED OVER TIME FOR
11 THE DIFFERENT EDUCATIONAL PROGRAMS THAT HAVE BEEN PUT IN
12 PLACE BY THE GENERAL ASSEMBLY OF SOUTH CAROLINA?

13 A NO, IT HASN'T

14 Q NOW, DOES THE BASE STUDENT COST REFLECT THE ACTUAL
15 COST OF PROVIDING THE EDUCATIONAL PROGRAMS REQUIRED OF THE
16 STUDENTS AND THE SCHOOLS IN SOUTH CAROLINA?

17 MR STEPP OBJECTION, YOUR HONOR I DON'T KNOW THAT
18 THE WITNESS IS QUALIFIED TO STATE WHAT THE ACTUAL COST OF
19 THOSE PROGRAMS IS THAT WOULD REQUIRE A LOT OF
20 FOUNDATION

21 THE COURT AS TO COME UP WITH THAT FIGURE IT MIGHT
22 INDEED I THINK THE WITNESS WOULD BE QUALIFIED TO COMMENT
23 FROM HIS KNOWLEDGE AS TO IF HE KNOWS THE ANSWER AS TO
24 WHETHER OR NOT THE BASE STUDENT COST AS IT IS ARRIVED AT
25 BY THE BUDGET AND CONTROL BOARD WITH WHOM HE HAS SOME

1 BEEN NO EXPLICIT ADJUSTMENT TO THE BASE STUDENT COST FOR
2 THAT PROGRAM THE WAY THAT IT HAS BEEN DEALT WITH BY THE
3 GENERAL ASSEMBLY IS THERE IS A NEW LINE ITEM APPROPRIATION
4 CREATED FOR IT AND THEN THE FUNDS WOULD FLOW OUT TO THE
5 SCHOOL DISTRICT, YOU KNOW BASED ON THAT

6 Q MY QUESTION THOUGH IS IF IT -- WHEN THERE IS A LINE
7 ITEM APPROPRIATED FOR A PROGRAM AND WE WILL GET INTO HOW
8 THE OVERALL PROGRAM FUNCTIONS IN A MOMENT AND I GUESS WE
9 ARE TALKING PRIMARILY ABOUT THE E I A FUNDING

10 THE LINE ITEM IS PUT INTO -- LET'S SAY THE
11 E F A FOR PURPOSES OF THIS DISCUSSION AND IT'S NOT
12 SUFFICIENT TO COVER THE COST OF THE PROGRAM, WHAT IMPACT
13 WOULD THAT HAVE ON LOW WEALTH DISTRICTS?

14 A OKAY

15 Q SUCH AS THE PLAINTIFF DISTRICTS

16 A WELL, NORMALLY IF A PROGRAM IS ESTABLISHED AND IT'S
17 BEEN, FUNDS ARE APPROPRIATED IN THE GENERAL FUND, THOSE
18 FUNDS WILL BE ALLOCATED OUT TO THE SCHOOL DISTRICT IF
19 THE FUNDS AND THE ALLOCATION METHOD THAT IS DETERMINED IS
20 INSUFFICIENT TO COVER THE COST OF THE PROGRAM, THE SCHOOL
21 DISTRICTS WILL HAVE TO COME UP WITH A WAY OF RAISING THE
22 MONEY THEMSELVES OR THEY WILL HAVE TO THE EXTENT THAT THE
23 LAW WILL PROVIDE DECREASE THE LEVEL OF SERVICE OR THE
24 SERVICE DELIVERY METHOD IN WHICH THEY ARE PROVIDING IT

25 Q ALL RIGHT IS THE BASE STUDENT COST AS DEVELOPED IN

1 1973, '74, '75, '76 AND AS IMPLEMENTED NOW SUFFICIENT TO
2 COVER THE EDUCATIONAL PROGRAMS REQUIRED BY SCHOOLS AND
3 STUDENTS IN SOUTH CAROLINA?

4 MR STEPP IF YOU'D JUST NOTE MY SAME OBJECTION

5 THE COURT YES, SIR

6 BY MR EPPS

7 Q IF YOU KNOW

8 A OKAY THE BASE STUDENT COST IS INSUFFICIENT TO COVER
9 THAT

10 Q THAT IS STILL THE FOUNDATION PROGRAM FOR EDUCATIONAL
11 FUNDING IN SOUTH CAROLINA?

12 A THAT IS THE FOUNDATION PROGRAM

13 Q I WANT TO LOOK NOW AT THE E I A AND I'M GOING TO
14 JUST MAKE SOME PAYMENTS MR STEPP WILL OBJECT IF HE
15 DEEMS IT APPROPRIATE BUT THE E I A WAS PASSED IN 1984,
16 THE FUNDS FOR THE E I A WERE GENERATED THROUGH A ONE CENT
17 SALES TAX INCREASE AND IT WAS A TARGETED PROGRAM WHICH WAS
18 NOT DISTRIBUTED UNDER THE E F A FORMULA OR A WEALTH
19 SENSITIVE FORMULA DO YOU AGREE WITH THAT?

20 A I DO AGREE

21 Q AND THE E I A MONIES AS APPROPRIATED BY THE
22 LEGISLATURE ARE WHAT YOU CALL LINE ITEM FUNDING?

23 A THAT'S CORRECT

24 Q IN OTHER WORDS THERE WILL BE A SPECIFIC DOLLAR
25 AMOUNT TO WHATEVER E I A PROGRAM WE ARE TALKING ABOUT?

1 A THAT'S CORRECT

2 Q FAIR ENOUGH? OKAY THANK YOU NOW, THE E I A ALSO
3 HAS A TEACHER QUALITY COMPONENT THAT WE TALKED ABOUT
4 EARLIER

5 A THAT'S CORRECT

6 Q LET'S PULL UP, IF WE CAN, GO BACK TO 6013 PAGE 52
7 LET ME GET MY HANDS ON MY COPY NOW WE HAVE A HISTORICAL
8 CHART IF YOU LOOK AT THE FAR RIGHT HAND PICTURE OR FAR
9 RIGHT HAND COLUMN, I'M SORRY WOULD YOU FOCUS ON THAT?
10 THE FAR RIGHT OKAY NOW, TELL US IF YOU WILL WHAT
11 EXHIBIT 6013, PAGE 52 SHOWS

12 A THE ENTIRE EXHIBIT SHOWS A HISTORICAL SUMMARY OF
13 GENERAL FUND E I A APPROPRIATIONS, GENERAL FUND
14 EXPENDITURES AND THE FINAL COLUMN IS E I A REVENUE
15 COLLECTIONS

16 WHAT THAT FAR RIGHT-HAND COLUMN REPRESENTS IS
17 TITLED E I A REVENUE COLLECTION IS EXACTLY AS DEFINED
18 BASED ON THE SALES TAX COLLECTIONS THAT ARE PROVIDED TO
19 THE ONE CENT SALES TAX TO SUPPORT THE EDUCATION
20 IMPROVEMENT ACT THOSE REPRESENT THE REVENUE COLLECTIONS
21 FOR THAT

22 Q NOW, DOES -- THE E I A HOPEFULLY WILL INCREASE EVERY
23 YEAR, CORRECT, AS--

24 A THAT HAS BEEN A PATTERN UP TO THE LAST THREE YEARS

25 Q OKAY, SIR NOW WHAT HAPPENED TO THE LAST THREE

1 YEARS?

2 A OKAY THE LAST THREE YEARS DUE TO THE ECONOMIC
3 CONDITIONS THAT THE NATION AND THE STATE IS IN, REVENUE
4 COLLECTIONS FOR THE EDUCATION IMPROVEMENT ACT HAVE
5 DECLINED BASICALLY BEGINNING AT FISCAL YEAR 2000 THE
6 OTHER COLUMN THAT IS OF SIGNIFICANCE THERE IS ACTUALLY THE
7 APPROPRIATIONS WHICH IS THE E I A APPROPRIATION OR WAS
8 THE PLAN, THE AUTHORIZATION FOR EXPENDITURE

9 Q ALL RIGHT, SIR NOW, WHEN THE E I A MONEY IS
10 APPROPRIATED IT GOES INTO THE STATE DEPARTMENT OF
11 EDUCATION AS A LINE ITEM APPROPRIATION?

12 A WHAT ACTUALLY HAPPENS THERE THE E I A ONE CENT
13 SALES TAX IS PLACED IN THE E I A TRUST FUND IT DOES, IT
14 DOES REFLECT AN APPROPRIATION TO THE DEPARTMENT OF
15 EDUCATION

16 THE INFORMATION THAT YOU SEE CONTAINED IN THE
17 COLUMN TITLED E I A APPROPRIATIONS DOES REFLECT OVER TIME
18 SINCE '92 THROUGH '03 WHAT THE APPROPRIATION WAS TO THE
19 DEPARTMENT WELL WHAT THE APPROPRIATIONS THE TOTAL
20 APPROPRIATION WAS FOR E I A THAT'S CONTAINED IN THE
21 DEPARTMENT'S APPROPRIATION BILL

22 Q NOW, WHAT HAPPENS, MR COOLEY, IF YOU HAVE FOR
23 EXAMPLE IN '01 '02 '02, '03 AN APPROPRIATION UNDER THE
24 E I A METHOD OF DISTRIBUTING INCOME BUT THE REVENUE
25 COLLECTIONS ARE INDEED LOWER THAN APPROPRIATED?

1 A THERE ARE PROVISIONS IN PROVISO AND IN LAW THAT CALLS
2 FOR US TO REDUCE THE APPROPRIATIONS TO THE VARIOUS SCHOOL
3 DISTRICTS OR TO MAKE ADJUSTMENTS TO BRING ANTICIPATED
4 REVENUE IN LINE WITH APPROPRIATIONS

5 Q NOW HOW DO YOU DO THAT? DO YOU DO IT ON A STRAIGHT
6 PERCENTAGE BASIS OR DO YOU TARGET CERTAIN PROGRAMS? HOW
7 DO YOU DO IT?

8 A NOW, WITHIN THE PROVISOS THAT WE HAVE THERE ARE
9 CERTAIN RESTRICTIONS ON WHAT WE CAN REDUCE WE ARE
10 PROHIBITED FROM REDUCING THE E I A TEACHER SALARY
11 SUPPLEMENT LINE ITEM WE ARE PROHIBITED FROM BASICALLY
12 REDUCING ANYTHING THAT'S DIRECTLY TIED TO SALARIES SUCH AS
13 THE LINE ITEM TEACHER SALARY SUPPLEMENT FRINGE IF THERE
14 WAS NATIONAL BOARD APPROPRIATION THERE, WE WOULD BE
15 PREVENTED FROM THAT FROM A PRACTICAL STANDPOINT WE ARE
16 ALSO PREVENTED FROM REDUCING TEACHER SUPPLY LINE ITEM
17 BECAUSE THOSE FUNDS ARE PAID OUT WELL IN ADVANCE

18 SO WHAT WE HAVE TO DO IS EVEN THOUGH THERE'S AN,
19 THERE IS A REDUCTION THAT MUST BE MADE THAT WOULD
20 INITIALLY LOOK LIKE YOU COULD SPREAD IT OVER ABOUT 540
21 MILLION DOLLARS, WE END UP HAVING TO TAKE THAT REDUCTION
22 AND SPREAD IT OVER ABOUT 200 MILLION DOLLARS WORTH OF
23 APPROPRIATION LINE ITEMS

24 AND WE GO IN AND TO THE EXTENT POSSIBLE WE TRY
25 TO ALLOW SCHOOL DISTRICTS THE FLEXIBILITY TO COME BACK AND

1 TELL US WHERE THEY WANT TO TAKE IT BUT FOR THE MOST PART
2 HISTORICALLY THOSE APPROPRIATION REDUCTIONS HAVE BEEN
3 TAKEN IN EITHER THE ACT 135 EARLY CHILD DEVELOPMENT AND
4 ACADEMIC ASSISTANCE FUND OR POSSIBLY IN GIFTED AND
5 TALENTED FUNDING AND THOSE HAVE PRIMARILY BEEN THE TWO
6 THAT SCHOOL DISTRICTS HAVE HAD TO TAKE THOSE IN

7 Q ALL RIGHT SIR WE TALKED ABOUT EARLY CHILDHOOD,
8 REMEDIAL AND COMPENSATORY?

9 A CORRECT

10 Q AND WHAT WAS THE THIRD?

11 A A PROGRAM LIKE GIFTED AND TALENTED

12 Q GIFTED AND TALENTED NOW LET ME TALK TO YOU A
13 LITTLE BIT -- I GET A LITTLE BIT CONFUSED ON HOW THE
14 E I A AND E F A WORK TOGETHER SOMETIMES AND I WANT TO
15 TALK TO YOU ABOUT GIFTED AND TALENTED SINCE YOU MENTIONED
16 THAT AND WE WILL USE THAT AS AN EXAMPLE NOW, IS FUNDING
17 ON A PER PUPIL BASIS?

18 A THAT IS CORRECT

19 Q ALL RIGHT NOW, HOW IS THE AMOUNT ON THE GIFTED AND
20 TALENTED AGAIN USING IT AS AN EXAMPLE TO BE DETERMINED?

21 A OKAY THE PROCESS THAT EVEN IF IT'S PERMISSIBLE I'D
22 HAVE TO GO BACK TO THE APPROPRIATION PROCESS WE KNOW HOW
23 MANY GIFTED AND TALENTED CHILDREN THAT ARE BEING SERVED
24 BASED ON STATE CRITERIA AND ELIGIBILITY FROM THE
25 PREVIOUS -- FROM THE PRIOR YEAR PRIOR TO -- BEFORE GOING

1 Q OKAY, SIR NOW, OTHER THAN TRYING TO FOLLOW THE
2 MONEY I WANT TO ASK YOU ANOTHER QUESTION ABOUT YOUR YEARS
3 OF OBSERVING THE PROGRAMS THAT HAVE BEEN PLACED
4 UNDERFUNDING REQUIRED BY THE EDUCATION IMPROVEMENT ACT

5 NOW WHEN THE EDUCATION IMPROVEMENT ACT WAS
6 PASSED IN 1984 IT HAD SPECIFIC TARGETED PROGRAMS AS WE
7 ESTABLISHED YESTERDAY, CORRECT?

8 A THAT'S CORRECT

9 Q WHAT HAVE YOU SEEN OVER TIME WITH RESPECT TO PROGRAMS
10 THAT HAVE BEEN PLACED UNDER THE E I A IN ADDITION TO THE
11 PROGRAMS THAT WERE IN PLACE IN 1984?

12 A OKAY WHAT I HAVE OBSERVED OVER TIME IS THAT
13 PROGRAMS HAVE FOR THE MOST PART, BEEN MOVED OUT OF THE
14 EDUCATION IMPROVEMENT ACT INTO THE GENERAL FUND OR SOME
15 OTHER SOURCE OF FUNDS BEING MAY BE NONRECURRING

16 A PRIMARY EXAMPLE THAT COMES TO MIND IS THE HIGH
17 SCHOOL CREDITS WHEN E I A WAS INITIALLY PASSED WE WENT
18 FROM 18 TO 20 CREDITS IN THE '84, '85 TIMEFRAME THEN
19 SUBSEQUENTLY WE HAVE GONE TO 24 CREDITS INITIALLY THAT
20 WAS FUNDED IN E I A IT HAS BEEN MOVED OVER TO THE
21 GENERAL FUND FOR FUNDING

22 THERE'S BEEN SOME OTHER PROGRAMS THAT INITIALLY
23 STARTED OUT IN E I A AND THEN GET MOVED TO SOME OTHER
24 PLACE MOST RECENTLY THIS PAST FISCAL YEAR THE NATIONAL
25 BOARD CERTIFICATION APPROPRIATION FOR THAT IS COMPLETELY

1 NOW IN THE GENERAL FUND WHEN IT ORIGINALLY STARTED OUT IN
2 THE EDUCATION IMPROVEMENT ACT

3 Q ALL RIGHT SIR WHAT YOU SEEING THEN IS E I A
4 MANDATES ON THIS HAND BEING SHIFTED INTO THE GENERAL FUND
5 WHICH WOULD INCREASE THE GENERAL FUND'S PERCENTAGE OF
6 EDUCATIONAL SPENDING, AS I UNDERSTOOD WHAT YOU JUST SAID?

7 A WELL, IT DOESN'T NECESSARILY MEAN, WHEN YOU SAY
8 INCREASE THE GENERAL FUND'S PERCENTAGE OF SPENDING, IT
9 DOESN'T NECESSARILY MEAN IT'S GOING TO INCREASE RELATIVE
10 TO THE STATE GENERAL FUND AND IT DOESN'T NECESSARILY MEAN
11 THAT THE PERCENTAGE OF GENERAL FUND IS GOING TO INCREASE
12 RELATIVE TO OUR TOTAL ALSO

13 Q I GOT YA

14 A OKAY

15 Q YOUR GENERAL FUND REVENUE MAY BE THE SAME, JUST THE
16 PROGRAM IS PUT INTO IT?

17 A THAT MAY BE, THAT MAY HAPPEN

18 Q ALL RIGHT, SIR NOW LET'S TALK ABOUT WHAT HAS
19 HAPPENED TO THE E I A OVER TIME --

20 A OKAY

21 Q -- IN TERMS OF DIFFERENT PROGRAMS OR LOADS PLACED
22 UNDER THE E I A MONEY

23 A OKAY

24 Q TELL US ABOUT THAT IF YOU WILL

25 A THERE HAVE BEEN CHANGES TO THE SPECIFIC LINE ITEMS

1 THAT ARE, THAT HAVE PROVIDED FUNDING FOR THE EDUCATION
2 IMPROVEMENT ACT TWO THAT I JUST RECENTLY SHARED WITH
3 YOU RECENTLY THERE HAS BEEN EDUCATION ACCOUNTABILITY ACT
4 PROGRAMS APPROPRIATED IN THE EDUCATION IMPROVEMENT ACT
5 NATIONAL BOARD IS ONE THAT I MENTIONED THAT STARTED OUT IN
6 E I A HAS SUBSEQUENTLY BEEN MOVED

7 HIGH SCHOOL CREDITS IS ANOTHER WHEN THE
8 GENERAL ASSEMBLY ADOPTED THE TEACHER SUPPLY APPROPRIATION,
9 IT WAS PLACED IN THE E I A GOING BACK FURTHER IN HISTORY
10 I KNOW THAT BACK IN THE EARLY DAYS OF THE EDUCATION
11 IMPROVEMENT ACT THERE WAS A SUBSTANTIAL APPROPRIATION FOR
12 SCHOOL BUILDING FUNDS, AND IF I RECALL CORRECTLY IT WAS
13 ABOUT 55 MILLION DOLLARS

14 OVER TIME THAT HAS COMPLETELY BEEN MOVED OUT OF
15 THE EDUCATION IMPROVEMENT ACT AND THERE IS THERE IS
16 OTHER VARIOUS EXAMPLES YOU KNOW SIMILAR TO THOSE

17 Q WELL, WHAT I'M TRYING TO FIND OUT, MR COOLEY, IF I
18 CAN IS WHETHER THERE HAVE BEEN INCREASED LOADS PLACED ON
19 AVAILABLE MONIES UNDER THE EDUCATION IMPROVEMENT ACT

20 A REL -- COMPARED TO LINE ITEM APPROPRIATIONS WHEN THE
21 EDUCATION IMPROVEMENT ACT FIRST BEGAN AND WHAT WAS THERE
22 COMPARED TO THE LINE ITEM, THE DIFFERENT VARIOUS LINE ITEM
23 APPROPRIATIONS THAT WE SEE NOW, THERE HAS BEEN ADDITIONAL
24 PROGRAMS INITIATIVES ADDED TO THE EDUCATION IMPROVEMENT
25 ACT

1 Q ALL RIGHT, SIR AND WHAT DOES THAT DO TO THE
2 PREEXISTING PROGRAMS?

3 A THERE -- IT KIND OF DEPENDS ON WHAT THE GENERAL
4 ASSEMBLY HAS DECIDED TO DO YOU KNOW, FOR EXAMPLE, SCHOOL
5 FACILITIES WAS AN APPROPRIATION THERE THERE IS NO LONGER
6 APPROPRIATIONS IN THE EDUCATION IMPROVEMENT ACT FOR SCHOOL
7 FACILITIES OTHER THAN LAPSED FUNDS THAT MAY COME IN

8 THERE WAS A TEACHER INCENTIVE PROGRAM THAT
9 EXISTED AT ONE TIME AND A SCHOOL INCENTIVE PROGRAM THAT
10 EXISTED AT ONE TIME AND THEY ARE NO LONGER APPROPRIATED IN
11 THE E I A AND ARE ALSO NOT APPROPRIATED IN THE GENERAL
12 FUND, EITHER ONE

13 SO THERE'S, THE -- I FORGOT THE ORIGINAL
14 QUESTION I WAS SUPPOSED TO BE ANSWERING

15 Q ALL RIGHT I CAN UNDERSTAND THAT, TOO

16 A OKAY

17 Q HAS MORE, IS MORE AND MORE BEING ASKED OF THE
18 E I A ?

19 A THERE ARE MORE AND MORE REQUIREMENTS BEING ASKED OF
20 THE E I A THE EDUCATION ACCOUNTABILITY ACT, HOMEWORK
21 CENTERS, TEACHER SPECIALISTS, RETRAINING GRANTS, MANY OF
22 THOSE WERE INITIALLY PUT IN THE EDUCATION IMPROVEMENT ACT
23 AS THE SOURCE OF APPROPRIATION

24 Q IF I LOOK DOWN GOING BACK TO EXHIBIT 6012, THE
25 S D E APPROPRIATIONS, AND LOOK DOWN THE COLUMN THAT SHOWS

1 WE -- WE HAVE BEEN SUFFICIENTLY FUNDED TO BE
2 ABLE TO PAY THE CALCULATED GAP BETWEEN WHAT THE BASE
3 FUNDINGS ARE AND TO GET US UP TO THE SOUTHEAST AVERAGE
4 HOWEVER, THE PROGRAMS SUCH AS GIFTED AND TALENTED, E I A
5 FOUR YEAR OLD HALF DAY, ACT 135, THOSE LINE ITEMS PROVIDE
6 AND MUCH OF THAT IS SALARY RELATED THOSE LINE ITEMS
7 PROVIDE THE BASE FUNDING AS YOU RECALL IN THE SALARY
8 SCHEDULE, IN THAT FIRST NUMBER, THEY PROVIDE THE SOURCES
9 OF FUNDING TO PAY SALARIES FOR THOSE TEACHERS THAT ARE NOT
10 E F A TEACHERS

11 THEY WERE HIRED TO BE GIFTED AND TALENTED
12 INSTRUCTORS BEYOND THE DEFINED MINIMUM PROGRAM THEY WERE
13 HIRED AS E I A EARLY CHILD FOUR YEAR OLD INSTRUCTORS
14 BEYOND THE FOUNDATION OF THE PROGRAM

15 AND JUST AS THE FOUNDATION PROGRAM IN E F A
16 SHOULD BE INCREASING BY AT LEAST THE SALARY INFLATIONARY
17 AMOUNT, THOSE PROGRAMS SHOULD ALSO BE INCREASING DUE TO
18 SALARY INFLATION PLUS ANY DESIRE TO SERVE ADDITIONAL
19 CHILDREN

20 HAVING SAID ALL OF THAT NO THEY HAVE NOT
21 INCREASED TO KEEP UP, CONSISTENTLY INCREASE TO KEEP UP
22 WITH SALARY COSTS

23 Q ALL RIGHT DO I UNDERSTAND YOU TO BE SAYING MAKE
24 SURE I'M CLEAR ON THIS, THAT YOU HAD A DIFFERENT OR AN
25 ADDITIONAL SET OF TEACHERS REQUIRED UNDER THE EDUCATION

1 IMPROVEMENT ACT?

2 A THAT'S CORRECT THE -- MY UNDERSTANDING OF THE
3 EDUCATION IMPROVEMENT ACT WAS THAT THERE WAS TO BE NO YOU
4 KNOW, IMPACT ON SCHOOL DISTRICTS WHEN THE GIFTED AND
5 TALENTED PROGRAM STARTED, IT WAS TO BE PAID FOR BY THE
6 STATE, YOU KNOW

7 THAT WAS NOT A PART OF THE FOUNDATION PROGRAM
8 WHEN THE OPPORTUNITY FOR E I A FOUR YEAR OLD HALF DAY FOR
9 AT-RISK CHILDREN WERE ESTABLISHED, THAT WAS TO BE FUNDED
10 FOR BY THE STATE AND THEN THE COMPENSATORY AND REMEDIAL,
11 THE OLD COMPENSATORY REMEDIAL PROGRAM IN E I A VERSUS THE
12 NEW EARLY CHILD DEVELOPMENT ACADEMIC ASSISTANCE REALLY
13 BOTH THE SAME THING, THEY WERE NOT SUPPOSED TO COST ANY
14 MORE OR, YOU KNOW, APPLY COSTS TO SCHOOL DISTRICTS, AND
15 THE STATE WOULD PROVIDE THE APPROPRIATE APPROPRIATION TO
16 PAY THAT

17 AND NEW TEACHERS WERE BROUGHT ON WITH HIGH
18 SCHOOL CREDITS WERE EXPENDED FROM 18 TO 20 TO 24, NEW
19 TEACHERS HAD TO BE HIRED TO TEACH THOSE NEW CREDITS AND
20 EVERYTHING SO THEY WERE BROUGHT ON SO THAT THERE WERE A
21 REQUIREMENT FOR ADDITIONAL TEACHERS HIRED BEYOND THE
22 DEFINED PROGRAM AND THE FOUNDATION PROGRAM

23 Q ALL RIGHT I'M WITH YOU NOW THE QUESTION IS AS
24 TIME HAS PASSED SINCE 1984 WHEN THE E I A WAS PASSED,
25 WHAT HAS HAPPENED TO THOSE ADDITIONAL TEACHERS AND ALSO

1 THE RATE OF INFLATION OR THE INCREASE IN TEACHER SALARIES
2 BASED ON THE MINIMUM, STATE'S MINIMUM SALARY SCHEDULE?

3 A I CAN SPEAK DIRECTLY TO THE LAST THREE OR FOUR YEARS
4 THAT WE HAVE EXPERIENCED THIS ESPECIALLY IN THE '99
5 FISCAL YEAR, 2000, 2001 REALLY PRIOR TO THE REALITIES OF
6 THE ECONOMIC CONDITION HITTING US, WE WOULD -- WE WOULD
7 REQUEST AN APPROPRIATE LEVEL INCREASE FOR THOSE PARTICULAR
8 LINE ITEMS TO COVER THE CORRESPONDING INCREASE IN TEACHER
9 SALARIES, BUT ON MANY OCCASIONS THERE WOULD NOT BE AN
10 INCREASED APPROPRIATION

11 WHEN WE ASK FOR AN INCREASE APPROPRIATION IN A
12 LINE ITEM WE NORMALLY BREAK IT OUT FOR TWO PURPOSES ONE,
13 WE WILL SHOW THE REQUIRED INCREASE DUE TO INFLATION WHICH
14 IS DIRECTLY RELATED TO WHAT THE GENERAL ASSEMBLY DESIRES
15 THAT WE DO FOR TEACHER SALARY AND THEN IF WE, IF WE
16 DETERMINE WE WANT TO SERVE MORE CHILDREN WE WILL CLASSIFY
17 THAT AS PROGRAM EXPANSION

18 AND THOSE TWO THINGS USUALLY GO TOGETHER SUCH AS
19 IN GIFTED AND TALENTED, SUCH AS IN ACT 135, TO EQUATE TO
20 OUR APPROPRIATION INCREASE

21 Q ALL RIGHT SO WHEN YOU ASK THE GENERAL ASSEMBLY TO
22 GIVE YOU ENOUGH MONEY UNDER E I A TO FUND THE
23 REQUIREMENTS OF A MINIMUM SALARY SCHEDULE FOR THE TEACHERS
24 INCLUDING THE E I A MANDATED TEACHERS, AND THE GENERAL
25 ASSEMBLY DOES NOT PROVIDE THE FUNDING, WHAT HAPPENS?

1 A WELL, YOU HAVE -- YOU HAVE THE SALARIES FOR THOSE
2 SPECIFIC TEACHERS ON THOSE APPROPRIATION LINE ITEMS THAT
3 RECEIVE NO INCREASE IN THE APPROPRIATION THEREFORE ANY
4 ALLOCATION TO THEM, BUT THEN YOU HAVE GOT THOSE TEACHERS
5 THAT BECAUSE THEY ARE SUBJECT TO THE MINIMUM SALARY
6 SCHEDULE WE HAVE RAISED THEIR SALARIES

7 THERE'S -- WE ARE BACK TO THE SAME ISSUE THAT WE
8 HAVE BEFORE THEY EITHER USE THAT, THEY KEEP THE FUNDING
9 WITHIN THE LINE, THEY HAVE GOT TO DO LESS ON NON-SALARY
10 SUPPLIES, SUPPORT, THINGS OF THAT NATURE SO THAT MORE OF
11 THE MONEY GOES TO THE SALARY

12 Q ALL RIGHT, SIR THE GENERAL ASSEMBLY DOESN T FUND
13 IT, BUT THE SCHOOLS STILL HAVE TO PAY IT, IS THAT CORRECT?

14 A THAT'S CORRECT

15 Q AND SO THE SHORTFALL ONCE AGAIN HAS BEEN MADE UP BY
16 THE LOCAL DISTRICTS?

17 A THAT'S CORRECT

18 Q NOW WHAT PERCENTAGE OF E I A MONEY GOES TO TEACHER
19 SALARY?

20 A YOUR IT'S CLOSE TO -- WELL, AGAIN, I HAVE TO QUALIFY
21 THAT IF YOU LOOK AT, YOU LOOK AT THE LINE ITEMS THAT WE
22 HAVE, THE E I A TEACHER SALARY SUPPLEMENT AND E I A
23 TEACHER SALARY SUPPLEMENT FRINGE, YOU HAVE GOT ABOUT 200,
24 CLOSE TO 250 MILLION DOLLARS THERE FOR THAT PARTICULAR
25 PURPOSE WHICH IS TO GET THE, TO GET US UP TO THAT

1 ARE PRIMARILY TWO OF THOSE THIS YEAR THERE'S AN
2 APPROPRIATION FOR APPROXIMATELY 368 MILLION DOLLARS THAT'S
3 CALLED THAT'S IN THE GENERAL FUND EMPLOYER CONTRIBUTIONS
4 AND THERE'S ANOTHER LINE ITEM THAT'S CALLED RETIREE
5 INSURANCE THAT'S AGAIN EMPLOYER CONTRIBUTION RELATED

6 THE COLUMN, THE SECOND COLUMN OR THE COLUMN TO
7 THE RIGHT OF THE FISCAL YEAR REFLECTS THE TOTAL OF THOSE
8 GENERAL FUND LINE ITEMS YOU MOVE OVER TO THE THIRD
9 COLUMN, THAT REFLECTS WHAT IS REPORTED TO US BY THE SCHOOL
10 DISTRICTS ON THEIR C P A AUDITED FINANCIAL STATEMENTS
11 WHAT THEY ARE SPENDING OUT OF THE GENERAL FUND FOR FRINGE
12 BENEFITS

13 AND THEN OF COURSE, THE FINAL COLUMN TO YOUR
14 RIGHT REPRESENTS THE PERCENTAGE THAT IS BEING -- IS
15 COMPARING THE SECOND COLUMN AND THE THIRD COLUMN TO EACH
16 OTHER AS A PERCENTAGE

17 Q ALL RIGHT, SIR OVER TIME IT APPEARS THAT THE STATE
18 FROM THE TIME THE EDUCATION FINANCE ACT WAS PASSED INDEED
19 COMMENCING IN 1982, 1983 THE STATE STARTED SHIFTING A
20 PORTION OF THE COSTS OF FRINGE BENEFITS TO THE LOCAL
21 SCHOOL DISTRICTS

22 A BY THE MEASURES WE HAVE DEFINED HERE, THERE HAS BEEN
23 A SHIFTING OR THERE HAS BEEN A LESS PROPORTIONED OF THE
24 FUNDING BEING PROVIDED BY THE STATE

25 Q AND WHO PAYS THE DIFFERENCE?

1 A THE EMPLOYER CONTRIBUTIONS HAVE GOT TO BE PAID SO
2 THEY ARE GOING TO HAVE TO BE PAID BY THE LOCAL SCHOOL
3 DISTRICT

4 Q ALL RIGHT, SIR AND FOR THE CALENDAR -- EXCUSE ME --
5 THE SCHOOL YEAR, FISCAL YEAR AS YOU DESCRIBED IT 2001,
6 '02, YOU HAVE GOT 60 27 PERCENT AS BEING PAID BY THE
7 STATE AND THE OTHER 39 73 PERCENT BEING PAID BY THE LOCAL
8 DISTRICTS IS THAT CORRECT?

9 A THAT IS CORRECT

10 MR EPPS NOW, YOUR HONOR, I'M GOING TO GO TO A
11 LITTLE BIT OF A DIFFERENT TOPIC HERE AND I CAN EITHER
12 COMPLETE IT OR WE CAN TAKE A BREAK NOW AT YOUR PLEASURE

13 THE COURT IF THIS IS A GOOD STOPPING PLACE, MR
14 EPPS, WE CAN STOP RIGHT HERE AND TAKE JUST 15 MINUTES AND
15 COME BACK AT TEN AFTER THE HOUR IF THAT'S ALL RIGHT IF IT
16 WON T BREAK THE FLOW OF THINGS TOO MUCH FOR YOU

17 MR EPPS THANK YOU

18 THE COURT WE WILL BE IN RECESS UNTIL TEN AFTER THE
19 HOUR THANK YOU

20 (WHEREUPON A RECESS WAS HAD)

21 (WITNESS RESUMED THE STAND)

22 THE COURT MR EPPS?

23 MR EPPS THANK YOU, YOUR HONOR

24 BY MR. EPPS.

25 Q MR COOLEY, I'M GOING TO PULL UP NOW EXHIBIT 6023

1 Q OKAY

2 A AND THEN THE ENTRY PRIOR TO THAT THAT CORRESPONDS
3 WITH THE 193 -- THE 1 BILLION 940, THAT SHOULD BE READING
4 0102

5 Q ALL RIGHT SO ROUGH--

6 A THAT CORRECTS THAT

7 Q AND I PENCILED IN AND WE WILL -- JUST HAVE THE PENCIL
8 IN THE EXHIBIT INTRODUCED ALL RIGHT, SIR OVER THAT TEN
9 YEAR PERIOD '93, '94 TO 2002, 2003, WE SHOW AN INCREASE IN
10 THE GENERAL FUND OF 695 MILLION DOLLARS?

11 A THAT'S CORRECT

12 Q IS THAT CORRECT?

13 A THAT'S CORRECT

14 Q NOW, HAVE YOU TRIED TO BREAK THAT DOWN TO SEE WHERE
15 THE MONEY WENT?

16 A YES, I HAVE

17 Q AND TELL ME WHAT YOU FOUND OUT, PLEASE

18 A WELL IN THE PREVIOUS EXHIBIT 6024 WHAT YOU OBSERVED
19 HAPPENING, YOU KNOW WE LOOKED AT THE SUMMARY PART OF THAT
20 AT THE TOP OF THE PAGE, BUT IF YOU GO THROUGH AND ANALYZE
21 PAGES ONE THROUGH 11 WHAT YOU SEE, WHAT YOU OBSERVE THERE
22 IS THE LINE ITEMS THAT HAVE CHANGED EACH YEAR WHETHER IT
23 BE AN INCREASE OR A DECREASE

24 AND YOU WALK DOWN THROUGH THEM WHAT I DID IS
25 WENT BACK, WORKING UNDER THE HYPOTHESIS THAT E F A AND

1 FRINGE WOULD ACCOUNT FOR A LARGE PORTION OF THE GENERAL
2 FUND INCREASE I WENT BACK THROUGH AND ISOLATED AND
3 IDENTIFIED THOSE CHANGES THAT MAKE UP THE 695 MILLION
4 DOLLARS, ISOLATED THOSE AND WHEN I ADDED THEM UP, IT CAME
5 TO ABOUT 415 MILLION DOLLARS, I BELIEVE

6 Q ALL RIGHT, SIR AND WHAT DID YOU, WHAT CONCLUSIONS
7 DID YOU DRAW FROM THAT IF ANYTHING?

8 A WELL THE NUMBERS BEAR OUT THAT OF THAT 695 MILLION
9 DOLLARS, 415 OF THAT WAS INCREASED FOR THE FOLLOWING
10 REASONS IT WAS DUE TO THE EDUCATION FINANCE ACT GROWTH
11 IN WEIGHTED PUPIL UNITS OVER THAT PERIOD OF TIME AND
12 INCREASES IN THE BASE STUDENT COST

13 THE OTHER COMPONENT OF THE INCREASE IS THE
14 INCREASE IN EMPLOYER CONTRIBUTIONS SLASH FRINGE RELATED TO
15 THE INCREASE IN THE E F A AND IT'S ALSO DUE TO THE NORMAL
16 RISING EMPLOYER CONTRIBUTION COST SUCH AS HEALTHCARE,
17 HEALTH, DENTAL AND THINGS OF THAT NATURE, THE COMPONENTS
18 OF THAT

19 Q COULD WE JUST CALL THAT MAINTENANCE PERHAPS, IS THAT
20 FAIR TO CALL THAT JUST MAINTENANCE?

21 A IT WOULD BE MAINTAINING, TRYING, TO THE EXTENT THAT
22 HAS BEEN DONE MAINTAINING THE BASE STUDENT COST AT AN
23 INCREASING LEVEL AS CALLED FOR BASED ON THE INFLATIONARY
24 FACTOR AND THE CORRESPONDING INCREASES IN PUPILS ACROSS
25 TIME

1 Q YOU ALSO WERE ON A NATIONAL BOARD CERTIFIED TEACHING
2 GROUP IS THAT RIGHT?

3 A YES

4 Q WHAT WAS THE NATURE OF THAT? WHAT WERE YOU DOING
5 WITH THE NATIONAL BOARD CERTIFIED TEACHING GROUP?

6 A ONE OF THE THINGS THAT WE ARE TRYING TO DO IS LOOK
7 AT, ASSESS, HOW TO ASSESS TEACHERS AND TEACHER QUALITY
8 AND SO PART OF THE NATIONAL, BEFORE THE NATIONAL BOARD FOR
9 PROFESSIONAL TEACHING STANDARDS WAS ORGANIZED, LEE
10 STROHMAN FROM STANFORD UNIVERSITY RECEIVED A MULTI-MILLION
11 DOLLAR GRANT FROM THE CARNEGIE FOUNDATION IN WHICH HE PUT
12 TOGETHER A TEACHER ASSESSMENT PROJECT

13 I WAS ONE OF THE CONSULTANTS TO THAT PROJECT
14 LOOKING AT EARLY LITERACY AND SOCIAL STUDIES

15 Q OKAY LET'S TALK WE HAVE BRIEFLY INTRODUCED YOUR
16 RESEARCH BUT COULD YOU TALK ABOUT YOUR RESEARCH IN THE
17 CONTEXT OF THE CLASSROOM WHERE STUDENTS ARE ACTUALLY
18 LEARNING AND TEACHERS ARE ACTUALLY TEACHING? WHAT IS THE

19 NATURE OF THE RESEARCH THAT YOU DEDICATED YOUR CAREER TO?

20 A YES MY WORK WOULD BE CLASSIFIED AS QUALITATIVE
21 RESEARCH AND I KNOW THAT THERE ARE OFTEN CONTENTIONS
22 ABOUT WHETHER IT'S QUALITATIVE HOW VALUABLE CAN IT BE, YOU
23 KNOW, IT'S NOT GIVING US NUMBERS

24 AND I WOULD ARGUE THAT QUANTITATIVE CAN ANSWER
25 WHAT QUESTIONS FOR YOU BUT YOU NEED TO DO QUALITATIVE

1 RESEARCH TO ANSWER WHY QUESTIONS AND THOSE ARE THE KINDS
2 OF QUESTIONS I'M MOST INTERESTED IN

3 YOU KNOW, WHY, THE QUESTION I'M INTERESTED IN IS
4 WHY IS IT THAT DESPITE ALL OF THE BARRIERS, POVERTY,
5 FAMILY DISRUPTION, LACK OF RESOURCES, SOME YOUNGSTERS SEEM
6 TO BE ABLE OR SOME TEACHERS -- EXCUSE ME -- SEEM TO BE
7 ABLE TO DO VERY WELL WITH THOSE YOUNGSTERS

8 AND TO ANSWER THOSE KIND OF QUESTIONS YOU HAVE
9 TO SPEND A LOT OF TIME IN CLASSROOMS OBSERVING THOSE
10 TEACHERS, TALKING WITH THOSE TEACHERS, TRYING TO MAKE
11 SENSE OF WHAT THEIR PRACTICE IS ALL ABOUT

12 SO I WAS FORTUNATE ENOUGH TO IDENTIFY EIGHT
13 TEACHERS THAT I SPENT THREE YEARS WITH SOMEWHERE BETWEEN
14 THREE AND FOUR DAYS A WEEK WATCHING THEIR PRACTICE
15 OBSERVING THEM, DOCUMENTING IT, VIDEOTAPING IT AND TALKING
16 WITH THEM ABOUT THEIR WORK

17 WHAT I FOUND OUT TO MY SURPRISE AND I THINK I
18 WENT IN THERE WITH SOME SENSE THAT, OH I'D COME OUT WITH
19 A SET OF PRETTY STANDARD RULES TO SAY THIS IS EXACTLY THE
20 WAY YOU DO IT

21 WELL, THERE IS NO ONE WAY TO DO IT WELL BUT
22 WHAT I DID FIND OUT IS THAT THERE IS A COMMONALITY OF BOTH
23 DISPOSITION AND PERSPECTIVE ABOUT STUDENT LEARNING THAT
24 RUNS ACROSS ALL OF THESE TEACHERS

25 SO THEY WEREN'T, THEY DIDN'T TEACH THE SAME

1 WAY THEY GOT THE SAME RESULTS AND THEY GOT THE SAME
2 RESULTS BECAUSE OF THEIR DISPOSITIONS AND PERSPECTIVES ON
3 THE STUDENTS

4 Q WHY HAVE YOU BEEN FOCUSED ON ACADEMIC ACHIEVEMENT OF
5 THE MOST AT-RISK KIDS, IF I CAN PUT IT THAT WAY? WHY DID
6 YOU DECIDE TO FOCUS THERE?

7 A YEAH THE MAJORITY OF THE RESEARCH ACTUALLY LOOKS
8 AT, YOU KNOW, KIDS IN THE MIDDLE AND I DECIDED THAT IT
9 WAS IMPORTANT TO LOOK AT THE KIDS AT THE LOWEST REALM IN
10 SOME WAYS I GUESS I'M PLAYING INTO THE OLD ADAGE A RISING
11 TIDE LIFTS ALL BOATS

12 IF WE CAN GET IT RIGHT FOR THESE YOUNGSTERS, THE
13 KIDS WHO ARE MOST AT RISK OF SCHOOL FAILURE THEN IT IS
14 LIKELY THAT WE CAN GET IT RIGHT FOR ALL OF OUR
15 YOUNGSTERS

16 I'M NOT TALKING ABOUT A ZERO SOME GAIN HERE
17 WHERE IF YOU GET IT RIGHT FOR THE POOREST KIDS, THEN
18 SOMEHOW YOU ARE TAKING AWAY FROM THE RICHEST KIDS WHAT
19 I'M ARGUING IS IF WE DO IT RIGHT FOR THE KIDS WHO ARE MOST
20 AT RISK, WE ARE LIKELY TO DO IT RIGHT FOR ALL OF OUR
21 KIDS

22 AND I HAVE ALSO ARGUED THAT LOOKING AT THESE
23 YOUNGSTERS IS NOT REALLY SOLELY ABOUT THESE YOUNGSTERS,
24 IT'S REALLY ABOUT OUR SCHOOL SYSTEM

25 I DESCRIBE THE MOST AT RISK YOUNGSTERS AS

1 CANARIES IN A MINE SHAFT YOU KNOW, THAT I TAUGHT IN
2 PHILADELPHIA WELL, I TAUGHT IN PHILADELPHIA I GREW UP
3 IN PHILADELPHIA, SO I HAVE THIS PENNSYLVANIA BACKGROUND

4 IN THE OLD DAYS BEFORE THE TECHNOLOGY MINERS
5 WENT INTO A MINE SHAFT, THEY TOOK A CANARY WITH THEM
6 WHEN THAT CANARY DIED THEY KNEW THAT THE MINE WAS NO
7 LONGER SAFE THAT SOMEHOW THERE IS GAS ESCAPING AND YOU
8 NEED TO GET THE MINERS OUT

9 WELL, IN MANY WAYS, THE MOST AT RISK YOUNGSTERS
10 IN OUR SYSTEM ARE REALLY CANARIES IN OUR SCHOOL SYSTEM
11 MINE SHAFT BUT INSTEAD OF SAYING YOU NEED TO FIX THIS
12 MINE, I THINK OUR APPROACH HAS PRIMARILY BEEN SEND US SOME
13 BETTER CANARIES

14 Q WHY DID FOCUSING ON THE MOST AT RISK CHILDREN GET YOU
15 FOCUSED ON AFRICAN-AMERICAN CHILDREN SPECIFICALLY?

16 A WELL, THERE IS A SORT OF CULMINARY RELATIONSHIP
17 BETWEEN RACE AND POVERTY AND IF YOU LOOK AT ALL OF THE
18 GENERAL STATISTICS AFRICAN-AMERICAN STUDENTS ARE FARING
19 THE WORST IN OUR SCHOOL SYSTEM THAT'S ACROSS THE
20 COUNTRY

21 Q LET'S TALK SPECIFICALLY ABOUT THE RESEARCH, SOME OF
22 THE RESEARCH THAT YOU DID AND I THINK YOU MENTIONED THE
23 THREE YEARS AND EIGHT CLASSROOMS THAT YOU SPENT THAT WAS
24 DURING YOUR SPENCER POST DOCTORAL --

25 A THAT'S CORRECT

1 PROFESSIONAL DEVELOPMENT TO BE SUCCESSFUL IT NEEDS TO BE
2 SITE SPECIFIC

3 IN OTHER WORDS, A PROBLEM AT SCHOOL "A" MAY BE
4 DIFFERENT THAN A PROBLEM AT SCHOOL B IT NEEDS TO BE
5 LOCAL AND BY THAT I MEAN THAT WHAT PEOPLE NEED IN A
6 PARTICULAR CONTEXT--

7 MR BARNES YOUR HONOR?

8 THE COURT YES SIR

9 MR BARNES I THINK THAT WE HAVE CROSSED OVER INTO
10 HER OPINION INDEED THESE ARE THE VERY POINTS SHE MAKES
11 IN THE POWERPOINT PRESENTATION WHICH I GOT AT 10 49 LAST
12 NIGHT AND WHICH WILL PRESUMABLY BE THE BASIS OF HER
13 OPINION SO WE ARE GETTING THE OPINION IN THE
14 QUALIFICATION AND GOING TO SEE IT AGAIN IN THE OPINION AND
15 I WOULD OBJECT

16 THE COURT IS IT NECESSARY, MR MORRISON, TO DEVELOP
17 THE BASIS OF HER CORE IDEAS AND THE BASIS OF HER OPINION
18 IN THE VOIR DIRE PROCESS IN THIS PARTICULAR INSTANCE?

19 MR MORRISON YOUR HONOR, NO I CAN GO -- I CAN GO
20 ON PAST THAT

21 THE COURT THANK YOU

22 BY MR MORRISON

23 Q AND WE WILL COME BACK TO PROFESSIONAL DEVELOPMENT IN
24 THE OPINION PORTION

25 MR MORRISON YOUR HONOR, AT THIS POINT THEN I WOULD

1 OFFER DR LADSON-BILLINGS AS A PERSON QUALIFIED BY
2 KNOWLEDGE, SKILLS, EXPERIENCE, TRAINING AND EDUCATION TO
3 GIVE OPINIONS IN THE AREA OF HER FIELDS OF EXPERTISE,
4 PARTICULARLY MULTICULTURAL EDUCATION, QUALITY TEACHING IN
5 MULTICULTURAL CLASSROOMS AND ACADEMIC ACHIEVEMENT OF AT
6 RISK CHILDREN FROM POVERTY CONTEXT AND OR MINORITY
7 CONTEXT

8 YOUR HONOR WE WOULD, WE WILL BE ASKING DR
9 LADSON-BILLINGS ABOUT HOW THESE ISSUES RELATE TO THE
10 OPPORTUNITY TO ACQUIRE A MINIMALLY ADEQUATE EDUCATION FOR
11 THE MINORITY AND POVERTY STUDENTS IN OUR DISTRICTS AND WE
12 WOULD, WE WOULD BE ASKING HER QUESTIONS, OPINION
13 QUESTIONS, REGARDING EFFECTIVE INSTRUCTION TO CHILDREN
14 FROM OUR CONTEXT OF MINORITY AND POVERTY THAT WE HAVE
15 ESTABLISHED AND THE COMPLEXITIES OF TEACHING CHILDREN IN
16 THAT AREA AND WHETHER OR NOT CHILDREN CAN BE BRILLIANT OR
17 REACH EXCELLENCE IN THOSE AREAS AND THEN IN GENERAL,
18 THAT'S WHERE WE WOULD OFFER HER

19 THE COURT ALL RIGHT MR BARNES I TAKE IT THE
20 VOIR DIRE MIGHT BE SOMEWHAT EXTENSIVE, IS THAT A FAIR
21 ASSESSMENT? I'M JUST TRYING TO FIGURE OUT WHETHER THIS IS
22 A GOOD TIME TO TAKE A BREAK

23 MR BARNES YES, SIR LET'S TAKE A BREAK I DON'T
24 KNOW THAT IT WILL BE THAT EXTENSIVE, BUT IT WILL PROBABLY
25 BE LESS EXTENSIVE IF I HAVE A MINUTE TO GATHER MY

1 BE CLEAR, MOST MIDDLE CLASS KIDS HAVE A CULTURALLY
2 RELEVANT PEDAGOGY THAT THE CONNECTIONS THAT ARE MADE IN
3 THE CLASSROOMS ARE CONNECTIONS TO THE LIVES THEY LEAD
4 Q WELL, WITH REGARD TO SORT OF OVERLAPPING THAT ONTO
5 YOUR OPINIONS ABOUT SOUTH CAROLINA, IT'S MY UNDERSTANDING
6 FROM YOUR DEFINITION THAT THE REASON WHY WE NEED IN SOUTH
7 CAROLINA TO FOCUS ON THAT IS BECAUSE AFRICAN-AMERICAN
8 CHILDREN IN SOUTH CAROLINA ARE NOT GETTING THE SAME
9 EDUCATION AS WHITE CHILDREN IN SOUTH CAROLINA INDEED EVEN
10 POOR WHITE CHILDREN BECAUSE OF THE LINGERING VESTIGES OF
11 NEGATIVE STEREOTYPING, RACISM AND PREJUDICE TOWARDS
12 AFRICAN-AMERICAN CHILDREN?

13 A THAT'S ONE ASPECT OF WHY THERE IS AN ACHIEVEMENT GAP
14 BUT I THINK IT'S MORE COMPLEX THAN THAT I THINK WE HAVE
15 TO LOOK AT THE ACTUAL TEACHING LEARNING THAT GOES ON IN
16 THE CLASSROOM REGARDLESS OF RACE AND ETHNICITY, WHAT
17 ACCESS DO POOR CHILDREN HAVE TO QUALITY EDUCATION

18 Q WELL, AND IN THAT REGARD, I MEAN, THE THINGS THAT AS
19 I RECALL YOU LOOKED AT IN SOUTH CAROLINA WERE THE TEACHER
20 QUALITY ASPECTS?

21 A THAT'S CORRECT

22 Q THAT IS LESS QUALIFIED TEACHERS, LESS MASTER'S
23 DEGREES, LESS NATIONALLY BOARD CERTIFIED TEACHERS IN THE
24 PLAINTIFF DISTRICTS AND IT'S AS I UNDERSTAND IT YOUR
25 BELIEF THAT THE REASON WHY THERE ARE LESS QUALIFIED OR

1 SOMETHING THAT WE ALL SHARE IT IS SOMETHING THAT PEOPLE
2 ASSUME IS NOT IMPOSED ON THEM AS RACE IS

3 Q BUT WITH REGARD TO THE AFRICAN-AMERICAN STUDENTS IN
4 SOUTH CAROLINA, IS IT YOUR OPINION THAT A LARGE PART OF
5 THE ACHIEVEMENT GAP IS A RESULT OF THE LINGERING VESTIGES
6 OF RACISM?

7 A I WOULD HAVE A HARD TIME SPECIFICALLY SPEAKING TO
8 THAT BECAUSE I DON'T KNOW SPECIFICALLY WHAT YOUR
9 PROPORTIONS OF YOU KNOW I'M SURE THAT THERE ARE INDEED
10 SOME WHITE YOUNGSTERS IN THESE PLAINTIFF DISTRICTS AND
11 THEY ALSO ARE SUFFERING SO WE WANT TO BE CLEAR THAT
12 WHILE THERE IS A HISTORY, WE DON'T WANT TO RELY ON WHAT I
13 WOULD CALL A KIND OF HISTORIC DETERMINISM, BECAUSE HISTORY
14 IS HISTORY

15 I WANT TO BE CLEAR, THOUGH HISTORY CAN BE
16 OVERCOME WE HAVE THE SAME KIND OF DISPARITIES IN
17 SCHOOLING OF GIRLS AND BOYS IT HAS BEEN OVERCOME

18 Q WELL, AND THAT'S MY POINT IS THAT THERE ARE OTHER
19 AREAS WHERE HISTORICALLY THERE HAVE BEEN DISCRIMINATION
20 BUT AS I UNDERSTAND YOUR OPINION THE PROBLEM IN SOUTH
21 CAROLINA SPECIFICALLY AS IT RELATES TO AFRICAN-AMERICAN
22 CHILDREN IS THAT THOSE PROBLEMS HAVE NOT BEEN OVERCOME AND
23 THAT THOSE AFRICAN-AMERICAN CHILDREN ARE NOT PROVIDED THE
24 SAME OPPORTUNITY FOR WHITE CHILDREN DUE TO THESE RACE
25 RELATED FACTORS?

1 A I WOULD SAY DUE TO A NUMBER OF TEACHER QUALITY
2 FACTORS WHICH I'M GOING TO PREPARE TO TALK TO YOU ABOUT
3 Q SO THE NOTION, IS IT NOT TRUE, DR BILLINGS, THAT THE
4 WHOLE IDEA OF CULTURALLY RELEVANT PEDAGOGY AROSE OUT OF
5 YOUR BELIEF THAT CERTAIN GROUPS OF PEOPLE WERE TREATED
6 DIFFERENTLY BECAUSE OF WHO THEY WERE?

7 A MY IMPETUS AND MOTIVATION FOR THIS STUDY WAS THE FACT
8 THAT THERE IS NOTHING IN THE EDUCATIONAL LITERATURE THAT
9 COMPARES AFRICAN-AMERICAN STUDENTS IN EXCELLENCE IF YOU
10 TODAY DO A COMPUTER SEARCH, YOU ARE GOING TO QUICKLY BEGIN
11 TO PULL UP TERMS WHEN YOU ASK FOR EDUCATION --
12 AFRICAN-AMERICAN EDUCATION YOU ARE GOING TO PULL UP TERMS
13 LIKE SEE CULTURALLY DEPRIVED, SEE DISADVANTAGED EVEN WHEN
14 WHAT YOU ARE LOOKING FOR IS EDUCATION

15 SO THE LITERATURE IS STRUCTURED IN SUCH A WAY TO
16 TAKE YOU STRAIGHT TO A DEFICIT MODEL AND I'M ACTUALLY
17 TRYING TO SORT OF BREAK OUT OF THAT PARADIGM AND BEGIN TO
18 LOOK AT WHAT DOES EXCELLENCE LOOK LIKE IN A CLASSROOM
19 SERVING AFRICAN-AMERICAN CHILDREN

20 Q OKAY

21 MR BARNES YOUR HONOR, THAT'S ALL I HAVE BY WAY OF
22 VOIR DIRE BUT I ACTUALLY AT THIS POINT WOULD MOVE TO
23 EXCLUDE DR LADSON-BILLINGS AS AN EXPERT IN THIS CASE

24 I THINK THAT IT'S IMPOSSIBLE TO SEVER HER
25 OPINION IN THIS CASE WITH REGARD TO WHY AND HOW YOU TEACH

1 CHILDREN, MINORITY CHILDREN, AND PARTICULARLY ACCORDING TO
2 THE DISCLOSURE THAT I WAS GIVEN IN MOST OF THE DISCUSSION
3 OF OUR DEPOSITION, AFRICAN-AMERICANS IN SOUTH CAROLINA

4 YOUR HONOR HAS PREVIOUSLY RULED THAT RACE IS NOT
5 AN ISSUE IN THIS CASE I THINK THIS IS NOT SIMPLY -- I
6 MEAN, ONE OF THE VERY PRONGS OF HER THREE PRONG ANALYSIS
7 ABOUT HOW YOU TEACH STUDENTS RELIES HEAVILY ON, WELL, RACE
8 AND CULTURE

9 AND I THINK AS THAT THEORY RELATES SPECIFICALLY
10 TO THE DEMOGRAPHICS IN SOUTH CAROLINA, IT CANNOT BE
11 SEVERED AND I WOULD MOVE THAT HER TESTIMONY IN THAT
12 REGARD BE EXCLUDED

13 AND YOUR HONOR, I WILL HAND UP THE DISCLOSURE,
14 BUT EVERY SINGLE OPINION IN THE DISCLOSURE MAKES THE
15 DISTINCTION BETWEEN AFRICAN-AMERICAN AND WHITE

16 THE COURT ALL RIGHT

17 MR BARNES AND I WILL JUST FOR THE RECORD MENTION,
18 YOUR HONOR, THAT I THINK MR MORRISON WAS VERY CAREFUL TO
19 SORT OF STEP TOE AROUND THAT ISSUE AND INDEED THEIR
20 POWERPOINT PRESENTATION IS STERILIZED, BUT WITH REGARD TO
21 RACE BUT I DON'T THINK HER OPINION CAN BE -- CAN BE
22 SEVERED IN ANY WAY FROM THE ISSUE OF RACE

23 THE COURT ALL RIGHT THANK YOU THIS IS NOT AN
24 EQUAL PROTECTION CASE IT IS NOT A CASE OF RACIAL
25 DISCRIMINATION THAT IS NOT TO SAY THAT IN THE ISSUE OF

1 OPPORTUNITY TO RECEIVE A MINIMALLY ADEQUATE EDUCATION THE
2 ISSUE OF RACE MIGHT NOT ENTER FROM AN INSTRUCTIONAL
3 STANDPOINT WHICH AS I UNDERSTAND IS THE PERSPECTIVE AT
4 LEAST A PART OF WHICH DR LADSON-BILLINGS INTENDS TO OFFER
5 OPINIONS ABOUT

6 NOW, GRANTED, WITHIN THE HISTORICAL CONTEXT OF
7 SOUTH CAROLINA, AS APPARENTLY MOST STATES THAT SHE HAS
8 WORKED IN, A DIFFERENT TEACHER CURRICULUM FOR
9 AFRICAN-AMERICAN STUDENTS HAS NOT EXISTED FOR A LENGTH OF
10 TIME

11 APPARENTLY THAT SORT OF FOCUS FROM A PEDAGOGICAL
12 STANDPOINT IS SOMEWHAT NEW, AT LEAST AT LEAST IS NOT
13 WIDESPREAD BUT THAT'S NOT TO SAY THAT IT MAY NOT BE
14 RELEVANT ON THE ISSUE RAISED BY THE SUPREME COURT IN THE
15 ABBEVILLE OPINION

16 STATISTICALLY THE GREAT MAJORITY OF THE STUDENTS
17 IN THE PLAINTIFFS' DISTRICTS, AT LEAST IN MOST OF THE
18 PLAINTIFFS' DISTRICTS, THE GREAT MAJORITY ARE
19 AFRICAN-AMERICAN

20 NOW, WE HAVE SAID THAT FROM A CONSTITUTIONAL
21 STANDPOINT AT LEAST OR AT LEAST FROM A STANDPOINT OF THE
22 FOCUS OF THIS CASE THAT POVERTY HAS BEEN MADE AN ISSUE BY
23 THE PLEADINGS AND IS CERTAINLY AN ISSUE FOR US TO
24 CONSIDER

25 ONE EXPERT HAS TESTIFIED THAT POVERTY AND RACE

1 ARE AS DR LADSON-BILLINGS SAYS, AS A MATTER OF FACT SHE
2 USED HIS WORDS OR PERHAPS HE USED HERS, THEY'RE COLINEAR
3 IN THE IMPACT OF OR AT LEAST IN THE RELATIONSHIP OF EACH
4 TO THE OTHER

5 I AM NOT INTERESTED FOR THE FROM THE PERSPECTIVE
6 OF THE TRIAL JUDGE IN THIS PARTICULAR CASE IN THE WHY'S OF
7 THESE THINGS I REALIZE THAT THAT'S THE FOCUS OF DR
8 LADSON-BILLINGS' RESEARCH AS AN EDUCATOR AND SHE HAS DONE,
9 AS SHE HAS SAID, QUALITATIVE ANALYSIS OF THESE THINGS AND
10 SHE HAS HAD TO FOCUS ON WHY BECAUSE THAT IS THE QUESTION
11 SHE HAS RAISED AND THEY ARE RELEVANT TO HER AREA OF
12 INQUIRY

13 THEY ARE NOT RELEVANT, HOWEVER, TO THE COURT'S
14 AREA OF INQUIRY BECAUSE I SIMPLY LOOK AT THE WHAT OF WHAT
15 IS OUT THERE FROM THE STANDPOINT OF THE EDUCATIONAL
16 OPPORTUNITY THAT IS BEING MADE AVAILABLE TO THE
17 PLAINTIFFS' DISTRICTS AND THEN MUST DETERMINE WHETHER OR
18 NOT THAT EDUCATIONAL OPPORTUNITY MEETS THE MINIMALLY
19 ADEQUATE STANDARD ESTABLISHED BY THE ABBEVILLE OPINION

20 TO THE EXTENT THAT THERE MAY BE SOME BODY OF
21 TEACHER EDUCATION THAT APPEARS TO MEET THE FOUR COUNCIL
22 AREAS AND THERE HAS BEEN TESTIMONY ALONG THOSE LINES TO
23 THE EXTENT THAT THERE IS SOMEBODY OF WORTH DEALING WITH
24 TEACHER EDUCATION THAT ADDRESSES UNIQUE THE UNIQUE
25 PERSPECTIVE OF EDUCATING AFRICAN-AMERICANS, ESPECIALLY

1 THOSE OF DEPRIVED BACKGROUNDS, OF AT-RISK CHILDREN THEY
2 HAVE BEEN CALLED THEN I WILL LISTEN TO HER TESTIMONY ON
3 THAT AREA

4 AS I SAID, NOT A GREAT DEAL OF LENGTH OF TIME
5 HAS TO BE SPENT ON THE HISTORICAL PERSPECTIVE OF THIS
6 BECAUSE I'M NOT THAT INTERESTED IN THAT THAT'S NOT TO
7 SAY I'M NOT INSENSITIVE TO IT OR THAT I WOULD NOT BE
8 INTERESTED IN IT FROM AN ACADEMIC STANDPOINT BUT FROM A
9 LEGAL STANDPOINT IT HAS VERY LITTLE OUTCOME, OR IMPACT ON
10 THE OUTCOME OF THIS CASE

11 THIS CASE DETERMINES WHETHER OR NOT THERE IS
12 THAT OPPORTUNITY FOR A MINIMALLY ADEQUATE EDUCATION NOW
13 TODAY AND WITHIN THE CONTEXT OF THE PLEADINGS THAT HAVE
14 BEEN DRAFTED

15 AND TO THAT EXTENT I WILL ALLOW THE TESTIMONY OF
16 DR LADSON-BILLINGS AS IT DEALS WITH THE PEDAGOGY OF THE
17 EDUCATION OF AFRICAN-AMERICANS WHO HAPPEN TO COME FROM
18 CULTURALLY DEPRIVED BACKGROUNDS

19 I TAKE IT THAT THE BULK OF DR LADSON-BILLINGS
20 WORK DOES NOT DEAL WITH AFRICAN-AMERICANS WHO PERHAPS COME
21 FROM PROFESSIONAL BACKGROUNDS, WHOSE PARENTS ARE DOCTORS
22 OR HARVARD GRADUATES OR COLLEGE PROFESSORS BECAUSE I
23 GATHER FROM WHAT SHE HAS SAID AND FROM THE QUALIFICATION
24 QUESTIONS THAT HAVE BEEN ASKED THAT HER RESEARCH HAS
25 FOCUSED ON A DIFFERENT CULTURAL LEVEL AND A DIFFERENT

1 ECONOMIC BACKGROUND IS THAT FAIR TO SAY, DR
2 LADSON-BILLINGS?

3 THE WITNESS THAT'S CORRECT

4 THE COURT FROM THAT PERSPECTIVE SUBJECT TO
5 OBJECTION, MR BARNES, I'M GOING TO ALLOW HER TO TESTIFY
6 OF COURSE, ULTIMATELY I WILL HAVE TO MAKE THE DECISION IN
7 EVALUATING HER TESTIMONY AND GIVING WEIGHT TO IT AS TO HOW
8 THE HISTORICAL FACTORS IMPACT ON THESE THINGS, IF THEY ARE
9 BROUGHT UP

10 BUT I THINK I MADE THE POINT ALREADY THAT WHAT
11 MY FOCUS IS AND IT'S NOT JUST MY FOCUS BY CHOICE, I THINK
12 IT'S MY FOCUS BY DICTATE OF THE ABBEVILLE OPINION AND
13 THAT'S WHERE IT NEEDS TO BE SO I WILL ALLOW THE
14 TESTIMONY OF DR LADSON-BILLINGS ALONG THOSE LINES

15 MR BARNES YOUR HONOR, I DON'T WANT TO -- I
16 UNDERSTAND YOUR RULING, BUT FOR MY RECORD I JUST NEED TO
17 MAKE ONE POINT AND MY UNDERSTANDING OF HER TESTIMONY IS
18 THAT WE ARE NOT TALKING ABOUT A HISTORICAL PERSPECTIVE BUT
19 WE ARE TALKING ALSO ABOUT A CURRENT PERSPECTIVE, SOMETHING
20 THAT STILL EXISTS TODAY AND THAT, AND THIS IS THE NEED FOR
21 THE SORT OF DIFFERENT KIND OF PEDAGOGY

22 AND SO FROM THAT PERSPECTIVE IT CAN'T BE
23 DIVORCED, YOU CAN'T -- YOU CAN'T COME TO THE WHAT WITHOUT
24 THE WHY AND THAT THAT REALLY IS SORT OF PERHAPS MY VERY
25 INARTICULATE WAY OF HAVING EARLIER--

1 THE COURT AND SHE MAY VERY WELL NOT HAVE BEEN ABLE
2 TO DO THAT AS AN ACADEMICIAN SHE MAY NOT WELL HAVE BEEN
3 ABLE TO COME TO THE WHY WITHOUT DEALING WITH THE WHY BUT
4 THE WHAT IS ALL THAT I'M INTERESTED IN I DON'T NEED TO
5 KNOW ABOUT THE WHY

6 MR BARNES THANK YOU SIR

7 MR MORRISON YOUR HONOR, JUST TWO THINGS AND I
8 APPRECIATE AND I WILL GO FORWARD WITH DR
9 LADSON-BILLINGS BUT WHAT WE ARE FOCUSED ON IN THIS CASE
10 FROM OUR PERSPECTIVE AND WHAT WE HOPE TO FOCUS ON WITH DR
11 LADSON-BILLINGS IS WHAT EXISTS NOW IN OUR STUDENT BODY IN
12 OUR DISTRICTS AND WHETHER OR NOT GIVEN THE APPROPRIATE
13 RESOURCES INCLUDING THE KIND OF TEACHER TRAINING WOULD
14 GIVE THEM AN OPPORTUNITY TO ACQUIRE A MINIMALLY ADEQUATE
15 EDUCATION

16 AND IN THAT CONTEXT WE ARE FOCUSED ON AND, AS
17 YOU KNOW, TAKING THE CHILD AS YOU FIND THE CHILD IN THE
18 COMMUNITY YOU FIND THEM IN WHATEVER CULTURE THEY COME
19 FROM, BUT WE THINK IT'S IMPORTANT TO TALK ABOUT THAT IN
20 THE CURRENT, IN THE PRESENT

21 NOW, I UNDERSTOOD THAT WE ALL BRING WITH US OUR
22 CULTURAL HISTORY BUT WE DON'T INTEND TO GO BACKWARD INTO
23 THAT

24 THE COURT AND I APPRECIATE THAT I HAVE NOTICED
25 WITH INTEREST THE TOPICS OF MANY OF HER WRITINGS AND OF

1 HER TITLES OF THE CHAPTERS OF HER BOOK AND SHE SAYS THAT
2 ACADEMIC PUBLICATIONS DON'T SELL WELL BUT SHE CERTAINLY
3 HAS GIVEN SOME ENTICING TITLES TO THEM AND --

4 THE WITNESS I TRY

5 THE COURT -- IN THAT REGARD AND I NOTICE THAT AND
6 ONE ITEM, A TALK THAT SHE GAVE AT THE UNIVERSITY OF NEW
7 YORK AT BUFFALO TEACHING TO MEET THE NEEDS OF ALL STUDENTS
8 AND THINGS OF THAT NATURE WHICH I TAKE WOULD BE SOMETHING
9 OF THE FOCUS THAT SHE WILL GIVE TODAY BECAUSE THE
10 ABBEVILLE OPINION SPEAKS TO ALL STUDENTS OR EACH STUDENT

11 AND SO I THINK I MADE IT PLAIN WHERE MY, WHERE
12 MY LISTENING IS GOING TO STOP AND START IN THIS REGARD
13 EVEN THOUGH DR LADSON-BILLINGS FROM TIME TO TIME MAY OF
14 NECESSITY IN HER BACKGROUND WANDER BEYOND THAT SHE CAN'T
15 WANDER FAR BECAUSE I'M SURE MR BARNES OR I WILL STOP HER,
16 BUT I CAN ASSURE YOU MY THOUGHT PROCESS IS GOING TO STOP
17 AT THE EDGE OF THE BOUNDARIES THAT I HAVE SET

18 MR MORRISON THANK YOU, YOUR HONOR AND THE ONLY
19 OTHER THING I WOULD SAY IS WHEN A WORD LIKE SANITIZE GETS
20 USED WITH REGARD TO ONE OF MY EXHIBITS, I MIGHT SAY
21 FOCUSED

22 THE COURT ALL RIGHT

23 MR BARNES STERILIZED WAS MY WORD
24 DIRECT EXAMINATION BY MR MORRISON RESUMED.

25 Q DR LADSON-BILLINGS, I ADDRESS MYSELF TO YOU YOU

1 Q WE HAVE HEARD IN THIS -- IN THIS COURTROOM, I
2 BELIEVE THE CONCEPT OF A GRADE TEACHER STEALING TIME
3 WHEREVER THEY CAN FIND IT IS THAT WHAT YOU ARE TALKING
4 ABOUT?

5 A THAT'S EXACTLY WHAT I'M TALKING ABOUT

6 Q IN THE CONTEXT OF -- DO YOU HAVE AN EXAMPLE IN THE
7 CONTEXT OF JUST EVERY DAY KIND OF WORLD LIKE HAVING LUNCH
8 THAT KIDS HAVE?

9 A YES ONE OF THE TEACHERS IN THE STUDY HAD A PROCESS
10 IN WHICH SHE INVITED FOUR YOUNGSTERS EACH DAY TO HAVE
11 LUNCH WITH HER SO INSTEAD OF GOING TO THE LUNCHROOM
12 THESE KIDS WOULD COME IN AND THAT WAS ANOTHER OPPORTUNITY
13 TO INTERACT WITH THEM, TO TALK WITH THEM, TO SPEND TIME
14 WITH THEM TO REALLY GO OVER WHAT THEY KNOW WHAT THEY
15 SHOULD BE LEARNING

16 THERE ARE, YOU KNOW YOU CAN THINK OF EXAMPLES
17 FOR LIKE, GOING TO AN ASSEMBLY PROGRAM I DON'T KNOW IF
18 YOU HAVE EVER BEEN TO AN ELEMENTARY ASSEMBLY PROGRAM BUT
19 THEY JUST NEVER START ON TIME

20 SO HERE ARE YOU KNOW 30 SOME KIDS SITTING
21 THERE WAITING FOR THE PROGRAM TO GET STARTED BUT WITH
22 THESE TEACHERS THE TEACHERS STILL TALKING, INTERACTING,
23 PUSHING THE KIDS INTELLECTUALLY, REALIZING THAT COULD,
24 THAT TYPICALLY IS WASTED TIME BUT THEY CAN GRAB THAT TIME
25 BACK

1 Q AND, YOU KNOW, IT JUST SOUNDS SO SIMPLE IS THERE
2 SOME REASON JUST EVERY ADULT IN A SCHOOL IS NOT DOING ALL
3 OF THIS? I MEAN, DO PEOPLE JUST NOT KNOW TO DO IT?

4 A WELL, ONCE AGAIN, I SPOKE TO THE ISOLATION OF
5 TEACHING IF YOU ARE IN YOUR ROOM DOING THE SAME OLD
6 THING IN THE SAME OLD WAY, IT MAY NOT REALLY OCCUR TO YOU
7 THAT YOU NEED TO DO IT A DIFFERENT WAY

8 SO PART OF THE PROFESSIONAL DEVELOPMENT THAT WE
9 TRY TO WORK AT IS HELPING TEACHERS UNDERSTAND THAT THEY
10 CAN MAXIMIZE THE TIME

11 Q WHY IS THIS LAZER-LIKE FOCUS ON ACADEMIC ACHIEVEMENT
12 INCLUDING MAXIMIZING THE TIME WHY IS THIS PARTICULARLY
13 IMPORTANT, IF IT IS IN THE CULTURALLY DEPRIVED OR THE
14 POVERTY CONTEXT THAT WE NEED TO TALK ABOUT HERE?

15 A WELL, ONCE AGAIN, WE TALK ABOUT THERE IS A
16 CORRELATION BETWEEN THE AMOUNT OF TIME OF INSTRUCTION AND
17 ACHIEVEMENT AND WE OFTEN SEE INVIDIOUS COMPARISONS OF
18 SCHOOLS IN THE UNITED STATES WITH OTHER HIGHLY
19 TECHNOLOGICAL SOCIETIES WITH INDUSTRIALIZED SOCIETIES
20 ONE OF THE MAJOR DIFFERENCES IS THE ACTUAL AMOUNT OF TIME
21 THAT IS SPENT

22 SO WHAT THESE TEACHERS HAVE FIGURED OUT IS IF WE
23 ACTUALLY SPEND MORE TIME, IF I MAKE THE TEACHING AND
24 LEARNING SUPREME AND REALLY SACROSANCT THAT INDEED I CAN
25 GET MORE OUT OF THAT TIME

1 Q LET'S TURN TO THE SECOND KEY IDEA THAT YOU HAD AND
2 THAT YOU HAVE PUBLISHED ON AND THAT IS WHAT YOU HAVE
3 CALLED CULTURAL COMPETENCE AND WHAT DOES THAT MEAN IN
4 TERMS OF THESE TEACHERS THAT ARE ABLE TO BRING CHILDREN
5 FROM A POVERTY CONTEXT TO TRUE EXCELLENCE?

6 A ONE OF THE TRUISMS I WOULD SAY OF TEACHER EDUCATION
7 IS THAT YOU HAVE TO KNOW THE CHILDREN THAT YOU ARE
8 TEACHING AND ONE OF THE WAYS YOU KNOW THEM IS THAT YOU
9 KNOW ABOUT THEIR BACKGROUNDS, YOU KNOW ABOUT THEIR CULTURE
10 SO THAT YOU CAN MAKE APPROPRIATE REFERENCES

11 I THINK I HAVE GIVEN THE EXAMPLE OF A TEACHER
12 TRYING TO TEACH ROMEO AND JULIETTE AND ONE MIGHT ASSUME
13 WELL, YOU KNOW, WHAT KIND OF CULTURAL CONNECTION ARE YOU
14 GOING TO MAKE BETWEEN ROMEO AND JULIETTE AND A BUNCH OF
15 POOR KIDS BUT I HAVE SEEN TEACHERS ASK THE QUESTION HOW
16 MANY OF YOU HAVE BROTHERS AND SISTERS WHO HAVE BOYFRIENDS
17 OR GIRLFRIENDS THAT YOUR PARENTS JUST HATE, AND HANDS GO
18 UP ALL AROUND

19 SO HERE IS SORT OF SOMETHING AS ARCANE AS
20 SHAKESPEARE THAT YOU WOULD THINK NO ONE HAS A CONNECTION
21 TO WHERE A TEACHER HAS MADE KIND OF A COMMON SENSE
22 CONNECTION UNDERSTANDING THAT THERE IS ALWAYS THESE KINDS
23 OF TENSIONS

24 ANOTHER EXAMPLE IS A TEACHER WHO WAS TRYING TO
25 TEACH A UNIT ON POETRY AND THE FIRST THING SHE GOT WAS A

1 BIG GROAN, YOU KNOW, I DON'T WANT TO LEARN ANY POETRY
2 SHE SAID HOW MANY PEOPLE ARE INTERESTED IN RAP MUSIC?
3 OKAY NOW, WHAT'S INTERESTING I THINK ABOUT RAP
4 MUSIC WHEN YOU TRACK THE SALES OF RAP MUSIC IT COULDN'T
5 POSSIBLY BE BOUGHT BY ONLY AFRICAN-AMERICANS THERE'S NOT
6 ENOUGH OF US TO MAKE THESE PEOPLE MILLIONAIRES SO IT'S A
7 VERY KIND OF WIDESPREAD YOUTH CULTURE PHENOMENON, BUT
8 THESE YOUNGSTERS WERE REALLY KEYED INTO RAP SO WHAT THE
9 TEACHER DID IS HAD SOME KIND BOUNDARIES, YOU KNOW, IT
10 CAN'T HAVE ANY OBSCENITIES, IT CAN'T HAVE ANY SORT OF
11 SEXIST, MISOGYNIST LYRICS, BUT GIVE ME AN EXAMPLE OF A
12 RAP

13 WHEN SHE LAID THAT OUT SHE COULD SHOW THE
14 YOUNGSTERS THINGS LIKE METER AND VERSE AND THEN SHE COULD
15 SHOW THEM SOMETHING MORE TRADITIONAL AND SO, YOU KNOW,
16 WHAT THIS IS NOT NEW TO YOU

17 YOU HAVE BEEN DOING POETRY A LONG TIME AND ONE
18 OF MY FAVORITE QUOTES FROM THE DATA IS A LITTLE KID WHO IN
19 THE BEGINNING GROANED SAID TO THE TEACHER OH MRS
20 MILLIARD, NOW YOU GOT ME LIKING POETRY

21 BUT THE KIDS OFTEN HAVE TO BE CONNECTED IN OUR
22 UNDERSTANDING OF THINGS DOESN'T HAPPEN IN ISOLATION I
23 RELATED TO YOU THAT I WAS ON THE NATIONAL RESEARCH
24 COUNCIL'S HOW PEOPLE LEARN

25 WE STUDY IN THAT -- IN GATHERING THE DATA FOR

1 THAT REPORT, WE STUDIED A PHYSICS TEACHER IN AN UPPER
2 MIDDLE CLASS WHITE COMMUNITY AND WE WANTED TO KNOW WHY SO
3 MANY OF THESE KIDS WERE TAKING PHYSICS BECAUSE ACTUALLY
4 ACROSS THE COUNTRY THE PHYSICS TAKING RATE WAS ABOUT EIGHT
5 PERCENT AT THE TIME

6 BUT AT THIS SCHOOL IN THIS DISTRICT 50 PERCENT
7 OF THE KIDS WERE TAKING PHYSICS AND IN THIS ONE SCHOOL 80
8 PERCENT WERE TAKING IT WE WANTED TO KNOW WHY ARE SO MANY
9 KIDS TAKING PHYSICS IN THIS SCHOOL

10 THIS MAN STARTS HIS CLASS OUT AND THESE ARE
11 TEENAGERS AND HE SAYS HOW MANY OF YOU ARE INTERESTED IN
12 BUYING A CAR THAT'S A CULTURAL CONNECTION TO YOUTH
13 CULTURE

14 IN OTHER WORDS, HE STARTED WITH G-FORCES AND
15 SAFETY ISSUES IN CARS AND ABOUT WHAT WOULD BE AN
16 APPROPRIATE CAR TO BUY IF YOU WERE CONCERNED ABOUT SAFETY
17 VERSUS CONCERN ABOUT SPEED, MAKING THOSE CONNECTIONS

18 SO THE TENDENCY OF THE CURRICULUM THAT PEOPLE
19 RECEIVE, BE IT THROUGH JUST THE TEXT OR SOME BROADER STATE
20 GUIDELINES IS TO TRY TO BE IF I COULD USE MR BARNES'
21 WORDS STERILIZED YOU HAVE GOT TO CONNECT UP SOMETHING
22 SO THAT PEOPLE CAN UNDERSTAND THAT'S WHAT WE KNOW ABOUT
23 LEARNING IN GENERAL

24 Q AND THIS MAY BE THE RIGHT TIME TO ASK YOU, WHAT'S THE
25 MOST IMPORTANT THING THAT A CHILD CAN GET THAT WILL ALLOW

1 THAT CHILD TO HAVE THE OPPORTUNITY TO ACQUIRE A MINIMALLY
2 ADEQUATE EDUCATION?

3 A WELL I WOULD SAY THEY NEED THE RESOURCES TO BE ABLE
4 TO HAVE

5 Q AND THE PRIMARY RESOURCE THEY NEED, IS THAT THE
6 TEACHER?

7 A THEY NEED THE TEACHER WE CAN FACTOR IN LOTS OF
8 THINGS BUT WE KNOW WHEN YOU KNOW WHEN YOU THINK OF I
9 GUESS IN THE BUSINESS WORLD TERM IS POINT OF SERVICE
10 IT'S THE TEACHER IF YOU GO IN THE HOSPITAL, IT'S GREAT
11 TO HAVE A HOSPITAL WITH TONS OF DOCTORS WITH BIG
12 CREDENTIALS, BUT YOU NEED A NURSE

13 THAT'S THE POINT OF SERVICE THAT'S WHERE THE
14 YOUNGSTER OR THE PATIENT MEETS THE CARE IT'S WHERE THE
15 YOUNGSTER MEETS THE LEARNING THROUGH THE TEACHER

16 Q NOW, IN THIS CONTEXT OF CULTURAL COMPETENCE WHAT
17 EFFECT, IF ANY, ON THE WHOLE ISSUE OF CULTURAL COMPETENCE
18 DOES A HIGH TEACHER TURNOVER OR A LOW TEACHER RETENTION
19 RATE HAVE?

20 A WELL IF YOU DON T HAVE THE STABILITY YEAR AFTER
21 YEAR I MEAN ONE OF THE WAYS THAT THESE TEACHERS -- I WAS
22 ABLE TO IDENTIFY THESE TEACHERS IS BECAUSE PARENTS WERE
23 ABLE TO IDENTIFY FOR ME TEACHERS WHO HAVE BEEN THERE YEAR
24 AFTER YEAR

25 ONE OF THE THINGS THAT YOU SEE IS THAT THE

1 AND SO THE NEW TEACHER IS MORE LIKELY TO TAKE
2 TWICE AS MUCH TIME TO DO SOME OF THE SIMPLEST TASKS THEY
3 ALSO NEED SOME SUPPORT YOU KNOW YOU WERE KIND ENOUGH TO
4 ACKNOWLEDGE YOUR YOUNG ASSOCIATES BUT THEY ARE NOT TRYING
5 THE CASE FOR A REASON THEY ARE NEW OVER TIME YOU GET
6 BETTER AT THINGS

7 SO INDEED WHAT YOU WANT TO DO WITH THE NEW
8 TEACHER IS TO SURROUND THAT PERSON WITH ENOUGH SUPPORT
9 IF YOU JUST THROW THEM INTO AN ENVIRONMENT WHERE THEY
10 DON'T KNOW ENOUGH ABOUT THE INSTITUTION, THEY DON'T KNOW
11 ABOUT THE COMMUNITY AND THEY ARE TRYING TO LEARN THE
12 CURRICULUM THEY ARE AT A DEFICIT

13 AND INDEED IF YOU LOOK AT DISTRICTS WHERE
14 CHILDREN ARE SCORING QUITE HIGH AND DOING QUITE WELL
15 MOVING ON TO POST SECONDARY EDUCATION, THEY TEND NOT TO
16 HAVE LOTS OF NEW TEACHERS TRUST ME IF NEW TEACHERS
17 WERE ALL THAT GREAT, THEN ALL OF THESE HIGH PERFORMING
18 DISTRICTS WOULD BE RECRUITING THEM AND NOT HOLDING ON TO
19 EXPERIENCED TEACHERS

20 Q SO WHEN IT COMES TO THE -- IN OUR STATE WE HAVE
21 SOMETHING CALLED A CONTINUING CONTRACT WHICH SHOWS THAT
22 SOMEBODY HAS QUALIFIED TO BE ON A CONTINUING CONTRACT, AND
23 WE ALSO MEASURE TEACHER RETENTION RATES AND WE MEASURE
24 EXPERIENCE, WHAT DO THOSE THREE FACTORS HAVE, THE
25 CONTINUING CONTRACT, THE EXPERIENCE AND THE -- WHAT WAS

1 CONSCIOUSNESS, DO THEY APPLY ONLY TO AFRICAN-AMERICANS
2 KIDS?

3 A THEY APPLY TO ALL CHILDREN

4 Q AND IF YOU PROVIDED THE RESOURCES NECESSARY TO BRING
5 THIS TYPE OF TEACHER, THE KIND OF TEACHER YOU ARE
6 DESCRIBING WITH THESE THREE STOOLS INTO ONE OF THE
7 PLAINTIFFS' DISTRICTS WITH VERY HIGH POVERTY RATES AND
8 VERY HIGH RATES OF MINORITY STUDENTS FROM POVERTY COULD
9 THEY IN YOUR JUDGMENT LIFT THESE CHILDREN TO TRUE ACADEMIC
10 EXCELLENCE?

11 A WE COULD EXPECT TO SEE AN UPWARD TREND IF THEY
12 PERSIST I WOULD, I WOULD VENTURE THAT THEY WOULD
13 DEMONSTRATE EXCELLENCE

14 Q IN TERMS OF THE MOST DIFFICULT SCHOOL DISTRICTS YOU
15 MENTIONED ONE WITH A BURNED-OUT SHOPPING CENTER, HOW
16 LIKELY IS IT THAT TEACHERS WITH THESE KIND OF SKILLS ARE
17 GOING TO BE JUST ATTRACTED TO APPLY AT THOSE KINDS OF
18 SCHOOLS?

19 A IT'S UNLIKELY THAT THESE KINDS OF SCHOOLS WILL BE
20 ABLE TO ATTRACT LARGE NUMBERS OF THESE KINDS OF TEACHERS

21 Q AND WHY NOT?

22 A PART OF IT IS THE INSTABILITY IN THE ADMINISTRATION,
23 THE UNCERTAINTY OF VARIOUS FUNDING, THE FACT THAT TEACHING
24 IS HARD WORK EVEN IN THE BEST OF CIRCUMSTANCES AND SO
25 IT'S REALLY UNLIKELY AND IT'S UNLIKELY THAT SUCH DISTRICTS

1 GOT THAT WAY BY THEMSELVES

2 SO THEY ARE OFTEN UNDER RESOURCED, UNDERFUNDED
3 AND IT JUST MAKES IT A VERY DIFFICULT THESE ARE -- THESE
4 TEACHERS ARE PRIZE TEACHERS SO PEOPLE, OTHER PEOPLE WANT
5 THEM AND OTHER PEOPLE HAVE OTHER INCENTIVES THAT LURE THEM
6 AWAY

7 MORE, ALMOST EVERY TEACHER IN MY STUDY HAD BEEN
8 OFFERED JOBS ELSEWHERE AND THIS IS YOU KNOW, IN THEIR
9 CASE THIS WAS JUST A MATTER OF PERSONAL COMMITMENT BUT I
10 DON'T THINK YOU CAN, YOU KNOW, REQUIRE PEOPLE TO BE
11 COMMITTED TO A DIFFICULT SITUATION

12 Q ARE THERE ARE THERE WAYS DR LADSON-BILLINGS WITH
13 APPROPRIATE RESOURCES THAT THIS QUALITY OF TEACHER COULD
14 BE PLACED IN THE CONTEXT OF A POOR SCHOOL DISTRICT AND
15 BRING THEIR SKILLS TO BEAR FOR THESE CHILDREN?

16 A OH I THINK SO I THINK THAT IF YOU THERE ARE
17 CERTAIN STRUCTURAL THINGS THAT CAN HAPPEN REGARDING ISSUES
18 OF CLASS SIZE, REGARDING PROFESSIONAL DEVELOPMENT,
19 REGARDING PROFESSIONAL SUPPORT THAT WOULD INDEED MAKE THEM
20 ATTRACTIVE PLACES TO BE

21 Q WOULD FACILITIES HELP THAT?

22 A FACILITIES WOULD HELP THAT IN MY STATE WE NOW HAVE
23 A -- WISCONSIN -- WE HAVE A PROGRAM THAT DRASTICALLY
24 REDUCES CLASS SIZE IN THE POOREST DISTRICTS SO THERE ARE
25 CLASSROOMS IN POOR SCHOOLS IN MADISON AND POOR SCHOOLS IN

1 MILWAUKEE WHERE THERE ARE TWELVE CHILDREN

2 Q LET S TALK FOR A MINUTE ABOUT THE CURRICULUM AND,
3 YOU KNOW IN MANY INSTANCES THERE ARE SPECIFIC THINGS THAT
4 HAVE TO BE DONE ON A CURRICULUM I MEAN, YOU ARE A
5 CURRICULUM PROFESSOR

6 IN THE CONTEXT OF A PARTICULAR CURRICULUM, ARE
7 THERE THINGS THAT ARE BUILT INTO CURRICULA THAT ARE NOT
8 CULTURALLY RELEVANT IN THE CONTEXT THAT YOU AND I HAVE
9 BEEN TALKING ABOUT?

10 A WELL I THINK THERE ARE THINGS THAT BETTER CONNECT
11 WITH SOME GROUPS OF KIDS AND NOT OTHERS, BUT I DON'T THINK
12 THERE IS ANYTHING IN THE CURRICULUM THAT CHILDREN CANNOT
13 LEARN

14 Q IN THE CONTEXT OF -- DO YOU HAVE ANY EXAMPLES IN THE
15 CLASSROOM WHERE DISPARITY MIGHT EXIST BETWEEN A CHILD
16 COMING FROM A POVERTY CONTEXT AND A MIDDLE CLASS CONTEXT
17 AS JUST PART OF THE PROJECTS OR CURRICULUM THAT A CHILD IS
18 ASKED TO DO?

19 A YEAH IF YOU THINK OF SOMETHING AS BASIC IN LITERACY
20 AS KNOWING BEGINNING SOUNDS OR KNOWING, YOU KNOW SOUNDS
21 SIMILAR RELATIONSHIPS, THE FACT THAT SOME CHILDREN SPEAK
22 WITH PRONOUNCED EITHER ACCENTS OR SPEAK A DIFFERENT
23 VERNACULAR OF ENGLISH, WHAT THEY ACTUALLY HEAR CAN BE
24 DIFFERENT SO YOU MIGHT SAY, FOR EXAMPLE, WHAT'S THE
25 VOWEL SOUND IN THE WORD KING

1 Q KING?
2 A K-I-N-G NOW WHAT YOU ARE LOOKING FOR KIDS TO SAY
3 THAT THE VOWEL SOUND IS AN "I" SOUND BUT OFTEN IF KIDS
4 SPEAK A DIFFERENT VERNACULAR, WHAT THEY ARE HEARING IS
5 KANG HE IS A KANG THEY KNOW WHAT THE WORD MEANS, BUT
6 THEY CAN'T MAKE THE SOUND SYMBOL RELATIONSHIP
7 SO THE TEACHER HAS TO MAKE THE ADJUSTMENT WE
8 DON'T -- YOU DON'T HAVE TO SAY THAT THE CURRICULUM HAS TO
9 BE TOSSED OUT BECAUSE THERE'S A DIFFERENT LINGUISTIC
10 REGISTER, BUT TEACHERS HAVE TO BE AWARE OF PLACES IN THE
11 CURRICULUM THAT DON'T NECESSARILY MAKE SENSE OR ARE
12 UNFAMILIAR WITH, TO KIDS
13 Q I NEED TO -- JUST HAVE -- NEED TO TELL YOU SOMETHING
14 JUST PERSONAL THING MY LITTLE BOY, FIRST GRADE, AFTER
15 LEARNING TO READ AND WRITE INTO THE GRADE HAD TO WRITE A
16 LITTLE AUTOBIOGRAPHY AND HE WROTE I WAS BONE IN 1988
17 B-O-N-E
18 A UH-HUH
19 Q THAT'S WHAT HE HEARD, BONE, B-O-N-E VERSUS BORN,
20 B-O-R-N, RIGHT?
21 A WELL, MY DAUGHTER CAME HOME IN THIRD GRADE AND TOLD
22 ME THAT THE TEACHER SAID THAT SHE HAS TO HAVE AN
23 AFTERDAVID I SAID WHAT? SHE SAID YOU GOT TO SIGN AN
24 AFTERDAVID THAT I READ THIS BOOK SO YES, CHILDREN HEAR
25 DIFFERENT THINGS THE FACT THAT I UNDERSTOOD THAT SHE

1 Q IN THAT CONTEXT FOR CHILDREN IN POVERTY WHO ARE LOW
2 ACHIEVING IN YOUR OPINION DO YOU NEED TO TAKE AN
3 ANTHROPOLOGICAL APPROACH?

4 A I THINK YOU MUST FACTOR IN THE CHILDREN'S CULTURAL
5 BACKGROUNDS, WHERE THEY ARE COMING FROM, HOW THEY ARE
6 MAKING SENSE OF THE WORLD, WHAT YOU ARE AS A TEACHER TO
7 DEAL WITH IT

8 I TALKED ABOUT THOSE 2000 DECISIONS WELL, A
9 LOT OF THOSE DECISIONS ARE ABOUT, IS THIS AN APPROACH THAT
10 WILL WORK FOR JOHNNY, IS THIS AN APPROACH THAT WILL WORK
11 FOR MARY, IF IT DOESN'T WORK, WHAT DO I NEED TO DO WHAT
12 DO I KNOW ABOUT JOHNNY S BACKGROUND THAT WILL GIVE ME SOME
13 INSIGHTS IN ENSURING THAT HE ACTUALLY WILL BE SUCCESSFUL

14 Q SO IF I'M NOT CONNECTING WITH JOHNNY AND I'M
15 CONNECTING WITH SOME OF MY OTHER STUDENTS, CAN I JUST
16 LEAVE JOHNNY SORT OF ASIDE?

17 A YOU DON'T HAVE THAT LUXURY IT'S EVERY YOUNGSTER WHO
18 WALKS INTO THE CLASSROOM THAT YOU HAVE THE RESPONSIBILITY
19 FOR I COULDN'T KEEP MY JOB AT THE UNIVERSITY OF
20 WISCONSIN IF I DECIDED, WELL, I'M NOT TEACHING THIS
21 GROUP I HAVE TO TEACH EVERYBODY

22 Q AND IF THE SCHOOLS ARE SYSTEMATICALLY LEAVING BEHIND
23 AT BELOW BASIC 40 TO 60 PERCENT OF THE KIDS IN GRADE
24 LEVEL, ARE THEY GIVING THOSE CHILDREN AN OPPORTUNITY TO
25 ACQUIRE A MINIMALLY ADEQUATE EDUCATION?

1 A IN MY OPINION, NO

2 Q NOW, YOU TALKED A LITTLE BIT ABOUT THAT CONCEPT OF
3 THAT'S JUST GOOD TEACHING WITH --

4 A YES

5 Q -- WITH MR BARNES? AND OF COURSE HE SAID WELL, THEY
6 COULD DO IT IF THEY WANTED TO -- SORT OF THE TEACHER COULD
7 JUST FLIP A SWITCH AND DO IT YOUR WAY IS THAT A FAIR
8 CHARACTERIZATION?

9 A WELL, GIVEN THAT IT'S TAKEN ME SOMETHING LIKE EIGHT
10 YEARS TO PULL TOGETHER A TEACHER PREPARATION PROGRAM THAT
11 REFLECTS THIS AND IT'S TAKEN AT LEAST 15 MONTHS TO WORK
12 WITH SOME VERY SMART PEOPLE TO IMPLEMENT IT AND IT'S TAKEN
13 ANOTHER YEAR OR TO TWO YEARS OF FOLLOW UP TO ENSURE THAT
14 THEY ARE DOING IT, I WOULDN'T CALL THAT FLIPPING A
15 SWITCH

16 I THINK THAT THERE'S A MAJOR INVESTMENT OF TIME
17 Q OKAY AND BUT WHERE THAT MAJOR INVESTMENT OF TIME
18 HAS BEEN MADE, IN THAT QUALITY OF TEACHING HAS IT MADE A
19 REAL DIFFERENCE IN THE LIVES OF REAL CHILDREN?

20 A IT HAS MADE A REAL DIFFERENCE AND I THINK I
21 REFERENCED THAT WHEN WE TALKED ABOUT THE TEACHERS HELPING
22 TEACHERS PROJECT WHERE FOR THE FIRST TIME IN A SCHOOL'S
23 HISTORY EVERY YOUNGSTER MET THIRD GRADE READING STANDARD

24 Q IN THE CONTEXT OF THIS, THAT'S JUST GOOD TEACHING YOU
25 ASKED A QUESTION WHY ISN'T THAT HAPPENING IN THE LOWER END

1 COPY WHY DON'T WE TAKE ABOUT TEN MINUTES AT THIS
2 JUNCTURE AND LET YOU ALL SHUFFLE AROUND AND GET THINGS IN
3 ORDER
4 MR EPPS THANK YOU, YOUR HONOR
5 MRS GRAY THANK YOU, YOUR HONOR
6 (WHEREUPON A RECESS WAS HAD)
7 THE COURT ALL RIGHT MR EPPS, ARE WE NOW READY TO
8 PROCEED?
9 MR EPPS WE ARE, YOUR HONOR
10 THE COURT DR PODA, IF YOU WANT TO PUT UP
11 SOMEWHERE, WE NEED YOU TO BE SWORN BEFORE YOU GET TOO
12 COMFORTABLE THERE SHE WILL HAND YOU THE BIBLE RIGHT
13 THERE
14 DR JANICE PODA BEING FIRST DULY
15 SWORN, TESTIFIED AS FOLLOWS
16 DIRECT EXAMINATION BY MR EPPS
17 Q DR PODA, IF YOU WILL STATE YOUR FULL NAME FOR THE
18 RECORD SLOWLY INCLUDING MIDDLE, PLEASE
19 A IT'S JANICE HUTCHINSON PODA
20 Q AND YOU LIVE IN COLUMBIA, SOUTH CAROLINA?
21 A YES, SIR, I DO
22 Q ALL RIGHT AND TELL US WHAT YOU DO FOR A LIVING
23 PLEASE
24 A I'M THE SENIOR DIRECTOR OF THE DIVISION OF TEACHER
25 QUALITY AT THE STATE DEPARTMENT OF EDUCATION

1 PUTTING THE CART BEFORE THE HORSE

2 THE COURT IT IS IT'S GOING TO THE OPINION I
3 THINK SHE CAN CERTAINLY PUT THE BASIS OF WHAT SHE HAS
4 STUDIED TO ARRIVE AT HER CONCLUSION IN THIS REGARD WITHOUT
5 GOING INTO THE CONCLUSIONS THEMSELVES

6 BY MR EPPS

7 Q IF WE CAN JUST STICK TO FACTS AND I THINK THE FACT
8 THAT YOU WERE TRYING TO MAKE WAS THAT THERE ARE A LOT OF
9 STUDENTS IN THE PLAINTIFF DISTRICTS WHO ARE NOT PERFORMING
10 WELL ON THE STATE STANDARDIZED TEST?

11 A THAT'S CORRECT

12 Q THAT'S THE FACT ALL RIGHT WHAT ELSE?

13 A WELL, THEN ONCE YOU LOOK AT THAT FACT THEN YOU BEGIN
14 TO ANALYZE WHAT ARE THE REASONS WHY STUDENTS ARE SCORING
15 POORLY ON STANDARDIZED TESTS AND IN MY AREA I LOOKED
16 SPECIFICALLY AT THE TEACHER QUALITY ASPECTS, YOU KNOW,
17 WHAT ARE THE CHARACTERISTICS OF THE TEACHERS THAT ARE IN
18 THOSE DISTRICTS AND WHILE I MAY NOT HAVE BEEN IN THOSE
19 CLASSROOMS, I KNOW WHAT THE CHARACTERISTICS ARE OF THE
20 TEACHERS THAT ARE IN THOSE CLASSROOMS AND I HAVE HAD AN
21 OPPORTUNITY TO VISIT IN OTHER SIMILAR DISTRICTS IN SCHOOLS
22 THROUGHOUT SOUTH CAROLINA

23 Q ALL RIGHT AND WHAT QUALITIES IN GENERAL WOULD YOU
24 BE INTERESTED IN EXPLAINING TO THE COURT ABOUT THE
25 TEACHERS IN THE CLASSROOMS SUCH AS THE CLASSROOMS IN THE

1 PLAINTIFF DISTRICT AND INCLUDING THOSE CLASSROOMS?

2 A WELL, THERE ARE A NUMBER OF THINGS FIRST OF ALL,
3 WOULD BE THEIR EXPERIENCE THAT THEY HAVE HAD TEACHING OR
4 THE LACK OF IT WOULD LOOK AT THEIR CERTIFICATION AND
5 WHAT TYPES OF CERTIFICATION THEY HAD, THEIR PREPARATION,
6 WHERE IT CAME FROM

7 ALSO LOOKING AT THE SCORES THAT THEY MAKE ON THE
8 CERTIFICATION TESTS THAT WE REQUIRE IN SOUTH CAROLINA,
9 LOOKING AT THE AMOUNT OF TIME THAT THEY SPEND IN
10 PROFESSIONAL DEVELOPMENT, THE QUALITY OF PROFESSIONAL
11 DEVELOPMENT THAT THEY RECEIVE SOME OF THOSE
12 CHARACTERISTICS, AND THERE ARE OTHERS THAT I PROBABLY HAVE
13 FORGOTTEN

14 Q ALL RIGHT DO YOU HAVE AN OPINION AS TO WHETHER THE
15 TEACHING FORCE IN THE PLAINTIFF DISTRICTS IS ADEQUATELY
16 PREPARED TO OFFER THE CHILDREN IN THE PLAINTIFF DISTRICTS
17 THE OPPORTUNITY FOR A MINIMALLY ADEQUATE EDUCATION?

18 MRS GRAY YOUR HONOR, I OBJECT I MEAN, THAT IS
19 THE ULTIMATE ISSUE

20 THE COURT WELL, I THINK THE QUESTION WAS DOES SHE
21 HAVE AN OPINION AND THE ANSWER TO THAT WOULD BE YES OR NO
22 I DON'T HAVE AN OPINION

23 MRS GRAY I JUST WANT TO MAKE SURE WE DIDN'T GO ALL
24 THE WAY

25 THE COURT RIGHT WE WILL STOP AT WHETHER SHE HAS

1 AN OPINION BEFORE SHE GETS TO WHAT IT IS AT THIS JUNCTURE

2 THANK YOU

3 THE WITNESS YES, I HAVE AN OPINION

4 BY MR EPPS

5 Q NOW WHAT WORK HAVE YOU DONE IN ADDITION TO YOUR
6 GENERAL WORK WITH THE DEPARTMENT OF EDUCATION TO LOOK AT
7 THE PLAINTIFF DISTRICTS?

8 A WHAT WORK HAVE I DONE IN ADDITION TO MY ROLE AT THE
9 STATE DEPARTMENT?

10 Q YES

11 A WELL, THE -- I'M NOT SURE I KNOW WHAT YOU ARE -- I
12 DON'T UNDERSTAND THE QUESTION

13 Q OKAY WHAT HAVE YOU DONE IN PREPARATION FOR
14 TESTIFYING BOTH AT YOUR DEPOSITION AND TODAY TO LOOK AT
15 THE PLAINTIFF DISTRICTS?

16 A LOOKED AT A NUMBER OF FACTORS WITH THE PLAINTIFF
17 DISTRICTS SPECIFICALLY WHAT THEIR QUALIFICATIONS ARE,
18 WHAT KIND OF EXPERIENCE RECORD THEY HAVE, WHAT KINDS OF
19 CERTIFICATES THEY HOLD, HOW MANY DAYS THEY SPEND IN
20 PROFESSIONAL DEVELOPMENT WHERE THEY GRADUATED FROM
21 COLLEGE HOW MANY TIMES IT TOOK THEM TO PASS THE PRAXIS
22 EXAM, IF THEY HAVE BEEN TEACHING UNDER A SUBSTANDARD
23 CERTIFICATE FOR A NUMBER OF YEARS

24 ALL OF THOSE ARE DATA THAT I HAVE AVAILABLE TO
25 ME THROUGH OUR DATA BASE

1 Q DID YOU READ ANY DEPOSITIONS?

2 A I READ DEPOSITIONS FROM ALL THE SUPERINTENDENTS IN
3 THE PLAINTIFF DISTRICTS

4 Q DO YOU BELIEVE THAT BASED UPON THE INFORMATION THAT
5 YOU HAVE GAINED, EITHER THROUGH YOUR GENERAL WORK OR WORK
6 IN THIS CASE, THAT YOU HAVE THE INFORMATION YOU NEED TO
7 RENDER AN OPINION IN THIS CASE AS TO WHETHER THE CHILDREN
8 IN THE PLAINTIFF DISTRICTS ARE RECEIVING THE OPPORTUNITY
9 OF A MINIMALLY ADEQUATE EDUCATION?

10 A I DO BELIEVE I HAVE THE ABILITY TO MAKE THAT TO
11 RENDER MY OPINION ABOUT THAT

12 MR EPPS YOUR HONOR, I RE-TENDER HER IN THOSE
13 AREAS

14 THE COURT ALL RIGHT MRS GRAY ANY ADDITIONAL
15 VOIR DIRE?

16 MRS GRAY YOUR HONOR, MAY I HAVE ONE SECOND?

17 THE COURT YES, MA'AM

18 (DEFENSE ATTORNEYS CONFERRING)

19 MRS GRAY YOUR HONOR, WE WOULD SIMPLY ARGUE THAT
20 BASED UPON THE TESTIMONY AND I THINK WHAT WILL ULTIMATELY
21 DEVELOP HERE THAT THIS WITNESS IS NOT QUALIFIED TO OFFER
22 AN OPINION ABOUT THE INSTRUCTION GOING ON IN CLASSROOMS IN
23 THESE PLAINTIFF DISTRICTS

24 WHERE SOMEBODY GOES TO COLLEGE IS NOT AN
25 INDICATION ABOUT WHETHER OR NOT THEY ARE AN ADEQUATE

1 TEACHER IN A CLASSROOM IN A PLAINTIFF DISTRICT

2 THE COURT AND OF COURSE I WILL HAVE TO HEAR EXACTLY
3 WHAT HER TESTIMONY WILL BE IN THAT REGARD AS TO WHETHER
4 THERE IS SOME WAY EITHER STATISTICALLY OR OTHERWISE THAT
5 WHEN THE COMBINATION OF TEACHER QUALIFICATION, EXPERIENCE,
6 CERTIFICATION, PREPARATION AND TEACHER DEVELOPMENT, IT IS
7 POSSIBLE TO COME UP WITH A COMPOSITE OF A TEACHER THAT IS
8 CAPABLE OR INCAPABLE OF GIVING AN OPPORTUNITY FOR A
9 MINIMALLY ADEQUATE EDUCATION, WHICH IS WHAT DR PODA IS
10 GOING TO BE ASKED TO TESTIFY TO, I THINK DEPENDS IN LARGE
11 MEASURE UPON THE FOUNDATION THAT IS LAID IN REGARD TO
12 THOSE SPECIFICS

13 BUT I -- I THINK THAT THOSE THINGS GO TO WEIGHT
14 ONCE AGAIN WHICH IS NOT IN THIS CASE THE EVIDENTIARY
15 COPOUT THAT WE USE TO ALLOW AN EXPERT TO TESTIFY WHEN WE
16 CAN'T I OF ANY OTHER REASONABLE WAY TO DO IT

17 IT IS QUITE SIMPLY THE FACT THAT THOSE ARE
18 YARDSTICKS BY WHICH GOOD TEACHERS ARE MEASURED I THINK
19 ALMOST UNIVERSALLY AND DEPENDING UPON WHAT THE TESTIMONY
20 IS REGARDING THE TEACHERS IN THE PLAINTIFFS' DISTRICTS IT
21 MIGHT LEND ITSELF TO THE CONCLUSION THAT SHE IS PREPARED
22 TO REACH

23 NOW, AS TO WHETHER OR NOT THAT CONCLUSION GOES
24 DISTRICT WIDE OR WHETHER IT GOES TO SPECIFIC TEACHERS I
25 THINK IS A MORE RELEVANT ISSUE IN THAT REGARD AND I AM

1 GOING TO ALLOW HER TO TESTIFY TO SEE HOW THAT BREAKS OUT
2 I HAVE SEEN SOME OF THE INFORMATION THAT HAS
3 BEEN OFFERED IN SUPPORT OF HER TESTIMONY WHEN WE WERE
4 DOING THE EVIDENTIARY HEARING BEFORE WE GOT STARTED AND
5 CERTAINLY SOME OF THAT LENDS ITSELF TO WHAT SHE IS
6 PREPARED TO TESTIFY

7 THE SHORT ANSWER IS I AM GOING LET HER TESTIFY
8 IN THAT REGARD I THINK THOSE AREAS THAT YOU HAD
9 MENTIONED ARE PROPER FOR CROSS-EXAMINATION I THINK
10 CLEARLY IT GOES TO -- WELL, I DON'T WANT TO LIMIT -- I
11 DON'T WANT TO TRY TO LIMIT THE SCOPE OF EXAMINATION OR
12 CROSS-EXAMINATION IN THIS REGARD, BUT THERE ARE
13 LIMITATIONS I THINK, UPON THE CONCLUSIONS THAT ONE CAN
14 REACH JUST BY LOOKING AT THE DATA ITSELF OF AN INDIVIDUAL
15 TEACHER CERTAINLY INSOFAR AS THE DISTRICT-WIDE ANALYSIS
16 IS CONCERNED

17 NOW THE BROADER THAT DATA IS, THE LESS THE
18 EXPERIENCE, THE MORE LIMITED THE CERTIFICATION THE MORE
19 QUESTIONABLE PREPARATION THE MORE DEFICIENT THE TEACHER
20 DEVELOPMENT, IT MAY VERY WELL BE POSSIBLE FOR A BROAD
21 CONCLUSION TO BE DRAWN REGARDING THESE DISTRICTS

22 I'M GOING TO HAVE TO HEAR WHAT THAT TESTIMONY
23 IS, BUT I WILL ALLOW HER TO TESTIFY REGARDING THE
24 PROFESSIONAL DEVELOPMENT, I THINK SHE'S QUALIFIED IN THAT
25 REGARD

1 HER BACKGROUND, WHETHER BY TITLE SPECIFICALLY AS
2 IT WAS IN THE GREENWOOD DISTRICT OR WHETHER SIMPLY BY
3 DUTIES AND RESPONSIBILITIES AS IT HAS BEEN IN HER OTHER
4 AREAS OVER EX -- OF RESPONSIBILITY SUCH AS IN THE TEACHER
5 RECRUITMENT AREA AND THINGS OF THAT NATURE, SHE IS
6 QUALIFIED TO TESTIFY AS AN EXPERT IN THE AREA OF
7 PROFESSIONAL DEVELOPMENT SUBJECT TO OBJECTION OF DEFENSE
8 COUNSEL THANK YOU MR EPPS?

9 MR EPPS THANK YOU, YOUR HONOR

10 BY MR EPPS

11 Q DR PODA, WHAT IS YOUR OPINION? ARE THE STUDENTS IN
12 THE PLAINTIFF DISTRICTS RECEIVING THE OPPORTUNITY TO
13 ACQUIRE A MINIMALLY ADEQUATE EDUCATION IN YOUR OPINION?

14 A NO

15 Q AND WHY IS THAT?

16 A BECAUSE THEY DON'T HAVE THE ACCESS TO THE SAME
17 QUALITY OF TEACHERS THAT OTHER STUDENTS DO AND THE
18 LIKELIHOOD OF THEM HAVING A TEACHER WHO IS NOT QUALIFIED
19 IS GREATER IN THE PLAINTIFF DISTRICTS THAN IN OTHER PARTS
20 OF SOUTH CAROLINA

21 Q DO YOU HAVE AN OPINION AS TO WHETHER THE STUDENTS IN
22 THE PLAINTIFF DISTRICTS HAVE TEACHERS THAT ARE QUALIFIED
23 TO BE ABLE TO MATCH THEIR NEEDS WITH THE TEACHER'S
24 TRAINING AND PREPARATION?

25 A I THINK THAT THE LIKELIHOOD OF THOSE--

1 MRS GRAY YOUR HONOR I OBJECT TO A LACK OF
2 FOUNDATION

3 THE COURT THE -- HOW DO YOU -- WHAT IS HER
4 FOUNDATION REGARDING THE SPECIFIC QUALIFICATIONS THAT THE
5 TEACHERS IN THE DISTRICT IN THAT REGARD, MR EPPS?

6 MR EPPS YOUR HONOR, I WAS GOING TO GET HER
7 OPINIONS AND THEN BUILD HER FOUNDATIONS AS I GO THROUGH
8 HER TESTIMONY I JUST WANT TO GET THESE TWO OPINIONS OUT
9 FRONT WHICH I THINK I'M ENTITLED TO DO UNDER RULE 7032

10 THE COURT YOU ARE

11 MR EPPS THEN I WILL BUILD THE FOUNDATION AS WE GO
12 THROUGH TESTIMONY

13 THE COURT ALL RIGHT I WILL ALLOW THE QUESTION OF
14 COURSE SUBJECT TO THE PROPER FOUNDATION BEING LAID GO
15 AHEAD DO YOU REMEMBER THE QUESTION, DR PODA?

16 THE WITNESS I'D LIKE FOR HIM TO REPEAT IT IF
17 POSSIBLE

18 MR EPPS WELL, I'M NOT SURE IF I CAN

19 THE COURT LET ME GO BACK I CAN -- DO YOU HAVE AN
20 OPINION AS TO WHETHER THE STUDENTS IN THE PLAINTIFFS'
21 DISTRICTS HAVE TEACHERS THAT ARE QUALIFIED TO BE ABLE TO
22 MATCH THEIR NEEDS WITH THE TEACHER'S TRAINING AND
23 PREPARATION

24 THE WITNESS I THINK THAT THE STUDENTS IN THE
25 PLAINTIFF DISTRICTS HAVE GREATER NEEDS THAN TEACHERS ARE

1 PREPARED TO DEAL WITH THROUGH THEIR PREPARATION PROGRAMS
2 AND THROUGH THEIR OTHER EXPERIENCES AND SO THE MATCH
3 BETWEEN THE NEEDS OF STUDENTS AND THE ABILITIES OF THE
4 TEACHERS TO MEET THOSE NEEDS IS FAR LESS PRESENT IN THESE
5 PLAINTIFF DISTRICTS THAN IN OTHER DISTRICTS

6 BY MR EPPS:

7 Q ALL RIGHT LET ME GO BACK NOW, DR PODA AND WE WILL
8 TALK AND DISCUSS THOSE AREAS AS WELL AS OTHER AREAS AS WE
9 GO THROUGH YOUR TESTIMONY BUT JUST FUNDAMENTALLY AS A
10 START, TELL ME WHAT YOU BELIEVE MAKES A QUALIFIED OR A
11 COMPETENT TEACHER

12 A WELL, FIRST OF ALL, A QUALIFIED TEACHER IS ONE WHO
13 HELPS A STUDENT REACH HIS OR HER POTENTIAL AND HELPS THAT
14 PERSON TO LEARN AS MUCH AS THEY CAN TO ACHIEVE AS MUCH AS
15 THEY CAN AND THEN TO BE SUCCESSFUL IN LIFE, TO BE A
16 CONTRIBUTING CITIZEN TO OUR SOCIETY

17 SO THOSE ARE THE THINGS THAT AN EFFECTIVE
18 TEACHER DOES AND IS AND THE SPECIFIC CHARACTERISTICS
19 THAT YOU WOULD ASSUME OR A COMBINATION OF THOSE THAT GO
20 INTO IT WOULD BE THE TEACHER'S PREPARATION, THEIR
21 EXPERIENCE THEIR KNOWLEDGE OF CONTENT MATTER, THEIR
22 KNOWLEDGE OF PEDAGOGY, THEIR ABILITY TO COMMUNICATE BOTH
23 WITH STUDENTS AND WITH PARENTS AND WITH OTHER COLLEAGUES

24 SO I THINK THAT IT'S THE COMBINATION OF THOSE
25 QUALIFICATIONS, KNOWING STANDARDS, KNOWING HOW TO

1 IMPLEMENT THEM IN THE CLASSROOM, KNOWING WHAT TO DO WHEN
2 THE CHILD DOESN'T GRASP SOMETHING THE FIRST TIME AROUND
3 HOW THEY WOULD TEACH IT A DIFFERENT WAY, HOW THEY WOULD
4 DISCOVER THAT IF A CHILD IS STRUGGLING, WHAT OTHER
5 ASSISTANCE THEY MIGHT BE ABLE TO GIVE TO THAT CHILD

6 SO I THINK IT'S A COMBINATION OF ALL THOSE
7 THINGS THAT MAKES FOR AN EFFECTIVE TEACHER, THAT THE LONG
8 TERM RESULT IS ONE THAT CAN HAVE A CHILD REACH THEIR
9 POTENTIAL

10 Q DR PODA, YOU HAVE A HABIT OF SAYING A LOT IN A HURRY
11 SO IF WE COULD REMIND OURSELVES JUST TO SLOW DOWN A LITTLE
12 BIT BECAUSE WE WILL HAVE TROUBLE WITH THE TRANSCRIPT
13 REPORT?

14 THE COURT THE COURT REPORTER WILL APPRECIATE IT IF
15 YOU DREW A BREATH EVERY NOW AND THEN
16 BY MR EPPS

17 Q AND SO AND WE WILL TRY TO HELP EACH OTHER AS WE DO
18 THAT AND GO THROUGH THIS NOW, AGAIN FUNDAMENTALLY, HOW
19 DOES A TEACHER OR HOW DOES TEACHER QUALITY IMPACT A
20 CHILD'S ABILITY TO LEARN?

21 A WELL THE TEACHER IS THE MOST IMPORTANT FACTOR IN A
22 CHILD'S EDUCATION AND, YOU KNOW, A TEACHER CAN MAKE OR
23 BREAK A CHILD'S EDUCATION AND ESPECIALLY IF THE CHILD
24 HAS A SERIES OF BAD TEACHERS THEN THE CHANCES OF THAT
25 CHILD OVERCOMING THAT DEFICIENCY OR THOSE DEFICIENCIES

1 THAT THE TEACHERS HAD IS, IS VERY POOR

2 THOSE CHANCES THAT THEY'LL EVER -- IF THEY HAVE
3 GOOD TEACHERS YEAR AFTER YEAR AFTER YEAR THE CHANCES OF
4 THEM BEING ABLE TO REACH THEIR POTENTIAL OR EVEN GO BEYOND
5 WHAT THEY SUSPECTED FOR THAT PARTICULAR CHILD ARE FAR
6 GREATER

7 SO YOU KNOW, THE TEACHER IS THE MOST IMPORTANT
8 FACTOR IN THAT CHILD'S EDUCATION IT'S IMPORTANT TO HAVE
9 GOOD YOU KNOW, FACILITIES AND ALL THOSE OTHER THINGS, BUT
10 THE KEY TO A CHILD'S EDUCATION IS THE TEACHER

11 Q OKAY AND DON'T LET YOUR VOICE DROP OFF I PROMISE
12 YOU I WON'T MAKE ANY SUGGESTIONS FOR FIVE MINUTES CAN
13 EVERYBODY WHO GOES TO COLLEGE BECOME A TEACHER BE A GOOD
14 TEACHER? IF NOT, WHAT SKILLS DO YOU NEED?

15 A NOT EVERYONE WHO GOES THROUGH A TEACHER PREPARATION
16 PROGRAM IS GOING TO MAKE A GOOD TEACHER JUST LIKE ANY
17 OTHER PROFESSION A PERSON WHO GRADUATES IN THAT AREA OR
18 HAS A DEGREE IN THAT AREA IS NOT GOING TO BE GOOD IN THAT
19 PROFESSION

20 IT TAKES A LOT OF SKILL IT TAKES A LOT OF
21 DECISION MAKING AND IT TAKES A LOT OF STICK-TO-IT-IVENESS
22 ON A TEACHER'S PART TO BE A GOOD TEACHER AND ALSO FOR
23 THEM TO FEEL LIKE THEY ARE BEING SUCCESSFUL

24 AND IF THEY FEEL LIKE THEY ARE A FAILURE, THEN
25 EITHER THEY ARE GOING TO FLEE THAT SITUATION OR THEY ARE

1 GOING TO DECIDE THAT THAT'S THE BEST THEY CAN DO AND THEY
2 WILL BE MEDIOCRE AT BEST FOR THE REST OF THEIR CAREER

3 Q ALL RIGHT LET'S GO -- I'M GOING TO TALK TO YOU
4 ABOUT TEACHERS DROPPING OUT OF THE PROFESSION LATER SO WE
5 WILL SKIP THAT FOR THE MOMENT BUT WHAT'S IT LIKE BEING A
6 21 YEAR OLD AND GOING INTO A STRANGE AREA TO TEACH SCHOOL?

7 A WELL, THERE S A LOT THAT YOU HAVE TO LEARN IN A SHORT
8 PERIOD OF TIME AND IT'S ALSO FRIGHTENING BECAUSE YOU
9 HAVE GONE THROUGH A TEACHER PREPARATION PROGRAM, YOU HAVE
10 BEEN THROUGH AT LEAST A LIMITED STUDENT TEACHING
11 EXPERIENCE, BUT THEN YOU ARE GIVEN THE KEYS TO THE DOOR
12 AND YOU ARE ASKED TO TAKE OVER, BE RESPONSIBLE FOR 150
13 YOUNG PEOPLE AND THEIR EDUCATION

14 AND SO IT'S A CHALLENGE IN THAT YOU HAVE TO COME
15 INTO A NEW SITUATION, YOU HAVE TO LEARN THE COMMUNITY, YOU
16 HAVE TO ASSESS WHAT STUDENTS KNOW, WHAT THEIR BACKGROUNDS
17 ARE YOU HAVE TO START THINKING ABOUT EXAMPLES THAT YOU
18 CAN USE TO, TO, TO GIVE THEM WHAT THEY CAN RELATE TO

19 MY FIRST COUPLE OF WEEKS HERE IN MANNING I HAD,
20 I WAS TEACHING EIGHTH GRADE U S HISTORY AND SOUTH
21 CAROLINA HISTORY, AND I TALKED ABOUT COLUMBIA AS IF THESE
22 STUDENTS HAD BEEN TO COLUMBIA

23 AND UNFORTUNATELY A LOT OF THE STUDENTS IN MY
24 CLASSROOM NOT ONLY HAD NEVER BEEN TO COLUMBIA BUT THEY HAD
25 NEVER LEFT THE COUNTY OF CLARENDON AND THE WAY THAT I

1 ADOPTED THOSE AS OUR STATE STANDARDS BUT THERE STILL IS
2 A VARIATION BECAUSE ONE OF THE VERY FIRST THINGS YOU DO
3 UNDER NCAPE IS DEVELOP A CONCEPTUAL FRAMEWORK WHICH IS A
4 BROAD STATEMENT ABOUT THAT PARTICULAR ENTITY'S BELIEFS AND
5 ASPIRATIONS FOR THE KIND OF TEACHER THAT THEY WANT TO
6 PRODUCE

7 Q ALL RIGHT NOW, HAVING SAID THAT, IN TERMS OF
8 BECOMING A GOOD TEACHER A QUALIFIED COMPETENT, GOOD
9 TEACHER DOES IT MATTER WHETHER YOU GO TO WHAT'S BEEN
10 DESCRIBED AS A COMPETITIVE COLLEGE OR A NONCOMPETITIVE
11 COLLEGE IN YOUR VIEW?

12 A IN THE MORE COMPETITIVE COLLEGES THE RIGOR OF THE
13 COURSES, THE QUALIFICATIONS OF THE FACULTY THE DIFFERENT
14 PEOPLE THAT THEY INTERACT WITH AND THE FIELD EXPERIENCES
15 WILL HELP PREPARE THEM TO BE A BETTER TEACHER

16 THE NONCOMPETITIVE COLLEGES ARE ONES TYPICALLY
17 THAT WILL ACCEPT STUDENTS THAT DON'T HAVE THE SAME SAT
18 SCORES, THE SAME GRADE POINTS COME OUT OF COLLEGES, AND
19 THEY'RE MORE LIKELY TO TAKE RISKS ON THE STUDENTS THAT
20 THEY ADMIT THAN THE OTHER COLLEGES DO

21 Q HOW IMPORTANT ARE VERBAL SKILLS IN A TEACHER?

22 A VERBAL SKILLS ARE VERY IMPORTANT IN TEACHING AND
23 THERE'S BEEN SOME RESEARCH IN THE LAST COUPLE OF YEARS
24 THAT SAYS THAT THAT'S EVEN MORE IMPORTANT THAN WE
25 PREVIOUSLY THOUGHT IN TERMS OF TEACHER'S PREPARATION TO GO

1 INTO THE EDUCATION FIELDS

2 Q WHAT IS YOUR EXPERIENCE IF ANY WHEN COMPARING
3 NONCOMPETITIVE COLLEGES TO COMPETITIVE COLLEGES WHEN
4 LOOKING AT VERBAL SKILLS BY THEMSELVES?

5 A I AM NOT SURE I UNDERSTAND YOUR QUESTION

6 Q DO YOU HAVE A BETTER OPPORTUNITY TO ACQUIRE GOOD
7 VERBAL SKILLS OR DO YOU HAVE GOOD VERBAL SKILLS GOING TO A
8 COMPETITIVE COLLEGE WHEN COMPARED TO A NONCOMPETITIVE
9 COLLEGE?

10 A TYPICALLY YOU HAVE BETTER--

11 MRS GRAY YOUR HONOR I OBJECT TO THIS I DON'T I
12 THERE'S A FOUNDATION FOR WHAT SHE, HER KNOWLEDGE ABOUT THE
13 STUDENTS WHO ARE IN NONCOMPETITIVE VERSUS COMPETITIVE
14 COLLEGES I MEAN SHE TAUGHT AT UNIVERSITIES SHE CAN
15 PROBABLY TESTIFY ABOUT THAT, OTHERWISE I THINK SHE'S JUST
16 NOT QUALIFIED TO TESTIFY ABOUT THAT

17 THE COURT ALL RIGHT HOW WOULD YOU DEVELOP THAT
18 FOUNDATION, MR EPPS, AS BETWEEN COMPETITIVE AND
19 NONCOMPETITIVE?

20 BY MR EPPS

21 Q WELL WE HAVE TALKED A LITTLE BIT, DR PODA, ABOUT
22 THE DIFFERENT RIGOR OF THE COURSE WORK IN COMPETITIVE
23 VERSUS NONCOMPETITIVE COLLEGES AND THEN WE TALKED ABOUT
24 VERBAL SKILLS BEING IMPORTANT IN TERMS OF TEACHER
25 QUALIFICATIONS OR BEING A GOOD TEACHER

1 BY MR EPPS

2 Q NOW WHAT YOU REALLY KNOW IS SAT SCORES THE REQUIRED
3 LEARNING FOR STUDENTS ENTERING COMPETITIVE COLLEGES IS
4 HIGHER THAN IT IS IN NONCOMPETITIVE?

5 A YES, I DO KNOW THAT

6 Q NOW, IN YOUR VIEW DOES THE FACT OF WHETHER A TEACHER
7 HAS FINISHED AT A COMPETITIVE COLLEGE COMPARE TO A
8 NONCOMPETITIVE COLLEGE HAVE AN IMPACT OR POTENTIAL IMPACT
9 OF A STUDENTS'S OPPORTUNITY TO LEARN?

10 A THE--

11 MRS GRAY YOUR HONOR, I OBJECT

12 THE COURT I WILL LET HER ANSWER THIS QUESTION I
13 THINK WE ARE TALKING BROAD AND SWEEPING GENERALITIES HERE
14 OBVIOUSLY IF I UNDERSTAND I WILL ALLOW HER TO ANSWER THE
15 QUESTION

16 THE WITNESS THE PREPARATION OF TEACHERS IF THEY
17 COME FROM A COMPETITIVE OR NONCOMPETITIVE DIRECTLY IMPACTS
18 THE ABILITY FOR A CHILD TO HAVE AN ADEQUATE EDUCATION
19 BECAUSE THOSE WHO GO TO A COMPETITIVE COLLEGE ARE MORE
20 LIKELY TO HAVE HIGHER VERBAL SKILLS THAN THE ONES WHO
21 GRADUATE FROM NONCOMPETITIVE COLLEGES

22 Q HOW ABOUT THE RIGOR OF THE COURSE WORK IN THE
23 COMPETITIVE VERSUS NONCOMPETITIVE?

24 A THE RIGOR OF THE COURSE WORK IS ALSO MORE PRESENT IN
25 THE COMPETITIVE COLLEGES

1 MRS GRAY YOUR HONOR I OBJECT AGAIN I JUST DON'T
2 I HE'S LAID A FOUNDATION FOR HER KNOWLEDGE OF THE RIGORS
3 OF THE COURSE WORK IN THE COMPETITIVE VERSUS THE
4 NONCOMPETITIVE COLLEGE

5 THE COURT I THINK -- I AGREE WITH THAT I THINK
6 HER KNOWLEDGE IN THIS REGARD SEEMS TO BE MORE RESULT
7 ORIENTED AND OF COURSE SHE CAN EXTRAPOLATE FROM THAT I'M
8 SURE AND ASSUME THAT AS A RESULT OF THE LOWER SAT SCORES
9 THAT THERE OBVIOUSLY MUST BE SOMETHING ELSE LACKING THERE
10 BUT I SUSTAIN THAT OBJECTION I THINK WITHOUT MORE
11 FOUNDATION--

12 BY MR EPPS

13 Q YEAH DR PODA, MAYBE I MISSED SOMETHING DID YOU
14 EARLIER DESCRIBE THE RIGOR OF THE COURSE WORK IN A
15 COMPETITIVE COLLEGE VERSUS A NONCOMPETITIVE COLLEGE?

16 A I DID INDICATE THAT THE COURSE WORK IN THE
17 COMPETITIVE COLLEGES WAS MORE RIGOROUS THAN IN THE
18 NONCOMPETITIVE COLLEGES

19 MRS GRAY YOUR HONOR, AGAIN I MEAN I JUST DON'T
20 THINK THERE'S A FOUNDATION OF HOW SHE KNOWS THAT

21 THE COURT AS I SAY, I THINK SHE PROBABLY DEVELOPED
22 THAT YOU CAN ASK HER

23 MR EPPS THANK YOU, YOUR HONOR

24 BY MR EPPS

25 Q DR PODA, HOW DO YOU KNOW THAT?

1 A I KNOW THAT BASED ON THE ACCREDITATIONS OF THE
2 TEACHER EDUCATION PROGRAMS THAT MY OFFICE IS RESPONSIBLE
3 FOR WE LOOK AT THOSE COURSES, WE LOOK AT SYLLABI WE
4 LOOK AT THE PROFESSORS WHO TEACH THOSE COURSES, WE LOOK AT
5 THE OBJECTIVES OF THE COURSES WHEN WE GO ON VISITS FOR
6 ACCREDITATION PURPOSES

7 THE COURT I WILL LET HER ANSWER

8 MR EPPS THANK YOU, YOUR HONOR

9 BY MR EPPS

10 Q WHAT DO YOU FIND FROM LOOKING AT THOSE CRITERIA
11 PLEASE?

12 A THAT THE COMPETITIVE COLLEGES OFFER A MORE RIGOROUS
13 COURSE WORK AS WELL AS ASSESSMENTS OF THE WORK OF THE
14 STUDENTS WHO ARE ENROLLED IN THOSE COURSES IN A
15 COMPETITIVE COLLEGE

16 Q ARE YOU ABLE TO MAKE ANY JUDGMENTS ABOUT THE QUALITY
17 OF THE FACULTY OF YOUR STAFF OF COMPETITIVE VERSUS
18 NONCOMPETITIVE?

19 A THAT'S PART OF THE ACCREDITATION PROCESS AND ONE OF
20 THE STANDARDS OF -- NCAPE REQUIRES US TO LOOK AT STANDARD
21 NUMBER FIVE AND WE LOOK AT THE QUALIFICATIONS OF THE
22 FACULTY MEMBERS, WHAT THEIR AREAS OF EXPERTISE ARE AND
23 WHETHER THEY ARE TEACHING IN THOSE AREAS HOW MUCH
24 RESEARCH THEY HAVE DONE, WHAT KIND OF PUBLICATIONS THEY
25 HAVE DONE, WHAT THEIR BODY OF KNOWLEDGE IS ABOUT A

1 PARTICULAR COURSE THAT THEY ARE TEACHING

2 THAT IS ONE OF THE THINGS THAT WE JUDGE TEACHER
3 EDUCATION PROGRAMS ON

4 Q DO WE HAVE ANY NONACCREDITED INSTITUTIONS OF HIGHER
5 LEARNING IN SOUTH CAROLINA AT PRESENT?

6 A WE HAVE ONE TEACHER EDUCATION PROGRAM THAT WE CLOSED
7 BECAUSE THEY DID NOT MEET THE ACCREDITATION REQUIREMENTS
8 IN THE PAST YEAR WE HAD FOUR ADDITIONAL ONES THAT WE HAVE
9 PUT ON EITHER PROBATION OR IMBALANCED

10 Q NOW, SHORT OF ACCREDITATION OR I SHOULD SAY GOING
11 BEYOND THE ACCREDITATION ISSUE WITH RESPECT TO THE CURRENT
12 INSTITUTIONS OF HIGHER LEARNING THAT OFFER EDUCATIONAL
13 PROGRAMS, ARE YOU ABLE TO MAKE JUDGMENTS OR FORM OPINIONS
14 ABOUT THE QUALITY OF THE STAFF AND THE QUALITY OF THE
15 PROGRAMS BASED ON WHAT YOU HAVE DONE IN YOUR ACCREDITATION
16 AND OTHER WORK TO DETERMINE WHETHER THE RIGOR IS MORE
17 DIFFICULT AND GENERALLY SPEAKING YOU CAN AFFECT HIGHER
18 TEACHING LEARNING IN A COMPETITIVE COLLEGE WHEN COMPARED
19 TO A NONCOMPETITIVE COLLEGE?

20 A BASED ON THE ACCREDITATION VISITS THAT WE HAVE MADE
21 AND ALSO OUR OTHER WORK WITH THE COLLEGES THROUGH
22 TECHNICAL ASSISTANCE, WE CAN FORM AN OPINION ABOUT THE
23 RIGOR AND WE BELIEVE, MY STAFF AND I BELIEVE, THAT THE
24 RIGOR IN THE COMPETITIVE COLLEGES IS HIGHER THAN IN THE
25 NONCOMPETITIVE COLLEGES

1 LEVEL OF EDUCATION WHICH VARIANCE TO A STUDENT

2 AS TO WHETHER SHE CAN TALK ABOUT IT FROM THE
3 STANDPOINT OF ACTUAL OBSERVATIONS AND STATISTICS I THINK
4 IS SOMETHING ELSE I WILL ALLOW YOU TO TRY TO DEVELOP A
5 FOUNDATION IN THAT REGARD

6 MR EPPS SURE WHAT I WOULD LIKE TO DO, YOUR
7 HONOR, IS JUST ASK DR PODA IF YOU HAVE AN OPINION ON
8 WHETHER THAT IMPACTS THE STUDENTS

9 THE WITNESS IT DOES

10 BY MR EPPS

11 Q PUBLIC SCHOOL, NOT A COLLEGE, BUT IN PUBLIC SCHOOLS
12 OPPORTUNITY TO RECEIVE AN EDUCATION AND IF YOU HAVE AN
13 OPINION AS TO WHETHER IT DOES, THEN YOU HAVE TO GIVE US
14 THE BASIS AND SO FIRST OF ALL WE WILL FLIP IT AND GIVE US
15 THE BASIS FOR YOUR BELIEF IF YOU HOLD ONE AS TO WHETHER A
16 NONCOMPETITIVE COLLEGE MAKES IT MORE DIFFICULT FOR A
17 PUBLIC SCHOOL STUDENT IN K THROUGH 12 TO RECEIVE
18 EDUCATIONAL OPPORTUNITIES IF THEY ARE BEING TAUGHT BY A
19 TEACHER WHO IS A GRADUATE OF THAT INSTITUTION

20 A I HAVE HAD THE OPPORTUNITY TO CONDUCT TEACHER
21 EVALUATIONS ON HUNDREDS OF TEACHERS WHILE I WAS AN
22 INSTRUCTOR AT THE UNIVERSITY OF SOUTH CAROLINA I
23 EVALUATED SCORES OF STUDENT TEACHERS AND PRACTICING
24 STUDENTS

25 WHEN I WAS IN HORRY COUNTY I CONDUCTED

1 EVALUATIONS ON HUNDREDS OF TEACHERS IN MANY DIFFERENT
2 CLASSROOMS OF TEACHERS WHO HAVE GRADUATED FROM A NUMBER OF
3 DIFFERENT INSTITUTIONS I DID THE SAME THING IN GREENWOOD
4 50 I HAD AN OPPORTUNITY TO BE IN A NUMBER OF CLASSROOMS
5 AND OBSERVE AND EVALUATE TEACHERS

6 AND WHAT MY EXPERIENCE TELLS ME FROM ACTUALLY
7 CONDUCTING MY OWN EVALUATIONS AND FROM BEING PART OF THE
8 ACCREDITATION PROCESS FOR THE COLLEGES IN SOUTH CAROLINA,
9 THE CHANCES OF A STUDENT HAVING A TEACHER FROM A
10 NONCOMPETITIVE COLLEGE THAT HAS THE SAME QUALIFICATIONS AS
11 ONE FROM A COMPETITIVE COLLEGE IS A LOT, MUCH LESS LIKELY
12 TO HAPPEN

13 AND THE RIGOR OF THE EXPERIENCE THE TEACHER HAS
14 FROM THE NONCOMPETITIVE COLLEGE DOES NOT PREPARE THEM AS
15 WELL FOR THE NEEDS OF THE STUDENTS THAT THEY ARE GOING TO
16 FACE AND FOR THE CHALLENGES THAT THEY WILL ENCOUNTER IN
17 THE PLAINTIFF SCHOOL DISTRICTS

18 Q THANK YOU COULD WE PULL UP 6123, PLEASE? ALL
19 RIGHT DR PODA IF YOU WILL PLEASE TELL US WHAT
20 PLAINTIFFS' EXHIBIT 6123 IS

21 A THIS IS A LIST OF ALL THE SCHOOL DISTRICTS IN SOUTH
22 CAROLINA AND IT SHOWS YOU THE PERCENTAGE OF TEACHERS WHO
23 ARE HIRED BY THOSE DISTRICTS THAT WERE TEACHING IN THOSE
24 DISTRICTS IN THE 2002, 2003 SCHOOL YEAR AND THE
25 PERCENTAGE INDICATES THE NUMBER THAT WERE GRADUATES OF

1 NONCOMPETITIVE COLLEGE, COLLEGES AND THAT'S BASED ON THEIR
2 BACHELOR'S DEGREE FROM A COLLEGE THAT IS RANKED BY THE
3 BARRON'S RATING IS EITHER A ONE OR A TWO

4 Q AND THIS IS THIS YEAR'S 2002, LAST YEAR'S, I GUESS,
5 2002, 2003 DATA?

6 A THAT'S CORRECT

7 Q ALL RIGHT NOW, IF WE COULD PULL UP 6152-E DO YOU
8 HAVE THAT IN FRONT OF YOU, DR PODA?

9 A YES

10 Q TELL US WHAT THAT IS, PLEASE

11 A IT'S A BAR CHART THAT SHOWS YOU THAT SAME DATA THAT
12 SPECIFICALLY ON THE PLAINTIFF SCHOOL DISTRICTS AND THE
13 PERCENTAGE OF TEACHERS THAT THEY HAVE FOR NONCOMPETITIVE
14 COLLEGES IN SOUTH CAROLINA IT DOES NOT INCLUDE THE
15 GRADUATES FROM NONCOMPETITIVE COLLEGES FROM OUT OF STATE

16 Q ALL RIGHT THESE ARE SOUTH CAROLINA EDUCATED
17 TEACHERS FROM NONCOMPETITIVE COLLEGES?

18 A THAT'S CORRECT

19 Q AND WHAT DOES THE DATA TELL YOU?

20 A IT TELLS ME THAT THEY HAVE IN MOST CASES AT LEAST
21 SIX OUT OF THE EIGHT A LARGE PERCENTAGE OF TEACHERS WHO
22 GRADUATE FROM NONCOMPETITIVE COLLEGES

23 Q AND WHAT IN YOUR OPINION DOES THAT DO TO THE
24 OPPORTUNITY FOR CHILDREN IN THESE SCHOOL DISTRICTS TO
25 RECEIVE A MINIMALLY ADEQUATE EDUCATION?

1 A WELL, TEACHERS WHO COME OUT OF ANY PREPARATION
2 PROGRAM ARE NOT A FINISHED PRODUCT BUT WHAT THIS TELLS ME
3 IS THAT THESE TEACHERS COME OUT WITH EVEN LESS SKILLS AND
4 LESS KNOWLEDGE AND LESS PREPARATION FOR THE CHALLENGES
5 THAT THEY ARE GOING TO FACE IN A SCHOOL DISTRICT
6 ESPECIALLY ONE THAT HAS A GREATER NUMBER OF NEEDS THAN
7 OTHER DISTRICTS

8 Q ARE THESE NUMBERS SHOWN ON THE GRAPHS HIGH NUMBERS
9 FOR THE STATE OF SOUTH CAROLINA?

10 A YES, THEY ARE HIGH NUMBERS

11 Q ALL RIGHT DO YOU HAVE OTHER DISTRICTS YOU CAN
12 CONTRAST?

13 A YES, I DO THERE ARE -- THE, IF YOU LOOK AT YORK
14 COUNTY FOR EXAMPLE THOSE NUMBERS ARE AS--

15 MRS GRAY YOUR HONOR I THINK THAT THROUGHOUT THE
16 COURSE OF THIS TRIAL WE ARE NOT COMPARING TO OTHER
17 DISTRICTS

18 THE COURT AND CERTAINLY WE ARE NOT FROM THE
19 STANDPOINT OF COMPARING THESE SCHOOLS TO OTHER SCHOOLS IN
20 OTHER DISTRICTS TO DETERMINE WHETHER OR NOT SOME STANDARDS
21 AND SPECIFIC BAR GRAPH STANDARD HAS BEEN MET

22 MRS GRAY YOUR HONOR, I APPRECIATE THAT BUT HERE IS
23 WHAT MY FURTHER OBJECTION IS THE NEXT QUESTION AFTER WE
24 TALK ABOUT WHAT THE EXPERIENCE LEVEL IS OF THE YORK
25 TEACHERS IS GOING TO BE THE, THE -- THE FOLLOW-UP WHICH IS

1 COLLEGES IN OUR STATE AND WON'T BE LEFT WITH THE
2 IMPRESSION THAT THAT'S AN AVERAGE PROPORTION OR
3 PERCENTAGE

4 I THINK THAT THE -- THAT THE COMPARISON FROM
5 THAT PERSPECTIVE IS HELPFUL AND I WILL ALLOW HER TO
6 TESTIFY ALONG THOSE LINES WE WON'T GO BEYOND THAT

7 MR EPPS YES, SIR THAT'S WHERE I WAS GOING, YOUR
8 HONOR

9 THE COURT OKAY

10 BY MR EPPS

11 Q GO AHEAD, DR PODA SORRY FOR THE INTERRUPT19ON

12 A I NEED YOU TO REPEAT

13 Q YORK COUNTY?

14 THE COURT YORK COUNTY--

15 THE WITNESS YORK, FOR EXAMPLE I'M FAMILIAR WITH
16 YORK COUNTY BECAUSE I LIVED THERE FOR TEN YEARS AND MY
17 DAUGHTER ATTENDED SCHOOL THERE

18 BUT THEY HAVE A FAR LESS PERCENTAGE OF TEACHERS
19 FROM NONCOMPETITIVE COLLEGES AND 5 1 PERCENT FOR EXAMPLE
20 IN YORK FOUR WHICH IS THE FORT MILL SCHOOL DISTRICT, AND
21 COMPARED TO THE 61 PERCENT THAT WE SEE FOR ORANGEBURG
22 SCHOOL DISTRICT THREE

23 SO I THINK IF YOU JUST LOOK AT THOSE NUMBERS
24 ALONE AND SEE THE RANGE THAT WE FIND IN SOUTH CAROLINA IN
25 TERMS OF THE NUMBER OF TEACHERS THAT THEY HIRE FROM THESE

1 NONCOMPETITIVE COLLEGES THAT THERE'S A LARGER NUMBER IN I
2 BELIEVE IT'S MOST OF THE PLAINTIFF DISTRICTS
3 BY MR EPPS

4 Q NOW, THE NUMBERS WE SEE, THE 61 PERCENT IN
5 ORANGEBURG, THE 49 PERCENT IN ALLENDALE, 46, 45, 48
6 PERCENT IN HAMPTON, JASPER, LEE ACROSS THE BOARD OF 41
7 PERCENT IN FLORENCE, ARE THOSE NUMBERS HIGH FOR THE STATE
8 OF SOUTH CAROLINA?

9 A THOSE NUMBERS ARE HIGH FOR THE STATE OF SOUTH
10 CAROLINA

11 Q AND, DR PODA, DO YOU HAVE AN EXPLANATION AS TO WHY
12 THE NUMBERS ARE SO HIGH IN THE IN THOSE PLAINTIFF
13 DISTRICTS?

14 A I THINK THAT, AGAIN IT GOES BACK TO MAYBE THE
15 COMPETITIVENESS OF THE SCHOOL DISTRICTS AND THEIR ABILITY
16 TO RECRUIT AND RETAIN TEACHERS, THAT THEY HAVE MUCH LESS
17 OPTIONS IN TERMS OF THE POOL OF TEACHERS THAT THEY CAN
18 PULL FROM AND TO OFFER EMPLOYMENT TO AND SO THESE
19 TEACHERS ARE AVAILABLE TO THEM AND SO THEY ARE -- WHEN
20 THEY HAVE LIMITED CHOICES, THEY CHOOSE TEACHERS FROM
21 NONCOMPETITIVE COLLEGES

22 Q NOW, THE STUDENTS THAT ARE IMPACTED BY THESE, BY THE
23 TEACHERS FROM NONCOMPETITIVE COLLEGES, I THINK YOU HAVE
24 ALREADY SAID THAT THEIR CHANCES OF RECEIVING A MINIMALLY
25 ADEQUATE EDUCATIONAL OPPORTUNITY ARE REDUCED?

1 A THAT'S CORRECT

2 Q CORRECT? NOW TELL US WHY THAT IS IN YOUR VIEW

3 A THE CHANCES OF A TEACHER OR A STUDENT IN ONE OF THESE
4 PLAINTIFF DISTRICTS, ESPECIALLY LOOKING AT THIS CHART
5 WHICH SHOWS YOU THE PERCENTAGE OF TEACHERS WHO GRADUATE
6 FROM NONCOMPETITIVE COLLEGES, THE CHANCES OF THAT TEACHER
7 HAVING THE KNOWLEDGE AND THE SKILLS AND THE INFORMATION
8 ABOUT THE GROWTH AND DEVELOPMENT OF THOSE STUDENTS IS
9 GOING TO BE FAR MORE LIMITED THAN A GRADUATE OF A TEACHER
10 EDUCATION PROGRAM THAT IS COMPETITIVE

11 Q IS IT MORE DIFFICULT FOR THOSE TEACHERS TO MATCH
12 THEIR SKILLS WITH THE STUDENT'S NEEDS?

13 A YES I THINK THEY ARE GOING TO HAVE A MUCH GREATER
14 CHALLENGE BECAUSE THEY ARE STILL TRYING TO MASTER THE
15 BASICS AND THEN ON TOP OF THAT THEY HAVE TO DEAL WITH
16 THE CHALLENGES OF CHILDREN WHO MIGHT NOT BE ABLE TO READ,
17 WHO MAY NOT BE ABLE TO GRASP CONCEPTS AND SO THEY WILL
18 HAVE TO BE CHALLENGED IN THE NEEDS THAT THOSE STUDENTS
19 HAVE

20 Q DR PODA, I WANT TO TURN NOW TO THE CERTIFICATION
21 PROCESS IN SOUTH CAROLINA AND IF YOU WILL TELL US WHAT
22 TEST IS GIVEN TO STUDENTS OR TO GRADUATES OF EDUCATIONAL
23 PROGRAMS IN SOUTH CAROLINA TO LICENSE THEM TO TEACH

24 A OKAY WELL, I HAVE ALREADY MENTIONED THAT FOR ENTRY
25 INTO A TEACHER EDUCATION PROGRAM A CANDIDATE HAS TO TAKE A

1 PRAXIS ONE EXAM AND THAT'S A MINIMUM LEVEL BASIC SKILLS
2 EXAM IN MATHEMATICS, READING AND WRITING AND THEY TAKE
3 THAT PRIOR TO ENTRY INTO A TEACHER EDUCATION PROGRAM

4 ONCE THEY HAVE COMPLETED A TEACHER EDUCATION
5 PROGRAM OR WHILE THEY ARE COMPLETING THE TEACHER EDUCATION
6 PROGRAM THEY TAKE A CONTENT AREA EXAM IN SOME CASES MORE
7 THAN ONE EXAM AND THAT EXAM HAS TO BE PASSED BEFORE THE
8 STUDENT -- CANDIDATE IS ISSUED AN INITIAL TEACHING
9 CERTIFICATE FROM SOUTH CAROLINA

10 AFTER THEY BEGIN TEACHING THERE'S ONE ADDITIONAL
11 TEST THAT THEY HAVE TO TAKE WHICH IS THE PRINCIPLES OF
12 LEARNING AND TEACHING AND THAT IS A PEDAGOGY EXAM THAT HAS
13 TO BE PASSED BEFORE THE TEACHER IS ISSUED THE PROFESSIONAL
14 CERTIFICATE

15 Q ALL RIGHT SO THAT'S THREE TESTS THAT YOU DESCRIBED
16 TO US ONE IS PRAXIS ONE AND THAT'S TAKEN BEFORE THE
17 STUDENT IS ADMITTED INTO THE EDUCATION PROGRAM?

18 A THAT'S CORRECT

19 Q NOW THE SECOND ONE AND THAT'S -- THAT'S A GENERAL
20 ACQUIRED LEARNING TEST I ASSUME?

21 A IT'S A BASIC SKILLS TEST THAT'S TAKEN BEFORE ENTRY
22 AND IT'S USUALLY ON THE -- ABOUT THE LEVEL OF A HIGH
23 SCHOOL STUDENT'S EDUCATION IN MATHEMATICS, READING AND
24 WRITING

25 Q ALL RIGHT SO BEFORE TEACHERS ARE ADMITTED TO AN

1 EDUCATION PROGRAM IN SOUTH CAROLINA THEY HAVE TO PASS THE
2 PRAXIS ONE?

3 A THAT'S CORRECT

4 Q AND IT'S EQUIVALENT TO A HIGH SCHOOL TEST,
5 EXAMINATION?

6 A THAT'S CORRECT

7 Q NOW, THE NEXT TEST THEY TAKE IS PRAXIS TWO?

8 A PRAXIS TWO CONTENT AREA EXAM, THAT'S CORRECT

9 Q ALL RIGHT THAT'S THE CONTENT AREA EXAM?

10 A RIGHT

11 Q AND WHEN IS THAT ADMINISTERED?

12 A THE STUDENT CAN TAKE IT ANYTIME BEFORE INITIAL --
13 BEFORE THEY RECEIVE AN INITIAL CERTIFICATE BUT TYPICALLY
14 IT'S TAKEN BY THE STUDENT DURING THEIR SENIOR YEAR IN
15 COLLEGE

16 Q ALL RIGHT AND THEN YOU MENTIONED THE THIRD TEST
17 WHICH IS CALLED THE P L T OR PROFESSIONAL--

18 A PRINCIPLES OF LEARNING AND TEACHING

19 Q PRINCIPLES OF LEARNING AND TEACHING, OKAY AND WHEN
20 IS THAT TAKING PLACE?

21 A IT'S TAKEN PRIOR TO RECEIVING A PROFESSIONAL
22 CERTIFICATE SO IT'S ANYTIME DURING THE TEACHER'S FIRST
23 THREE YEARS IN THE CLASSROOM

24 Q ALL RIGHT SO IT HAS TO BE TAKEN WITHIN THE FIRST
25 THREE YEARS AFTER GRADUATION?

1 COMMITMENT TO ACADEMIC STANDARDS BY COUNTING THE NUMBER OF
2 TESTS OFFERED FOR TEACHER CERTIFICATION, THE PICTURE WOULD
3 BE QUITE IMPRESSIVE MOST STATES OFFER MORE THAN 50 TYPES
4 OF CREDENTIALS SPANNING GRADES K THROUGH 12, PARENTHESIS
5 ALASKA LEADS THE WAY WITH 229

6 NOW THAT IS A PARAGRAPH THAT DISCUSSES
7 DIFFERENT TYPES OF CREDENTIALS OFFERED BY STATES?

8 A THAT'S CORRECT

9 Q AND SAYS THAT MOST STATES OFFER MORE THAN 50 HOW
10 MANY DOES SOUTH CAROLINA OFFER IF YOU KNOW?

11 A I DON'T KNOW THE EXACT NUMBER BUT I KNOW THAT WE
12 ALSO OFFER MORE THAN 50 WE HAVE CREDENTIALS IN
13 EVERYTHING FROM BUILDING CONSTRUCTION TO PHYSICS

14 Q CAN YOU GIVE ME AN APPROXIMATE NUMBER OR IS THAT TOO
15 MUCH TO ASK?

16 A I THINK IT'S AROUND 80

17 Q AROUND 80? ALL RIGHT IF WE COULD GO DOWN TO THE
18 NEXT PARAGRAPH LANA, STARTING WITH OBVIOUSLY THE NEXT
19 PARAGRAPH SAYS OBVIOUSLY THOUGH WHAT MATTERS IS NOT THE
20 NUMBER OF TESTS BUT THEIR RIGOR THIS IS WHERE THE STATES
21 FALL FAR SHORT

22 ALL TOO OFTEN STATES SET THE PASSING RATES OR
23 QUOTE CUT SCORES END QUOTE ON CERTIFICATION TESTS WELL
24 BELOW NATIONAL AVERAGES EQUALLY TROUBLING ONLY 24 STATES
25 TO DATE HAVE IMPLEMENTED TEACHER STANDARDS TIED TO THEIR

1 RESPECTIVE ACADEMIC CONTENT STANDARDS FOR GRADES K THROUGH
2 12

3 ALL RIGHT NOW, I WANT TO FOCUS FIRST OF ALL ON
4 THE FIRST PART OF THE PARAGRAPH OF WHICH ENDS RIGHT BEFORE
5 EQUALLY AND TELL ME WHETHER THAT STATEMENT COMPORTS WITH
6 THE RIGOR OF THE PRAXIS TESTS IN SOUTH CAROLINA

7 A AND YOU ARE TALKING ABOUT THE PRAXIS TWO EXAM HERE,
8 THE CONTENT OR ALL OF THEM?

9 Q WELL, WHATEVER THEY MEAN BY THE SENTENCE

10 A IN THIS PARTICULAR CASE AND OTHER PLACES THROUGHOUT
11 THE COUNTRY SOUTH CAROLINA HAS SET OUR PASSING SCORES WELL
12 BELOW THE NATIONAL AVERAGE MOST OF THEM, PRAXIS ONE FALL
13 AROUND THE 30TH PERCENTILE AND THE CONTENT AREAS SCORES
14 ARE SIMILAR

15 Q ALL RIGHT LET'S SKIP DOWN TO THE NEXT PARAGRAPH AND
16 IT'S THE FIRST SENTENCE OF THE NEXT PARAGRAPH

17 MRS GRAY I'M SORRY, YOUR HONOR I'M HAVING
18 TROUBLE HEARING THE WITNESS HER VOICE DROPS IF YOU
19 COULD GET CLOSER TO THE MICROPHONE BECAUSE I DIDN'T HEAR
20 THE PERCENTAGE YOU SAID AT THE END

21 A I DIDN'T--

22 MRS GRAY YOU SAID IT DROPPED?

23 THE WITNESS I SAID THE PRAXIS ONE WAS AROUND 30
24 PERCENT, AND THE CONTENT AREA TESTS WERE SIMILAR

25 MRS GRAY I'M SORRY I THOUGHT YOU THANK YOU

1 BY MR EPPS

2 Q THE FIRST SENTENCE OF THE NEXT PARAGRAPH STATES
3 TYPICALLY USE LICENSURE EXAMINATIONS TO ENSURE THAT
4 TEACHERS HAVE A MINIMUM LEVEL OF KNOWLEDGE BUT WHAT
5 STATES CONSIDER MINIMUM, END QUOTE, IS OFTEN SHOCKINGLY
6 LOW TELL US HOW THAT SENTENCE PERTAINS IF AT ALL TO
7 SOUTH CAROLINA

8 A WELL SOME OF OURS ARE SET AT A MINIMUM LEVEL
9 BECAUSE FIRST OF ALL, YOU'RE LOOKING AT A MINIMUM
10 COMPETENCE OF KNOWLEDGE AND SKILL THAT A PERSON WOULD HAVE
11 TO ENTER THE CLASSROOM AND THEN MOST OF OUR TEST SCORES
12 ARE AT THE NATIONAL AVERAGE

13 WHEN WE ARE SETTING TEST SCORES -- EXCUSE ME
14 NOT THE NATIONAL AVERAGE FOR ALL TEST TAKERS, BUT THE
15 NATIONAL AVERAGE SCORE FOR ALL THE STATES THAT HAVE SET A
16 CUT SCORE SO IN OTHER WORDS--

17 Q YOU NEED TO STATE THAT ALL OVER AGAIN

18 A OKAY WHEN WE ARE SETTING CUT SCORES FOR OUR TESTS,
19 WE LOOK AT WHAT OTHER STATES HAVE DONE IN TERMS OF SETTING
20 SCORES AND WE AVERAGE THOSE

21 SO WE LOOK AT THEIR CUT SCORES AND WE AVERAGE
22 THEM AND WE DETERMINE WHAT THE AVERAGES FOR ALL THE STATES
23 THAT HAVE ADOPTED THAT PARTICULAR TEST THEN WE LOOK
24 SPECIFICALLY AT NORTH CAROLINA AND GEORGIA SINCE THEY ARE
25 OUR BIGGEST COMPETITORS FOR TEACHERS TO SEE WHAT THEIR CUT

1 SCORES ARE

2 AND WE USE THAT IN ADDITION TO THE PANEL OF
3 PEOPLE THAT WE, NOT EMPLOY BECAUSE WE DON'T PAY THEM BUT
4 WE USE TO HELP US SET THOSE SCORES AND THEY LOOK AT THE
5 TEST ITEMS

6 SO WHEN -- IF YOU ARE LOOKING AT THIS PARTICULAR
7 SENTENCE ABOUT THE SHOCKINGLY LOW WE ARE RIGHT THERE IN
8 THE AVERAGE OF WHAT ALL THE OTHER STATES HAVE DONE SO WE
9 ARE PART OF THE SHOCKINGLY LOW

10 Q ALL RIGHT WE ARE MEASURING THE RIGOR IN THIS
11 SENTENCE IN PRAXIS ONE AND TWO OR JUST ONE OR THE OTHER?

12 A IT'S TALKING ABOUT BOTH ONE, TWO AND THEN THE
13 PRINCIPLES OF LEARNING AND TEACHING

14 Q OKAY NOW THE NEXT PARAGRAPH WHICH IS THE BLOCK
15 PARAGRAPH MOST OF THE CONTENT ON LICENSING EXAMINATIONS IS
16 MOST TYPICALLY FOUND IN HIGH SCHOOL CURRICULA ON A FEW
17 OCCASIONS THE TESTS ADDRESSED CONTENT BEYOND HIGH SCHOOL,
18 IT WAS AT THE LEVEL OF THE FIRST OR SECOND YEAR OF
19 COLLEGE, NEVER AT THE LEVEL OF A BACHELOR'S DEGREE

20 SUCH LOW LEVELS OF CONTENT ARE INSUFFICIENT DO
21 YOU AGREE WITH THAT PARAGRAPH?

22 A YES, I DO IT IS ONE OF THE SHOCKINGLY LOW THINGS
23 THAT WE DO IN TERMS OF REQUIREMENTS FOR TEACHER
24 CERTIFICATION

25 Q NOW, WE TALKED EARLIER ABOUT WHAT PEOPLE LEARNED AT

1 VARIOUS POINTS IN THEIR COLLEGE CAREERS AND AS I
2 UNDERSTOOD IT FOR THE FIRST TWO YEARS SOMEBODY IN A
3 TEACHER'S PROGRAM OR SOMEBODY WHO IS PLANNING TO GET INTO
4 A TEACHING PROGRAM ESSENTIALLY TAKES THE SAME COURSE WORK
5 THAT OTHER COLLEGE STUDENTS TAKE?

6 A THAT'S CORRECT

7 Q AND THEN IN THE THIRD YEAR THEY GET INTO THE UPPER
8 LEVEL COURSES AND I THINK THE EXAMPLE YOU USED MIGHT HAVE
9 BEEN SCIENCE 301 OR MATH 301 OR SOMETHING LIKE THAT AS
10 OPPOSED TO A 101 COURSE, CORRECT?

11 A THAT'S CORRECT

12 Q NOW, THIS PARAGRAPH SAYS ONE OF TWO THINGS HAPPENS
13 WITH PRAXIS EITHER THAT THE PRAXIS TWO WHICH IS THE
14 CONTENT KNOWLEDGE TEST AND PRAXIS, PRAXIS TWO, I GUESS,
15 STRAIGHTEN ME OUT IN A MOMENT, PRAXIS TWO CONTENT
16 KNOWLEDGE TEST IS SET AT A HIGH SCHOOL, MAYBE A FIRST
17 MAYBE A SECOND YEAR COLLEGE LEVEL, BUT NEVER THE UPPER
18 COURSES AND NEVER AT A DEGREE LEVEL NOW, WHERE ARE THEY
19 SET IN SOUTH CAROLINA?

20 A WELL AGAIN BECAUSE WE LOOK AT WHAT ALL THE OTHER
21 STATES DO IN TERMS OF SETTING THEIR SCORES WHEN WE ARE
22 SETTING OURS AND OURS ARE SET AT THE SAME LEVEL WHICH
23 WOULD BE AT EITHER THE HIGH SCHOOL OR FIRST OR SECOND YEAR
24 OF COLLEGE BECAUSE WE, WE USE THE SAME PROCESS AS ALL THE
25 OTHER STATES AND WE LOOK AT WHAT THEIR CUT SCORES ARE IN

1 ORDER TO BE COMPETITIVE WITH THEM

2 Q I WANT TO GO BACK TO AN ISSUE WE VISITED EARLIER AND

3 THAT IS ON PAGE 25, FIRST FULL PARAGRAPH GOT IT?

4 PARAGRAPH SAYS STATES USE A VARIETY OF DIFFERENT

5 EXAMINATIONS BUT ONE OF THE MORE COMMON TESTS IS THE

6 PRAXIS PREPROFESSIONAL SKILLS TEST, P P S T , WHICH

7 ASSESSES PROSPECTIVE TEACHERS IN THE AREAS OF MATH,

8 READING AND WRITING NOW FIRST OF ALL, WHAT IS

9 P P S T ?

10 A THAT IS THE PRAXIS ONE TEST

11 Q THAT'S OUR PRAXIS ONE TEST?

12 A YES

13 Q OF THE 29 STATES THAT USE P P S T VIRGINIA SETS THE

14 PASSING RATE CLOSEST TO THE NATIONAL AVERAGE IN READING

15 ALL OTHER STATES HAD CUT SCORES BELOW THE 50TH PERCENTILE

16 AND 15 OF THE 29 SET THEIR PASSING RATES BELOW THE 25TH

17 PERCENTILE OKAY?

18 A YES

19 Q NOW LET'S LOOK AT SOUTH CAROLINA FOR A MOMENT AND

20 MS LANA, WE CAN GO TO THE NEXT PAGE THERE WE GO AND

21 THIS IS FIGURE FIVE ON EXHIBIT, PLAINTIFFS' EXHIBIT 6144

22 AND TELL US WHAT THAT SHOWS, PLEASE

23 A ON THIS PARTICULAR TEST IT'S THE READING SUBTEST OF

24 THE PRAXIS ONE AND OUR CUT SCORE IN SOUTH CAROLINA IS 175

25 AND IT PUTS US AT ABOUT THE 30TH PERCENTILE, 29TH

1 AVERAGE?

2 A THAT'S CORRECT

3 Q AND WE TALKED ABOUT THE WAY THAT THE PACT SCORE --
4 EXCUSE ME -- THE PRAXIS -- IF I SAID PACT, I MEANT
5 PRAXIS PACT ON MY MIND FOUR WEEKS OF THIS BUT THE
6 PRAXIS CUT SCORES ARE DETERMINED THROUGH CONSULTATION WITH
7 THE EDUCATION TESTING SERVICES WHERE THEY USE THEIR
8 PROFESSIONAL JUDGMENT TO COME UP WITH THE MINIMAL SKILLS
9 EXPECTATION AS I UNDERSTAND YOUR TESTIMONY

10 A THAT'S CORRECT

11 Q AND THEN IS THERE GENERALLY SPEAKING A STANDARD
12 DEVIATION OFF OF THAT SO THAT THE SCORE IS INDEED LOWER?

13 A AT LEAST ONE STANDARD DEVIATION IN MOST CASES AND
14 SOMETIMES AS MUCH AS TWO

15 Q OKAY NOW, SO THE CUT SCORES, THE MINIMAL
16 REQUIREMENTS BY THE PROFESSIONAL PEOPLE RUNNING THE
17 JUDGMENT PANEL WOULD BE REDUCED ONE OR TWO STANDARD
18 DEVIATIONS?

19 A THAT'S CORRECT

20 Q NOW, WE HAVE ACCORDING TO THIS CHART ABOUT A 91
21 PERCENT SUCCESSFUL COMPLETION RATE OF ALL PRAXIS, WHETHER
22 IT BE PRAXIS ONE TWO OR THREE DID I READ THAT
23 CORRECTLY?

24 A YES YOU DID AND AGAIN, THAT'S ONLY FOR THE PROGRAM
25 COMPLETERS IT DOESN'T INCLUDE OTHERS WHO ATTEMPTED THE

1 PRAXIS ONE EXAM, BUT IT DOES INCLUDE THOSE WHO FINISH A
2 PROGRAM IN A COLLEGE

3 Q SO IF WE HAD PEOPLE WHO TOOK IT AND THEN DROPPED OUT
4 OF THE PROGRAM, THE PASSING RATE MIGHT BE LOWER?

5 A IT COULD BE LOWER IT COULD BE HIGHER

6 Q COULD BE LOWER, COULD BE HIGHER ALL RIGHT WHAT
7 DOES -- WHAT DOES SUCCESSFULLY COMPLETING OR PASSING THE
8 SERIES OF PRAXIS TESTS TELL YOU ABOUT TEACHER QUALITY?

9 A IT TELLS ME THAT THEY HAVE A MINIMUM LEVEL OF BASIC
10 SKILLS, IT TELLS ME THEY HAVE A MINIMUM LEVEL OF KNOWLEDGE
11 OF CONTENT, AND IT TELLS ME THAT THEY HAVE A MINIMUM LEVEL
12 OF PEDAGOGY TO BEGIN TEACHING

13 Q WHAT DOES IT NOT TELL YOU?

14 A IT DOES NOT TELL ME WHETHER OR NOT THAT PERSON IS
15 GOING TO BE AN EFFECTIVE TEACHER

16 Q ALL RIGHT DOES IT MEAN THAT THE PERSON -- YOU SAID
17 EFFECTIVE QUALIFIED DOES IT TELL YOU WHETHER THAT PERSON
18 IS GOING TO BE A QUALIFIED TEACHER?

19 A IT TELLS ME THAT THEY MEET ONE OF THE QUALIFICATIONS
20 FOR STATE CERTIFICATION,

21 Q DOES IT MEAN THAT WHEN YOU PASS THE PRAXIS, THE FEW
22 PRAXIS TESTS IN SOUTH CAROLINA, THAT YOU REQUIRE (SIC) THE
23 SKILLS AND KNOWLEDGE NECESSARY TO TEACH DIVERGENT
24 LEARNERS?

25 A IT DOES NOT TELL ME THAT

1 TEACHER CERTIFICATION AND FIRST OF ALL EXPLAIN TO ME
2 WHAT TYPE OF CERTIFICATIONS ARE AVAILABLE IN SOUTH
3 CAROLINA AND DISTINGUISH FOR ME, IF YOU WILL, AT SOME
4 POINT THE DIFFERENCE BETWEEN A PROFESSIONAL CERTIFICATION
5 AND A CONTINUING CONTRACT

6 A OKAY THERE ARE THREE KINDS OF CERTIFICATES IN THE
7 STATE THAT ARE NOT CONSIDERED WAIVERS OR THAT ARE
8 CONSIDERED REGULAR CERTIFICATES THE FIRST ONE IS AN
9 INITIAL CERTIFICATE

10 THAT CERTIFICATE IS ONE THAT WE ISSUE TO
11 GRADUATES OF TEACHER EDUCATION PROGRAMS, TRADITIONAL
12 TEACHER EDUCATION PROGRAMS, WHO HAVE COMPLETED 60 DAYS OF
13 STUDENT TEACHING, WHO HAVE BEEN RECOMMENDED BY THEIR
14 COLLEGE FOR CERTIFICATION WHO HAVE PASSED THE PRAXIS TWO
15 CONTENT EXAM AND I THINK THOSE ARE ALL THE REQUIREMENTS
16 THAT -- WE DO AN F B I BACKGROUND CHECK AND THEY HAVE TO
17 BEEN CLEARED ON THEIR BACKGROUND CHECK, AND WE ISSUE THAT
18 INITIAL CERTIFICATE

19 THE SECOND KIND OF BEGINNING TEACHER CERTIFICATE
20 IS A CRITICAL NEEDS CERTIFICATE AND THAT'S THE KIND THAT
21 WE ISSUE TO PEOPLE IN OUR ALTERNATIVE CERTIFICATION
22 PROGRAM WHO HAVE A MAJOR OR THE EQUIVALENT OF A MAJOR IN
23 THE SUBJECT AREA THAT THEY DESIRE TO TEACH, WHO HAVE ALSO
24 PASSED THE PRAXIS TWO CONTENT AREA EXAM AND HAVE BEEN
25 THROUGH THE PRESERVICE PREPARATION PROGRAM THAT WE PROVIDE

1 TO INDIVIDUALS IN THE ALTERNATIVE CERTIFICATION PROGRAM

2 Q ONE SECOND COULD YOU --

3 (CONFERRING WITH STAFF)

4 Q -- WHAT IS THAT PLEASE?

5 A THAT'S A PAGE FROM THE DIVISION OF TEACHER QUALITY'S
6 WEBSITE THAT GIVES A LISTING OF THE DIFFERENT KINDS OF
7 CERTIFICATES THAT WE ISSUE THE LEFT HAND COLUMN SHOWS
8 YOU THE REGULAR, OR THE ONES THAT DON'T HAVE WAIVERS, AND
9 THE ONES ON THE RIGHT HAND SIDE SHOW YOU THE ONES THAT ARE
10 WAIVERS OR THAT ARE NOT ALLOWED UNDER NO CHILD LEFT BEHIND

11 Q ALL RIGHT CONTINUE, IF YOU WILL

12 A OKAY BOTH THE INITIAL CERTIFICATE AND THE CRITICAL
13 NEEDS CERTIFICATE LEAD TO A PROFESSIONAL CERTIFICATE ONCE
14 THE TEACHER HAS PASSED THE PRINCIPLES OF LEARNING AND
15 TEACHING AND HAS SUCCESSFULLY PASSED THE FORMAL EVALUATION
16 COMPONENT OF THE ADEPT EVALUATION SYSTEM

17 AND THE PROFESSIONAL CERTIFICATE IS GENERALLY
18 ISSUED TO A PERSON WHO IS ON A CONTINUING CONTRACT WHICH
19 IS A CONTRACT THAT ENABLES THAT PERSON DUE PROCESS AND
20 PROPERTY RIGHTS UNDER THE EMPLOYMENT AND DISMISSAL ACT
21 THE LIST ON THE RIGHT-HAND SIDE, THE ONES THAT ARE
22 CONSIDERED WAIVERS, THERE ARE A VARIETY OF THEM

23 THE FIRST ONE IS FOR A PERSON WHO IS FROM OUT OF
24 STATE, EDUCATED IN A STATE OTHER THAN SOUTH CAROLINA, WHO
25 MAY HAVE BEEN TEACHING IN THAT STATE FOR LESS THAN 27

1 MONTHS IF THEY TEACH MORE THAN 27 MONTHS, WE HAVE REST
2 OF PROXY WITH THEM, BUT WITH LESS THAN 27 MONTHS, THEY
3 HAVE TO MEET MANY REQUIREMENTS THAT THE STATE OF SOUTH
4 CAROLINA HAS

5 AND SO A PERSON THAT COMES HERE FROM ANOTHER
6 STATE THAT HAS NOT TAUGHT IN OTHER STATE SUCCESSFULLY FOR
7 27 MONTHS AND HAS NOT MET OUR REQUIREMENTS FOR
8 CERTIFICATION IS ISSUED AN OUT OF STATE TEMPORARY
9 CERTIFICATE AND GIVEN ONE YEAR TO COMPLETE ANY NECESSARY
10 REQUIREMENTS FOR EITHER AN INITIAL OR PROFESSIONAL
11 CERTIFICATE

12 THE TRANSITIONAL CERTIFICATE IS ONE THAT WAS
13 CREATED BY THE GENERAL ASSEMBLY BY PROVISIO BELIEVE IT'S
14 PROVISIO 1 18 THAT BASICALLY WAS PUT INTO PLACE DURING THE
15 HEIGHT OF THE TEACHER SHORTAGE THAT WAIVES ANY REQUIREMENT
16 THAT WE HAVE IN CERTIFICATION REGULATIONS FOR A PERSON TO
17 TEACH SCHOOL IN SOUTH CAROLINA

18 SPECIFICALLY IF A PERSON GRADUATED FROM A
19 TEACHER EDUCATION PROGRAM AND DID NOT SUCCESSFULLY PASS
20 THE PRAXIS TWO EXAM THEN THEY COULD TEACH ON A
21 PROFESSIONAL CERTIFICATE FOR UP TO THREE YEARS

22 WE ISSUE IT ONCE, AND THEN IT CAN BE REISSUED AT
23 THE REQUEST OF THE EMPLOYEE OF THE SCHOOL DISTRICT FOR AN
24 ADDITIONAL TWO TIMES SO THAT PERSON IS ALLOWED TO TEACH
25 FOR UP TO THREE YEARS WITHOUT DEMONSTRATING THAT THEY HAVE

1 MINIMAL CONTENT KNOWLEDGE

2 THE THIRD ONE IS ALSO BASED ON PROVISIO THAT WAS
3 PASSED BY THE GENERAL ASSEMBLY, AND IT ALLOWS OUT OF STATE
4 TEACHERS OR RECENT GRADUATES WHO HAVE NOT PASSED THE
5 PRAXIS EXAM TO RENEW THEIR TEMPORARY OR TRANSITIONAL
6 CERTIFICATE FOR TWO YEARS, SO THAT THE FIRST TWO, THE
7 TEMPORARY AND TRANSITIONAL, THAT PROVISIO ALLOWS YOU TO
8 RENEW IT FOR TWO ADDITIONAL YEARS YOU CAN ISSUE IT ONCE
9 AND THEN IT CAN BE RENEWED

10 THE FOURTH ONE DOWN THAT COLUMN IS THE INTERIM
11 CERTIFICATE IT'S PARALLEL TO THE CRITICAL NEEDS
12 CERTIFICATE BECAUSE IT'S ISSUED TO PEOPLE IN THE
13 ALTERNATIVE CERTIFICATION PROGRAM

14 HOWEVER THESE INDIVIDUALS ARE ALLOWED BY
15 PROVISIO TO TEACH FOR UP TO ONE YEAR WITHOUT PASSING THE
16 CONTENT AREA EXAM OR WITHOUT COMPLETING THE PRESERVICE
17 INSTITUTE THAT WE OFFER TO INDIVIDUALS WHO ARE GOING
18 THROUGH THE ALTERNATIVE CERTIFICATION PROGRAM

19 THE NEXT ONE ON THE LIST IS OUT OF FIELD
20 PERMITS, AND THAT IS ISSUED TO ANYONE WHO IS TEACHING ONE
21 OR MORE SUBJECTS IN AN AREA IN WHICH THEY DO NOT HOLD
22 REGULAR CERTIFICATION

23 THE INDIVIDUAL HAS TO HAVE TWELVE HOURS IN THAT
24 CERTIFICATION AREA THAT WILL ALLOW HIM TO QUALIFY FOR AN
25 OUT OF FIELD PERMIT, BUT IN THE CASE OF ENGLISH FOR

1 EXAMPLE, A TEACHER WHO GRADUATES FROM A -- FROM COLLEGE
2 HAS AT LEAST TWELVE HOURS IN ENGLISH, AND SO THEREFORE,
3 ANY TEACHER IN THE STATE WOULD QUALIFY FOR AN OUT OF FIELD
4 PERMIT IN ENGLISH JUST ONE EXAMPLE, BECAUSE IT'S JUST
5 THE BASIC ENGLISH CLASSES THAT THEY HAVE TO TAKE

6 Q IS THAT PASSED BY PROVISIO, IS THAT

7 A THAT'S--

8 Q IN STANDING--

9 A THAT IS PART OF THE REGULATIONS, CERTIFICATION
10 REGULATION CURRENTLY ALSO A PERSON CAN RENEW THEIR OUT
11 OF FIELD PERMIT BY TAKING SIX ADDITIONAL HOURS EACH YEAR
12 OR TAKING THE PRAXIS EXAM AT THE END OF THE COURSE WORK

13 THE NEXT PROVISIO THE PERMIT PROVISIO DOES ALLOW
14 A PERSON TO RENEW THEIR OUT OF FIELD PERMIT WITHOUT TAKING
15 THE SIX HOURS OR THE TWO ADDITIONAL COURSES, AND THEY CAN
16 RENEW THAT TWO ADDITIONAL TIMES

17 WITH THAT PARTICULAR CERTIFICATE AND THAT
18 PROVISIO, IT S POSSIBLE THAT A PERSON COULD -- IN A TYPICAL
19 AREA ADD-ON REQUIREMENTS ARE ABOUT 24 HOURS A PERSON
20 COULD TEACH FOR 20 YEARS IN THIS STATE BUT -- ON AN OUT OF
21 FIELD WITHOUT MEETING ALL THE REQUIREMENTS BECAUSE THEY
22 HAVE THE TWELVE HOURS, THEY MAY TAKE -- THEY WAIT TWO MORE
23 YEARS, THEY TAKE SIX HOURS, THEY WAIT TWO MORE YEARS, THEY
24 TAKE SIX HOURS, TWO MORE YEARS THEY TAKE SIX HOURS

25 SO IT TAKES THEM ABOUT 20 YEARS TO COMPLETE THE

1 REQUIREMENTS IF IT'S THE 24 ADDITIONAL HOURS IS ALL THAT'S
2 REQUIRED SOME CASES, SOME OF THE OUT OF FIELD
3 REQUIREMENTS ARE AS MANY AS 37, 38, SO THEY COULD TEACH AN
4 ENTIRE CAREER ON AN OUT OF FIELD PERMIT AND RETIRE WITHOUT
5 EVER FULLY MEETING THE -- WITHOUT FULLY MEETING
6 CERTIFICATION

7 THE SPECIAL SUBJECT CERTIFICATE WAS CREATED BACK
8 IN THE MIDDLE 90'S TO ALLOW PEOPLE WHO HAVE IMMENCE IN
9 THEIR FIELD TO BE ABLE TO TEACH ONE OR MORE PERIODS A
10 DAY IT STARTED OUT JUST BEING SOMEBODY THAT COULD TEACH
11 FOR UP TO TWO PERIODS, AND THEN THAT WAS RELAXED AND
12 ALLOWED THE PERSON TO TEACH ALL DAY IF THEY WANTED TO ON A
13 SPECIAL SUBJECT

14 AN EXAMPLE OF A PERSON IN THAT AREA MIGHT BE
15 SOMEONE LIKE COLIN POWELL WHO WANTED HIM TO COME AND TEACH
16 GOVERNMENT THEN HE WOULD BE ALLOWED TO DO SO UNDER THE
17 SPECIAL SUBJECT AREA

18 THE GRADED CERTIFICATE HAS NOT BEEN ISSUED IN
19 SOUTH CAROLINA SINCE 1971 BUT WE STILL HAVE ALMOST A
20 HUNDRED TEACHERS WHO ARE TEACHING ON GRADED CERTIFICATES
21 WITH LESS THAN AN A EITHER A B , C OR D

22 THOSE GRADED CERTIFICATES MEAN THAT A PERSON IS
23 PAID LESS ON THE SALARY SCHEDULE IT MEANS THEY NEVER
24 MADE THE QUALIFYING SCORE OR THE CUT SCORE THAT WAS IN
25 PLACE AT THE TIME ON THE NATIONAL TEACHERS EXAM AND IN

1 THIS PARTICULAR CASE, THAT WAS REQUIRED AND THEY WERE ON
2 A GRADED CERTIFICATE

3 THERE HAVE BEEN SEVERAL INSTANCES THROUGHOUT THE
4 LAST PROBABLY 20 YEARS OR SO TO ELIMINATE THOSE WHEN THE
5 DEADLINE OCCURRED, THE GENERAL ASSEMBLY BACKED OFF ON THE
6 REQUIREMENT TO PHASE THOSE OUT

7 NOW THE FEDERAL GOVERNMENT HAS SUPERCEDED THE
8 GENERAL ASSEMBLY AND REQUIRES TO PHASE US OUT IN THE END
9 OF 2005, 2006 SCHOOL YEAR

10 AND THE LAST ONE IS A WARRANT AND THE WARRANT
11 JUST MEANS THAT A PERSON NEVER PASSED WHATEVER TEST WAS IN
12 PLACE AT THE TIME TO GET A FULL CERTIFICATE, AND WE QUIT
13 ISSUING THOSE IN 1976 BUT WE STILL HAVE INDIVIDUALS WHO
14 ARE TEACHING UNDER WARRANTS

15 AS A MATTER OF FACT WE HAVE ONE IN ONE OF THE
16 PLAINTIFF DISTRICTS THAT HAS BEEN TEACHING FOR 29 YEARS,
17 HAS ATTEMPTED TO TAKE THE SOCIAL STUDIES TEST A NUMBER OF
18 TIMES AND--

19 MRS GRAY YOUR HONOR I OBJECT I BELIEVE THAT'S
20 AN INDIVIDUAL THAT WAS REFLECTED ON THAT EXHIBIT

21 THE COURT RIGHT YES, SIR I LL SUSTAIN THAT
22 OBJECTION

23 BY MR EPPS.

24 Q YOU CAN'T MENTION THE TEST YOU CAN EXPLAIN THAT
25 YOU'VE GOT SOMEBODY IN THE PLAINTIFF DISTRICTS, I THINK

1 TEACHING ON A WARRANT CERTIFICATE

2 A WE HAVE A NUMBER OF PEOPLE TEACHING IN THE PLAINTIFF
3 DISTRICTS ON WARRANT CERTIFICATES WE HAVE A NUMBER ON
4 ALL THESE SUBSTANDARD CERTIFICATES

5 Q ALL RIGHT WE WILL GET INTO THAT IN A FEW MOMENTS
6 NOW, IF YOU LOOK AT THE DOCUMENT IT SAYS ON THE LEFT
7 CERTIFICATES THAT MEET THE HIGHLY QUALIFIED CERTIFICATE
8 REQUIREMENTS AND ON THE RIGHT, CERTIFICATES THAT DO NOT
9 MEET THE HIGHLY QUALIFIED CERTIFICATION REQUIREMENTS
10 WHAT DOES THAT MEAN, PLEASE?

11 A WITH NO CHILD LEFT BEHIND, THERE ARE THREE PARTS TO
12 THE DEFINITION OF HIGHLY QUALIFIED FIRST OF ALL ALL
13 TEACHERS BEGINNING IN THE YEAR 2006 2007 WILL HAVE TO
14 HAVE A BACHELOR'S DEGREE

15 THAT PART IS NOT A PROBLEM FOR SOUTH CAROLINA
16 BECAUSE WE HAVE BEEN REQUIRING A BACHELOR'S DEGREE FOR A
17 NUMBER OF YEARS THE SECOND PART OF THE DEFINITION
18 REQUIRES THEM TO HAVE FULL STATE CERTIFICATION WITHOUT
19 WAIVERS, SO THEREFORE WE WILL HAVE TO ELIMINATE ALL OF THE
20 CERTIFICATES THAT ARE ON THE RIGHT-HAND SIDE OF THIS
21 PARTICULAR EXHIBIT

22 Q BY WHAT YEAR PLEASE?

23 A BY THE END OF 2005, 2006

24 Q OKAY

25 A AND THEN THE THIRD COMPONENT OF THE DEFINITION OF

1 HIGHLY QUALIFIED IS THAT THE TEACHER HAS TO DEMONSTRATE
2 THAT THEY HAVE CONTENT KNOWLEDGE IN EACH SUBJECT AREA THAT
3 HE OR SHE IS TEACHING, AND THEY CAN DO THAT THROUGH FOUR
4 WAYS

5 ONE, THEY CAN HAVE AN ACADEMIC MAJOR IN THAT
6 PARTICULAR SUBJECT AREA, TWO, THEY CAN HAVE -- PASS A
7 CONTENT AREA EXAM IN THE AREA THREE THEY CAN HAVE
8 ADVANCED CERTIFICATION, MEANING THEY CAN HAVE A MASTER'S
9 DEGREE OR NATIONAL BOARD CERTIFICATION AND, FOUR, THERE'S
10 SOMETHING IN THE LAW THAT'S CALLED HOUSE, AND WHICH IS AN
11 ABBREVIATION FOR HIGH OBJECTIVE UNIFORM STATE STANDARDS
12 AND EVALUATION WHICH IN OUR CASE IS AN ADAPTATION OF
13 ADEPT, AND I CAN EXPLAIN THAT IF YOU WOULD LIKE FOR ME TO

14 Q WELL JUST TELL ME THIS WE WENT THROUGH AT SOME
15 LENGTH EARLIER THIS MORNING AND RIGHT AFTER LUNCH WHETHER
16 THESE TEACHERS WERE HIGHLY QUALIFIED MINIMALLY QUALIFIED
17 OR LICENSED HOW DO YOU RELATE THESE TERMS?

18 A WELL, ANYONE ON THE RIGHT-HAND SIDE OF THIS COLUMN IS
19 NOT HIGHLY QUALIFIED, AND A LOT OF CASES IT'S BECAUSE
20 THEY'VE FAILED TO PASS THE PRAXIS EXAM AND THEY WERE GIVEN
21 SOME KIND OF EITHER TEMPORARY OR SUBSTANDARD CERTIFICATE,
22 ONE OF THOSE CATEGORIES THAT WE JUST LOOKED AT

23 THE ONES ON THE LEFT-HAND SIDE ARE RECOGNIZED BY
24 THE STATE AS FULL CERTIFICATION, EVEN THOUGH THE BASIS OF
25 THAT IS THE PASSAGE OF THE MINIMUM TESTS, EITHER CONTENT

1 TEST OR THE PEDAGOGY TEST

2 Q ALL RIGHT I'D LIKE NOW TO TALK -- JUST FOCUS FOR A
3 MINUTE ON ONE OF THESE CATEGORIES, AND THAT'S THE INITIAL
4 CERTIFICATE AND THE INITIAL CERTIFICATE IS ISSUED TO
5 GRADUATES IN TEACHER EDUCATION PROGRAMS WHO HAVE PASSED
6 THE REQUIRED PRAXIS TWO CONTENT AREA EXAMS, IS THAT RIGHT?

7 A THAT S CORRECT

8 Q ALL RIGHT LET'S GO TO 6128, PLEASE AND DO YOU
9 RECOGNIZE THAT, DR PODA?

10 A YES, I DO IT'S A CHART THAT'S ON OUR WEBSITE

11 Q ALL RIGHT THIS MAY TAKE A MOMENT TO EXPLAIN IT'S
12 VERY DIFFICULT TO READ TELL US WHAT IT REPRESENTS
13 FIRST

14 A THIS IS AN INTERPRETATION OF A SECTION OF STATUTE
15 THAT DEALS WITH TEACHER EVALUATION AND CONTRACT LEVELS AND
16 WHAT OCCURS WHEN A PERSON DOES NOT MEET THE STANDARDS ON
17 THE TEACHER EVALUATION AND HOW THEY MOVE FROM AN INDUCTION
18 CONTRACT TO A CONTINUING CONTRACT EITHER BY WAY OF AN
19 ANNUAL CONTRACT OR A PROVISIONAL CONTRACT OR BOTH

20 Q ALL RIGHT NOW IF YOU WILL JUST TAKE US THROUGH
21 WHAT THIS CHART IS INTENDED TO DEMONSTRATE

22 A OKAY ALL TEACHERS IN SOUTH CAROLINA WHEN THEY ARE
23 INITIALLY EMPLOYED BY A SCHOOL DISTRICT ARE ISSUED AN
24 INDUCTION CONTRACT THAT'S THE TOP OF THE CHART, THE VERY
25 TOP AND AN INDUCTION CONTRACT BY STATUTE CAN ONLY BE

1 ISSUED FOR ONE YEAR

2 SO THE MAXIMUM AMOUNT OF TIME THAT A PERSON CAN
3 BE ON THAT IS ONE SCHOOL YEAR, AT LEAST 152 DAYS OR MORE
4 DURING THAT INDUCTION PERIOD, A TEACHER IS SUPPOSED TO BE
5 ASSIGNED A MENTOR TEACHER AND THEY ARE ALSO SUPPOSED TO BE
6 PROVIDED AN INDUCTION PROGRAM

7 AND PART OF THAT INDUCTION PROGRAM ALSO REQUIRES
8 A SCHOOL DISTRICT TO EVALUATE THAT TEACHER BASED ON SOME
9 EVALUATION SYSTEM THAT'S ADOPTED BY THE DISTRICT AS LONG
10 AS IT MEETS THE PERFORMANCE DIMENSIONS THAT ARE A PART OF
11 THE ADEPT SYSTEM

12 SO THEY ARE EVALUATED IN THAT FIRST YEAR TO MAKE
13 A DETERMINATION OF WHETHER CONTINUING EMPLOYMENT WILL BE
14 OFFERED AT THE END OF THE YEAR BY APRIL 15TH OR WHETHER OR
15 NOT THE PERSON WILL BE ASKED TO LEAVE THAT PARTICULAR
16 SCHOOL -- NOT ASKED TO LEAVE THE PROFESSION, BUT WHEREVER
17 THEY ARE CURRENTLY TEACHING

18 IF THEY ARE SUCCESSFUL YOU FOLLOW THE ROUTE ON
19 THE LEFT-HAND SIDE OF THE CHART AND THEY MOVE TO AN ANNUAL
20 CONTRACT AND DURING THAT ANNUAL CONTRACT YEAR THEY GO
21 THROUGH A FORMAL EVALUATION OF THEIR PERFORMANCE AS A
22 TEACHER, AND THAT IN MOST CASES IS BASED ON THE TEAM
23 EVALUATION INSTRUMENT THAT WAS DEVELOPED BY THE STATE AND
24 HAS BEEN ADOPTED BY MOST OF THE DISTRICTS

25 THERE ARE SOME MODIFICATIONS TO IT AND SOME

1 OTHER INSTRUMENTS THAT ARE BEING USED IN SOME DISTRICTS
2 ONCE A PERSON MEETS THAT FORMAL EVALUATION, THEN THEY MOVE
3 TO A CONTINUING CONTRACT WHERE THEY HAVE FULL RIGHTS AND
4 PROPERTY RIGHTS AND RESPONSIBILITIES UNDER THE EMPLOYMENT
5 AND DISMISSAL ACT

6 IF THEY DON'T MEET IT, IN THAT PARTICULAR CASE
7 THEY GO TO THE POSSIBILITY OF A SECOND ANNUAL CONTRACT
8 EITHER WITH THE SAME EMPLOYER OR WITH THE DIFFERENT
9 EMPLOYER, THEY CAN MOVE TO ANOTHER DISTRICT IN THE STATE

10 IF THAT ONE DISTRICT DEEMS THAT THEY ARE NOT
11 SUITED TO TEACH THERE, THEY CAN THANK THEM FOR THEIR
12 SERVICE AND SEND THEM TO ANOTHER DISTRICT IF ANOTHER
13 DISTRICT CHOOSES TO HIRE THEM

14 IF THE PERSON ON THE SECOND ANNUAL CONTRACT IS
15 SUCCESSFUL THEN THEY MOVE TO A CONTINUING CONTRACT IF
16 NOT, THEY HAVE TO TAKE TWELVE HOURS OF COURSE WORK BEFORE
17 THEY ARE ALLOWED TO CONTINUE TEACHING AND THEY HAVE TO
18 LEAVE THE PROFESSION FOR TWO YEARS, AND THEN THEY CAN
19 RE-ENTER THE PROFESSION AND COME BACK IN AS AN ANNUAL
20 CONTRACT TEACHER FOR UP TO TWO MORE YEARS AND IF THEY
21 FAIL AT THE END OF THE TWO YEARS, THEN THEY ARE OUT OF THE
22 PROFESSION

23 MIGHT WANT TO LOOK AT THE OTHER SIDE OF THE
24 CHART NOW AND SEE WHAT HAPPENS IF THEY ARE NOT SUCCESSFUL
25 THEIR FIRST YEAR IN THE INDUCTION PROGRAM, AND I WILL WALK

1 YOU THROUGH THAT SIDE OF THE--

2 Q YEAH PLEASE DO

3 A OKAY IF AN INDUCTION TEACHER FAILS TO MEET THE
4 STANDARDS, THEN THEY ARE PLACED ON A PROVISIONAL
5 CONTRACT YOU CAN BE ON A PROVISIONAL CONTRACT IN THIS
6 STATE FOR UP TO TWO YEARS

7 DURING THAT PROVISIONAL CONTRACT, YOU ARE
8 SUPPOSED TO FOLLOW YOUR PROFESSIONAL GROWTH PLAN THAT THE
9 DISTRICT HAS PROVIDED FOR YOU AND YOU ARE PUT THROUGH THE
10 FORMAL EVALUATION PART OF ADEPT AND IF YOU ARE
11 SUCCESSFUL, THEN YOU MOVE TO AN ANNUAL CONTRACT

12 IF YOU ARE NOT, THEN YOU HAVE TO TAKE 12 HOURS
13 OF COURSE WORK BEFORE YOU ARE ALLOWED TO CONTINUE
14 TEACHING YOU DON'T HAVE TO LEAVE THE PROFESSION, BUT YOU
15 DO HAVE TO TAKE 12 HOURS OF COURSE WORK THAT HAS TO BE
16 APPROVED BY THE STATE DEPARTMENT OF EDUCATION

17 Q WHAT I WOULD LIKE TO DO, DR PODA, IS FOCUS ON THE
18 FAR RIGHT-HAND SIDE OF THAT CHART AND TAKE ME THROUGH THE
19 STAGES WE PROBABLY NEED TO START A LITTLE BIT EARLIER
20 THAN THIS SO THAT IT'S CLEAR ON THE RECORD AND CLEAR TO ME

21 --

22 A OKAY

23 Q -- WHAT TEACHERS WE ARE TALKING ABOUT AS WE MOVE DOWN
24 THAT RIGHT-HAND COLUMN

25 A OKAY ALL RIGHT STARTING AT THE VERY TOP AGAIN

1 WITH INDUCTION IF THAT PERSON IS NOT SUCCESSFUL, THEY DO
2 NOT MEET STANDARD, THEN THEY MOVE TO A PROVISIONAL
3 CONTRACT

4 Q IS THAT PERSON LICENSED?

5 A THEY ARE LICENSED THEY HAVE AN INITIAL
6 CERTIFICATE

7 Q OKAY

8 A THAT'S PROBABLY -- OR ONE OF THE SUBSTANDARD TYPES,
9 ONE OF THOSE TWO, TYPICALLY, OR IT COULD BE ALSO A PERSON
10 ON A CRITICAL NEEDS CERTIFICATE, SO IT'S ANY ONE OTHER
11 THAN A PROFESSIONAL CERTIFICATE

12 Q ALL RIGHT

13 A AND IF IN THE PROVISIONAL YEAR THEY ARE NOT
14 SUCCESSFUL I'M GOING TO TAKE THE WORST CASE SCENARIO TO
15 GO TO THE RIGHT-HAND ROUTE, THEN THEY ARE NOT SUCCESSFUL
16 DURING THE PROVISIONAL YEAR WHEN THEY HAVE THEIR FORMAL
17 EVALUATION THEN THEY HAVE TO TAKE THE 12 HOURS OF COURSE
18 WORK BEFORE THEY CAN CONTINUE

19 MOST OF THE TEACHERS WHO HAVE BEEN IN THAT
20 SITUATION HAVE TAKEN THE 12 HOURS OVER THE SUMMER SO THAT
21 THEY CAN CONTINUE TEACHING THAT FALL ONCE THEY RE-ENTER,
22 THEY RE-ENTER AS A PROVISIONAL CONTRACT AGAIN AND THAT'S
23 WHY THEY ARE ALLOWED TO HAVE UP TO TWO PROVISIONAL
24 CONTRACTS

25 IF THEY ARE SUCCESSFUL, THEY MOVE TO AN ANNUAL

1 CONTRACT IF NOT, THEY HAVE TO LEAVE THE PROFESSION AND
2 THEY CAN'T EVER RE-ENTER THE PROFESSION IF THEY
3 SUCCESSFULLY MEET THE ADEPT AT THAT TIME, THAT ONE TIME,
4 AND THEN THEY ARE EVALUATED AGAIN ON A FORMAL EVALUATION
5 DURING THEIR FIRST ANNUAL CONTRACT AND THEY ARE NOT
6 SUCCESSFUL, THEY CAN GET A SECOND ANNUAL CONTRACT

7 AND IF THEY ARE NOT SUCCESSFUL ON THE SECOND
8 TIME AROUND THROUGH THE EVALUATION SYSTEM, THEY HAVE TO
9 AGAIN TAKE 12 HOURS OF COURSE WORK AND LEAVE THE
10 PROFESSION FOR UP TO TWO YEARS

11 THEY CAN ONCE AGAIN RE-ENTER THE PROFESSION AND
12 HAVE TWO MORE ANNUAL CONTRACTS SO THEY CAN TAKE UP TO
13 SEVEN YEARS BEFORE THEY CAN MOVE TO A CONTINUING
14 CONTRACT

15 Q ALL RIGHT SO IN -- A TEACHER THAT'S LICENSED BY --
16 EXCUSE ME -- A COLLEGE GRADUATE LICENSED BY THE STATE OF
17 SOUTH CAROLINA CAN GO THROUGH THE PROCESS OF TRYING TO GET
18 A PROFESSIONAL (SIC) LICENSE OR A CONTINUING CONTRACT FOR
19 UP TO SEVEN YEARS?

20 A THAT'S CORRECT

21 Q NOW, ARE THEY TEACHING DURING THAT TIME PERIOD?

22 A THEY ARE TEACHING DURING THAT TIME PERIOD UNLESS THEY
23 HAVE REACHED THE SECOND ANNUAL PART WHERE THEY ARE
24 REQUIRED TO LEAVE FOR TWO YEARS SO ALL BUT TWO YEARS
25 THEY WOULD BE TEACHING SO THIS IS OR A SPAN OF YOU

1 KNOW MINIMUM OF NINE YEARS AND COULD BE LONGER THAN
2 THAT

3 Q DO WE HAVE TEACHERS IN THE PLAINTIFF SCHOOL DISTRICTS
4 WHO FALL INTO THIS CATEGORY?

5 A WE HAVE ONLY HAD THIS IMPLEMENTED SINCE 1998, SO THIS
6 YEAR WAS THE FIRST YEAR THAT WE REISSUED CERTIFICATES TO
7 INDIVIDUALS WHO WERE FORCED TO LEAVE FOR TWO YEARS AND
8 WE DON'T KNOW AT THIS POINT IN TIME IF THEY RE-ENTERED THE
9 SYSTEM OR NOT BECAUSE WE DON'T HAVE DATA ON WHERE TEACHERS
10 WERE TEACHING THIS YEAR

11 Q ALL RIGHT WELL AFTER -- ASSUMING THAT TIME MARCHES
12 ON AND WE DO INDEED HAVE TEACHERS WHO HAVE BEEN TRYING TO
13 PASS THE ADEPT PROGRAM FOR SEVEN YEARS UNSUCCESSFULLY
14 WHAT HAPPENS TO THEM?

15 A IF THEY TRY FOR SEVEN YEARS AND THEY ARE
16 UNSUCCESSFUL THEN THEY WOULD HAVE TO EXIT THE PROFESSION
17 AND THEY WOULDN'T BE ALLOWED TO COME BACK IN BUT UP TILL
18 THAT POINT IN TIME, WHAT TYPICALLY HAPPENS IS THAT THE
19 PERSON MAY BE LET GO FROM ONE DISTRICT, BUT THEY ARE ABLE
20 TO CONTINUE TO MOVE FROM DISTRICT TO DISTRICT BECAUSE THEY
21 STILL HOLD A STATE CERTIFICATE, EVEN THOUGH THE EMPLOYER
22 HAS ASKED THEM TO LEAVE AND HAS DISMISSED THEM

23 SO IT'S POSSIBLE FOR A PERSON TO -- I THINK THE
24 REAL ISSUE HERE IS THAT IT'S A CASE WHERE WE PASS OUR
25 WEAKEST TEACHERS FROM DISTRICT TO DISTRICT AND TYPICALLY

1 HIGHER AT 86 CORRECT?

2 A THAT'S CORRECT

3 Q AND THE REST ARE LOWER THAN THE STATE AVERAGE?

4 A THAT'S CORRECT

5 Q AND FLORENCE IS DOWN TO 53 6 PERCENT

6 A THAT MEANS THEY HAVE A LOT OF TEACHERS WHO ARE ON
7 EITHER AN INDUCTION PROVISIONAL OR ANNUAL CONTRACT,
8 ALMOST HALF OF THEIR POPULATION

9 Q WHILE THE STATE LICENSING REQUIREMENTS IN THE FORM OF
10 PROFESSIONAL CERTIFICATION AND CONTINUING CONTRACTS, IS A
11 MINIMAL STANDARDS AS WE HAVE DISCUSSED IN YOUR OPINION
12 IS THERE A CORRELATION BETWEEN STUDENT PERFORMANCE AND
13 TEACHERS WITH CONTINUING CONTRACTS?

14 A THE CORRELATION IS THE FACT THAT THE TEACHER HAS
15 INDICATED THROUGH AN EVALUATION SYSTEM THAT THEY HAVE SOME
16 MINIMUM COMPETENCY IN THE CLASSROOM AND THAT THEY HAVE AT
17 LEAST THREE OR MORE YEARS OF EXPERIENCE UNDER THEIR BELT,
18 AND THE MORE EXPERIENCED THE TEACHERS ARE, THE MORE THEY
19 ARE ABLE TO PERFORM IN THE CLASSROOM

20 MRS GRAY YOUR HONOR I OBJECT TO THIS BECAUSE SHE
21 -- THIS IS NOT HER FIELD OF EXPERTISE IN TERMS OF WHAT'S
22 GOING ON IN THE CLASSROOM SHE HAS NO -- HER
23 RESPONSIBILITY HAS TO DO WITH CERTIFICATION, NOT WHAT
24 HAPPENS AFTER THE CERTIFICATION OR WHAT IS GOING ON WITH
25 THESE TEACHERS IN THE CLASSROOM

1 PERFORMANCE AND TEACHERS WITH CONTINUING CONTRACTS

2 AND I THINK THAT THAT IS CERTAINLY A GENERALIZED
3 ENOUGH QUESTION THAT HER BACKGROUND WOULD ALLOW HER TO
4 ANSWER NOW, IF SHE TRIES TO CORRELATE THIS TO THE
5 PLAINTIFFS' DISTRICTS IN PARTICULAR, THEN I WILL HEAR FROM
6 YOU IN THAT REGARD

7 MRS GRAY AND YOUR HONOR THAT'S PART OF MY CONCERN
8 IS THAT -- THAT WHEN I DEPOSED THIS INDIVIDUAL, SHE TOLD
9 ME ABOUT HER OPINIONS AS IT RELATES TO THE PRESENCE OF A
10 QUALIFIED TEACHER, BUT SHE ALSO WAS UNABLE TO QUANTIFY
11 SHE NEVER TALKED ABOUT OVERALL STUDENT PERFORMANCE SO
12 THIS IS KIND OF OUTSIDE WHERE WE WERE BEFORE

13 THE COURT AND -- WELL, IF IT'S A PART OF THE --
14 WHAT YOU'VE TALKED ABOUT IN A GENERALIZED SITUATION, IT
15 MAY HAVE BEEN WHAT YOU ALL DISCUSSED IN THE DEPOSITIONS
16 ARE NOT -- I THINK SHE'S QUALIFIED TO RENDER THAT OPINION
17 IN ANY EVENT AS THE QUESTIONS GET MORE PARTICULARIZED,
18 THEN I THINK THAT WE WILL HAVE TO REVISIT THE OBJECTION

19 MRS GRAY THANK YOU, YOUR HONOR

20 THE COURT THANK YOU MR EPPS WHILE THE STATE
21 LICENSING IN THE FORM OF PROFESSIONAL CONTINUING STANDARDS
22 IS A MINIMAL STANDARD THAT WE HAVE DISCUSSED, IN YOUR
23 OPINION IS THERE A CORRELATION BETWEEN STUDENT PERFORMANCE
24 AND -- AND TEACHERS WITH CONTINUING CONTRACT

25 THE WITNESS THE CORRELATION COMES BECAUSE IN --

1 WITH A CONTINUING CONTRACT, THE PERSON HAS DEMONSTRATED
2 THEY HAVE THE TEN PERFORMANCE DIMENSIONS, HAVE
3 DEMONSTRATED THAT THEY CAN PERFORM THE TEN PERFORMANCE
4 DIMENSIONS THAT ARE REQUIRED BY THE STATE OF SOUTH
5 CAROLINA, IT ALSO INDICATES THAT THEY HAVE AT LEAST THREE
6 OR MORE YEARS OF EXPERIENCE

7 AND EXPERIENCE IS A KEY IN BEING EFFECTIVE IN
8 THE CLASSROOM, THE MORE EXPERIENCE YOU HAVE, THE BETTER
9 CHANCES ARE THAT YOU ARE GOING TO BE AN EFFECTIVE
10 TEACHER THERE ARE A LOT OF THINGS THAT NEW TEACHERS
11 DON'T KNOW AND DON'T HAVE EXPERIENCE WITH

12 BY MR EPPS:

13 Q ALL RIGHT WHILE WE ARE ON THAT SUBJECT DR PODA
14 WE HEARD SOME TESTIMONY LAST WEEK ABOUT INEXPERIENCED
15 TEACHERS AND TELL ME, IF YOU WILL, WHAT DIFFICULTY
16 INEXPERIENCED TEACHERS HAVE

17 A WELL, THE BEST WAY I CAN -- I THINK I CAN DESCRIBE IT
18 IS BY GIVING YOU AN ANALOGY, IS LIKE A PERSON GOING ON A
19 TRIP FOR THE FIRST TIME THEY KNOW WHERE THEIR
20 DESTINATION IS THEY KNOW THEY ARE GOING TO A CERTAIN
21 LOCATION, BUT THEY DON'T HAVE A SENSE OF HOW LONG IT WILL
22 TAKE THEM TO GET THERE, THEY DON'T KNOW WHAT THE OBSTACLES
23 ARE GOING TO BE THAT GET IN THE WAY OF THEM ARRIVING AT
24 THAT DESTINATION, THEY DON'T KNOW HOW MUCH IT S GOING TO
25 COST THEM TO GO ON THAT TRIP

1 AND THERE ARE JUST A NUMBER OF THINGS THE
2 BEGINNING TEACHERS HAVE TO FACE THEY -- IT TAKES THEM A
3 LOT LONGER TO PREPARE TO PRESENT TEACHER WHO HAS
4 EXPERIENCE CAN GO TO THE FILE DRAWER PULL STUFF OUT AND
5 BRUSH THE DUST OFF OF IT AND REVAMP IT AND BE READY TO GO
6 BUT A NEW TEACHER HAS TO START FROM SCRATCH AND
7 THINK THROUGH EVERYTHING THEY'RE GOING TO DO IT TAKES
8 THEM LONGER IT TAKES THEM LONGER TO FIGURE OUT WHAT
9 STUDENTS DON'T KNOW IT TAKES THEM LONGER TO REALIZE THAT
10 THERE ARE CERTAIN CONCEPTS THAT THE CHILDREN DIDN'T GET
11 FOR INSTANCE, WHEN THEY GIVE THEIR FIRST ASSESSMENT,
12 THEY--

13 Q GOING AWFULLY FAST HERE

14 A WHEN THEY ADMINISTER THEIR FIRST TEST AND THEY GET
15 THE RESULTS BACK AND THEY REALIZE THAT THE STUDENTS HAVE
16 MISSED QUESTIONS THAT THEY WERE JUST SURE THAT THEY
17 UNDERSTOOD, THEN THEY HAVE TO RE-GROUP AND THINK ABOUT
18 YOU KNOW, HOW DO I GO BACKWARDS

19 I HAPPEN TO HAVE A DAUGHTER WHO IS PREPARING TO
20 BE TEACHER AND SHE'S OUT IN THE SCHOOLS RIGHT NOW AND
21 SHE'S PREPARED SEVERAL LESSONS THAT SHE BRINGS TO ME TO
22 LOOK AT

23 AND ONE OF THE THINGS THAT SHE DOESN'T HAVE A
24 SENSE OF AT THIS POINT IS HOW LONG WILL IT TAKE ME TO PUT
25 MY STUDENTS INTO GROUPS, HOW LONG WILL IT TAKE THEM TO

1 ACCOMPLISH THE TASK THAT I'M ASSIGNING THEM, WHAT ELSE DO
2 I NEED TO PLAN FOR, WHAT IF I FINISH EARLY, THEN WHAT DO I
3 DO WITH THE STUDENTS WHERE DO I GO, YOU KNOW, FROM THIS
4 POINT FORWARD HOW DO I TIE WHAT I'M DOING TODAY INTO WHAT
5 I DID YESTERDAY, HOW DO I SET IT UP THAT THEY CAN TRANSFER
6 THIS TO TOMORROW'S LESSON

7 IT S A LOT OF THOSE TYPES OF THINGS THAT
8 BEGINNING TEACHERS DON'T HAVE A GRASP ON THAT AN
9 EXPERIENCED TEACHER -- THAT BY EVIDENCE OF A CONTINUING
10 CONTRACT THAT AT LEAST HAVE HAD TWO OR THREE YEARS OF
11 CLASSROOM EXPERIENCE TO TELL THEM THOSE THINGS AND TO GIVE
12 THEM MORE ASSURANCE THAT THEY ARE GOING TO BE ABLE TO DEAL
13 WITH THOSE ISSUES THAN A BEGINNING TEACHER

14 Q NOT HAVING BEEN THERE AND DONE THAT, I MEAN, WHAT'S
15 IT LIKE HAVING TO PREPARE A LESSON PLAN EVERY DAY FOR THE
16 FIRST TIME?

17 A WELL, IT'S VERY TIME CONSUMING BECAUSE YOU HAVE TO DO
18 A LOT OF RESEARCH TO -- MY OWN BACKGROUND WITH SOCIAL
19 STUDIES, HISTORY, AND YOU WOULD HAVE TO GO BACK AND
20 REVISIT THE THINGS THAT YOU LEARNED IN COLLEGE TO REFRESH
21 YOUR MEMORY ABOUT CERTAIN ASPECTS OF THE CONTENT

22 YOU HAVE TO THINK ABOUT WHAT IT IS THAT YOU WANT
23 YOUR STUDENTS TO LEARN, TO MAKE SURE THAT WHATEVER
24 ACTIVITIES AND PROCEDURES THAT YOU PUT IN PLACE WILL TIE
25 BACK TO WHAT IT IS THAT YOU WANT YOUR STUDENTS TO LEARN

1 YOU HAVE TO THINK ABOUT HOW ARE YOU GOING TO
2 ASSESS WHAT THEY LEARN AND WHAT ARE -- WHAT'S THE BEST WAY
3 TO GET AT AN ASSESSMENT, DID I WAIT UNTIL I GIVE A TEST ON
4 THE WHOLE UNIT, ASSESS IT, OR ARE THERE CERTAIN QUESTIONS
5 THAT I CAN ASK THAT WILL DETERMINE WHETHER OR NOT THE
6 STUDENTS UNDERSTAND

7 HOW DO I CRAFT MY QUESTIONS SO THAT I GET AT
8 HIGHER LEVELS AND NOT JUST YES OR NO, OR NOT JUST THE
9 FACTUAL QUESTIONS, BUT HOW DO I KNOW IF THEY UNDERSTAND
10 WHAT THE CONSEQUENCE WAS OF THE DECLARATION OF
11 INDEPENDENCE, DO THEY -- DO THEY UNDERSTAND WHAT THAT
12 MEANT FOR US AS A SET OF 13 COLONIES NOT JUST THAT THERE
13 WAS A DECLARATION OF INDEPENDENCE THAT WAS WRITTEN BY
14 THOMAS JEFFERSON AND IT SAID THESE THINGS, BUT WHAT DOES
15 THAT MEAN

16 WHAT DID IT MEAN TO US AS A NATION AND WHEN
17 YOU GET THOSE KIND OF LEVELS OF QUESTIONS, IT'S MUCH MORE
18 DIFFICULT TO CRAFT THAT KIND OF QUESTION AND KNOW HOW TO
19 ASK THEM, TO REDIRECT STUDENTS WHEN THEY DON'T GIVE YOU
20 THE CORRECT ANSWER THE FIRST TIME AND TO KEEP ELICITING
21 INFORMATION FROM THEM SO THAT THEY IN FACT DO UNDERSTAND
22 AND THAT THEY HAVE A -- CAN HAVE A DISCUSSION WITH YOU
23 ABOUT THAT

24 Q YOU SOUND LIKE YOU MIGHT BE A PRETTY GOOD TEACHER

25 A WELL I LIKE TEACHING

1 LESSON PLAN AND THAT'S THE ONLY THING THAT THEY TEACH
2 WITHOUT ANY MODIFICATION AND BE AN EFFECTIVE TEACHER

3 Q ARE CLASSES DIFFERENT?

4 A EVERY CLASS IS DIFFERENT EVEN IF YOU TEACH FIVE
5 CLASSES A DAY THE SAME SUBJECT MATTER, THE WAY YOU TEACH
6 IT TO THOSE FIVE DIFFERENT CLASSES MAY VARY

7 Q WE ARE TALKING ABOUT THE DIFFICULTY IN GIVING A SENSE
8 OF TIMING, YOU KNOW, WHERE AM I IN TERMS OF WHERE I NEED
9 TO BE WITH THE CURRICULUM, AND HOW MUCH TIME DO I HAVE
10 LEFT BEFORE EXIT TEST, OR WHATEVER ON THE END OF THE YEAR
11 OR IN OUR STATE PERHAPS THE PACT TEST, AND AM I ON TRACK
12 AM I BEHIND, AM I AHEAD, ARE THE STUDENTS LEARNING ALL
13 THESE ISSUES THAT THE TEACHER HAS TO FACE

14 HOW DO I ADDRESS THIS STUDENT, THAT STUDENT,
15 THIS GROUP OF STUDENTS, OR WHAT HAVE YOU DOES IT TAKE
16 MORE TIME FOR A BEGINNING TEACHER TO GET A HANDLE ON ALL
17 OF THAT AND BE ABLE TO MANAGE HER SCHEDULE SO THAT SHE IS
18 INDEED OR HE IS INDEED WHERE THAT PERSON NEEDS TO BE WITH
19 THAT CLASS AT ANY GIVEN MOMENT IN TIME?

20 A YES THE STANDARDS IN SOUTH CAROLINA HAS ADOPTED FOR
21 K-12 STUDENTS THAT THEY HAVE TO KNOW AND THAT ARE MEASURED
22 BY THE PACT ARE DIFFICULT FOR BETTER TEACHERS TO GRASP AND
23 TO UNDERSTAND THE PACING THAT'S REQUIRED FOR THOSE

24 SO FOR BEGINNING TEACHERS, IT'S EVEN MORE
25 CHALLENGING FOR THEM TO -- TO WHAT -- THEY FIND OUT REAL

1 QUICKLY IS THAT THEY ARE OVERWHELMED BY THE AMOUNT OF
2 CONTENT THAT THEY HAVE TO TEACH IN A GIVEN PERIOD AND
3 TRYING TO FIGURE OUT HOW TO CONSOLIDATE THAT IN A LESSON
4 AND HAVE THE STUDENTS LEARN WITHOUT REPEATING IT, WITHOUT
5 HAVING TO GO BACK AND RE-GROUP AND RETEACH THOSE
6 ACTIVITIES

7 Q ALL RIGHT WE TALKED ABOUT SOME OF THE SUBSTANDARD
8 CERTIFICATES AND NOW I WANT TO TALK ABOUT -- IS THE
9 CRITICAL NEEDS IF WE CAN PULL UP -- AND OTHER
10 SUBSTANDARD CERTIFICATES

11 (CONFERRING WITH STAFF)

12 Q AND I THINK WE HAVE BEEN THROUGH THESE IF YOU LOOK
13 AT THE RIGHT-HAND COLUMN OF THAT CHART ARE THOSE ALL
14 SUBSTANDARD CERTIFICATES?

15 A YES, THEY ARE

16 Q IS PROVISIONAL THE RIGHT WORD OR IS THAT JUST--

17 A YOU CAN USE PROVISIONAL OR WAIVERS OR SUBSTANDARD
18 ANY OF THOSE MEAN THE SAME THING BASICALLY

19 Q ALL RIGHT NOW -- ONE SECOND

20 (WHEREUPON THERE WAS A PAUSE)

21 Q YOU NEED A SIP? PULL UP 6131, PLEASE WHAT IS 6131
22 PLEASE, DR PODA?

23 A THIS IS A LIST OF THE DISTRICTS IN THE STATE AND THE
24 NUMBER OF TEACHERS THAT THEY HAD IN THE '02, '03 SCHOOL
25 YEAR THAT PARTICIPATED IN THE ALTERNATIVE CERTIFICATION

1 CERTIFICATES THAT WERE ISSUED IN '02 '03 TO THE -- IN THAT
2 PARTICULAR DISTRICT OF -- I MEAN, TO THE TEACHERS THAT
3 EMPLOYED IN THAT DISTRICT DURING '02 '03 AND THEN IT
4 SHOWS YOU THE PERCENT OF SUBSTANDARD CERTIFICATES THAT
5 THEY HAD AMONG ALL THE TEACHERS EMPLOYED IN THAT DISTRICT

6 Q NOW, THE STATEWIDE TOTAL OF TEACHERS WITH SUBSTANDARD
7 CERTIFICATES AND OUT OF FIELD PERMITS IS WHAT PLEASE, IN
8 TERMS OF PERCENTAGE

9 A TOTAL NUMBER?

10 Q YES

11 A 6 6 PERCENT

12 Q ALL RIGHT CAN WE HAVE 51 -- 6152-G PLEASE? IT'S
13 UP? WHAT IS THAT PLEASE, DR PODA?

14 A THIS IS A BAR CHART THAT SHOWS YOU THE STATE AVERAGE
15 AND THEN IT COMPARES IT TO THE EIGHT PLAINTIFF DISTRICTS
16 AND THE NUMBER OF SUBSTANDARD CERTIFICATES THAT THEY HAD
17 IN THE -- THAT WERE -- THE TEACHERS THAT WERE EMPLOYED IN
18 THEIR SCHOOL SYSTEMS IN '02, '03 HELD

19 Q ALL RIGHT LET'S RUN THROUGH THE NUMBERS, IF WE
20 MIGHT AND THE STATE AVERAGE IS 6 6 PERCENT?

21 A THAT'S CORRECT

22 Q ALLENDALE IS 20?

23 A THAT'S CORRECT

24 Q DILLON TWO?

25 A DILLON -- RIGHT DILLON TWO HAS 6 3 FLORENCE FOUR,

1 11 1 HAMPTON TWO, 17 7 JASPER 19 8 LEE COUNTY,
2 18 5 MARION SEVEN, 15 8 AND ORANGEBURG THREE, 11 1

3 Q AND WHAT DOES THIS MEAN TO THE CHILDREN IN THE
4 PLAINTIFF DISTRICTS?

5 A IT MEANS THAT THE -- THE LARGER PERCENTAGE OF THEIR
6 TEACHERS HAVE CERTIFICATES THAT ARE SUBSTANDARD MEANING
7 THAT THEY LACK SOME OF THE MINIMUM QUALIFICATIONS THAT WE
8 BELIEVE ARE NECESSARY FOR AN EFFECTIVE TEACHER

9 AND THE LIKELIHOOD THAT THOSE STUDENTS IN THOSE
10 DISTRICTS WOULD HAVE ON THE SUBSTANDARD TEACHERS IS FAR
11 GREATER THAN IT WOULD BE IN A DISTRICT THAT HAD THE
12 AVERAGE OR LOWER

13 Q HOW LONG CAN A TEACHER TEACH WITH A SUBSTANDARD
14 CERTIFICATE? I KNOW IT VARIES FROM CERTIFICATE TO
15 CERTIFICATE, BUT JUST GIVE ME SOME RANGES, IF YOU WILL

16 A CAN BE FROM ONE YEAR TO THE -- THEIR ENTIRE CAREER

17 Q ALL RIGHT EXPLAIN THAT TO ME

18 A OKAY WITH A WARRANT CERTIFICATE, IT CAN BE FOR
19 THEIR ENTIRE CAREER BECAUSE THEY NEVER HAVE TO PASS A
20 SUBJECT AREA TEST OR THEY NEVER HAVE TO PASS A PEDAGOGY
21 EXAM, THAT THEY WERE ISSUED A WARRANT CERTIFICATE

22 THE SAME THING IS TRUE FOR A GRADED
23 CERTIFICATE WITH AN OUT OF STATE TEMPORARY, THEY ONLY
24 HAVE THE ONE YEAR TO MEET THE REQUIREMENTS UNLESS THEY
25 HAVE IT REQUESTED BY THE SCHOOL DISTRICT TO EXTEND THAT

1 THESE THINGS

2 BEFORE WE GET BACK INTO THAT LINE OF
3 QUESTIONING, I WANT TO CLEAR UP SOMETHING FOR MY OWN
4 EDIFICATION DR PODA, AS BETWEEN EXHIBIT 6131 AND 6132,
5 AND 6127 WHICH GOES TO THE DIFFERENT TYPES OF
6 CERTIFICATES, 6132 TALKS ABOUT CRITICAL NEEDS AND
7 INTERIM NOW, ARE BOTH CRITICAL NEEDS AND INTERIM SET
8 CERTIFICATES DEEMED SUBSTANDARD?

9 THE WITNESS NO SIR NOT BY THE STATE, NOT BY THE
10 U S DEPARTMENT OF EDUCATION THERE ARE SOME CRITICS IN
11 THE FIELD THAT WOULD DEEM ANY ALTERNATIVE CERTIFICATION
12 PROGRAM AS SUBSTANDARD TO A TRADITIONAL PROGRAM AND THERE
13 ARE LIMITATIONS

14 THE COURT BUT CRITICAL NEEDS BY DEFINITION, THEY'VE
15 PASSED THE PRAXIS TWO, AND SO THEY -- THERE'S SOMETHING
16 MISSING OUT THERE, BUT IT'S NOT THE TESTING, IS THAT
17 RIGHT?

18 WITNESS THAT S CORRECT

19 THE COURT NOW, WHAT ABOUT THE INTERIM, IS THAT
20 DEEMED A SUBSTANDARD CERTIFICATE?

21 THE WITNESS YES, IT IS, BECAUSE THEY ARE MISSING
22 BOTH THE TEST AND THE PREPARATION

23 THE COURT ALL RIGHT SO NOW, ON EXHIBIT NUMBER
24 6132, WHEN WE TALK AND SUBSTANDARD CERTIFICATES AND OUT OF
25 FIELD PERMITS, IN THIS SUBSTANDARD CERTIFICATES, ARE WE

1 TALKING ABOUT INTERIM CERTIFICATES?
2 THE WITNESS YES, SIR THEY ARE INCLUDED IN THAT
3 THE COURT BUT WE ARE NOT TALKING ABOUT CRITICAL
4 NEEDS?
5 THE WITNESS THAT'S CORRECT
6 THE COURT THANK YOU THAT CLEARS IT UP GO AHEAD
7 MR EPPS THANK YOU, YOUR HONOR
8 THE COURT I APOLOGIZE FOR THAT INTERRUPTION, BUT I
9 WAS UNCLEAR AND WANTED TO MAKE SURE I UNDERSTAND
10 BY MR EPPS
11 Q YOU REMIND ME OF ANOTHER ISSUE, DR PODA, IN TERMS OF
12 TEACHERS WITH TEACHING ON INTERIM CERTIFICATES --
13 A YES
14 Q -- WHAT TYPE OF TRAINING DO THEY HAVE OR PREPARATIONS
15 DO THEY HAVE FOR TEACHING, PLEASE?
16 A THEY HAVE NO PREPARATION NO TRAINING THUS THE
17 INDIVIDUAL THAT I DESCRIBED THAT WENT FROM SELLING SHOES
18 ONE DAY TO TEACHING THE NEXT
19 Q ALL RIGHT NOW, I HAD ASKED YOU THE QUESTION A
20 MOMENT AGO ABOUT 6152-G AND YOUR RESPONSE ESSENTIALLY WAS
21 THAT THEY HAD DIFFICULTY RECRUITING AND THAT LED TO THE
22 HIGHER -- OR THE HIGH LEVELS OF TEACHERS WITH SUBSTANDARD
23 CERTIFICATES AND OUT OF FIELD PERMITS IS THAT WHAT I
24 UNDERSTOOD YOU TO SAY?
25 A YES, THAT'S CORRECT

1 Q THE EFFECTIVENESS OF A TEACHER IS THAT IS WHAT IS
2 IMPORTANT AT THE END OF THE DAY, WHETHER A TEACHER CAN
3 ACTUALLY TEACH?

4 A YES, THAT THE REST OF IT IS JUST THE MINIMUM
5 QUALIFICATIONS, BUT WHETHER OR NOT THEY CAN TAKE THOSE
6 QUALIFICATIONS AND APPLY THEM IN THE CLASSROOM IS WHAT
7 MATTERS AT THE END OF THE DAY AND WHETHER OR NOT THE
8 STUDENT LEARNS IS ALSO WHAT MATTERS AT THE END OF THE DAY

9 Q AND CERTIFICATION TELLS YOU THAT OR DOESN'T TELL
10 YOU--

11 A IT DOES NOT TELL YOU THAT

12 Q ALL RIGHT NOW LET'S TALK ABOUT SUBSTANDARD
13 CERTIFICATES FOR A MINUTE WHAT DOES THAT TELL YOU ABOUT
14 A TEACHER?

15 A IT TELLS YOU THAT THEY HAVE LESS THAN THE MINIMUM
16 KNOWLEDGE AND LESS THAN MINIMUM KNOWLEDGE OF CONTENT, LESS
17 THAN MINIMUM KNOWLEDGE OF TEACHING METHODOLOGY

18 Q WHY ARE THEY ALLOWED TO TEACH IN SOUTH CAROLINA?

19 A I BELIEVE THEY ARE ALLOWED TO TEACH IN SOUTH CAROLINA
20 BECAUSE WE HAVE EXPERIENCED SHORTAGES OF TEACHERS AT
21 VARIOUS TIMES THROUGHOUT OUR HISTORY, AND BASED ON A
22 NUMBER OF REASONS, WE HAVE HAD SHORTFALLS IN CERTAIN
23 SUBJECT AREAS, AND CERTAIN AREAS OF THE STATE HAVE HAD
24 DIFFICULTY IN RECRUITING TEACHERS AND RETAINING THEM

25 Q HAVE YOU REACHED THE CONCLUSION AS TO WHY THE

1 PLAINTIFF DISTRICTS HAVE SUCH HIGH NUMBERS OF SUBSTANDARD
2 CERTIFICATES?

3 A BECAUSE THEY HAVE A LIMITED POOL OR A SMALLER POOL OF
4 PEOPLE IN WHICH TO DRAW WHEN THEY ARE HIRING TEACHERS

5 Q HOW DID YOU REACH THAT CONCLUSION?

6 A I REACHED IT BASED ON THE NUMBER OF VACANCIES THAT
7 THEY HAVE LISTED ON THE CENTER FOR TEACHER RECRUITMENT'S
8 WEBSITE I'VE REACHED THAT CONCLUSION BASED ON THE
9 CONVERSATIONS THAT I HAVE HAD WITH THOSE INDIVIDUALS WHO
10 ARE STRUGGLING TO RECRUIT TEACHERS

11 I HAVE HAD -- I HAVE BASED -- REACHED THAT
12 CONCLUSION BASED ON THE NUMBER OF VACANCIES THAT EXIST
13 NINE WEEKS AFTER THE SCHOOL YEAR BEGINS THERE ARE A
14 NUMBER OF FACTORS THAT YOU CAN LOOK AT

15 THE NUMBER OF SUBSTANDARD CERTIFICATES THAT ARE
16 IN THAT DISTRICT, THE NUMBER OF TEACHERS TEACHING OUT OF
17 FIELD, THE NUMBER OF LONG TERM SUBS

18 Q WHEN YOU LOOK AT -- AT COMPETITIVE AND NONCOMPETITIVE
19 TEACHING PROGRAMS -- YOU HAVE DONE THAT HAVE YOU NOT?

20 A YES I HAVE

21 Q AND WE TALKED ABOUT THAT THIS MORNING

22 A YES WE DID

23 Q AND YOU LOOKED AT THOSE IN THE PLAINTIFF DISTRICTS,
24 CORRECT?

25 A YES

1 Q NOW, WHAT DOES THE FACT THAT YOU HAVE HIGH
2 PERCENTAGES OF TEACHERS THAT COME FROM NONCOMPETITIVE
3 PROGRAMS MEAN TO A STUDENT'S LEARNING?
4 A IT MEANS THAT THE TEACHER IS LESS LIKELY TO HAVE THE
5 MINIMUM KNOWLEDGE AND SKILLS THAT ARE NECESSARY TO BEGIN
6 TEACHING
7 Q ALL RIGHT NOW, LET'S TALK ABOUT STUDENTS IN THE
8 PLAINTIFF SCHOOL DISTRICTS OKAY DO YOU KNOW THE
9 DEMOGRAPHICS OF THE STUDENTS IN THE PLAINTIFF SCHOOL
10 DISTRICT?
11 A I DO
12 Q CAN YOU GO NAME A STUDENT BY NAME?
13 A NO I CAN'T
14 Q ALL RIGHT DO YOU UNDERSTAND THE TEACHING POPULATION
15 IN THE PLAINTIFF SCHOOL DISTRICTS?
16 A I DO
17 Q AND GENERALLY SPEAKING, WHAT IS -- WHAT IS THE
18 TEACHING POPULATION OF -- FROM YOUR POINT OF VIEW AS HEAD
19 OF THE DEPARTMENT OF TEACHER QUALITY FOR THE STATE OF
20 SOUTH CAROLINA?
21 A THE TEACHING POPULATION IN THE PLAINTIFF DISTRICTS
22 HAS A GREATER NUMBER OF TEACHERS WITH SUBSTANDARD SKILLS
23 AND KNOWLEDGE THAN THE REST OF THE STATE, AND THAT -- THAT
24 MEANS THAT THE CHILDREN ARE MORE LIKELY TO HAVE A TEACHER
25 WHO HAS LESS QUALIFICATIONS WHO MAY NOT BE QUALIFIED TO

1 MEET THEIR NEEDS AND TO PROVIDE THEM WITH AN ADEQUATE
2 EDUCATION

3 Q ALL RIGHT DOES THAT THEN INDEED IMPACT ON WHETHER
4 THE STUDENTS IN THE PLAINTIFF DISTRICTS, AND THIS IS THE
5 SINGLE ISSUE, THE SINGLE ISSUE OF NONCOMPETITIVE
6 COLLEGES DOES THAT HAVE AN IMPACT ON WHETHER STUDENTS IN
7 THE PLAINTIFF DISTRICTS HAVE THE OPPORTUNITY TO RECEIVE A
8 MINIMALLY ADEQUATE EDUCATION?

9 MRS GRAY I OBJECT, YOUR HONOR
10 BY MR EPPS

11 Q YOU DON'T HAVE TO ANSWER, JUST SAY YES OR NO, AND WE
12 WILL MOVE ON I DON'T WANT YOUR OPINION NOW

13 A YES

14 Q ALL RIGHT LET'S TURN NOW TO THINGS LIKE TEACHER
15 TURNOVER WE HAVEN T TALKED ABOUT YET HAVE YOU LOOKED AT
16 THAT?

17 A YES, WE HAVE LOOKED AT TURNOVER

18 Q ALL RIGHT AND ARE YOU PREPARED TO OFFER TESTIMONY
19 ABOUT TEACHER TURNOVER INCLUDING TEACHER TURNOVER IN THE
20 PLAINTIFF DISTRICTS?

21 A YES, SIR

22 Q DOES TEACHER TURNOVER IN THE PLAINTIFF DISTRICTS HAVE
23 AN IMPACT ON STUDENTS IN THE PLAINTIFF DISTRICTS ABILITY
24 OR OPPORTUNITY TO ACQUIRE A MINIMALLY ADEQUATE EDUCATION
25 IN YOUR OPINION?

1 A YES, IT DEFINITELY HAS AN IMPACT AS A MATTER OF
2 FACT, I HAVE BEEN QUOTED AS SAYING ON A NUMBER OF
3 OCCASIONS THAT I CAN PREDICT THE DISTRICTS AND THE SCHOOLS
4 THAT ARE GOING TO BE LOW PERFORMING JUST BASED ON THE
5 TURNOVER RATE BEFORE A CHILD EVER PICKS UP A PENCIL AND
6 TAKES A TEST

7 Q AND WE WILL GO INTO THAT A LITTLE BIT LATER BUT JUST
8 VERY BRIEFLY WHY IS THAT?

9 A BECAUSE THE INSTABILITY IN THAT TEACHING POPULATION
10 CAUSES THE CHILDREN NOT TO KNOW THE TEACHERS VERY WELL,
11 FIRST OF ALL THEY ARE CONSTANTLY GETTING USED TO A NEW
12 GROUP OF TEACHERS WE HAVE TURNOVER RATES--

13 MRS GRAY YOUR HONOR, I'M SORRY I HATE TO KEEP
14 STANDING UP BUT WE ARE TALKING ABOUT HOW CHILDREN REACT
15 TO A NEW TEACHER IN THE PLAINTIFFS' DISTRICTS, AND I MEAN,
16 I JUST THINK THAT'S BEYOND THE SCOPE OF THIS TESTIMONY

17 THE COURT WELL, I THINK SHE'S -- UNLESS THE
18 REACTION TO THE CHILDREN IN THE PLAINTIFFS' DISTRICTS
19 WOULD BE DIFFERENT FROM SOME OTHER DISTRICTS I THINK THAT
20 SHE'S ALLOWED TO TESTIFY ABOUT THAT ACROSS THE SCOPE OF
21 THINGS

22 I DON'T THINK THAT THE EFFECT OF THE NEW TEACHER
23 COMING INTO THE PLAINTIFF DISTRICT, AT LEAST THE INITIAL
24 IMPACTS OF THAT, IS ANY DIFFERENT FROM GOING SOMEWHERE
25 ELSE

1 NOW THE RESULT MIGHT BE DIFFERENT SOMEWHERE
2 DOWN THE LINE, BUT AT LEAST THE INITIAL IMPRESSION I THINK
3 WOULD BE THE SAME I WILL ALLOW HER TO ANSWER THAT LINE
4 OF QUESTIONING THANK YOU
5 BY MR EPPS

6 Q GO AHEAD, AGAIN, DR PODA, IF YOU DON'T MIND

7 A OKAY IF I REMEMBER THE QUESTION

8 Q JUST VERY BRIEFLY AND WE WILL EXPLORE THIS IN MORE
9 DETAIL LATER ON BUT WHAT IMPACT DOES TEACHER TURNOVER
10 HAVE ON A STUDENT'S ABILITY OR OPPORTUNITY FOR A MINIMALLY
11 ADEQUATE EDUCATION?

12 A WELL, THE -- FIRST OF ALL THE TEACHERS HAVE TO LEARN
13 THE STUDENTS THE STUDENTS HAVE TO LEARN THE TEACHERS AND
14 THEY HAVE TO BUILT A TRUST IN ORDER FOR THE STUDENTS TO
15 BUILD THAT RELATIONSHIP WITH THE TEACHER WHERE THEY CAN
16 FOSTER AN ENVIRONMENT THAT'S CONDUCIVE TO LEARNING

17 SECONDLY, THE TEACHERS HAVE TO LEARN THE
18 EXPECTATIONS OF THAT PARTICULAR SCHOOL AND THAI DISTRICT
19 AND THE RULES AND THE REGULATIONS OF THAT SCHOOL AND SO
20 -- AND THAT TAKES A WHILE FOR THEM TO GET INVOLVED IN
21 THAT

22 THEY HAVE TO LEARN THE CURRICULUM FOR THAT
23 PARTICULAR SCHOOL DISTRICT IT MAY BE IN A DIFFERENT
24 SEQUENCE IT MAY BE A DIFFERENT ORDER IT MAY BE A
25 DIFFERENT TEXTBOOK THAT THAT DISTRICT USES, EVEN IF THEY

1 HAVE EXPERIENCE WHEN THEY ARE ENTERING A NEW SCHOOL, SO
2 THEY HAVE TO LEARN THAT INFORMATION

3 THERE ARE ALSO OTHER ISSUES IN TERMS OF
4 COLLEGIALITY IF YOU ARE TRYING TO BUILD A GROUP OF
5 TEACHERS WHO CAN WORK TOGETHER TO FOSTER THE GOOD AND THE
6 -- HELP STUDENTS TO LEARN TO THEIR FULLEST POTENTIAL,
7 THEN THEY ARE GOING TO HAVE TO CONTINUALLY BRING THE NEW
8 TEACHERS ALONG

9 IT'S GOING TO BE A BIGGER BURDEN ON THOSE
10 TEACHERS THAT ARE ALREADY THERE BECAUSE THEY ARE HAVING TO
11 BE MENTORS, THEY ARE HAVING PROVIDE A SUPPORT SYSTEM TO
12 NEW TEACHERS

13 SO IN ADDITION TO BEING A TEACHER THEY HAVE
14 ALSO GOT TO HELP INDUCT ALL THESE NEW TEACHERS INTO THE
15 PROFESSION WITH NO RELEASE TIME AND NO COMPENSATION

16 Q ALL RIGHT NOW, WE HAVEN'T IN ANY DETAIL ABOUT
17 PROFESSIONAL DEVELOPMENT WE WILL LATER ON BUT ARE YOU
18 FAMILIAR WITH PROFESSIONAL DEVELOPMENT IN SOUTH CAROLINA
19 AND IN THE PLAINTIFF DISTRICTS?

20 A YES I AM

21 Q IS PROFESSIONAL DEVELOPMENT IMPORTANT FOR A TEACHER'S
22 PERFORMANCE?

23 A PROFESSIONAL DEVELOPMENT IS IMPORTANT FOR OUR ENTIRE
24 PROFESSION

25 Q IS IT EXTREMELY IMPORTANT IN A TEACHER'S ABILITY TO

1 AND THEN THE THIRD ARRANGEMENT THAT WE HAD IS A
2 CONTRACT WITH THE COUNTRY OF SPAIN WHERE WE ARE ABLE TO GO
3 AND RECRUIT TEACHERS, SO WE HAVE TEACHERS COMING FROM A
4 MULTITUDE OF FOREIGN COUNTRIES ROMANIA, SPAIN, IN
5 PARTICULAR THE TWO THAT I'M MOST AWARE OF, AND WE DO
6 RECRUIT TEACHERS FROM SOME OTHER COUNTRIES AS WELL

7 Q ROMANIA AND SPAIN?

8 A YES THOSE ARE PROBABLY THE TWO LARGEST PROVIDERS

9 Q ALL RIGHT WHY DO WE IMPORT FOREIGN TEACHERS INTO
10 SOUTH CAROLINA?

11 A BECAUSE OF THE TEACHER SHORTAGE THAT WE HAVE
12 ESPECIALLY IN CERTAIN SUBJECT AREAS, AND IN CERTAIN
13 GEOGRAPHIC AREAS WHERE THEY HAVE A HARDER TIME RECRUITING
14 TEACHERS

15 ONE DISTRICT IN PARTICULAR HAS -- ONE OF THE
16 PLAINTIFF DISTRICTS IN PARTICULAR HAS A LARGE NUMBER OF
17 FOREIGN TEACHERS, ABOUT 15 AND MANY OF THOSE TEACHERS ARE
18 ASSIGNED TO SPECIAL EDUCATION CLASSROOMS WHERE THEY WERE
19 UNABLE TO FIND TEACHERS WITH CREDENTIALS IN SPECIAL
20 EDUCATION

21 Q ALL RIGHT DR PODA, LET'S LOOK AT 6135, IF WE CAN
22 AND JUST TELL US -- TELL THE COURT WHAT THAT IS

23 A THIS IS A CHART SHOWING THE DISTRICTS IN THE STATE
24 THAT HAVE TEACHERS FROM FOREIGN COUNTRIES IN '02, '03
25 THEY HAVE AN -- AND THE VALIDITY PERIOD MEANS THAT THAT

1 WAS THE YEAR THAT THEIR CERTIFICATE WAS ISSUED FOR, AND IT
2 WAS VALID FOR THAT YEAR

3 AND IT'S -- SPECIFICALLY THERE ARE A TOTAL OF
4 231 STATEWIDE, AND 37 OF THEM ARE IN THE PLAINTIFF
5 DISTRICTS SO ABOUT 16 5 PERCENT OF THEM ARE IN THE
6 PLAINTIFF DISTRICTS

7 Q I DON'T RECALL THE NUMBER DO YOU RECALL THE
8 PERCENTAGE OF STUDENTS -- EXCUSE ME -- THE PERCENTAGE OF
9 TEACHERS IN THE PLAINTIFF DISTRICTS COMPARED TO THE
10 STATEWIDE NUMBERS?

11 A YES, IT'S ABOUT THREE PERCENT

12 Q THREE PERCENT ALL RIGHT SO WE HAVE 16 5 PERCENT
13 OF THE FOREIGN TEACHERS IN OUR EIGHT DISTRICTS

14 A THAT'S CORRECT

15 Q AND THREE PERCENT OF TEACHER POPULATION?

16 A YES

17 Q NOW, I UNDERSTAND WHY THEY CAME AND WHY WE ASKED THEM
18 TO COME AND NOW TELL US, IF YOU WILL, WHAT IMPEDIMENTS,
19 IF ANY, THEY BRING TO THE CLASSROOM?

20 A WELL FIRST OF ALL THEY DON'T HAVE TO HOLD THE SAME
21 KIND OF TEACHER CERTIFICATION THAT OTHER TEACHERS DO AT
22 LEAST ACCORDING TO NO CHILD LEFT BEHIND AND OUR STATE
23 LEGISLATURE, THEY ARE HERE ON A THREE YEAR VISA, J-1 VISA,
24 SO THEY DO NOT HAVE TO PASS PRINCIPLES OF LEARNING AND
25 TEACHING AND TO DEMONSTRATE THAT THEY HAVE PEDAGOGY AT ANY

1 POINT IN TIME

2 THEY DO HAVE TO GO THROUGH THE ADEPT EVALUATION
3 SYSTEM WHILE THEY ARE EMPLOYED TO TEACH THE BIGGEST
4 OBSTACLE OR IMPEDIMENT THAT THEY BRING TO THE TABLE IS
5 THEIR LANGUAGE BARRIER AND ALSO THE CULTURAL BARRIERS

6 Q I NEED TO EXPLORE THAT WITH YOU A LITTLE BIT YOU
7 KNOW FIRST OF ALL LET'S TALK ABOUT THE LANGUAGE
8 BARRIER AND JUST GIVE ME SOME EXAMPLES OF TEACHERS, IF
9 YOU WILL, DIFFERENT TYPES OF TEACHERS

10 A MOST OF THE TEACHERS WHO COME HERE SPEAK SPANISH
11 PRIMARILY IS THEIR LANGUAGE THERE'S SOME OTHER LANGUAGES
12 SPOKEN THEY HAVE A GRASP OF LANGUAGE IN TERMS OF READING
13 ENGLISH FAIRLY WELL THEIR SPOKEN ENGLISH IS LESS THAN
14 DESIRABLE IN TERMS OF THEIR ABILITY TO COMMUNICATE WITH
15 STUDENTS

16 SOME OF THE TEACHERS HAVE BETTER LANGUAGE,
17 ENGLISH SKILLS THAN OTHERS I HAVE HAD THE OPPORTUNITY TO
18 MEET AND SPEAK WITH A NUMBER OF THEM, AND I FOUND THE
19 LANGUAGE TO BE A BARRIER FOR ME PERSONALLY AND I SPEAK A
20 LITTLE BIT OF SPANISH

21 Q ALL RIGHT WE HAVE A LANGUAGE BARRIER

22 A YES

23 Q NOW, SOME MIGHT ARGUE THAT WE HAVE A LANGUAGE BARRIER
24 JUST COMING TO SOUTH CAROLINA FROM ANYWHERE IN THE UNITED
25 STATES, BUT IS IT SUCH A BARRIER THAT THE STUDENTS AND THE

1 THE CLASSROOM WITH THESE TEACHERS

2 MR EPPS MIGHT I MAKE A SUGGESTION YOUR HONOR?

3 THE COURT YEAH, IF WE -- I WILL BE GLAD TO HEAR IT

4 MR EPPS SURE IF THEY WANT TO TAKE DR PODA TO

5 TASK ON THAT, THEY HAVE THE RIGHT TO DO THAT

6 THE COURT I WILL TAKE JUDICIAL NOTICE OF THE FACT

7 THAT IF DR PODA HAS A BACHELOR'S DEGREE A MASTER'S

8 DEGREE, PH D AND BEEN TEACHING SCHOOL SINCE 1977 IS

9 HAVING DIFFICULT COMMUNICATING WITH THESE FOLKS IN ALL

10 LIKELIHOOD SOME OF THE KIDS PROBABLY HAVE A LITTLE

11 DIFFICULTY, TOO THANK YOU

12 MR EPPS THANK YOU, YOUR HONOR

13 BY MR EPPS

14 Q DR PODA, JUST TELL US NOW, EVEN WITH THE COURT'S

15 RULING, WHAT BASIS YOU HAVE FOR SAYING THAT FOR THE

16 RECORD

17 A MY PERSONAL INTERACTION WITH A NUMBER OF THESE

18 TEACHERS THAT I HAD DIFFICULTY COMMUNICATING WITH THEM AND

19 IN ENGLISH

20 Q ALL RIGHT WHEN YOU HAVE -- LET'S ASSUME, FOR

21 EXAMPLE, THAT YOU HAVE A SPANISH TEACHER COME IN WHAT

22 WOULD BE A NATURAL SUBJECT AREA FOR A SPANISH TEACHER?

23 A WELL YOU WOULD HOPE THAT THEY WERE GOING TO TEACH

24 SPANISH, BUT IN FACT, IN MANY CASES THEY ARE TEACHING

25 MATHEMATICS, SCIENCE AND OTHER LANGUAGE -- OTHER SUBJECTS

1 AS WELL IN ADDITION TO SPANISH

2 Q WHILE THEY MAY SPEAK SPANISH EXCEEDINGLY WELL, DO
3 THEY OR MIGHT THEY HAVE PROBLEMS SPEAKING ENGLISH?

4 A THEY MAY HAVE PROBLEMS SPEAKING ENGLISH AND AGAIN
5 THE COMMUNICATION WITH THE STUDENTS IS A BARRIER

6 Q COMMUNICATION WITH THE STUDENTS IS A BARRIER?

7 A UH-HUH

8 Q NOW HOW LONG DO THESE TEACHERS TYPICALLY STAY?

9 A THEY STAY UP TO THREE YEARS

10 Q UP TO THREE YEARS?

11 A YES

12 Q SO THEY ARE TEMPORARY AT BEST?

13 A THAT'S CORRECT

14 Q ALL RIGHT SO IF WE WERE TO GO BACK AND EXPLORE
15 ESTABLISHING RELATIONSHIPS WITH THE COMMUNITY AND THAT
16 SORT OF THING DO THEY HAVE THE OPPORTUNITY TO DO THAT?

17 A I DON'T THINK THEY HAVE THE OPPORTUNITY AND IN FACT,
18 WE HAVE REPORTS THAT THEY HAVE A VERY DIFFICULT TIME
19 BECOMING PART OF THE COMMUNITY PRIMARILY BECAUSE THEY
20 OFTEN DON'T HAVE CARS THEY DON'T HAVE THE ACQUAINTANCES
21 IN THE COMMUNITY

22 THEY HAVE A HARD TIME MAKING THOSE
23 ACQUAINTANCES, SO IT'S VERY DIFFICULT FOR THEM TO BECOME
24 PART OF THE COMMUNITY IN WHICH THEY ARE TEACHING, AND THEY
25 ALSO--

1 PEDAGOGY THROUGHOUT THE YEARS PROBABLY 25 YEARS AGO WE
2 USED THE COMMONS PART OF THE NATIONAL TEACHERS EXAM, AND
3 IT WAS A BASIC SKILLS TEST AND A PEDAGOGY TEST SORT OF A
4 COMBINATION OF THE TWO, IF I RECALL

5 AND THEN THE -- THEN WE SWITCHED TO SOMETHING
6 CALLED THE PROFESSIONAL KNOWLEDGE EXAM, AND I THINK WE
7 WENT TO THAT AROUND -- I DON'T REMEMBER THE EXACT DATE,
8 BUT I THINK IT WAS AROUND 1990 AND THEN WE SWITCHED TO
9 THE PRINCIPLES OF LEARNING AND TEACHING ABOUT 1998 OR '99

10 Q SO THE NUMBERS THEN I GUESS WOULD BE ABOUT THE SAME
11 FOR THE PEOPLE WHO HAVE TAKEN PRINCIPLES OF LEARNING AND
12 TEACHING?

13 A I WOULD SAY IT'S EVEN LESS BECAUSE WE DON'T REQUIRE
14 THAT UNTIL AFTER A PERSON HAS TAUGHT UP TO THREE YEARS

15 Q ALL RIGHT SO WE HAVE AT LEAST 80 PERCENT, PROBABLY
16 MORE, OF TEACHERS PRACTICING TEACHING IN SOUTH CAROLINA
17 WHO HAVE NOT TAKEN THE PRINCIPLES OF LEARNING AND TEACHING
18 PORTION OF THE PRAXIS EXAM?

19 A THAT'S CORRECT

20 Q NOW, I WANT TO TALK TO YOU JUST FOR A MOMENT, AND WE
21 WILL COME BACK TO THIS ISSUE LATER ON, ABOUT TEACHING
22 STUDENTS IN THE PLAINTIFF DISTRICTS AND WHAT IS REQUIRED
23 OF A TEACHER IF THAT TEACHER IS TO PROVIDE MINIMALLY
24 ADEQUATE EDUCATIONAL OPPORTUNITIES TO THOSE STUDENTS

25 A WHAT'S REQUIRED OF THE TEACHER TO TEACH THE -- THOSE

1 STUDENTS IN THAT DISTRICT? I THINK IT'S A VARIETY OF
2 THINGS I THINK FIRST OF ALL YOU HAVE TO KNOW YOUR
3 CONTENT YOU CAN'T TEACH WHAT YOU DON'T KNOW, SO THAT'S A
4 GIVEN

5 THE SECOND THING IS THAT YOU HAVE TO HAVE A
6 GRASP OF A WIDE VARIETY OF DIFFERENT METHODS THAT CAN BE
7 USED BECAUSE IF ONE DOESN'T WORK YOU NEED TO HAVE IN
8 YOUR TOOL KIT ANOTHER ONE THAT YOU CAN PULL OUT AND USE TO
9 HELP THE STUDENTS TO LEARN

10 SO YOU NEED A WIDE VARIETY OF DIFFERENT
11 METHODOLOGIES YOU ALSO NEED TO UNDERSTAND CHILD GROWTH
12 AND DEVELOPMENT AND WHAT SHOULD BE EXPECTED OF A CHILD AT
13 A CERTAIN AGE AND THAT -- THEIR DEVELOPMENTAL STAGES SO
14 YOU NEED TO UNDERSTAND WHETHER OR NOT A CHILD HAS A
15 DELAYED DEVELOPMENT OR IF THEY HAVE SOME OTHER KIND OF
16 LEARNING PROBLEM, AND TO BE ABLE TO AT LEAST REFER THAT
17 PERSON TO -- FOR TESTING IF YOU IDENTIFY THAT THEY HAVE
18 SOME KIND OF LEARNING -- A DISABILITY

19 SO I THINK THAT ALL OF THOSE ARE IMPORTANT BUT
20 YOU ALSO HAVE TO HAVE A GRASP OF SOME OF THE INDICATORS
21 THAT A CHILD MIGHT -- THAT MIGHT EFFECT A CHILD WHO COMES
22 TO SCHOOL FOR EXAMPLE HUNGER

23 AND IF THE CHILD IS NOT PERFORMING WELL IN YOUR
24 CLASS MAYBE IT'S BECAUSE THEY JUST HAVEN'T HAD FOOD OR
25 MAYBE IT'S BECAUSE THEY HAVE HAD A TURBULENT HOME LIFE AND

1 THEY STAYED UP ALL NIGHT LISTENING TO THEIR PARENTS ARGUE,
2 OR MAYBE IT'S BECAUSE THEY -- THEY DON'T HAVE ANY OF THE
3 RESOURCES THAT OTHER CHILDREN HAVE

4 SO I THINK YOU HAVE TO HAVE A SENSITIVITY TO
5 CHILDREN WHO COME FROM THESE BACKGROUNDS THAT WILL HELP
6 YOU TO BUILD A RELATIONSHIP WITH THEM WHERE THEY CAN TRUST
7 YOU AND PUT THEIR TRUST IN YOU THAT YOU WILL HELP THEM TO
8 BECOME A QUALIFIED LEARNER

9 Q I'M GOING TO TRY TO GET YOU SOME WATER WOULD YOU
10 LIKE SOME WATER -- OR YOU'VE GOT SOME WATER? WHAT
11 DIFFERENT TEACHING STRATEGIES DO YOU NEED TO TEACH
12 CHILDREN WHO COME FROM POVERTY, WHERE YOU HAVE HIGH
13 PERCENTAGE OF CHILDRENS (SIC) COMING FROM POVERTY IN ORDER
14 TO GIVE THEM THE OPPORTUNITY FOR A MINIMALLY ADEQUATE
15 EDUCATION?

16 A I THINK THERE ARE -- AND LIKE I SAID EARLIER -- A
17 NUMBER OF THINGS THAT YOU WOULD NEED TO DO FIRST OF ALL,
18 YOU WOULD NEED TO BE ABLE TO GIVE CONCRETE EXAMPLES TO
19 STUDENTS YOU WOULD NEED TO EXPOSE THEM TO -- EXCUSE ME
20 -- INFORMATION AND EXPERIENCES THAT THEY MAY NOT HAVE IN
21 THEIR DAILY LIVES

22 YOU NEED TO -- TO BE ABLE TO ASK THEM QUESTIONS
23 THAT WOULD HELP THEM NOT ONLY TO RECALL FACTS, BUT ALSO TO
24 BE ABLE TO SEE HOW THAT INFORMATION COULD BE APPLIED I
25 THINK IT'S REAL IMPORTANT THAT STUDENTS THAT COME FROM

1 THESE TYPES OF BACKGROUNDS IS THAT YOU SHOW THEM HOW THE
2 INFORMATION THAT THEY ARE LEARNING IS RELEVANT TO THEIR
3 LIVES, HOW IT CAN BE USED ON A DAILY BASIS OR IN THEIR
4 FUTURE, EITHER IN EMPLOYMENT OR SOME OTHER TYPE OF THING

5 ONE EXAMPLE MAY BE WHEN I TAUGHT HIGH SCHOOL
6 SPECIAL EDUCATION, I HAD A NUMBER OF STUDENTS WHO WERE
7 EITHER NONREADERS OR VERY LIMITED READING ABILITY, AND I
8 USED THE DRIVER'S MANUAL TO TRY TO TEACH THEM HOW TO
9 READ

10 THAT WAS VERY IMPORTANT TO THEM THAT THEY GOT A
11 DRIVER'S LICENSE SO THEY WERE MOTIVATED TO READ THE
12 DRIVER'S MANUAL SO THAT THEY COULD LEARN ENOUGH THAT THEY
13 COULD PASS THE DRIVING EXAM AND GET THEIR DRIVER'S
14 LICENSE

15 SO I THINK THOSE ARE THE KINDS OF EXAMPLES THAT
16 YOU -- AND TEACHING METHODS THAT YOU WANT TO FIND
17 Q IN LOOKING FOR A TEACHER THAT'S ABLE TO DO THAT TO
18 MAKE -- IS THERE A TRANSFORMATION BETWEEN WHAT YOU LEARN
19 IN TEACHER ED PROGRAMS TO TEACHING STUDENTS AND RELATING
20 THINGS IN A MORE CONCRETE AS OPPOSED TO AN ABSTRACT
21 FASHION?

22 A I THINK THERE IS SOME PREPARATION IN A TEACHER
23 EDUCATION PROGRAM MOSTLY, THOUGH IT'S THE THEORY BEHIND
24 IT, THE -- YOU LEARN ABOUT QUESTION TECHNIQUES, YOU LEARN
25 ABOUT HOW TO LECTURE, YOU LEARN ABOUT HOW TO HAVE A

1 YESTERDAY

2 AND YOU ARE ALSO CURRENTLY IN CHARGE OF THE
3 SOUTH CAROLINA DEPARTMENT OF EDUCATION DIVISION OF TEACHER
4 QUALITY WHAT FACTORS IN YOUR VIEW ARE MOST IMPORTANT IN
5 RECRUITMENT AND RETENTION OF TEACHERS?

6 A I THINK THERE ARE TWO BROAD CATEGORIES THAT THE
7 ISSUES FALL UNDER ONE IS TEACHER SALARY, AND THE OTHER
8 IS WORK CONDITIONS AND TEACHER SALARIES, MEANING THAT IN
9 MANY CASES THE SALARIES IN THE PLAINTIFF DISTRICTS ARE NOT
10 COMPETITIVE WITH SURROUNDING DISTRICTS TO THEM OR OTHER
11 DISTRICTS IN THE STATE OR IN BORDERING STATES TO SOME OF
12 THE PLAINTIFF DISTRICTS

13 THE OTHER ISSUE, WORK CONDITIONS CAN INCLUDE A
14 VARIETY OF THINGS, ANYTHING FROM THE SAFETY OF THE SCHOOL,
15 THE FACILITIES OF THE SCHOOL, THE SUPPORT THAT AN
16 INDIVIDUAL RECEIVES FROM HIS OR HER PRINCIPAL

17 IT CAN INCLUDE THE RESOURCES OR THE LACK OF
18 RESOURCES THAT A TEACHER HAS AVAILABLE TO THEM, THE OTHER
19 SUPPORT STAFF THAT MAY OR MAY NOT BE PRESENT IN THE
20 DISTRICT, ANYWHERE FROM A CASE WORKER, TO A SOCIAL WORKER
21 TO A PERSON THAT CAN ASSIST CHILDREN WITH OTHER NEEDS THAT
22 THEY HAVE

23 AND THERE -- I MAY HAVE LEFT SOME OUT, BUT IT'S
24 THAT WHOLE ISSUE OF WORK CONDITIONS, WHERE THE TEACHER
25 FINDS HIMSELF WHETHER -- HOUSING IS ANOTHER ISSUE,

1 WHETHER OR NOT THERE IS ENOUGH HOUSING AVAILABLE OR AN
2 ADEQUATE HOUSING FOR A PERSON TO LIVE IN THAT PARTICULAR
3 DISTRICT

4 THERE'S STILL PLACES WHERE WE BOARD IN SOMEONE'S
5 HOME, LIKE I DID WHEN I WAS A TEACHER HERE IN MANNING,
6 BECAUSE THERE WAS NO HOUSING AVAILABLE AND THE -- WHAT
7 TYPICALLY HAPPENS IN THOSE CASES IS THAT THE TEACHER LIVES
8 SOMEWHERE ELSE AND THEN THEY DRIVE OR COMMUTE UP TO -- I
9 DON'T KNOW -- A COUPLE HOURS A DAY IN SOME CASES

10 AND THEN AS SOON AS A JOB COMES OPEN CLOSER TO
11 WHERE THEY LIVE THEY RETURN TO THAT COMMUNITY SO IT'S
12 ALSO THE QUALITY OF LIFE I VISITED HAMPTON SCHOOL
13 DISTRICT TWO BACK IN THE EARLY 90'S AND ONE OF THE THINGS
14 THAT THE SUPERINTENDENT DID WAS GAVE ME A TOUR OF THE TOWN
15 OF ESTILL WHILE I WAS THERE, AND HE INDICATED AS WE DROVE
16 BY--

17 MRS GRAY OBJECTION, YOUR HONOR HEARSAY

18 THE COURT SHE CAN SAY -- SAY WHAT SHE OBSERVED AND
19 I WILL ALLOW HER TO DO THAT, NOT NECESSARILY WHAT HE WAS
20 TELLING HER ABOUT THAT

21 THE WITNESS WELL, I WAS BEING GIVEN A TOUR OF
22 ESTILL THE -- I OBSERVED THE RESTAURANT WHERE THE
23 SUPERINTENDENT HAD TAKEN ALL THE FIRST YEAR TEACHERS FOR
24 DINNER AS PART OF THE INDUCTION, AND THEN WE DROVE BY THE
25 THEN CLOSED RESTAURANT WHERE HE HAD TAKEN THEM FOR

1 DESSERT, THE ONLY OTHER RESTAURANT IN TOWN

2 SO THE QUALITY OF LIFE FACTORS THAT WERE NOT
3 PRESENT IN THAT PARTICULAR COMMUNITY WAS A FACTOR FOR
4 YOUNG PEOPLE TO CONSIDER WHETHER OR NOT THEY WANTED TO
5 LIVE THERE

6 THERE ARE ACTUALLY COUNTIES IN THIS STATE WHERE
7 FROM -- SOME OF THE PLAINTIFF DISTRICTS ARE LOCATED --
8 WHERE YOU CANNOT BUY CLOTHING, AND YOU HAVE TO GO TO
9 ANOTHER COUNTY OR A NEIGHBORING PLACE TO FIND A STORE THAT
10 SELLS CLOTHING

11 ALL OF THOSE THINGS FACTOR INTO A PERSON'S
12 DECISION TO LIVE IN A CERTAIN AREA AND I THINK THAT'S
13 PART OF THE WORK CONDITIONS THAT A PERSON MAY FIND
14 THEMSELVES IN

15 Q I'M GOING TO BREAK THOSE DOWN A LITTLE BIT MORE BUT
16 IS THERE ANY QUESTION IN YOUR MIND THAT IT IS MORE
17 DIFFICULT TO RECRUIT TEACHERS INTO THE PLAINTIFF DISTRICTS
18 THAN IT IS IN MOST OTHER GEOGRAPHICAL AREAS IN SOUTH
19 CAROLINA?

20 A THERE'S NO DOUBT IN MY MIND

21 Q NOW, IN TERMS OF RECRUITING TEACHERS INTO THE
22 PLAINTIFF SCHOOL DISTRICTS IS IT EVEN MORE DIFFICULT TO
23 RECRUIT THEM IF YOU PAY THEM LESS THAN THEY CAN GET
24 ELSEWHERE?

25 A SALARY IS DEFINITELY A FACTOR AND WHEN A PERSON HAS

1 AN OPTION OF BEING ABLE TO TEACH IN DIFFERENT PLACES,
2 SALARY IS ONE OF THE TIPPING POINTS THAT WOULD STEER A
3 PERSON TO ANOTHER DISTRICT

4 Q ALL RIGHT WE KEEP TALKING ABOUT OPTIONS AND BY
5 OPTIONS, YOU MEAN WHAT?

6 A WELL, IN THIS CASE, IF THE TEACHER HAS OPTIONS OF
7 DIFFERENT SCHOOL DISTRICTS IN WHICH THEY CAN WORK, THEN
8 THEY ARE GOING TO LOOK AT WHAT ARE THE BENEFITS THAT THE
9 PARTICULAR DISTRICT OFFERS, SALARY, OTHER KINDS OF
10 BENEFITS, THE WORK CONDITIONS, THE SUPPORT THAT THEY
11 RECEIVE

12 SO THOSE ARE THE -- THAT TOTAL PACKAGE IS WHAT
13 THE TEACHER IS GOING TO WEIGH THOSE OPTIONS ABOUT, WHAT'S
14 IMPORTANT TO HIM OR HER, AND SALARY IS DEFINITELY A FACTOR
15 THAT THEY WOULD CONSIDER

16 Q WELL, LET'S ASSUME THEN THAT YOU HAVE LESS THAN IDEAL
17 WORKING CONDITIONS, WHICH WE WILL EXPLORE AND YOU HAVE
18 GOT A STUDENT POPULATION THAT IS AT-RISK AND COMES FROM
19 IMPOVERISHED BACKGROUNDS, AND THEN YOU HAVE PAY THAT IS
20 LOWER THAN THE STATE AVERAGE OR LOWER THAN YOUR NEIGHBORS
21 OR YOUR COMPETITORS, EVEN YOUR COMPETITORS IN GEORGIA OR
22 NORTH CAROLINA

23 WHAT TYPE OF TEACHERS DOES THAT TEND TO
24 ATTRACT? AND I'M TALKING HERE ABOUT THE PLAINTIFF
25 DISTRICTS, OF COURSE

1 A TYPICALLY THEN IT ATTRACTS TEACHERS THAT DON'T HAVE
2 ANY OTHER OPTIONS AND DISTRICTS THAT THEY CAN GO TO
3 THAT'S THE ONLY JOB OFFER THAT THEY RECEIVE IS IN THAT
4 DISTRICT

5 Q AND WHY WOULD THEY NOT HAVE OTHER JOB OFFERS?

6 A BECAUSE THEY DON'T HAVE THE QUALIFICATIONS OR THE
7 CHARACTERISTICS OR THE EXPERIENCE THAT THE DISTRICT IS
8 LOOKING FOR

9 Q DOES THAT RESULT IN PLACING THE LEAST QUALIFIED
10 TEACHERS IN FRONT OF THE MOST NEEDY STUDENTS?

11 A THAT'S EXACTLY WHAT IT RESULTS, IS THAT THE TEACH --
12 THE STUDENTS THAT NEED THE BEST TEACHERS ARE THE LEAST
13 LIKELY TO HAVE THEM

14 Q AND IS THAT WHAT IS HAPPENING IN SOUTH CAROLINA?

15 A THAT'S EXACTLY WHAT'S HAPPENING

16 MRS GRAY YOUR HONOR, YOU KNOW, THIS IS THE
17 ULTIMATE ISSUE, AND I THINK IT'S TIME TO STOP THE
18 LEADING I OBJECT

19 THE COURT THE LAST ONE, THE LAST QUESTION WAS
20 LEADING I SUSTAIN THE OBJECTION AS TO THE LAST QUESTION
21 BY MR EPPS

22 Q ALL RIGHT WHAT IS HAPPENING IN SOUTH CAROLINA?

23 A THE STUDENTS WHO HAVE THE GREATEST NEED ARE GETTING
24 THE LEAST QUALIFIED TEACHERS

25 Q ALL RIGHT I WANT TO TURN NOW, IF I CAN, TO THE

1 DISTRICT PAY ISSUE AND IF WE COULD PULL UP 6138,
2 PLAINTIFFS' EXHIBIT, PLEASE ALL RIGHT AND DR PODA,
3 PLEASE TELL US WHAT THIS IS

4 A IN THE FIRST TABLE AT THE TOP OF THE PAGE THERE IS A
5 CHART THAT SHOWS YOU THE RANGE OF SALARIES THAT EXIST IN
6 SOUTH CAROLINA IN THE 2003, 2004 SCHOOL YEAR THE RANGE
7 IS BASED ON THE STATE MINIMUM SALARY SCHEDULE, WHICH IS
8 THE FIRST NUMBER CELL, AND THEN THE SECOND NUMBER IN THE
9 CELL IS THE DISTRICT THAT PAYS THE HIGHEST SALARIES IN THE
10 STATE, AND THAT HAPPENS TO BE BEAUFORT COUNTY

11 AND SO THAT'S THE RANGE OF SALARIES THAT ARE
12 CURRENTLY OFFERED TO TEACHERS IN SOUTH CAROLINA

13 Q AND WHEN YOU SAY CURRENT THAT'S 2003, 2004 SCHOOL
14 YEAR?

15 A THAT'S CORRECT AND I BROKE IT DOWN IN JUST
16 INTERVALS OF ZERO YEARS FIVE YEARS, TEN YEARS 15 AND
17 THE REASON I USED 22 IS BECAUSE THAT'S THE HIGHEST STEP ON
18 THE STATE'S MINIMUM SALARY SCHEDULE

19 Q MEANING WHAT?

20 A MEANING THAT AFTER A PERSON HAS 22 YEARS, THEN THEY
21 NO LONGER GET SALARY INCREASES FOR THEIR YEARS OF
22 EXPERIENCE

23 Q WHY IS THAT?

24 A I BELIEVE IT'S BECAUSE OF THE LIMITED BUDGET OF THE
25 STATE AND ALSO THE RESEARCH SAYS THAT ONCE A PERSON HAS

1 BEEN IN THE PROFESSION THAT LONG, THEY ARE LESS LIKELY TO
2 LEAVE THE PROFESSION, AND SO THERE'S NO LONGER A NEED OF
3 -- TO GIVE AN INCENTIVE TO THOSE TEACHERS TO STAY AROUND
4 Q SO AT 22 YEARS IN SOUTH CAROLINA, YOU CAP-OUT ON YOUR
5 SALARY INCREASES PAID BY THE STATE?

6 A THAT'S CORRECT

7 Q ALL RIGHT NOW LET'S PULL UP, IF WE CAN, 6152-A
8 AND DR PODA, PLEASE TELL US WHAT THIS IS

9 A THIS CHART SHOWS YOU THE BEGINNING TEACHER'S SALARY
10 BOTH THE MINIMUM WHICH IS THE ONE ON THE FAR LEFT, AND
11 THEN THE HIGHEST AND THEN THE RANGE OF THE PLAINTIFF
12 DISTRICTS FOR A PERSON WITH A BACHELOR'S DEGREE AND--

13 THE COURT HOLD ON A SECOND

14 (WHEREUPON THERE WAS A PAUSE AS SIREN PASSES)

15 THE COURT THANK YOU YOU SAID A PERSON WITH A
16 BACHELOR'S DEGREE, AND AT THAT POINT WE STOPPED YOU

17 THE WITNESS BACHELOR'S DEGREE AND ZERO YEARS OF
18 EXPERIENCE SO THIS JUST SHOWS YOU THE -- ON THE FAR LEFT
19 HAND COLUMN, THE LOWEST SALARY THAT S OFFERED, AND THEN
20 THE HIGHEST SALARY, AND THEN THE SALARIES OFFERED BY THE
21 PLAINTIFF DISTRICTS TO FIRST YEAR TEACHERS

22 BY MR EPPS

23 Q ALL RIGHT THE FAR LEFT HAND CORNER SHOWS THE STATE
24 AVERAGE AT 25 184?

25 A STATE MINIMUM