

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

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APPEAL FROM LEE COUNTY  
Court of Common Pleas

Thomas W Cooper, Jr , Circuit Court Judge

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Case No 93-CP-31-169

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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)*

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**RECORD ON APPEAL (CONDENSED),  
VOL IV 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,

Respondents-  
Appellants,

and

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

Respondents

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1       COULD BECOME SECONDARY

2       Q     IS THAT LIKE TEACHING A MAN TO FISH?

3       A     ABSOLUTELY   YOU CAN TEACH HIM TO FISH   THEN HE WILL  
4       BE ABLE TO CONTINUE TO FISH   BUT JUST CONTINUE TO GIVE  
5       HIM SOMETHING, HE WILL ALWAYS BE IN THAT SAME STATE

6       Q     NOW, RETURNING TO THIS SENSE OF PERSPECTIVE, THEIR  
7       PLACE IN SOUTH CAROLINA AND THEIR PLACE IN THE WORLD,  
8       THERE HAS BEEN A LOT OF DISCUSSION IN THE LAWSUIT ABOUT  
9       THE ARTS AND THE HUMANITIES   THE NEED FOR MUSIC  
10      APPRECIATION, WHETHER THAT IMPACTS STUDENT LEARNING  
11      WHETHER IT DOESN'T, BUT WHAT EXPOSURE HAVE YOUR CHILDREN  
12      HAD TO SOME OF THE FINER THINGS IN LIFE SUCH AS GOOD ART,  
13      GOOD MUSIC   SYMPHONIES   EVEN LARGE BANDS OR WHATEVER?

14      A     THE ONLY ACTIVITIES IN THAT ARENA THAT MY STUDENTS  
15      HAVE BEEN EXPOSED TO IS THE MINIMUM AMOUNT OF SUBJECT AREA  
16      THAT WE'RE REQUIRED TO OFFER IN THE SCHOOLS TO THE MOST  
17      PART   OCCASIONALLY WE WILL HAVE FIELD TRIPS THAT WILL  
18      EXPOSE THEM TO ITEMS   I GUESS WHAT YOU SPOKE OF   CERTAIN  
19      CONCERTS OR VISITING CIRCUSES OR HAVING A -- I THINK WE  
20      HAVE HAD JAZZ BANDS COME DOWN AND DO SOME PERFORMANCE AT  
21      NIGHT

22               AND OF COURSE, SOMETIMES YOU DON'T REACH ALL  
23      YOUR CHILDREN IN THAT MANNER BECAUSE SOME OF THEM THE  
24      PARENTS ARE NOT ABLE TO BRING THEM OR THEY DON'T COME OUT  
25      TO THE PERFORMANCE, BUT IT'S BEEN VERY LIMITED

1 Q DO YOU THINK THAT TAKING CHILDREN ON FIELD TRIPS TO  
2 CHARLESTON, COLUMBIA, SAVANNAH, OR WHAT HAVE YOU, TO SEE  
3 FOR EXAMPLE, THE STATE CAPITOL OR TO SEE THE AQUARIUM OR  
4 THE ZOO IN COLUMBIA OR -- ARE THESE IMPORTANT THINGS FOR  
5 YOUR STUDENTS TO SEE IN ORDER FOR THEM TO RECOGNIZE THAT  
6 THERE ARE OTHER THINGS BESIDE WHAT CAN BE FOUND IN ESTILL,  
7 SOUTH CAROLINA?

8 A OH, ABSOLUTELY AND NOT ONLY FOR THAT THE  
9 RECOGNITION TO SEE IT, BUT ALSO IT BRINGS ABOUT RELEVANCY  
10 WHENEVER THEY ARE STUDYING SUCH THINGS IN THEIR, YOU KNOW,  
11 DAY LESSONS WHEN THEY COME UP BECAUSE THEY WILL HAVE SOME  
12 TIME FOR KNOWLEDGE OR BACKGROUND EXPERIENCE THAT THEY CAN  
13 RELATE TO LEARNING

14 Q PUT IT INTO CONTEXT?

15 A PUT IT INTO CONTEXT ABSOLUTELY

16 Q WELL, LET ME ASK YOU THIS QUESTION, MR THOMPSON  
17 WITH THE LITTLE FORMAL EDUCATION THEY ARE ABLE TO OBTAIN  
18 AT HOME AND THE FACT THAT YOU JUST STATED THAT THEY WERE  
19 SCHOOL DEPENDENT CHILDREN CAN THESE CHILDREN LEARN?

20 A OH YES MOST DEFINITELY THEY CAN LEARN NO DOUBT  
21 IN MY MIND ABOUT THAT

22 Q ALL RIGHT NOW HAVING SAID THAT DOES IT COST MORE  
23 TO EDUCATE THESE CHILDREN? AND BY THAT I MEAN DO THEY  
24 NEED RESOURCES BEYOND THE RESOURCES THAT A MIDDLE CLASS  
25 CHILD MIGHT NEED?

1 A YES, THEY DO, BECAUSE IF -- IF THE SCHOOL IS -- IF  
2 THEY ARE TOTALLY SCHOOL DEPENDENT CHILDREN, THEN THE  
3 SCHOOL AND THE DISTRICT HAS TO HAVE THE NECESSARY FUNDS IN  
4 ORDER TO PROVIDE THE THINGS THAT THEY ARE MISSING

5 AND SO IN ORDER TO DO THAT, WE HAVE TO MAKE SURE  
6 THAT WE PLAN FOR FIELD TRIPS AND WE HAVE TO PLAN FOR --  
7 MAKE SURE THAT WHEN WE'RE TEACHING CERTAIN LESSONS THAT  
8 THERE IS RELEVANCY TO THOSE LESSONS AND IN ORDER TO DO  
9 THAT, WE HAVE TO HAVE MORE DOLLARS TO DO THAN WE PRESENTLY  
10 DO AT THIS TIME

11 Q ALL RIGHT YOU MENTIONED ALREADY THE FACT THAT YOU  
12 DID NOT HAVE DOCTORS OR DENTISTS IN THE SCHOOL AND THAT  
13 SOME OF THESE CHILDREN COME TO SCHOOL WITH HEALTH ISSUES  
14 SUCH AS -- I THINK YOU MENTIONED DENTAL AND HEARING BUT  
15 I'M NOT SURE THAT I'M ON BOARD WITH THAT REALLY

16 WHAT SERVICES CAN AND DOES THE SCHOOL PROVIDE TO  
17 IDENTIFY PHYSICAL ISSUES SUCH AS SIGHT, HEARING DENTAL  
18 PROBLEMS THAT MIGHT INHIBIT A CHILD'S ABILITY TO LEARN?

19 A WELL, WE HAVE NURSES WE HAVE A NURSE AT OUR  
20 ELEMENTARY SCHOOL AND WE HAVE A NURSING ASSISTANTS AT TWO  
21 OTHER SCHOOLS AND WE HAVE OUR HEALTHROOM WHO IS A  
22 REGISTERED NURSE, BUT THEY PERIODICALLY DO SCREENINGS AT  
23 CERTAIN -- AT CERTAIN GRADES, AND THEREFORE THEY CAN CHECK  
24 STUDENTS TO SEE WHETHER OR NOT THEY HAVE ISSUES OF THAT  
25 MAGNITUDE

1                   AND WHEN THEY DO DISCOVER THAT, THEN NATURALLY  
2 WE ARE GOING TO REFER THOSE CHILDREN TO THE PROPER MEDICAL  
3 AUTHORITIES IN ORDER TO SOLVE THEIR PARTICULAR SITUATION

4 Q     AND DOES HAMPTON COUNTY SCHOOL DISTRICT NUMBER TWO  
5 OFFER THOSE SERVICES?

6 A     NO, WE DO NOT

7 Q     AND WHY NOT?

8 A     BECAUSE WE DON'T HAVE THE DOLLARS TO OFFER IT    I  
9 MEAN, TO -- TO THOSE PARTICULAR STUDENTS    NOW LIKE I  
10 SAID WE CAN DO THE REFERRALS BUT WE DON'T HAVE THE  
11 DOLLARS TO -- TO HAVE ON STAFF SOMEONE TO -- TO DEAL WITH  
12 THEIR MEDICAL ISSUES

13 Q     THAT'S REALLY WHAT I HAD IN MIND

14 A     OKAY    TALKING ABOUT THE LIAISON PEOPLE?

15 Q     YEAH

16 A     OKAY    YEAH WE DO HAVE -- LIKE I SAID, WE HAVE ONE  
17 SOCIAL WORKER THAT WE HAVE EMPLOYED    WE HAVE ONE -- WE  
18 HAVE A GUIDANCE COUNS -- WE HAVE FOUR GUIDANCE COUNSELORS  
19 AND WE HAVE, LIKE I SAID ONE NURSE AT THE ELEMENTARY  
20 SCHOOL AND TWO NURSING ASSISTANTS

21                   AND THESE PEOPLE WILL BE THE ONES WHO WOULD BE  
22 AVAILABLE TO ASSIST THE CHILDREN AND THE PARENTS IN  
23 RECOMMENDATIONS TO TAKE CARE OF SOME OF THOSE NEEDS THAT  
24 THEY HAVE

25 Q     ALL RIGHT    SO WHILE YOU DON'T HAVE THE DOCTORS OR



1 THE DENTISTS AND THE NURSES, THE DOCTORS AND THE DENTISTS  
2 THAT ACTUALLY PROVIDES HEALTHCARE, YOU DO HAVE THE ABILITY  
3 TO PROVIDE THE LIAISON SERVICES TO GET THEM--

4 A TO THE RIGHT PLACE

5 Q ALL RIGHT SO THAT THEY CAN DO WHATEVER NEEDS TO BE  
6 DONE MEDICALLY FOR THEM TO IMPROVE THEIR HEARING OR THEIR  
7 SIGHT OR THE DENTAL ISSUES OR WHATEVER MAY BE BOTHERING  
8 THEM ON A PARTICULAR DAY OR TIME?

9 A THAT S CORRECT

10 Q NOW, IS THAT A NORMAL PART OF SCHOOL OPERATIONS? IS  
11 THAT A THING THAT IS NORMALLY EXPECTED OF A PUBLIC SCHOOL  
12 IN SOUTH CAROLINA?

13 A YES IT IS IN MY DISTRICT IT DEFINITELY IS

14 Q NOW, DO YOU BELIEVE THAT YOUR SCHOOL DISTRICT HAS AN  
15 OBLIGATION A LEGAL OBLIGATION, TO EDUCATE THE CHILDREN  
16 THAT COME TO YOU?

17 A YES, WE DO

18 Q DO YOU BELIEVE THAT YOU HAVE THE OBLIGATION TO  
19 ADDRESS THESE STUDENTS' NEEDS, WHICH WOULD INCLUDE  
20 PROVIDING THE TYPE AND THE QUALITY OF INSTRUCTION THAT  
21 THESE STUDENTS NEED TO HAVE THE OPPORTUNITY FOR AN  
22 EDUCATION?

23 MRS GRAY YOUR HONOR, I OBJECT

24 THE WITNESS YES I DO

25 THE COURT EXCUSE ME JUST A MINUTE

1 MRS GRAY REQUIRES A LEGAL CONCLUSION  
2 THE COURT RIGHT THE BASIS OF THE INFORMATION IN  
3 THIS REGARD IS -- AWARE OF THE CONSTITUTION THAT REQUIRES  
4 THE STATE TO PROVIDE FREE PUBLIC SCHOOLS WITHIN THOSE  
5 LIMITS, THAT'S ONE THING IF HE WAS TRYING TO DRAW A  
6 LEGAL CONCLUSION BEYOND THAT, I WILL SUSTAIN THE  
7 OBJECTION  
8 MR EPPS NO, SIR IT WAS JUST HIS -- HIS  
9 CONCLUSION AS AN EDUCATOR I'M CERTAINLY NOT ASKING HIM  
10 TO DRAW LEGAL CONCLUSIONS  
11 THE COURT ALL RIGHT I WILL ALLOW THAT WITHIN  
12 THAT LIMITED AREA, I WILL ALLOW THE ANSWER THANK YOU  
13 THE WITNESS I FEEL LIKE AS AN EDUCATOR YES WE ARE  
14 OBLIGATED TO TAKE CARE OF THESE NEEDS OF STUDENTS  
15 BY MR EPPS:  
16 Q NOW, WE HAVE TOUCHED LITTLE BIT ON THE FAMILY AS WE  
17 WERE DISCUSSING THE CHILDREN THAT COME TO YOU, THE  
18 FAMILIES OF THE CHILDREN'S (SIC) BUT THE FIRST QUESTION  
19 I WANT TO ASK YOU ABOUT THESE CHILDREN'S PARENTS IS IF YOU  
20 WILL JUST APPROXIMATE FOR US THE LEVEL OF EDUCATION THAT  
21 THE PARENTS OF YOUR STUDENTS HAVE OBTAINED  
22 A I WOULD SAY THAT EVEN THOUGH WE MAY HAVE SOME THAT  
23 HAVE GRADUATED FROM HIGH SCHOOL, BUT I WOULD SAY THEY  
24 PROBABLY HAVE AN EQUIVALENCY OF ABOUT SIXTH GRADE  
25 EDUCATION

1 Q ABOUT A SIXTH GRADE EDUCATION?

2 A YES

3 Q NOW, YOU HAVE LIVED THERE FOR 31 YEARS HOW ABOUT  
4 YOUR CHILDREN'S PARENTS' PARENTS? IN OTHER WORDS YOUR  
5 SCHOOL CHILDREN'S GRANDPARENTS, DO YOU HAVE AN ESTIMATE  
6 THAT YOU CAN GIVE THE COURT AS TO THEIR EDUCATIONAL  
7 LEVELS?

8 A NOT SURE -- BE LESS--

9 MRS GRAY YOUR HONOR I OBJECT TO THE FOUNDATION OF  
10 THIS BEING ABLE TO RESPOND TO THIS QUESTION IN TERMS OF  
11 GRADE LEVEL OF PEOPLE THAT ARE SEVERAL GENERATIONS BACK

12 THE COURT RIGHT WE HAVE GONE BACK ONE GENERATION  
13 IN THE PARENTS I SUPPOSE, 31 YEARS HISTORY SAYS 30  
14 YEARS IS A GENERATION I THINK, THEREABOUTS HOW DO WE  
15 GET BACK BEYOND THAT -- BEHIND THAT MR EPPS WITH THE  
16 FOUNDATION MR THOMPSON TO ASK THAT QUESTION?

17 MR EPPS SURE

18 BY MR EPPS

19 Q WELL MR THOMPSON I WILL ASK YOU THE SIMPLE WE DO  
20 YOU SEE THE GRANDPARENTS AND AS A MEMBER OF THE COMMUNITY  
21 AND HAVING LIVED THERE IN THE COMMUNITY FOR 31 YEARS, CAN  
22 YOU PROVIDE THE COURT WITH AN ESTIMATE OF THE PARENTS  
23 PARENTS, OR THAT IS THE CHILDREN'S GRANDPARENTS'  
24 EDUCATIONAL LEVELS? TELL US IF YOU CAN

25 A I WOULD

1 MRS GRAY YOUR HONOR, IF THE QUESTION CONTINUES TO  
2 BE GRADE LEVEL, I OBJECT

3 THE COURT RIGHT I WILL ALLOW HIM FOR THE FOLKS  
4 THAT HE KNOWS, FOR THE GRANDPARENTS HE KNOWS, THAT HE HAS  
5 CONTACT WITH BECAUSE SOME OF HIS CHILDREN MIGHT BE RAISED  
6 BY THE GRANDPARENTS

7 IF HE KNOWS AN APPROXIMATE LEVEL WHETHER IT'S  
8 HIGH SCHOOL, BELOW HIGH SCHOOL OR SOMETHING LIKE THAT, I  
9 WILL ALLOW HIM TO DO THIS IT'S DIFFICULT I THINK TO SET  
10 A SPECIFIC GRADE LEVEL THE FURTHER BACK WE GO, BUT I WILL  
11 ALLOW HIM TO COMMENT ON THAT AS FAR AS THE FOLKS HE KNOWS,  
12 HE'S HAD CONTACT WITH

13 MR EPPS THANK YOU, YOUR HONOR

14 THE WITNESS WELL IF I HAVE TO ANSWER IN LIGHT OF  
15 BELOW HIGH SCHOOL, IT WOULD DEFINITELY BE THAT ANSWER IT  
16 WOULD BE BELOW HIGH SCHOOL, EQUATE TO THE GRADE  
17 BY MR EPPS

18 Q BELOW HIGH SCHOOL?

19 A YES

20 Q THAT'S A FAIR ESTIMATE IN YOUR VIEW?

21 A YES, SIR AND I MEAN -- I MEAN VERY LOW THEN, VERY  
22 LOW BELOW HIGH SCHOOL

23 Q VERY LOW BELOW HIGH SCHOOL?

24 A YES SIR

25 Q ALL RIGHT NOW, ARE PEOPLE OF ESTILL FAIRLY

1 STATIONARY, THAT -- BY THAT I MEAN ARE THE FAMILIES THAT  
2 LIVE IN ESTILL LONG TERM RESIDENTS OF THAT COMMUNITY?

3 A THEY ARE

4 Q NOW, DO YOU KNOW WHETHER THE CHILDREN WHO ARE NOW IN  
5 SCHOOL WHETHER THEIR PARENTS WENT THROUGH THE SAME SCHOOL  
6 SYSTEMS?

7 A THE MAJORITY OF THEM DID, YES

8 Q ALL RIGHT NOW, I'M GOING TO TAKE YOU BACK ONE MORE  
9 GENERATION AND AGAIN IF YOU HAVE THE FOUNDATION TO GIVE  
10 AN ANSWER FOR THIS, I WANT AN ANSWER BUT IF YOU DON'T  
11 FEEL THAT YOU HAVE ENOUGH KNOWLEDGE TO GIVE ME AN ANSWER  
12 THEN WE NEED TO KNOW THAT

13 BUT IF YOU LOOK AT THE PARENTS, THE CHILDREN'S  
14 PARENTS' PARENTS, THE GRANDPARENTS AND HAVING LIVED THERE  
15 FOR 32 YEARS DO YOU KNOW WHETHER THEY HAVE BEEN LONG TERM  
16 RESIDENTS AND WHETHER THEY WENT THROUGH THE SAME SCHOOL  
17 SYSTEM THAT YOU ARE -- YOUR STUDENTS ARE CURRENTLY IN?

18 A THEY DID

19 Q OKAY ALL RIGHT I'M NOT GOING TO TRY TO TAKE YOU  
20 BACK ANY FURTHER THAN THAT BUT ESSENTIALLY, MR THOMPSON,  
21 YOUR CHILDREN'S PARENTS HAVE THE EQUIVALENT OF A SIXTH  
22 GRADE EDUCATION --

23 A CORRECT

24 Q -- IS WHAT I UNDERSTOOD YOU TO SAY, AND THEIR  
25 PARENTS, ALL OF WHOM ARE PRODUCTS OF THE SAME SCHOOL

1       SYSTEM, HAVE LESS THAN A HIGH SCHOOL EDUCATION, AND I  
2       THINK YOU ULTIMATELY SAID FAR LESS     IS THAT A FAIR  
3       SUMMARY?

4       A       THAT'S CORRECT

5       Q       NOW, CAN YOU TALK TO ME IN TERMS OF LITERACY, WHEN WE  
6       TALK ABOUT THE PARENTS AND THE GRANDPARENTS, WHAT LITERACY  
7       LEVELS?

8       A       WHEN WE LOOK AT THE--

9               MRS GRAY     YOUR HONOR?

10          THE COURT     YES, MA'AM

11          MRS GRAY     I OBJECT TO THE FOUNDATION ON THIS  
12       SPECIFIC INQUIRY INTO LITERACY

13          THE COURT     RIGHT     THAT DOES TAKE US ANOTHER STEP,  
14       MR   -- YOU KNOW, TO A CERTAIN EXTENT IN EDUCATION, OF  
15       COURSE, EMBODIES LITERACY, BUT IT'S A MORE SPECIFIC  
16       FINDING     CAN YOU SET A FOUNDATION FOR THAT BEFORE YOU GO  
17       ANY FURTHER WITH THAT?

18          MR EPPS     SURE

19       **BY MR EPPS**

20       Q       MR THOMPSON, BEING AROUND AND HAVING WITNESSED, AND  
21       I WILL ASSUME CORRESPONDENCE BACK AND FORTH WITH AT LEAST  
22       A GROUP OF THE PARENTS AND GRANDPARENTS WHO MAY BE RAISING  
23       THE CHILDREN, AS WE HAVE SAID, CAN YOU GIVE US AN IDEA OF  
24       WHAT LEVEL OF LITERACY THEY ATTAINED WHEN GOING THROUGH  
25       THE PUBLIC SCHOOL SYSTEM?

1 MRS GRAY YOUR HONOR, I OBJECT I THINK THAT'S THE  
2 SAME QUESTION

3 THE COURT IT IS

4 MR EPPS IT IS AND I WAS TRYING TO LAY THE  
5 FOUNDATION

6 THE COURT TO THE FOLKS THAT HE HAS DEALINGS WITH  
7 AND WHETHER HE KNOWS WHETHER OR NOT THEY CAN READ AND  
8 WRITE, WHETHER THEY ARE FUNCTIONALLY LITERATE OR NOT FROM  
9 THE DEALINGS THAT HE HAS WITH THEM, I WILL ALLOW THAT

10 IT'S -- MR THOMPSON'S TAUGHT IN THE SCHOOL  
11 SYSTEM THERE, HE HAS BEEN SUPERINTENDENT HE HAS HAD  
12 SEVERAL OTHER RESPONSIBILITIES WITHIN THE DISTRICT, AND I  
13 IMAGINE HE HAS SEEN A GOOD MANY OF THESE FOLKS FROM TIME  
14 TO TIME IN DIFFERENT CAPACITIES

15 TO THE EXTENT THAT HE IS ABLE, BASED ON THOSE  
16 FOLKS THAT HE HAS SEEN AND HIS WORK WITH THEM, TO GIVE US  
17 SOME IDEA OF WHAT THEIR LITERACY LEVEL IS, WHETHER IT S  
18 FUNCTIONALLY LITERATE VERY LITERATE, ILLITERATE  
19 FUNCTIONALLY ILLITERATE I DON'T KNOW HOW YOU GAUGE THOSE  
20 THINGS

21 BUT IF HE CAN JUST TELL US THAT IN GENERAL  
22 TERMS, I WILL ALLOW IT BUT YOU KNOW, IT'S NOT A FINITE  
23 ANSWER BECAUSE HE HAS NOT DONE A FINITE STUDY IN THAT  
24 REGARD

25 MR EPPS AND THAT'S ALL I WOULD ASK HIM TO DO, YOUR

1 Q RIGHT BUT THE REPORT ITSELF OR THE STUDY ITSELF WAS  
2 A -- WAS A SURVEY OF ALL OF THE DISTRICTS OF SOUTH  
3 CAROLINA WE JUST SIMPLY ARE LOOKING AT YOUR PAGE  
4 A SURE, THAT'S CORRECT  
5 Q ALL RIGHT NOW, LET'S BREAK DOWN IF WE CAN YOU  
6 HAVE SHOWN THE NEED AS OF THE DATE OF THIS PAPER WHENEVER  
7 IT WAS PRESENTED IN 2001 A CAPITAL IMPROVEMENT OR  
8 RENOVATION FACILITY REQUIREMENTS OF \$31 986,070?  
9 A THAT'S CORRECT  
10 Q ALL RIGHT CAN YOU TELL ME WHAT YOUR CAPITAL  
11 IMPROVEMENTS NEEDS ARE?  
12 A WELL, WE NEED A NEW ELEMENTARY SCHOOL WE NEED THAT  
13 BECAUSE WE HAVE SPACE PROBLEMS WE HAVE CLASSROOMS IN THE  
14 BUILDING THAT WE HAVE HAD TO -- THAT WERE SET UP TO SERVE  
15 AS A SINGLE UNIT CLASSROOM THAT WE HAVE HAD TO DIVIDE WE  
16 HAVE HAD SEVERAL LOCATIONS LIKE THAT, WE HAVE HAD TO DO IN  
17 ORDER TO CREATE ENOUGH SPACE FOR INSTRUCTION  
18 WE HAVE A -- THE ELEMENTARY SCHOOL ITSELF ABOUT  
19 75 PERCENT OF THAT BUILDING, THE ORIGINAL STRUCTURE -- IS  
20 A WOOD BUILDING, HAD A WOOD FRAME AND BRICK VENEER, BUT IT  
21 HAD WOODEN FLOORS, SO I CONSIDER THAT TO BE A SAFETY  
22 HAZARD IF IT WERE TO CATCH A FIRE  
23 Q GOING AWFULLY FAST  
24 A OH, I'M SORRY IN ADDITION TO THAT, WE HAVE -- WITH  
25 THE NUMBER OF STUDENTS THAT WE HAVE TO SERVE AT ESTILL



1 IN THE SCHOOL

2 Q ALL RIGHT WELL, TELL ME ABOUT THAT, IF YOU WILL,  
3 PLEASE

4 A WELL, IN A SCHOOL DAY AND IF YOU HAVE A, YOU KNOW,  
5 COMPUTERS, YOU NEED A LOT OF POWER IN ORDER TO SERVICE THE  
6 C P U UNITS AND WHAT WE END UP HAVING TO DO A LOT OF  
7 TIMES IS USING POWER STRIPS TO PLACE INTO ONE OR TWO PLUGS  
8 IN THE BUILDING WHICH WOULD CREATE AN OVERAGE OF POWER  
9 USAGE WHICH COULD CREATE A -- COULD BE A FIRE HAZARD

10 Q ALL RIGHT SO YOU HAVE A WOODEN BUILDING AND YOU  
11 HAVE CONCERN ABOUT YOUR ELECTRICITY AND YOU DONE SOME  
12 RENOVATION TO THAT BUILDING, HAVING YOU NOT?

13 A WE HAVE

14 Q ALL RIGHT AND YOU ALSO HAVE YOUR ELEMENTARY SCHOOL  
15 DIVIDED WITH A STREET IN THE MIDDLE AND YOU WOULD LIKE TO  
16 HAVE

17 A LIKE TO HAVE ONE CAMPUS AND I'D LIKE TO HAVE --  
18 ANOTHER SAFETY ISSUE BECAUSE WE HAVE SOME BUSES PARKED OUT  
19 THERE AND THERE IS NOWHERE BASICALLY FOR PARENTS TO COME  
20 AND PICK UP THEIR CHILDREN IN THE AFTERNOONS FOR THOSE WHO  
21 RIDE ALONG WITH THEIR PARENTS

22 SO THAT AGAIN IS ANOTHER SAFETY ISSUE THAT WE  
23 NEED TO DEAL WITH WE DON T HAVE AN ACTUAL SAFE PICK-UP  
24 AREA BECAUSE A LOT OF TIMES PARENTS WILL PARK ON EITHER  
25 SIDE OF THE STREETS OF THE SCHOOL AND THE CHILDREN HAVE TO

1 WALK OVER TO THEM OR EITHER THE PARENTS COME PICK THEM UP

2 BUT IF A CHILD WERE TO WALK THAT WAY AND SOMEONE  
3 WERE TO COME THROUGH AND NOT ADHERING TO THE SPEED LIMITS  
4 OR NOT BEING CAREFUL, THEN A CHILD COULD GET INJURED SO  
5 TO TAKE AWAY THAT, THEN THAT WOULD BE ANOTHER SAFETY ISSUE  
6 THAT WE WOULD HAVE IN ORDER -- AS A NEED TO BUILD A BRAND  
7 NEW SCHOOL

8 Q ALL RIGHT I'M GOING TO COME BACK TO THE SAFETY  
9 ISSUES IN JUST A MINUTE YOU'VE IDENTIFIED TWO ONE IS  
10 THE SPLIT CAMPUS AND THE OTHER IS THE WOODEN STRUCTURE

11 A YES

12 Q COME BACK TO THAT IN A SECOND BUT HOW ABOUT THE  
13 ADEQUACY OF THE FACILITY FOR DELIVERING THE INSTRUCTION?  
14 IS IT ADEQUATE INDEPENDENT OF THE SAFETY ISSUES?

15 A IT'S NOT ADEQUATE BECAUSE THIS OUTLAY OF COSTS HERE  
16 WOULD INCLUDE MORE CLASSROOMS THAT WOULD BE OF THE RIGHT  
17 SIZE I MEAN, WE DON'T HAVE ANY -- WE DON'T HAVE ADEQUATE  
18 SCIENCE LABS IN THE ELEMENTARY SCHOOL WHERE WE -- THE WAY  
19 WE NEED, AND IT WOULD JUST GIVE US A PROPER CLASSROOM SIZE  
20 AND ENOUGH SPACE SO THAT WE COULD HAVE THOSE READING  
21 SPECIALISTS YOU ASKED ME ABOUT EARLIER

22 Q WELL, YOU SAID THIS AND YOU POINTED TO THE SCREEN  
23 ARE YOU TALKING ABOUT THE TECHNOLOGY IN THE COURTROOM OR  
24 WHAT ARE YOU TALKING ABOUT?

25 A NO, NO I'M TALKING ABOUT THE CAPITAL --

1 MR EPPS THAT'S WHAT I WAS TRYING TO DO THANK  
2 YOU, YOUR HONOR  
3 THE COURT OKAY GO AHEAD  
4 BY MR EPPS  
5 Q WAS IT THAT SCHOOL?  
6 A THAT WE DIVIDE THE CLASSROOMS?  
7 Q YES, SIR  
8 A YES, IT WAS  
9 Q ALL RIGHT WHEN AND WHY DID YOU DIVIDE THE  
10 CLASSROOMS IN ESTILL ELEMENTARY?  
11 A THEY HAVE BEEN DIVIDED SEVERAL YEARS AGO, BUT THE  
12 REASON WHY THEY WERE DIVIDED IS TO PROVIDED ADDITIONAL  
13 CLASSROOM SPACE FOR TEACHERS TO TEACH YOUNGSTERS  
14 Q ARE THEY CLASSROOMS THAT WERE DIVIDED IN HALF OR--  
15 A THAT IS CORRECT THEY WERE CLASSROOMS THAT WERE  
16 DIVIDED  
17 Q ALL RIGHT NOW, I WANT TO RETURN JUST TO THE SAFETY  
18 ISSUE FOR THE ESTILL ELEMENTARY DO YOU HAVE A SPRINKLER  
19 SYSTEM IN THE ESTILL ELEMENTARY SCHOOL?  
20 A WE DO NOT  
21 Q HOW IS IT THAT A 1939 BUILDING WITH A WOODEN INTERIOR  
22 WOULD NOT HAVE A SPRINKLER SYSTEM?  
23 A IT'S NEVER BEEN DRAWN TO OUR ATTENTION AS BEING A  
24 REQUIREMENT, SO -- SO THEREFORE WE DON'T HAVE ONE  
25 Q DO YOU KNOW WHY YOU DON'T HAVE ONE?

1 THE DISTRICT FOR NOT HAVING A SPRINKLER SYSTEM IN THE 1939  
2 BUILDING?

3 A NO SIR NOT TO MY KNOWLEDGE, HE HAS NOT

4 Q NOW, HAVE WE COVERED WHAT YOU BELIEVE TO BE THE  
5 PROBLEMS THAT ARE -- WITH THE ELEMENTARY SCHOOLS (SIC)  
6 THAT WOULD REQUIRE THE CONSTRUCTION OF A NEW ELEMENTARY  
7 SCHOOL?

8 A YES

9 Q ALL RIGHT NOW, I'M GOING TO LEAVE THE HIGH SCHOOL  
10 TO ANOTHER WITNESS SO WE ARE NOT GOING TO TALK ABOUT THE  
11 HIGH SCHOOL TODAY BUT I DO WANT TO TALK TO YOU ABOUT THE  
12 MIDDLE SCHOOL

13 AND JUST GENERALLY TELL ME WHETHER THE MIDDLE  
14 SCHOOL NUMBER ONE IS SAFE IN YOUR VIEW, AND NUMBER TWO,  
15 WHETHER IT IS ADEQUATE TO GIVE THE CHILDREN A MINIMALLY  
16 ADEQUATE EDUCATIONAL OPPORTUNITY

17 A TO THAT QUESTION AS FAR AS MINIMALLY ADEQUATE  
18 EDUCATION AND WHETHER OR NOT IT S ADEQUATE, I WOULD SAY  
19 NO THE MIDDLE SCHOOL WAS BUILT IN 1954 IN THAT  
20 BUILDING THERE ARE SEVERAL CLASSROOMS WHERE YOU HAVE THE  
21 FOUNDATION FLOOR AND THE BLOCK WALL HAVE SEPARATED DUE TO  
22 SOME EROSION OF THE FOUNDATION

23 AND WE BELIEVE THE CAUSE OF THAT WAS WHEN WE HAD  
24 THE ORIGINAL HEATING SYSTEM THAT WAS INSTALLED IN THAT  
25 SCHOOL, THE STEAM PIPES, WATER PIPES RAN UNDERNEATH THE

1 FOUNDATION

2 AND DURING THE COURSE OF TIME WE BELIEVE THE  
3 BUILDING ITSELF HAD CAUSED SEVERAL RUPTURES AND LARGE  
4 AMOUNTS OF WATER ESCAPED THE PIPING AND CAUSED THE SOIL TO  
5 ERODE -- EXCUSE ME -- THEREFORE CREATING THIS SPACE  
6 BETWEEN THE FOUNDATION AND THE FLOORS

7 WE ALSO -- 1954 BUILDING DOES NOT PROVIDE US  
8 WITH AMPLE ELECTRICAL NEEDS THAT WE HAVE IN SCHOOLS ALSO  
9 WE -- WE NEED ADDITIONAL SPACE BECAUSE WE HAVE ABOUT --  
10 IT'S LIKE EIGHT OR NINE PORTABLES -- ABOUT EIGHT PORTABLES  
11 -- EXCUSE ME -- AT THAT SCHOOL, WHICH IF WE HAD ONE  
12 COMPLETE UNIT WE WOULD HAVE ALL THOSE ENCOMPASSED WITHIN  
13 THE SAME STRUCTURE

14 WE NEED MORE ADEQUATE SCIENCE LABS THAN WHAT WE  
15 HAVE WE ONLY HAVE ONE LAB, AND WE NEED AT LEAST THREE --  
16 THREE TO FOUR, WHICH WOULD -- BE ENOUGH -- BE ENOUGH  
17 FACILITIES TO -- TO SERVICE THE STUDENTS IN SCIENCE WITH  
18 THE REQUIRED HANDS-ON NEEDS THAT ARE REQUIRED TODAY  
19 BECAUSE OF THE NEW PACT TESTING PROGRAM

20 IN ADDITION TO THAT WE HAVE ONE OTHER ISSUE  
21 WHERE WE HAVE A SAFETY ISSUE WOULD BE THE, AGAIN THE --  
22 WHERE THE PARENTS WOULD COME TO PICK UP THEIR CHILDREN  
23 THERE'S A -- WHERE YOU HAVE -- THE SAME AREA THAT WHERE WE  
24 HAVE BUSES AND PARENTS COMING TOGETHER -- YOU DON'T EVER  
25 WANT TO MIX BUSES AND PARENTS TOGETHER BECAUSE OF

1 EDUCATION IN YOUR VIEW WHAT IS THE MOST IMPORTANT THING  
2 THAT YOU CAN OFFER THAT CHILD?

3 A THE MOST IMPORTANT THING THAT I FEEL THAT WE CAN  
4 OFFER A CHILD IS -- COME INTO HAMPTON TWO SCHOOLS IS A  
5 GOOD QUALITY TEACHER

6 Q AND JUST WHY DO YOU HOLD THE OPINION THAT A GOODS  
7 QUALITY TEACHER IS THE SINGLE MOST IMPORTANT THING THAT  
8 YOU CAN OFFER A CHILD?

9 A BECAUSE I BELIEVE THAT IF A CHILD CAN LEARN TO READ  
10 AND READ COMPREHENSIVELY, THAT THERE'S NOTHING THAT THAT  
11 PERSON CANNOT ACHIEVE EVERYTHING TODAY THAT WE DO IS  
12 BASED ON HOW WELL WE INTERPRET WHAT IS AVAILABLE WHAT WE  
13 SEE WHAT WE CAN READ I MEAN IT'S BASED ON THAT PRETTY  
14 MUCH

15 Q SO YOU BELIEVE THEN -- AND WE HAVE HEARD THIS  
16 TESTIMONY THROUGHOUT THE CASE -- BUT YOU ARE ALSO OF THE  
17 OPINION, I TAKE IT, THAT THE ABILITY TO READ IS THE  
18 CORNERSTONE OF A BUILDING BLOCK FOR ALL OTHER ASPECTS OF  
19 EDUCATION, INCLUDING MATH?

20 A I BELIEVE THAT

21 Q NOW, I WANT TO TALK TO YOU ABOUT YOUR TEACHING CORE  
22 AND YOU DESCRIBED THEM EARLIER AS BEING CARING AND THEN  
23 HAD SOME OTHER TEACHER CHARACTERISTICS, AND THIS WOULD BE  
24 A APPROPRIATE TIME TO REVISIT YOUR TEACHING CORE JUST IN A  
25 GENERAL SENSE AND THEIR ABILITY TO PROVIDE THE CHILDREN IN

1 YEAR?

2 A THE EXPLANATION FOR THAT WOULD BE IS THEIR TEACHERS  
3 DECIDES TO LEAVE FOR ONE REASON OR ANOTHER

4 Q ALL RIGHT IS TEACHER TURNOVER A PROBLEM IN HAMPTON  
5 TWO?

6 A YES, IT IS

7 Q AND WE WILL GO INTO SOME MORE DETAIL ON THAT IN JUST  
8 A MOMENT BUT DO YOU KNOW WHY THEY LEAVE, DO THEY LEAVE  
9 FOR VARIOUS REASONS OR

10 A WELL I BELIEVE THEIR REASONS FOR LEAVING IS THAT  
11 THEY MAY NOT LIKE THE WORKING CONDITIONS THEY DON'T --  
12 THEY ARE NOT SATISFIED WITH THE AMENITIES THAT ARE  
13 AVAILABLE THERE'S POOR HOUSING THERE THERE IS -- YOU  
14 DON T HAVE YOUR SHOPPING CENTERS AND THINGS OF THIS NATURE  
15 THAT MOST PEOPLE ARE ACCUSTOMED TO THERE'S NO PLACE FOR  
16 THEM TO GO TO A MOVIE HOUSE

17 THERE'S NO FAST FOOD CHAINS THERE EVERYTHING  
18 IS JUST LITTLE MOM AND POP STUFF AND YOU KNOW, IT'S --  
19 THE INCONVENIENCES A LOT OF TIMES ARE A LOT OF THE THINGS,  
20 REASONS WHY THEY GO AHEAD AND DECIDE TO LEAVE

21 Q DOES MONEY MAKE A DIFFERENCE?

22 A MONEY DOES MAKE A DIFFERENCE, YES

23 Q HAVE YOU LOOKED AT YOUR FIGURES HAMPTON TWO FIGURES  
24 IN TERMS OF HOW MUCH HAMPTON TWO IS ABLE TO PAY TEACHERS  
25 COMPARED TO THE STATE AVERAGE?

1 THE DISTRICT TO TRAIN THE TEACHERS AND TO ENABLE THE  
2 TEACHERS TO TEACH THE STUDENTS?

3 A WELL, IT -- IT TAKES AWAY DOLLARS THAT WE COULD  
4 POSSIBLY USE IN OTHER AREAS IN INSTRUCTION BECAUSE LIKE I  
5 SAY EVERY TIME YOU HAVE TO RETRAIN YOU HAVE GOT TO HIRE  
6 A CONSULTANT OR SEND THEM TO WORKSHOPS AND MEETINGS AND ET  
7 CETERA TO RECEIVE ADDITIONAL SKILLS ON TEACHING THIS  
8 DEPRIVES THE OTHER PORTION OF THE EDUCATION PROGRAM

9 Q THE NEXT SLIDE THAT I WANT TO BRING UP IS THE 6152-I  
10 WHICH IS THE PERCENTAGE OF INDUCTION TEACHERS, INDUCTION  
11 CONTRACT TEACHERS IS WHAT THE SLIDE SAYS HIRED AT HAMPTON  
12 TWO AND YOU ARE RATED AT HAVING TEN PERCENT PER YEAR  
13 COMPARED TO THE STATE AVERAGE OF 4 9 PERCENT A YEAR NOW  
14 INDUCTION TEACHERS ARE OF COURSE NEW TEACHERS?

15 A CORRECT, NEW TEACHERS TO -- BRAND NEW TEACHERS

16 Q TO THE PROFESSION?

17 A TO THE PROFESSION, YES

18 Q NOW DO YOU THINK THAT TEACHER EXPERIENCE MATTERS IN  
19 THE TEACHER S ABILITY TO EDUCATE A CHILD?

20 A OH YES I DO YOU KNOW, THE MORE EXPERIENCE A  
21 PERSON HAS IT MEAN THAT YOU ALREADY EXPERIENCED SEVERAL  
22 STRATEGIES AND TRIED VARIOUS METHODS OF INSTRUCTION  
23 BEFORE, YOU KNOW, BEFORE YOU COME BACK TO WORK EVERY YEAR,  
24 BUT WHEN A NEW PERSON COMES IN THEY HAVE NOT HAD THAT  
25 EXPERIENCE



1 FOR THEM TO BE OUT OF THEIR CLASSROOMS AND WORKING WITH  
2 THESE NEW TEACHERS I MEAN, THEY HAVE THEIR OBLIGATIONS  
3 THAT THEY HAVE TO FULFILL, SO THEY DON'T WANT THEIR  
4 EVALUATION OR THEIR STUDENTS TO BE LEFT BEHIND

5 SO THEREFORE IT'S VERY COMPLICATED, IT'S JUST  
6 A -- IT'S A -- I THINK IT'S A GOOD PROGRAM, BUT IT'S --  
7 THE IMPLEMENTATION RIGHT NOW IS JUST NOT THE WAY IT SHOULD  
8 BE BECAUSE OF THE TIME THAT IT TAKES FOR VETERAN TEACHERS  
9 TO WORK WITH THESE TEACHERS

10 Q WELL, DO -- AS A RESULT OF WHAT YOU SAID, DO THE NEW  
11 TEACHERS HAVE AN EFFECTIVE MENTORING PROCESS WHERE THEY  
12 HAVE SOMEBODY WHO CAN SPEND THE TIME WITH THEM TO HELP  
13 THEM ADJUST TO THE STUDENTS' NEEDS, LESSON PLANS  
14 CURRICULUM, CLASSROOM MANAGEMENT AND ALL THE ISSUES THAT A  
15 NEW TEACHER FACES?

16 A NO, THEY DO NOT

17 Q AND SO WHAT ARE THEY LEFT TO DO?

18 A WELL THEY ARE LEFT TO CHART THEIR OWN COURSE I  
19 MEAN, IT'S TRIAL AND ERROR IT'S TIME THAT'S LOST ON THE  
20 INSTRUCTION BECAUSE OF -- THEY JUST DON'T KNOW EXACTLY --  
21 THEY MAY TRY SOME THINGS AND THEY MAY WORK, THEY MAY NOT  
22 SO -- BUT THE BEST WAY TO SAY IT IS THAT THEY ARE JUST  
23 SHOOTING IN THE DARK IN SOME CASES

24 Q WHEN IT COMES TO TEACHING STUDENTS?

25 A WHEN IT COMES TO TEACHING STUDENTS

1 E F A MONEY SO ONCE WE GET THAT POOL OF MONEY TOGETHER,  
2 THEN WE ARE BOUND TO IF WE ARE GOING TO HAVE A BALANCED  
3 BUDGET AND THAT'S WHAT WE ALWAYS STRIVE FOR EVERY YEAR IS  
4 THAT THEREFORE WE HAVE TO MAKE SURE THAT WITH OUR UTILITY  
5 COSTS, OUR SUPPLY COSTS, CUSTODIAL COSTS AND OTHER LOCAL  
6 EMPLOYEES AS WELL AS OUR TEACHERS AND ADMINISTRATORS, THAT  
7 WE FALL WITHIN THAT SET AMOUNT OF DOLLARS THAT IS  
8 AVAILABLE FOR US TO UTILIZE

9 OTHERWISE WE WILL BE OPERATING IN THE RED AND  
10 WE DON'T -- WE DON'T OPERATE THAT WAY WE ALWAYS OPERATE  
11 ON A BALANCED BUDGET

12 Q ALL RIGHT DO YOU HAVE -- SOMETIMES HAVE A CHOICE OF  
13 HIRING A MORE EXPERIENCED TEACHER BUT ARE UNABLE TO DO  
14 THAT BECAUSE OF FINANCIAL CONSTRAINTS?

15 A IN MY TENURE IN HAMPTON TWO, YES, WE HAVE HAD  
16 OPPORTUNITIES TO HIRE SOME MORE EXPERIENCED PEOPLE, BUT  
17 BECAUSE OF THE BUDGET CONSTRAINTS WE DID NOT

18 Q MORE HIGHLY TRAINED PEOPLE?

19 A YES

20 Q SUCH AS MASTER'S AND MASTER'S PLUS 30?

21 A THAT'S CORRECT

22 Q YOU HAVE HAD TO PASS--

23 A I'M SORRY?

24 Q YOU HAD TO PASS ON THEM?

25 A YES

1 Q ALL RIGHT DID YOU WANT TO DO THAT?

2 A NO

3 Q ALL RIGHT THE NEXT CHART THAT I WANT TO SHOW YOU  
4 WITH RESPECT TO HAMPTON SCHOOL DISTRICT NUMBER TWO IS THE  
5 PERCENTAGE OF TEACHERS WITH SUBSTANDARD CERTIFICATES AND  
6 OUT OF FIELD PERMITS 6152 G IS IT UP?

7 A YES, SIR

8 Q ALL RIGHT IT SHOWS THAT HAMPTON HAS 17 7 PERCENT OF  
9 TEACHERS WITH SUBSTANDARD CERTIFICATES AND OUT-OF-FIELD  
10 PERMITS AS COMPARED TO THE STATE AVERAGE OF SIX POINT OF

11 -- SIX PERCENT ALL RIGHT NOW WE NEED TO TALK ABOUT  
12 THIS A LITTLE BIT YOU KNOW FIRST, WHY DO YOU HAVE SO  
13 MANY TEACHERS WITH SUBSTANDARD CERTIFICATES?

14 A WELL BECAUSE IT'S THE POOL OF TEACHERS IN THE AREAS  
15 OF MATHEMATICS AND SCIENCE AND SPECIAL EDUCATION ARE VERY  
16 SLIM AND A LOT OF TIMES THE APPLICANTS THAT WE HAVE THAT  
17 APPLY TO US, THEY MAY BE CERTIFIED IN OTHER AREAS LIKE  
18 ELEMENTARY EDUCATION, BUT THEY MAY HAVE 12 HOURS, LET'S  
19 SAY IN SPECIAL EDUCATION WHEREAS IF THAT BEING THE CASE,  
20 THEN THE STATE DEPARTMENT WOULD ISSUE THEM A PERMIT

21 Q A PERMIT TO TEACH?

22 A TO TEACH SPECIAL EDUCATION, YES

23 Q OKAY AN ELEMENTARY EDUCATION CERTIFICATION ALLOWS  
24 YOU TO TEACH THROUGH WHAT GRADE LEVEL?

25 A AT THE PRESENT TIME YOU CAN TEACH IN GRADES ONE

1 SPECIALIST PROGRAM ARE DESIGNED TO HELP DISTRICTS LIKE  
2 YOURS AND WE HAVE DISCUSSED THEM ANYTHING ELSE IN THERE  
3 THAT'S DESIGNED TO HELP YOUR DISTRICT?

4 A NO NO MORE THAN THE CERRA

5 Q TO RECRUIT AND RETAIN TEACHERS?

6 A NO

7 Q NOW WHEN YOU GO INTO A JOB FAIR, A JOB MARKET ONLINE,  
8 IS EVERYBODY THERE AT THE SAME TIME LOOKING AT THE SAME  
9 TEACHERS?

10 A YES, SIR, EVERYBODY THERE SAME TIME I MEAN, THE  
11 ONES THAT CHOOSE TO COME TO THE DISTRICT

12 MR EPPS YOUR HONOR I HAVE GOT JUST A FEW  
13 MINUTES I CAN PLUG ON THROUGH TILL MAYBE 15 MINUTES OR  
14 WE CAN TAKE THE MORNING BREAK WHICHEVER YOU'D LIKE

15 THE COURT IF YOU CAN FINISH IN 15 MINUTES JUST  
16 KEEP ON GOING WE WILL STOP AT 11 15

17 MR EPPS OKAY

18 BY MR EPPS

19 Q MR THOMPSON, WE TALKED ABOUT AFTER SCHOOL PROGRAMS  
20 YESTERDAY AND I'M NOT GOING TO REVISIT THAT TODAY, BUT  
21 JUST TELL ME ABOUT YOUR SUMMER SCHOOL PROGRAM AND WHAT YOU  
22 WERE ABLE TO DO

23 A WELL, THIS PAST SUMMER WE OFFERED SUMMER SCHOOL FOR  
24 THREE WEEKS FIVE HOURS A DAY FOR THREE WEEKS -- I'M SORRY  
25 -- FOR THREE WEEKS, FOUR DAYS A WEEK AND WE FUNDED --

1 WE USED FOR FUNDING WE USED 21ST CENTURY GRANT MONEY AND  
2 USED SOME STATE MONEY BUT THE MAJORITY OF MONEY WAS --  
3 CAME FROM THE FEDERAL GRANTS  
4 Q ALL RIGHT SO IT WAS FOUR WEEK FOUR DAYS FOR THREE  
5 WEEKS?  
6 A CORRECT  
7 Q THAT'S 12 DAYS OF SUMMER SCHOOL?  
8 A CORRECT  
9 Q IS THAT AN EFFECTIVE SUMMER SCHOOL?  
10 A I WOULD SAY NOT IF WE -- NORMALLY IF YOU REALLY  
11 WANT TO ADDRESS A LOT OF THE ISSUES THAT STUDENTS HAVE,  
12 YOU LIKE TO RUN A SUMMER SCHOOL AT LEAST FOR SIX WEEKS AT  
13 MINIMUM AND -- BUT DUE TO THE YOU KNOW, DUE TO BUDGET  
14 CUTS AND NOT HAVING ENOUGH DOLLARS I MEAN, WE DO THE BEST  
15 WE COULD  
16 AND BASED ON WHO WE DID WE TARGETED STUDENTS WHO  
17 WERE BASIC, TRYING TO MOVE THEM INTO PROFICIENT, SO IT WAS  
18 AN ENRICHMENT SUMMER SCHOOL  
19 Q YOU DIDN'T TARGET YOUR BELOW BASIC STUDENTS?  
20 A THERE WERE SOME THAT PROBABLY GOT INTO THE POOL, BUT  
21 WE WERE BASICALLY TRYING TO MOVE AS MANY STUDENTS FROM  
22 BASIC TO PROFICIENT, JUST AS THE STATE STANDARDS  
23 Q SO THE BELOW BASIC PERCENTAGES WE DESCRIBED BY AND  
24 LARGE DID NOT HAVE A SUMMER SCHOOL OPPORTUNITY LAST  
25 SUMMER?

1 A NO, SIR, BECAUSE OF THE DOLLARS, YEAH  
2 Q JUST DIDN'T HAVE THE FUNDS?  
3 A DIDN'T HAVE THE FUNDS  
4 Q YOU SAID THERE WAS A 21ST CENTURY GRANT THAT YOU USED  
5 TO FUND YOUR SUMMER SCHOOL?  
6 A YES, SIR, IT'S CALLED EPICS, YES  
7 Q ARE THE 21ST CENTURY GRANTS AVAILABLE FOR THIS COMING  
8 SUMMER?  
9 A I DON'T BELIEVE THEY WILL BE I'M NOT SURE I HAVE  
10 GOT I HAVE TO GO BACK AND RECHECK THAT  
11 Q HAVE YOU BUDGETED MONEY FOR SUMMER SCHOOL THIS  
12 SUMMER?  
13 A I HAVE NOT THUS FAR, NO, SIR  
14 Q AS YOUR PLANS CURRENTLY STANDS DO YOU PLAN TO HAVE A  
15 SUMMER SCHOOL THIS SUMMER?  
16 A AT THIS TIME NO THERE'S NO PLANS AT THIS TIME  
17 Q AND WHY IS THAT, PLEASE?  
18 A BECAUSE THE MONIES THAT ARE AVAILABLE FROM THE STATE  
19 FOR SUMMER SCHOOL CAN FALL INTO THE FLEXIBILITY CODE, SO  
20 WE MAY, DEPENDING ON WHAT CUTS ARE DOWN THE LINE OR WHERE  
21 WE ARE WITH THE BUDGET ITSELF, WE MAY HAVE TO UTILIZE  
22 THOSE FUNDS FROM THE STATE TO OPERATE DURING THE YEAR  
23 Q ALL RIGHT SO AS WE SIT HERE TODAY AND STAND HERE  
24 TODAY IN COURT YOU DON'T HAVE ANY SUMMER SCHOOL PLANS  
25 ANY OF YOUR STUDENTS?

1 THREATENED THAT DIDN'T CAUSE, THAT WOULDN'T CAUSED HIM  
2 TO THREATEN TO SHUT ME DOWN  
3 Q WELL, THEY HAVEN'T SHUT YOU DOWN, RIGHT?  
4 A THEY HAVE NOT I APPRECIATE THAT  
5 Q AND TO EACH YEAR, YOU REPORT TO THE STATE DEPARTMENT  
6 THE CONDITION OF YOUR FACILITIES CORRECT?  
7 A WE DO  
8 Q AND YOU HAVE NEVER TAKEN EXCEPTION TO ANY SAFETY  
9 ISSUES WITH THE STATE DEPARTMENT CORRECT?  
10 A WELL YOU KNOW, YOU ARE IN A CATCH 22 WITH -- I  
11 ASSUME YOU'RE TALKING ABOUT THE ACCREDITATION REPORT?  
12 Q YES, SIR  
13 A OKAY  
14 Q YOU CERTIFY IT DON'T YOU TO THE STATE DEPARTMENT  
15 THAT YOUR FACILITIES ARE SAFE AND ADEQUATE EVERY YEAR,  
16 DON'T YOU?  
17 A WELL, IT'S EITHER THAT OR I CLOSE UP THEN, WHAT AM  
18 I GOING TO DO?  
19 Q WELL, YOU CERTIFY IT YOU SIGN IT EVERY YEAR  
20 A BUT IT'S STILL NOT ADEQUATE I MEAN, EVEN THOUGH  
21 SCHOOL DISTRICTS, I HAVE SIGNED OFF ON IT BUT THE  
22 FACILITIES ARE NOT WHERE THEY NEED TO BE  
23 Q I UNDERSTAND AND I WANT TO MAKE SURE I UNDERSTAND  
24 SOMETHING I THINK YOU TESTIFIED ON DIRECT THAT YOUR  
25 COUNTY COUNCIL IS THE ONE THAT APPROVES THE SCHOOL BUDGET

1 308,000 THAT'S REMAINING THE 1 7 WAS USED ON RENOVATING  
2 THE MIDDLE SCHOOL AND -- AS WELL AS THE ESTILL ELEMENTARY  
3 SCHOOL WHERE WE WILL CONTINUE TO THAT WORK SHOULD BE  
4 COMPLETED BY THE END OF DECEMBER OF THIS YEAR WE WILL  
5 ALSO BE DOING SOME MORE RENOVATIONS TO ESTILL HIGH SCHOOL  
6 WITH REGARDS TO THE PORTABLES, WE NEED TO REPLACE CEILINGS  
7 AND FLOORING THERE

8 WE HAVE REPLACED AT ESTILL MIDDLE -- DO YOU WANT  
9 ME TO GO THROUGH ALL THAT? I CAN

10 Q WELL, I GUESS WHAT I'M TRYING TO FIND OUT IS OF THE  
11 MILLION, YOU ALREADY SPENT A MILLION SEVEN, RIGHT?

12 A UH-HUH

13 Q SO THAT WORK IS ALREADY IN PLACE IN THE ELEMENTARY  
14 SCHOOL AND MIDDLE SCHOOL AND THE HIGH SCHOOL AND THEN YOU  
15 HAVE SOME ADDITIONAL PLANS --

16 A RIGHT

17 Q -- TO SPEND THAT LAST \$300,000, CORRECT?

18 A RIGHT

19 Q DO THE PHOTOGRAPHS THAT YOU WENT OVER WITH MR EPPS  
20 AND WITH THE COURT AS WELL AS THE NOTEBOOK, DO THOSE  
21 PHOTOGRAPHS REFLECT THIS MILLION SEVEN DOLLARS -- MILLION  
22 \$700 000 WORTH OF WORK?

23 A NO AND I THINK, YOU KNOW, WE QUALIFIED THAT TOO AND  
24 SAID THAT, YOU KNOW WE HAD SOME -- THOSE WERE THINGS THAT  
25 WERE PICKED UP ESPECIALLY THE ONES IN THE PHOTOGRAPH OF



1 THE ELEMENTARY SCHOOL, THEY WERE PHOTOGRAPHED THIS SUMMER  
2 JUST BEFORE THE RENOVATION WORK BEGAN

3 BUT I MEAN WE QUALIFIED THAT AND SAID THOSE  
4 THINGS WERE CHANGED, BUT THE THINGS THAT YOU SAW AT THE  
5 MIDDLE SCHOOL, JUST THOSE FEW LITTLE ITEMS, THOSE  
6 DEFICIENCIES STILL EXIST IN THE FACILITIES LIKE THE FLOOR  
7 AND THE FLOOR FOUNDATION BEING SEPARATED FROM THE WALLS,  
8 THE SPACE ISSUE THE -- NOT HAVING ADEQUATE SCIENCE LABS

9 Q SO WHEN YOU WERE SPENDING THE MILLION SEVEN YOU  
10 DECIDED YOU MADE A DECISION AT HAMPTON SCHOOL DISTRICT  
11 TWO NOT TO DO ANY SCIENCE LABS OR NOT TO FURBISH ANY  
12 SCIENCE LABS?

13 A WELL, WE DID REFURBISH ONE SCIENCE LAB THAT WE HAVE  
14 AT THE MIDDLE AS WELL AS IN THE ELEMENTARY SCHOOL BECAUSE  
15 WE ONLY HAD ENOUGH SPACE FOR ONE SCIENCE LAB SO WE -- WE  
16 DID GO IN WE TOOK OUT THE ENTIRE FLOOR, WE POURED IT  
17 RESET THE LAB TABLES ADDED GAS, RUNNING WATER AND SO  
18 THAT'S HOW WE -- THAT'S HOW WE USED IT, YES

19 Q OKAY NOW, YOU HAVE GOT ANOTHER \$700,000, DID YOU  
20 NOT THROUGH THE STATE DEPARTMENT GRANT IN DECEMBER OF  
21 2002?

22 A GOT A RIT GRANT FOR \$700 000 450 THOUSAND DOLLARS  
23 WAS TO BE USED TOWARD RENOVATION WHICH THE STATE TELLS ME  
24 THE CHECK IS ON THE WAY AND I HAVE BEEN LOOKING FOR IT FOR  
25 THE LAST MONTH I DON'T HAVE IT YET

1 THE CURRICULUM OR NOT TEACHING TO CURRICULUM THEY ARE  
2 VERY FACT ORIENTED DEPOSITIONS

3 WE TOOK THEM IN FACT FROM A SINGLE TEMPLATE AND  
4 ALTHOUGH THE THREE OF US TOOK THEM I'M SURE THEY ARE NOT  
5 COOKIE CUTTER BUT WE WERE ALL WORKING OFF OF A COMMON  
6 OUTLINE INTENDED ENTIRELY TO DO THIS, TO CREATE A FACTUAL  
7 RECORD ABOUT THE CONDITIONS IN EACH SCHOOL IN THE  
8 PLAINTIFF DISTRICTS AND OF COURSE THE PLAINTIFFS WERE  
9 PRESENT WHEN THOSE DEPOSITIONS WERE TAKEN

10 SO WE DO THINK THAT THEY ARE WITNESSES WHOSE --  
11 WHOSE TESTIMONY CAN BE USED BY US BY WAY OF DEPOSITION  
12 AND, YOU KNOW, THE REALITY IS IT'S JUST A CATALOG OF FACTS  
13 FOR THE MOST PART THAT WE THINK ARE IMPORTANT TO THE  
14 ULTIMATE DECISION THAT YOUR HONOR WILL MAKE IN THE CASE

15 I SEE NO REASON TO BRING ALL OF THOSE PEOPLE IN  
16 HERE TO TESTIFY LIVE THERE ARE, I DON'T KNOW BUT  
17 PROBABLY 50 OR 60 SOMETHING LIKE, IN THAT NEIGHBORHOOD OF  
18 THOSE DEPOSITIONS WHICH WE SAID AT THE OUTSET WE HAVE NOT  
19 DESIGNATED PAGE AND LINE BUT WE INTENDED TO DESIGNATE PAGE  
20 AND LINE OR WE WOULD, YOU KNOW, STIPULATE TO PLAINTIFFS  
21 YOU CAN HAVE THE WHOLE THING WE DON'T CARE

22 BUT, I MEAN, IF WE HAVE GOT TO CALL ALL THOSE  
23 WITNESSES JUST TO ESTABLISH WHAT'S IN EACH SCHOOL, I MEAN,  
24 WE WILL BE HERE MONTHS I MEAN, THAT'S LITERALLY 50 OR 60  
25 WITNESSES THAT WE, THAT ARE NOT ON THE -- A FEW OF THESE

1 PRINCIPALS HAVE TESTIFIED SO IT'S NOT QUITE EVERY ONE BUT  
2 YOU KNOW THE PLAINTIFFS ARE NOT GOING TO CALL ALL OF  
3 THESE PEOPLE IN THEIR CASE OBVIOUSLY

4 WE DON'T WANT TO HAVE TO CALL THEM IN OUR CASE  
5 WHEN WE HAVE GOT THE DEPOSITIONS AND THE PRINCIPLE REASON  
6 THAT WE WOULD PUT THEM ON THE STAND IS JUST SO THE COURT  
7 WILL HAVE A BASIS TO UNDERSTAND, YOU KNOW WHAT IS THIS  
8 SCHOOL ABOUT, WHAT GRADES, HOW MANY TEACHERS, VACANCIES  
9 THAT SORT OF THING

10 OBVIOUSLY IF WE CAN'T USE THE DEPOSITIONS, WE  
11 WILL HAVE TO DO THAT, AND WE CAN SUBPOENA THEM IF THAT'S  
12 WHAT THE COURT DIRECTS SO I DON'T KNOW WHETHER YOU WANT  
13 TO DECIDE THAT RIGHT NOW OR NOT BUT IN ANY EVENT IF YOU  
14 WILL LET US KNOW WE WILL DO IT EITHER WAY, BUT WE  
15 CERTAINLY THINK THAT WE ARE ENTITLED TO USE THE  
16 DEPOSITIONS AND THAT EFFICIENCY WOULD BE MUCH BETTER  
17 SERVED BY USING THE DEPOSITIONS AS OPPOSED TO HAVING TO  
18 PUT ALL OF THOSE PEOPLE ON THE WITNESS STAND LIVE SO  
19 THAT'S OUR POSITION ON THAT

20 WITH RESPECT TO DR HOLMES AS YOUR HONOR WILL  
21 RECALL WHEN WE MET IN COLUMBIA DURING THE FIRST BREAK OF  
22 THIS CASE, IT SEEMS AN INCREDIBLY LONG TIME AGO WHEN I  
23 THINK BACK ON IT, WE HAD A PARTICULAR CONVERSATION ABOUT  
24 DR HOLMES' POSITION AND STATUS IN THIS CASE AND THE  
25 QUESTION AT THAT TIME WAS IS HE OR IS HE NOT AN EXPERT

- 1 Q ALL RIGHT AND HOW ARE THE PUPILS, THE NUMBER OF  
2 PUPILS DETERMINED?  
3 A BY YOUR ENROLLMENT  
4 Q ALL RIGHT AND WHAT IS THAT CALLED?  
5 A A D M , AVERAGE  
6 Q A D M ?  
7 A RIGHT  
8 Q ALL RIGHT SO THE WAY YOU PAY TEACHERS IN DILLON  
9 SCHOOL DISTRICT NUMBER TWO IS TO DETERMINE -- I SAID  
10 DILLON, I'M SORRY IT'S FRIDAY I GUESS BUT THE WAY YOU  
11 PAY STUDENTS AND TEACHERS, EXCUSE ME, IN HAMPTON SCHOOL  
12 DISTRICT NUMBER TWO IS THROUGH E F A FUNDS WHICH ARE SENT  
13 TO THE DISTRICT THROUGH THE E F A FORMULA BASED ON A  
14 CALCULATION OF HOW MANY STUDENTS YOU HAVE, THE AVERAGE  
15 DAILY MEMBERSHIP?  
16 A CORRECT  
17 Q TIMES WHATEVER PUPIL WEIGHTS YOU HAVE?  
18 A THAT IS CORRECT  
19 Q WHETHER YOU HAVE KINDERGARTEN CHILDREN, SPECIAL NEEDS  
20 CHILDREN, OR WHAT HAVE YOU?  
21 A THAT'S CORRECT  
22 Q ALL RIGHT AND THAT RESULTS IN, LET'S JUST SAY "X"  
23 DOLLARS ALL RIGHT?  
24 A THAT IS CORRECT  
25 Q NOW THE MONEY THAT COMES THROUGH THE E F A FORMULA

1       BASED ON THE BASE STUDENT COST IS ESSENTIALLY YOUR  
2       OPERATING MONEY GIVEN TO YOU FOR GENERAL FUND PURPOSES OR  
3       GENERAL SCHOOL OPERATIONS BY THE STATE OF SOUTH CAROLINA?  
4       A     THAT IS CORRECT  
5       Q     AND THROUGH THAT OPERATING FUND YOU HAVE TO PAY --  
6       OTHER THAN WHAT COMES IN LOCALLY IN THE FEDERAL GRANTS  
7       THAT WE WILL GET INTO LATER ON, YOU HAVE TO PAY EVERYTHING  
8       THAT GOES ON WITHIN YOUR SCHOOL DISTRICT?  
9       A     EVERYTHING HAS TO COME FROM THAT POT OF MONEY  
10      Q     SO IT WOULDN'T JUST BE TEACHERS, IT WOULD BE SCHOOL  
11      MAINTENANCE FOR EXAMPLE?  
12      A     UTILITY COSTS  
13      Q     UTILITY?  
14      A     STUDENT SUPPLIES  
15      Q     STUDENT SUPPLIES     CUSTODIAL?  
16      A     CUSTODIAL STAFFS AND EVERYTHING ELSE  
17      Q     ALL RIGHT     MAINTENANCE --  
18      A     MAINTENANCE  
19      Q     -- PERSONNEL? EVERY STAFF MEMBER, CORRECT?  
20      A     EVERYONE, YES  
21      Q     SOME TRANSPORTATION COSTS, WHATEVER THEY ARE?  
22      A     RIGHT  
23      Q     EVERY EXPENSE THAT GOES THROUGH YOUR SCHOOL DISTRICT?  
24      A     THAT'S CORRECT  
25      Q     OKAY     NOW, YOU SAID YESTERDAY OR PERHAPS IT WAS THE

1 DAY BEFORE THAT YOU HAD HAD TO CUT SIX TEACHERS FROM YOUR  
2 TEACHING STAFF WHERE YOU NOW HAD 103 TEACHERS BECAUSE OF  
3 BUDGET CUTS  
4 A THAT'S CORRECT  
5 Q AND WHY WAS THAT?  
6 A BECAUSE WHEN WE LOOKED AT THE COSTS TO OPERATE THE  
7 DISTRICT VERSUS THE REVENUE THAT WE WERE GOING TO RECEIVE,  
8 WE WERE GOING TO BE OVER BUDGET SO THEREFORE WE HAD TO  
9 REDUCE PERSONNEL BECAUSE SCHOOL BUDGETS TO THE MOST PART  
10 ARE BETWEEN 80 TO 85 PERCENT PERSONNEL  
11 THERE'S NOWHERE ELSE TO CUT BUT PEOPLE BECAUSE  
12 YOU STILL HAVE TO OPERATE YOUR -- YOU STILL HAVE TO PAY  
13 UTILITY COSTS, TELEPHONE COSTS YOU STILL HAVE TO HAVE  
14 CERTAIN SUPPLIES AND MAINTENANCE ITEMS TAKEN CARE OF  
15 DURING THE YEAR, SO YOU DON'T HAVE ANY CHOICE BUT TO CUTS  
16 PERSONNEL  
17 I MEAN THAT'S WHERE YOUR LARGEST AMOUNT OF  
18 MONEY IS AVAILABLE WITHIN YOUR BUDGET TO CUT  
19 Q IS IN PERSONNEL?  
20 A YES, THAT'S CORRECT  
21 Q OKAY NOW YOU ALSO DISCUSSED WITH MRS GRAY  
22 YESTERDAY THE STATE MINIMUM SALARY FOR TEACHERS?  
23 A YES  
24 Q NOW ARE YOU AS A SCHOOL DISTRICT OBLIGATED TO PAY A  
25 TEACHER BASED ON A NUMBER OF FACTORS SUCH AS WHETHER THE

1 Q NOW, WE TALKED ABOUT YOUR TAX BASE TWO DAYS AGO I  
2 THINK AS I RECALL IT YOU HAD THE --

3 A SIXTH HIGHEST

4 Q -- SIXTH HIGHEST EFFORT IN THE STATE OF SOUTH  
5 CAROLINA?

6 A YES

7 Q DO YOU KNOW WHERE YOU RANK IN TERMS OF WEALTH  
8 COMPARED TO OTHER DISTRICTS?

9 A NOT RIGHT OFF HAND, I DON T

10 Q ALL RIGHT WE WILL GET THAT INFORMATION BUT IT  
11 WOULD BE HIGH OR LOW?

12 A BE LOW

13 Q LOW ALL RIGHT NOW IF YOU LOOK AT PLAINTIFFS'  
14 EXHIBIT 99 DO YOU UNDERSTAND GRAPHICALLY WHY YOU HAD TO  
15 CUT SIX TEACHERS OFF YOUR STAFF LAST YEAR AND DO YOU  
16 UNDERSTAND PICTORIALY WHY YOU CANNOT PAY ENOUGH MONEY?

17 MRS GRAY YOUR HONOR, I OBJECT I MEAN, MR EPPS  
18 IS TESTIFYING

19 THE COURT THAT IS, THE LAST IS REALLY THANK YOU  
20 I SUSTAIN THAT OBJECTION

21 BY MR EPPS

22 Q OKAY DO YOU UNDERSTAND WHY YOUR DISTRICT IS HAVING  
23 OR HAD TO CUT LAST YEAR SIX TEACHERS OFF YOUR TEACHING  
24 STAFF?

25 A YES AND DO YOU WANT ME TO LOOK AT THIS CHART AND

1 EXPLAIN THAT?

2 Q IF YOU WANT TO LOOK AT THE CHART AND EXPLAIN IT,  
3 THAT'S FINE I THINK THE CHART IS SELF-EXPLANATORY

4 A IT'S SELF EXPLANATORY I MEAN--

5 Q YEAH, BUT DO YOU SEE IT GRAPHICALLY NOW?

6 A YES

7 Q ALL RIGHT AND DO YOU UNDERSTAND WHY IT IS THAT THE  
8 DISTRICT IS HAVING TO COME UP WITH A SHORTFALL FROM WHAT  
9 THE STATE--

10 MRS GRAY I'M SORRY MR EPPS IS TESTIFYING THIS  
11 IS REDIRECT, I BELIEVE

12 THE COURT IT IS AND OF COURSE THE WITNESS HAS  
13 ALREADY EXPLAINED THE REASON FOR THE FINDING HE  
14 INDICATED HE UNDERSTANDS IT, BUT IT IS A LEADING  
15 QUESTION

16 BY MR EPPS

17 Q YOU HAVE EXPLAINED, I THINK WHAT HAPPENS WHEN THE  
18 STATE DOESN'T FUND?

19 A WHEN THE STATE DOESN'T FUND I HAVE TO MAKE CUTS IN  
20 ORDER TO STAY WITHIN THE AMOUNT OF DOLLARS TO OPERATE  
21 HAMPTON TWO SYSTEM

22 Q AND DOES IT FORCE YOU IN THE MAKING CHOICES --

23 A ABSOLUTELY

24 Q -- ABOUT WHAT TYPE OF TEACHER YOU HIRE AND HOW  
25 EXPENSIVE THAT TEACHER WOULD BE FOR THE DISTRICT TO PAY?



1 A YES, IT DOES

2 Q AND DO YOU LIKE MAKING THOSE CHOICES?

3 A NO

4 Q IF YOU HAD YOUR RATHERS WOULD YOU RATHER HAVE AS--

5 MRS GRAY YOUR HONOR, I OBJECT TO THE TESTIFYING  
6 FURTHER

7 THE COURT RIGHT HE'S ABOUT TO GIVE HIM A MULTIPLE  
8 CHOICE, SO LET ME SEE WHAT IT IS

9 BY MR EPPS:

10 Q IF YOU HAD YOUR CHOICE AND IF THE STATE INDEED WERE  
11 TO PAY FOR THE TEACHERS AS SUGGESTED YESTERDAY, WOULD YOU  
12 HAVE THOSE PH D S IN YOUR DISTRICT?

13 A ABSOLUTELY

14 Q ABSOLUTELY?

15 A YES

16 Q ALL RIGHT DOES THE STATE PAY FOR YOUR TEACHERS?

17 A NO, IT DON'T

18 Q I WANT TO SHOW YOU ONE MORE CHART ON TEACHER SALARIES  
19 AND THAT IS PLAINTIFFS' EXHIBIT 6022, EXHIBIT 6022 AND  
20 YOU ARE GOING TO HAVE TO TAKE A MOMENT TO LOOK AT THIS  
21 YOU GOT IT?

22 A NOT YET

23 THE COURT IT S NOT UP

24 BY MR EPPS

25 Q OKAY NOW THIS IS A CHART THAT WAS USED EARLIER

1 THIS COUNTY AND HOPEFULLY IN THE PUBLIC SCHOOLS OF THE  
2 STATE, WHICH THEY WERE, AND I FELT IT INCUMBENT UPON ME TO  
3 DO ALL I COULD FOR MY COUNTY, MY THINKING AT FIRST, AND  
4 THEN LATER THE STATE OF SOUTH CAROLINA BY SERVING IN THE  
5 GENERAL ASSEMBLY

6 Q AND SO YOUR CALLING TO THE GENERAL ASSEMBLY THEN, I  
7 TAKE IT, WAS BECAUSE OF YOUR INTEREST IN EDUCATION?

8 A ABSOLUTELY

9 Q AND TODAY, AS WE SIT HERE TODAY, DOES THAT CONTINUE  
10 TO BE YOUR PRIMARY AREA OF CONCERN AS A POLICYMAKER AND  
11 MEMBER OF THE GENERAL ASSEMBLY?

12 A IT CONTINUES TO BE TO THIS DATE

13 Q ALL RIGHT, SIR NOW, I WANT TO TALK TO YOU A LITTLE  
14 BIT ABOUT HOW THE FUNDING PROCESS TAKES PLACE IN SOUTH  
15 CAROLINA, AND THEN I WANT TO FOCUS AT THE END OF THIS  
16 DISCUSSION ON HOW FUNDING FOR EDUCATION IS DETERMINED  
17 AND WHEN I'M SPEAKING OF EDUCATION IN THIS CONTEXT, MY  
18 FOCUS IS ON K THROUGH 12 OKAY PUBLIC EDUCATION?

19 A OKAY I -- OF COURSE UNDER THE LAW AS IT IS TODAY,  
20 THE GOVERNOR IS REQUIRED TO PRODUCE A BUDGET, A  
21 RECOMMENDED BUDGET TO THE HOUSE OF REPRESENTATIVES THE  
22 HOUSE OF REPRESENTATIVES TAKES THAT BUDGET, SENDS IT TO  
23 THE WAYS AND MEANS AND THE WAYS AND MEANS COMMITTEE  
24 STUDIES IT, PROPOSES IT TO THE FULL HOUSE, AND THEN AFTER  
25 APPROPRIATE THREE READINGS, THE BILL IS SENT TO THE

1 SENATE

2 IT'S REFERRED AS A MATTER OF COURSE TO THE SENATE  
3 FINANCE COMMITTEE WE REVIEW THE BUDGET IN THE SENATE  
4 FINANCE COMMITTEE, THEN REPORT IT TO THE FULL SENATE WHERE  
5 IT RECEIVES THREE READINGS

6 AND THEN IT MOST OFTEN GOES BACK TO THE HOUSE AND  
7 THEY TURN IT DOWN AND SEND IT BACK TO US AND WE TURN IT  
8 DOWN AND IT GOES TO A CONFERENCE COMMITTEE, THREE MEMBERS  
9 OF THE HOUSE AND THREE MEMBERS OF THE SENATE AND THEY  
10 NORMALLY, QUOTE, WRITE THE BUDGET AND THEY GET IT BACK TO  
11 US LATE ONE NIGHT WHEN EVERYONE IS TIRED AND READY TO GO  
12 HOME AND WE NORMALLY ADOPT IT AND SEND IT TO THE GOVERNOR  
13 FOR HIS SIGNATURE

14 AND OF COURSE, HE HAS THE RIGHT OF VETOS WHERE IT'S  
15 SENT BACK TO US, THEY OVERRIDE THEM OR AGREE TO IT BUT I  
16 THINK THAT WHAT YOU REALLY WANT ME TO TESTIFY TO IS WHAT  
17 HAPPENS WHEN WE GET THAT BUDGET IN THE SENATE FINANCE  
18 COMMITTEE

19 AND WHAT NORMALLY HAPPENS EACH BUDGET YEAR IS THE  
20 BOARD OF ECONOMIC ADVISORS, THE B E A , BRINGS TO US THE  
21 REVENUE FORECAST OR PREDICTION AND OUT OF THAT PREDICTION  
22 WE KNOW THAT THERE ARE CERTAIN THINGS, LIKE DEBT PAYMENT,  
23 THAT WE HAVE TO DO AND CERTAIN FUNDS THAT WE HAVE TO FUND

24 AND WE BACK OUT THOSE DOLLARS AND THEN WE COME UP  
25 WITH A FIGURE OF DOLLARS THAT ARE AVAILABLE TO

1 APPROPRIATE AND BASICALLY WE TAKE THOSE DOLLARS AND  
2 SPREAD THEM ACROSS THE NECESSARY AGENCIES THAT WE HAVE TO  
3 FUND AND THE EXPENDITURES THAT WE HAVE FUNDED IN THE PAST  
4 AND THE NEW EXPENDITURES THAT WE THINK WE NEED TO FUND IN  
5 THE COMING BUDGET YEAR AND SO WE SPREAD IT OUT THAT WAY

6 IT'S SOMEWHAT OF A BACKWARDS WAY TO DO IT IN YEARS  
7 PAST THE SENATE FINANCE COMMITTEE CAME UP -- WHEN I SAY  
8 PAST I'M TALKING ABOUT THE LAST SIX OR EIGHT YEARS, WE  
9 STARTED DOING WHAT I THOUGHT WAS A BETTER APPROACH WE  
10 WOULD ALWAYS PICK A CENTERPIECE

11 I REMEMBER ONE YEAR IT WAS REAL IMPORTANT TO US SO WE  
12 CHOSE FULL-DAY KINDERGARTEN THAT WAS GOING TO BE THE  
13 CENTERPIECE OF OUR BUDGET AND WE WERE GOING TO FUND THAT  
14 AND THEN BUILD OUR BUDGET FROM THERE, WHICH MEANT THAT  
15 FULL-DAY KINDERGARTEN WOULD BE FULLY FUNDED IN THE WAY  
16 THAT WE THOUGHT IT SHOULD BE FUNDED

17 IN OTHER YEARS WE HAVE CHOSEN THE STATE EMPLOYEE PAY  
18 RAISE, THAT WE WERE GOING TO GIVE THEM THIS MUCH,  
19 THREE PERCENT, FOUR PERCENT, WHATEVER, AND WE WOULD BUILD  
20 THE BUDGET FROM THERE

21 I WISH OVER THE 28 YEARS THAT I HAVE BEEN IN THE  
22 SENATE, THE 30, NOW 30 YEARS IN THE GENERAL ASSEMBLY THAT  
23 WE HAD ALWAYS PUT EDUCATION AS THE CENTERPIECE AND DECIDED  
24 EXACTLY EVERY DOLLAR THAT WE SHOULD SPEND FOR EDUCATION  
25 AND THEN BUILD THE BUDGET FROM THERE HAD WE DONE THAT, I

1 WE EITHER HAVE TO ADD TO IT OR GO WITH THAT FIGURE,  
2 AND NORMALLY WE HAVE BEEN GOING TO IT, BUT AS I SAID WITH  
3 SOME SMALL ENHANCEMENTS, REVENUE ENHANCEMENTS WE CALL THEM  
4 TO AVOID THE WORD TAX, BUT WE HAVE COME UP WITH LITTLE  
5 THINGS, LITTLE FEE HERE, MAYBE A SEPTIC TANK OR MAYBE A  
6 DRIVER'S LICENSE OR WHATEVER TO RAISE A LITTLE EXTRA  
7 REVENUE

8 BUT WE BASICALLY DEAL WITH THAT FIGURE THAT'S GIVEN  
9 TO US FROM THE B E A , SOMETIMES THEY ARE RIGHT AND  
10 SOMETIMES THEY ARE WRONG, BUT WE ARE BOUND TO GO WITH THAT  
11 FIGURE AND THEN WE BUILD THE BUDGET FROM THERE

12 IT'S KIND OF BACKWARDS AS I SAID A MOMENT AGO, WE  
13 OUGHT TO DECIDE WHAT IS OUR PRIORITY AND WHAT IT'S GOING  
14 TO TAKE TO FUND OUR PRIORITY AND THEN COME UP WITH A  
15 REVENUE TO MEET THAT PRIORITY BUT WE DON'T DO THAT AND I  
16 THINK BECAUSE WE DON'T DO THAT WE ARE PAYING THE PRICE IN  
17 REGARD TO OUR CHILDREN'S EDUCATION IN THIS STATE

18 Q WELL LET'S FOCUS ON THAT FOR A SECOND NOW, THE  
19 BUREAU OF ECONOMIC ADVISORS GIVES TO YOU A PREDICTION OF  
20 FUNDS AVAILABLE IN THE UPCOMING FISCAL YEAR, ASSUMING THAT  
21 THERE ARE NO CHANGES?

22 A YES, SIR

23 Q NOW, DOES THE GENERAL ASSEMBLY HAVE THE WHEREWITHAL  
24 TO ADD ADDITIONAL FUNDS TO WHAT THE BUREAU OF ECONOMIC  
25 ADVISORS SAYS IS AVAILABLE, SHOULD IT CHOOSE TO DO SO?

1 THIS COUNTY AND HOPEFULLY IN THE PUBLIC SCHOOLS OF THE  
2 STATE, WHICH THEY WERE, AND I FELT IT INCUMBENT UPON ME TO  
3 DO ALL I COULD FOR MY COUNTY, MY THINKING AT FIRST, AND  
4 THEN LATER THE STATE OF SOUTH CAROLINA BY SERVING IN THE  
5 GENERAL ASSEMBLY

6 Q AND SO YOUR CALLING TO THE GENERAL ASSEMBLY THEN, I  
7 TAKE IT, WAS BECAUSE OF YOUR INTEREST IN EDUCATION?

8 A ABSOLUTELY

9 Q AND TODAY, AS WE SIT HERE TODAY, DOES THAT CONTINUE  
10 TO BE YOUR PRIMARY AREA OF CONCERN AS A POLICYMAKER AND  
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17 AND WHEN I'M SPEAKING OF EDUCATION IN THIS CONTEXT, MY  
18 FOCUS IS ON K THROUGH 12 OKAY PUBLIC EDUCATION?

19 A OKAY I -- OF COURSE UNDER THE LAW AS IT IS TODAY,  
20 THE GOVERNOR IS REQUIRED TO PRODUCE A BUDGET, A  
21 RECOMMENDED BUDGET TO THE HOUSE OF REPRESENTATIVES THE  
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24 EXACTLY EVERY DOLLAR THAT WE SHOULD SPEND FOR EDUCATION  
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21 THERE ARE NO CHANGES?

22 A YES, SIR

23 Q NOW, DOES THE GENERAL ASSEMBLY HAVE THE WHEREWITHAL  
24 TO ADD ADDITIONAL FUNDS TO WHAT THE BUREAU OF ECONOMIC  
25 ADVISORS SAYS IS AVAILABLE, SHOULD IT CHOOSE TO DO SO?

1 A THAT'S JUST THE STUDENT THAT THE TEACHERS CAN PICK  
2 OUT EARLY ON THAT WILL MOST PROBABLY BE A DROPOUT THEY  
3 PRETTY WELL KNOW THAT IN THE FOUR-YEAR-OLD KINDERGARTEN  
4 AND FIVE-YEAR-OLD KINDERGARTEN AND IT GOES, A LOT, BACK TO  
5 THE FAMILY FROM WHICH THAT CHILD COMES AND THESE ARE THE  
6 CHILDREN WE OUGHT TO TARGET EARLY

7 THAT'S WHY I THINK THE FIRST STEPS PROGRAM WAS SO  
8 IMPORTANT IN SOUTH CAROLINA BECAUSE IT DIDN'T FOCUS ONLY  
9 ON THE CHILD, IT WENT TO THE FAMILY IT WENT TO THE  
10 CIRCUMSTANCES WHERE THE CHILD CAME FROM AND THAT WAS WHY  
11 IT WAS SUCH A WONDERFUL PROGRAM AND I THINK WOULD HAVE HAD  
12 DRAMATIC RESULTS IN THIS STATE, BUT WE UNDERFUNDED IT IN  
13 THE FIRST ASPECT AND THEN WE CONTINUED TO CUT THE  
14 UNDERFUNDED PROGRAM

15 AND NOW IT'S DOWN TO A -- IT'S REALLY, IT'S HARD TO  
16 CALL IT A PROGRAM NOW I THINK IT'S FUNDED ABOUT A  
17 MILLION DOLLARS OUT OF A HIGH OF 30 OR MILLION DOLLARS  
18 THAT WAS AVAILABLE TO THE PROGRAM IN ONE YEAR IF YOU  
19 COMPARE US TO NORTH CAROLINA, NORTH CAROLINA HAS A FIRST  
20 STEPS PROGRAM I THINK THEY CALL IT A HEAD --

21 Q SMART START?

22 A -- SMART START THEY FUNDED 300 MILLION THEY'RE  
23 ABOUT TWICE AS BIG AS WE ARE SO IF YOU -- AND WE TRIED  
24 TO MODEL OURS AFTER THAT -- SO IF YOU TAKE IT DOWN TO US  
25 THEN WE ARE HALF FUNDING, NOT EVEN HALF FUNDING THE

1 A THEY ARE PRETTY CONSTANT FOR US RIGHT NOW I

2 UNDERSTAND THEY ARE RISING AT THE MIDDLE SCHOOL SO WE

3 SHOULD SEE THAT INFUX INTO OUR HIGH SCHOOL VERY SOON

4 Q OKAY OF THE 521 STUDENTS THAT YOU HAVE ENROLLED,

5 HOW MANY ARE CLASSIFIED AS SPECIAL NEEDS STUDENTS?

6 A WE HAVE OVER 100 STUDENTS THAT ARE CLASSIFIED AS

7 SPECIAL NEEDS STUDENTS, ABOUT 20 PERCENT OF OUR

8 POPULATION

9 Q I THINK YOU EARLIER TESTIFIED THAT 80 PERCENT OR SO

10 WERE ON FREE OR REDUCED LUNCH?

11 A BETWEEN 80 AND 89 PERCENT, YES

12 Q EIGHTY AND 89 PERCENT IN YOUR EXPERIENCE, YOU HAVE

13 BEEN IN MIDDLE AND HIGH SCHOOLS?

14 A AND ELEMENTARY, YES

15 Q RIGHT DO ALL OR EVEN MOST HIGH SCHOOL STUDENTS WHO

16 ARE ELIGIBLE FOR FREE OR REDUCED LUNCH SIGN UP FOR FREE OR

17 REDUCED LUNCH?

18 A NO

19 Q WHY IS THAT?

20 A IT S EMBARRASSING

21 Q SO ARE -- IS IT YOUR BELIEF THAT THERE ARE MORE

22 STUDENTS AT ESTILL HIGH SCHOOL WHO WOULD BE ELIGIBLE FOR

23 FREE AND REDUCED LUNCH THAN ARE PARTICIPATING?

24 A YFS

25 Q HOW MANY -- LET'S TALK ABOUT YOUR BUILDINGS, YOUR

1 PHYSICAL FACILITIES HOW MANY BUILDINGS COMPRISE ESTILL  
2 HIGH SCHOOL?

3 A ON THE MAIN CAMPUS WE HAVE TWO BUILDINGS PLUS THREE  
4 PORTABLE UNITS

5 Q OKAY

6 A THEN WE HAVE AN ANNEX OR BUILDING OR CAMPUS THAT IS  
7 ADJACENT US TO ABOUT THREE MILES DOWN THE ROAD

8 Q IS THAT WHAT THEY -- I THINK MR THOMPSON WHEN HE  
9 TESTIFIED IN OCTOBER TALKED ABOUT THE GIFFORD, LURAY?

10 A GIFFORD-LURAY BUILDING, YES

11 Q THAT'S A HYPHENATED, GIFFORD-LURAY HIGH?

12 A YES THE TOWN OF GIFFORD AND THE TOWN OF LURAY  
13 IT'S AN OLD ELEMENTARY SCHOOL THAT'S BEEN CONVERTED TO  
14 CLASSES NOW FOR OUR JUNIOR R O T C PROGRAM AND OUR  
15 CULINARY ARTS PROGRAM

16 Q ALL RIGHT WELL, LET'S TALK ABOUT THE AGE OF THESE  
17 BUILDINGS HOW OLD IS THE MAIN BUILDING?

18 A THE MAIN BUILDING WAS DEDICATED IN, THE MAIN PART WAS  
19 DEDICATED IN 1984

20 Q OKAY AND I THINK YOU HAVE HAD A GYM BUILT SINCE  
21 THEN?

22 A THE GYMNASIUM-MUSIC BUILDING WAS DEDICATED IN 1994

23 Q YOU HAVE THREE PORTABLES I THINK YOU TESTIFIED?

24 A THAT'S CORRECT

25 Q HOW OLD ARE THEY?

1 A MY UNDERSTANDING THAT THOSE CAME EITHER THE -- IF  
2 THEY HAVE NOT, DIDN'T COME THE FIRST YEAR THE SCHOOL WAS  
3 BUILT, THEY CAME THE NEXT YEAR  
4 Q SO WE ARE TALKING AROUND 20 YEARS OLD?  
5 A YES  
6 Q ALL RIGHT AND THE GIFFORD-LURAY ANNEX BUILDING?  
7 A THAT BUILDING WAS BUILT IN THE MID 1950'S  
8 Q OKAY WHAT IS IN THE MAIN BUILDING, THE ONE THAT WAS  
9 BUILT IN 1954?  
10 A WE HAVE CLASSROOMS, WE HAVE OUR OFFICE SPACE, OF  
11 COURSE, OUR MEDIA CENTER, WE HAVE OUR CAFETERIA, WE HAVE  
12 OUR CAREER AND TECHNOLOGY EDUCATION CLASSES AND OF COURSE  
13 OUR GUIDANCE OFFICE  
14 Q OKAY IS THERE ANYTHING IN THE GYM BUILDING BESIDES  
15 THE ACTUAL GYMNASIUM, THE COURT?  
16 A YES, WE HAVE CLASSROOMS IN THERE AND ALSO OUR BAND  
17 ROOM IS IN THERE WE HAVE A COUPLE OFFICES IN THAT  
18 BUILDING WE HAVE TO UTILIZE CLASSROOMS IN THERE THAT  
19 WERE DESIGNED FOR MUSIC CLASSES, ET CETERA, FOR OUR EIGHTH  
20 GRADE AND SOME OF OUR SPECIAL NEEDS STUDENTS  
21 Q OKAY YOU TOLD US, I THINK, WHAT WAS IN THE  
22 GIFFORD-LURAY BUILDING BUT CAN YOU LIST WHAT'S, WHAT THAT  
23 BUILDING'S USED FOR SPECIFICALLY?  
24 A IT IS USED TO TEACH OUR JUNIOR R O T C PROGRAM  
25 IT'S AN ARMY JUNIOR R O T C PROGRAM AND ALSO OUR CULINARY

1 TIME

2 Q ALL RIGHT AND THEY LEAVE CAMPUS AND THEY HAVE  
3 TRANSPORTATION TIME?

4 A RIGHT

5 Q RIGHT? AND BY THE TIME THEY GET TO THEIR CLASSROOM  
6 AT GIFFORD-LURAY, HOW MUCH TIME DO THEY LOSE TO  
7 TRANSPORTATION? HOW MUCH CLASS TIME DO THEY LOSE TO  
8 TRANSPORTATION?

9 A TO ACTUALLY GET INTO THE CLASSROOM?

10 Q YES

11 A ANYWHERE FROM TEN TO 15 MINUTES, I WOULD SAY

12 Q IS THAT EVERY CLASS PERIOD?

13 A YES, THAT THEY GO TO THAT BUILDING

14 Q TELL US ABOUT THE CONDITION OF THE GIFFORD-LURAY  
15 BUILDING

16 A WELL, AS I INDICATED THE BUILDING WAS BUILT IN THE  
17 MID 1950'S IT'S AN OLD ELEMENTARY SCHOOL THAT HAS BEEN  
18 CONVERTED THERE ARE SOME, HAVE BEEN IN THE PAST SOME  
19 REAL PROBLEMS WITH H V A C AND WE HAVE RECENTLY CORRECTED  
20 THOSE

21 WE HAVE -- ALSO HAD SOME PROBLEMS WITH THE ROOF  
22 LEAKING WE HAVE SOME PARTICULAR PROBLEMS THERE RELATED  
23 TO PLOMBING THE BATHROOMS THERE FREQUENTLY BACK UP  
24 BECAUSE OF THE SEPTIC TANK SYSTEM THAT IS THERE AND VERY  
25 OLD AND IT'S A VERY LOW AREA SO IF WE HAVE A LOT OF VERY

1 HEAVY RAIN THEN IT'S -- GETS VERY DAMP IN THAT BUILDING

2 AND ALSO SOMETIMES IF WATER COMES IN THE BUILDING --

3 Q EXCUSE ME

4 A -- SOMETIMES THE WATER DOES COME IN THE BUILDING BUT  
5 THAT'S VERY, VERY HEAVY RAIN

6 Q ALL RIGHT IS THE SPACE LARGE ENOUGH FOR THE  
7 ACTIVITIES THAT GO ON THERE?

8 A NO, OUR CULINARY ARTS PROGRAM, IT IS IN THE CONVERTED  
9 ELEMENTARY SCHOOL KITCHEN, BUT IT REALLY NEEDS TO BE A  
10 LARGER KITCHEN IN ORDER TO, FOR US TO HAVE THE CURRENT  
11 MODERN INDUSTRIAL KITCHEN EQUIPMENT

12 WE ALSO NEED SPACE FOR THEM TO SET UP A DINING ROOM  
13 AREA AND THE REASON THEY CANNOT USE THE OLD CAFETERIA  
14 WHICH WAS AT THE BUILDING WAS BECAUSE THAT IS USED AS PART  
15 OF THE JUNIOR R O T C 'S PROGRAM, SO THEY NEED ADDITIONAL  
16 SPACE AS FAR AS THE CULINARY ARTS PROGRAM

17 Q OTHER THAN THE STATE S NEED, DOES THE SPACE IS  
18 AVAILABLE IS IT APPROPRIATE FOR THE INSTRUCTION THAT GOES  
19 ON AT THE GIFFORD -LURAY ANNEX BUILDING?

20 A IT'S APPROPRIATE WOULD BE OBVIOUSLY MUCH MORE  
21 ADVANTAGEOUS IF IT WAS ON OUR CAMPUS WHICH WOULD CUT DOWN  
22 ON THE AMOUNT OF TRANSPORTATION AND ALSO MAKE IT EASIER  
23 FOR US TO MONITOR AND TO THOSE STUDENTS AND TO THE  
24 INSTRUCTION THAT GOES ON IN THAT BUILDING

25 Q ALL RIGHT WELL, LET'S GO BACK TO THE MAIN CAMPUS

1 NOW AND TELL US ABOUT THE CONDITION OF THE BUILDINGS  
2 THERE DO YOU HAVE ANY FACILITY PROBLEMS AT THE MAIN  
3 BUILDING, THE 1984 BUILDING?

4 A WE HAVE ROOF LEAKS WE HAVE H V A C PROBLEMS IN  
5 THAT PARTICULAR BUILDING THOSE ARE THE MAIN PROBLEMS  
6 THAT WE HAVE IN THAT BUILDING

7 Q HAVE YOU HAD ANY ISSUES WITH YOUR CEILING TILES?

8 A YES, BECAUSE OF THE ROOF LEAKS AND BECAUSE OF THE  
9 H V A C LEAKING, THEN THE CEILING TILES GET WET,  
10 SOMETIMES THEY FALL, SOMETIMES THEY ARE NOT CHANGED OUT  
11 QUICKLY ENOUGH THEN OF COURSE THEY GET MOLD AND MILDEW ON  
12 IT WHICH CAUSES AIR-QUALITY PROBLEMS

13 Q ALL RIGHT LET'S MOVE OUT TO THE GYM DO YOU HAVE  
14 ANY BUILDING PROBLEMS?

15 A WE HAVE SEVERE ROOFING PROBLEMS THERE THAT, THE  
16 GYMNASIUM ITSELF LEAKS IN FACT, WE HAVE HAD BASKETBALL  
17 GAMES WHEN IT'S RAINING AND THE ROOF IS LEAKING, WE'VE HAD  
18 TO STOP THE GAME IN ORDER TO MOP THE FLOOR

19 WE HAVE CLASSROOMS THAT HAVE SOME SEVERE MOLD AND  
20 MILDEW PROBLEMS THERE THE FLOOR TILE IN SOME OF THE  
21 CLASSROOMS AND IN THE LOBBY AREA BECAUSE OF THE MOISTURE  
22 PROBLEM WITHIN THAT BUILDING ARE SORT OF BUCKLING WE  
23 ALSO HAVE SOME PROBLEMS THERE RELATED TO PLUMBING MOST  
24 OF THEM ARE ROOF LEAKS AND H V A C PROBLEMS

25 Q ALL RIGHT



1 MORE DETAIL ABOUT THESE PICTURES THEY ARE INTO EVIDENCE,  
2 I THINK, WITHOUT OBJECTION  
3 THE COURT THANK YOU  
4 Mr Barnes NO OBJECTION  
5 THE COURT THANK YOU I CAN LOOK AT THEM WHILE HE  
6 IS TESTIFYING  
7 BY MS HART  
8 Q MR FRANCHINI, HAVE YOU HAD ANY PROBLEM WITH THE FIRE  
9 ALARM SYSTEM IN THE PAST?  
10 A YES, WE HAVE HAD SEVERAL PROBLEMS THE MAIN BUILDING  
11 AND THE GYM BUILDINGS ARE SUPPOSED TO BE ON THE SAME  
12 SYSTEM AND FOR TWO YEARS THEY WERE NOT THEY WERE  
13 ACTUALLY ON THE SAME SYSTEM BUT THEY DIDN'T WORK  
14 SIMULTANEOUSLY  
15 SUPPOSED TO BE IF YOU PULL A FIRE ALARM IN ONE  
16 BUILDING IT'S SUPPOSED TO SOUND THROUGHOUT THE CAMPUS AND  
17 THAT DID NOT HAPPEN ALSO WE DID NOT HAVE FIRE ALARM  
18 CAPABILITIES IN THE PORTABLE CLASSROOMS WE HAVE SINCE  
19 CORRECTED THAT PROBLEM THIS SUMMER  
20 Q WHAT DID YOU DO WHEN YOU DIDN'T HAVE A WORKING FIRE  
21 ALARM SYSTEM?  
22 A WE USED BLOW HORNS OR AIR HORNS  
23 Q DID YOU HAVE TO DO THAT FROM TIME TO TIME?  
24 A ANYTIME WE HAD A FIRE DRILL  
25 Q OKAY HOW WAS THAT SITUATION REMEDIED? I MEAN, DID

1 YOU HAVE TO -- DID THE STATE COME IN AND FIX THAT FOR YOU?  
2 A NO THE SCHOOL DISTRICT DID THE SCHOOL DISTRICT  
3 PAID FOR THAT WE HAD TO HIRE SOMEONE TO COME IN AND TO  
4 WORK ON THE SYSTEM

5 Q ALL RIGHT WHAT IS IN IS HOUSED IN THE THREE  
6 PORTABLES THAT ARE ON THE MAIN CAMPUS?

7 A WE HAVE ONE EIGHTH GRADE MATH TEACHER'S CLASSROOM, WE  
8 HAVE ONE SPECIAL NEEDS TEACHER IN A CLASSROOM THERE AND  
9 ALSO ONE EIGHTH GRADE SOCIAL STUDIES TEACHER

10 Q ARE THERE ANY PROBLEMS OUT THERE WITH THOSE  
11 PORTABLES?

12 A YES I THINK YOU WILL SEE IN SOME OF THOSE PICTURES  
13 WE SAW SOME SEVERE PROBLEMS RELATED TO LEAKAGE THERE WITH  
14 THE CEILING AS WELL AS THE FLOOR AS A RESULT OF THE MANY  
15 YEARS OF NEGLECT AND THE FLOOR BEING WET FROM THE CEILING  
16 LEAKING, THE TILE, THE, THE -- EXCUSE ME, TWO FLOOR TILES  
17 HAVE BROKEN AND HAVE COME UP OFF THE FLOOR

18 Q ARE THERE COVERED WALKWAYS TO THOSE PORTABLES?

19 A NO

20 Q AND ARE THERE STEPS INTO THE PORTABLES?

21 A YES, THERE ARE THERE ARE WOODEN STEPS

22 Q ALL RIGHT HAVE THOSE ALWAYS BEEN IN GOOD REPAIR?

23 A NO, THEY HAVE NOT THEY -- ONE WE HAD TO REPLACE  
24 LAST, THIS PAST SPRING PRIOR TO THE SOUTHERN ASSOCIATION  
25 ACCREDITATION TEAM COMING TO VISIT

1 Q OKAY WAS THAT A SAFE CONDITION WITH THOSE STEPS  
2 BEFORE THEY WERE REPLACED?  
3 A NO  
4 Q DO YOU HAVE SUFFICIENT SPACE FOR YOUR STUDENTS IN  
5 YOUR COURSE OFFERINGS GIVEN YOUR MAIN BUILDING AND YOUR  
6 PORTABLES AND YOUR CLASSROOMS THAT ARE IN THE GYM  
7 BUILDING?  
8 A NO, WE DO NOT  
9 Q YOU SAID YOU HAD THREE CLASSES OUT IN THE PORTABLES?  
10 A YES  
11 Q DO YOU HAVE ANY TEACHERS WHO DO NOT HAVE CLASSROOMS  
12 OF THEIR OWN?  
13 A YES I HAVE ONE EIGHTH GRADE MATH TEACHER WHO  
14 FLOATS  
15 Q WHAT DOES THAT MEAN?  
16 A MEANS THAT HE GOES TO A DIFFERENT CLASSROOM EVERY  
17 PERIOD AND CARRIES HIS WHOLE WORK ON A CART AND PUSHES IT  
18 FROM CLASSROOM TO CLASSROOM SO THAT MEANS THAT, ONCE  
19 AGAIN WE HAVE LOST INSTRUCTIONAL TIME BECAUSE HE IS  
20 CHANGING CLASSES AT THE SAME TIME THE STUDENTS ARE  
21 HE HAS TO GO FROM BUILDING TO BUILDING AND SO THAT  
22 MEANS HE'S NOT READY FOR THE STUDENTS WHEN THEY ENTER THE  
23 CLASSROOM WE ALSO HAVE A SITUATION WHERE THE ART ROOM  
24 AND THE ART TEACHER AND THE EIGHTH GRADE SCIENCE TEACHER  
25 SHARE A CLASSROOM

1 Q HOW DOES THAT WORK?

2 A NOT VERY WELL BUT IT'S ACTUALLY THE ART ROOM WHICH  
3 WAS DESIGNED AS THE ART ROOM BUT IT IS UTILIZED BY THE  
4 EIGHTH GRADE SCIENCE TEACHER THREE PERIODS A DAY AND THEN  
5 THE ART TEACHER COMES IN THERE THE LAST PERIOD OF THE DAY

6 Q ALL RIGHT IS IT A LAB FOR THE SCIENCE --

7 A NO, IT S NOT

8 Q -- INSTRUCTION?

9 A NO

10 Q WHAT DO YOU DO ABOUT THAT?

11 A WELL, THERE IS ONE SINK IN THERE WHICH IS ONE REASON  
12 WHY THAT PARTICULAR CLASSROOM WAS CHOSEN FOR THE SCIENCE  
13 CLASS, WHICH MEANS THAT SHE HAS WATER BUT THAT'S IT

14 Q IS THAT SUFFICIENT FOR HER TO BE ABLE TO TEACH THE  
15 SOUTH CAROLINA SCIENCE CURRICULUM?

16 A NO THERE ARE NO LAB TABLES IN THAT PARTICULAR  
17 CLASSROOM THERE ARE DESKS IN THERE WHICH MAKES IT  
18 DIFFICULT THERE -- AS I SAID, THERE'S ONLY ONE SINK  
19 THERE IS ALSO VERY LITTLE STORAGE IN THERE FOR HER TO  
20 STORE HER SUPPLIES AND MATERIALS AS IT RELATES TO TEACHING  
21 OF SCIENCE BECAUSE MOST OF THE LIMITED AMOUNT OF SPACE  
22 THERE HAS THE ART SUPPLIES STORED IN IT

23 Q ALL RIGHT WHERE DOES YOUR ENGLISH AND SECOND  
24 LANGUAGE TEACHER TEACH?

25 A HE TEACHES IN A VERY SMALL ROOM IN THE MEDIA CENTER

1 WHICH WAS DESIGNED TO BE A RESOURCE TYPE ROOM OR A STORAGE  
2 ROOM IN THE MEDIA CENTER HE TEACHES HIS STUDENTS IN THAT  
3 CLASSROOM WE --

4 Q GO AHEAD

5 A WE ALSO HAVE A SPECIAL NEEDS OR SPECIAL ED TEACHER  
6 THAT TEACHES STUDENTS IN A ROOM THAT WAS REALLY A BAND  
7 STORAGE ROOM IT DOESN'T HAVE ANY WINDOWS IT'S A LONG  
8 NARROW ROOM AND REALLY WHEN HE GETS TO HAVE 15 TO 16  
9 STUDENTS IN THERE, IT'S VERY TIGHT QUARTERS

10 Q ALL RIGHT IS THAT A PARTICULAR ISSUE FOR A SPECIAL  
11 NEEDS CLASSROOM?

12 A ABSOLUTELY

13 Q WHY?

14 A A TEACHER NEEDS SPACE WHERE HE CAN HAVE THE STUDENTS  
15 BE SPREAD OUT ONE OF THE PROGRAMS, ONE OF THE THINGS  
16 THAT WE HAVE IN OUR SCHOOL IS AN EXPERIMENTAL PROGRAM FOR  
17 OUR SPECIAL NEEDS STUDENTS

18 SO BECAUSE OF THE NUMBERS OF STUDENTS AND BECAUSE OF  
19 THE NUMBERS OF TEACHERS THAT WE HAVE OR THE LACK OF THE  
20 NUMBER OF TEACHERS WE HAVE, WE HAVE STUDENTS THAT ARE  
21 CLASSIFIED AS EMOTIONALLY DISTURBED, LEARNING DISTURBED  
22 AND ACTUALLY MENTALLY HANDICAPPED HAVE TO BE IN THE SAME  
23 CLASSROOM SO

24 Q DOES THAT WORK?

25 A NOT VERY WELL

1 Q WHY DON'T YOU BREAK THEM UP INTO SEPARATE CLASSROOMS?

2 A BECAUSE WE CAN'T AFFORD ENOUGH TEACHERS FOR THAT WE  
3 CAN'T FIND THEM TO START WITH, AND WE ALSO CAN'T AFFORD  
4 THEM

5 Q ALL RIGHT

6 A AND -- BUT AND MY POINT WAS, ORIGINALLY WAS THAT,  
7 THAT BY HAVING SUCH SMALL QUARTERS IT'S NOT VERY, IT'S  
8 VERY DIFFICULT FOR HIM TO INDIVIDUALIZE AND TO WORK WITH  
9 THOSE STUDENTS

10 IT'S ALSO DIFFICULT FOR, IF A STUDENT IS MISBEHAVING  
11 OR ACTING OUT TO SEPARATE IN THE CLASSROOM A PARTICULAR  
12 STUDENT IT'S DIFFICULT FOR HIM TO HAVE STUDENTS WORK IN  
13 SMALL GROUPS WHICH AS WE KNOW WITH SPECIAL NEEDS STUDENTS  
14 THIS DOES WORK EXTREMELY WELL, OFFER THEM TO WORK IN SMALL  
15 GROUPS AND WHEN HE HAS AN ASSISTANT THAT COMES TO HIS  
16 CLASSROOM TO BE ABLE TO WORK WITH THEM WHILE HE MAY BE  
17 WORKING WITH A LARGER GROUP OR WITH ANOTHER GROUP

18 THIS TEACHER ALSO, BECAUSE OF SPACE PROBLEMS WITH  
19 THAT PARTICULAR ROOM, HE FLOATS DURING THE LAST PERIOD OF  
20 THE DAY TO ANOTHER CLASSROOM

21 Q ALL RIGHT

22 A ONE OTHER AREA WHERE WE HAVE A PROBLEM, WE HAVE OUR  
23 MUSIC TEACHER THAT TEACHES OUR GENERAL MUSIC IN WHAT YOU  
24 MIGHT CALL THE HOME ECONOMICS CLASSROOM, THE CHILD  
25 DEVELOPMENT AND CHILDCARE CLASSROOM

1 A YES WE HAVE A PRETTY HIGH TEACHER TURNOVER RATE AT  
2 ESTILL HIGH SCHOOL IT IS VERY DIFFICULT FOR US TO  
3 ATTRACT AND TO RETAIN QUALITY TEACHERS WE HAVE TEACHERS  
4 THAT COMMUTE LONG DISTANCES IN ORDER TO WORK AT ESTILL  
5 HIGH SCHOOL

6 Q DO YOU KNOW WHAT YOUR TEACHER TURNOVER RATE IS OR HOW  
7 MANY TEACHERS YOU HAD TO REPLACE FOR THIS YEAR? LET'S PUT  
8 IT IN THOSE TERMS

9 A I'D HAVE TO STOP AND COUNT WE PROBABLY REPLACED  
10 APPROXIMATELY, I WOULD SAY ABOUT TEN TO 15 TEACHERS THIS  
11 YEAR

12 Q AND HOW LARGE IS YOUR TEACHING STAFF?

13 A WE HAVE ABOUT 40 TEACHERS

14 Q SO YOU REPLACED TEN TO 15 OUT OF 40 TEACHERS THIS  
15 YEAR?

16 A RIGHT AND SOME OF THOSE HAVE ALREADY LEFT, TOO

17 Q THEY STARTED THE YEAR, BUT THEY HAVE ALREADY LEFT?

18 A YES

19 Q HAVE YOU REPLACED THEM?

20 A SOME OF THEM

21 Q BUT NOT ALL OF THEM?

22 A NO

23 Q OKAY WHAT KIND OF PROBLEMS DO YOU SEE RELATED TO  
24 THAT KIND OF TEACHER TURNOVER AT ESTILL HIGH SCHOOL?

25 A WELL, OBVIOUSLY THERE'S A LACK OF CONTINUITY WHEN YOU

1 LOOK AT DEVELOPING A CURRICULUM AND INSTRUCTION OF  
2 QUALITY, CURRICULUM AND QUALITY INSTRUCTION THERE IS A  
3 LACK OF OWNERSHIP FOR THOSE TEACHERS FOR THE SCHOOL  
4 STUDENTS ALSO RECOGNIZE THAT

5 THE -- AS I SAID EARLIER, STUDENTS WILL TEST YOU TO  
6 FIND OUT IF YOU ARE GOING TO BE REAL OR NOT, IF YOU ARE  
7 GOING TO STAY OR NOT AND I THINK THAT IT'S BEEN MY  
8 EXPERIENCE THAT THE STUDENTS AT ESTILL HIGH SCHOOL DO  
9 THEIR VERY BEST TO TEST THOSE TEACHERS AND TO SEE IF THEY  
10 ARE GOING TO BE THERE FOR THEM

11 BUT OBVIOUSLY THAT HAS A TREMENDOUS IMPACT ON US  
12 BEING ABLE TO MAKE THE KINDS OF CHANGES AND IMPROVEMENTS  
13 IN INSTRUCTION AND GAINS IN ACHIEVEMENT THAT WE WANT TO  
14 MAKE

15 Q WELL, WHAT KIND OF APPLICANTS DO YOU NEED TO GET OR  
16 TELL US ABOUT YOUR APPLICANT POOL FOR THE TEACHING  
17 POSITIONS AT ESTILL HIGH SCHOOL

18 A ON A GOOD DAY I MAY HAVE TWO TO INTERVIEW FOR ONE  
19 POSITION GENERALLY IT IS ONE PERSON, IF ANY, WHICH IS  
20 WHY WE STILL HAVE TWO VACANCIES THAT EXIST IN OUR SCHOOL  
21 WE HAVE LONG-TERM SUBS IN THOSE POSITIONS

22 Q WHAT KIND OF EFFORTS DO YOU MAKE TO FILL VACANCIES?

23 A WE WORK WITH AND I DON'T REMEMBER THE NEW NAME BUT  
24 WITH THE CENTER FOR TEACHER RECRUITMENT

25 Q CERRA? C-E-R-R-A?



1 A YES AND WE ALSO -- THE DISTRICT POSTS THE VACANCIES  
2 ON THE WEBSITE THERE ARE ALSO OTHER WEBSITES THAT THE  
3 PERSONNEL DIRECTOR GOES TO ALSO THROUGH CONTACTING OTHER  
4 SCHOOL DISTRICTS AND OTHER PRINCIPALS TO TRY TO FIND  
5 PEOPLE WITHIN OUR OWN TEACHING STAFF IF THEY KNOW OF  
6 FOLKS THAT ARE INTERESTED, MAKING CONTACT AT COLLEGES AND  
7 UNIVERSITIES IN OUR AREA

8 Q I THINK YOU TESTIFIED THAT YOU HAVE TEACHERS WHO  
9 COMMUTE IN WHERE DO THEY COMMUTE IN FROM TO TEACH IN  
10 HAMPTON TWO?

11 A A VARIETY OF PLACES WE HAVE THEM COME AS FAR AS  
12 AUGUSTA, ORANGEBURG, HILTON HEAD ISLAND, WALTERBORO

13 Q HOW DOES THE FACT THAT YOU HAVE SO MANY -- WELL, DO  
14 YOU HAVE MANY WHO DO THAT?

15 A THE MAJORITY OF OUR TEACHERS COMMUTE IN --

16 Q HOW DOES THAT -- SORRY

17 A -- THAT DON'T LIVE IN OUR SCHOOL DISTRICT, RIGHT

18 Q WELL, HOW DOES THAT AFFECT YOUR HIRING AND RETENTION  
19 EFFORTS?

20 A WELL, MANY TIMES THEY WILL ACCEPT A JOB AT HAMPTON  
21 SCHOOL DISTRICT TWO OR AT ESTILL HIGH SCHOOL, I GENERALLY  
22 SPEAK FOR, BUT AS AN ENTRY-LEVEL POSITION AND ONCE THEY  
23 GAIN EXPERIENCE, THEN THEY WILL WANT TO BE IN A SCHOOL  
24 THAT IS CLOSER HOME

25 IT ALSO HAS AN IMPACT ON THE AMOUNT OF TIME THAT THEY

1 ARE WILLING OR WANT TO SPEND AT SCHOOL OR AFTER SCHOOL OR  
2 BEFORE SCHOOL, GIVING THE ADDITIONAL HELP TO STUDENTS THAT  
3 THEY NEED

4 AND THE FACT THAT SOMEONE HAS TO DRIVE AN HOUR TO  
5 SCHOOL TO WORK EVERY DAY, AND THEN TEACH FOR SEVEN HOURS  
6 AND THEN TURN AROUND AND DRIVE AN HOUR HOME, THAT'S NOT  
7 VERY ATTRACTIVE PARTICULARLY IF THEY CAN FIND A JOB MUCH  
8 CLOSER TO HOME THAT AND ALSO PARTICULARLY IF THAT JOB  
9 PAYS THEM MORE

10 Q OKAY HAVE YOU HAD ANY EXPERIENCE IN HAMPTON TWO IN  
11 HIRING OR BEING ABLE TO FIND AND HIRE TEACHERS WITH  
12 PH D 'S OR DOCTORATES?

13 A WE HAD TWO ON OUR STAFF AT THE BEGINNING OF THE, THE  
14 YEAR AND ONE RESIGNED ABOUT TWO MONTHS INTO SCHOOL  
15 STARTING, SO WE CURRENTLY HAVE ONE

16 Q OKAY WHEN THOSE PEOPLE APPLIED TO YOU FOR THE  
17 POSITIONS AND I PRESUME THEY DID?

18 A YES

19 Q OKAY DID YOU WANT TO HIRE THEM IMMEDIATELY?

20 A YES, I DID

21 Q TELL US ABOUT YOUR EXPERIENCE WITH THAT

22 A WAS NOT ALLOWED TO HIRE THEM IMMEDIATELY WAS TOLD  
23 BY THE SUPERINTENDENT THAT WE WOULD HAVE TO WAIT TO SEE IF  
24 WE COULD FIND SOMEONE THAT WAS QUALIFIED BUT ALSO THAT HAD  
25 A, LESS OF A DEGREE BECAUSE THEY'D BE CHEAPER TO HIRE

1 THE UNITED STATES TO BEGIN WITH AND EVEN LESS FAMILIAR  
2 WITH THE CULTURE OF A SMALL RURAL SCHOOL DISTRICT THAT IS  
3 99 PERCENT AFRICAN-AMERICAN THEY, THEY --

4 Q WHAT?

5 A -- ARE KNOWLEDGEABLE IN THEIR SUBJECT AREA, BUT THEY  
6 HAVE A LOT OF DIFFICULTY, MANY TIMES, WITH THE LANGUAGE,  
7 EVEN THOUGH THAT THEY MAY BE CONSIDERED QUOTE/UNQUOTE  
8 PROFICIENT IN ENGLISH, THEY STILL HAVE WORDS IN WHICH THEY  
9 HAVE MISSPEAK OR ACCORDING TO US OR IN WHICH THEY HAVE  
10 TROUBLE COMMUNICATING WITH OUR STUDENTS AS THEY ARE  
11 TRANSLATING FROM THEIR NATIVE TONGUE TO ENGLISH IN THEIR  
12 HEAD

13 I MEAN, IT'S A SLOW DOWN IN THEIR THOUGHT PROCESS  
14 SOMETIMES AND MANY TIMES THAT CAUSES PROBLEMS WITHIN THE  
15 CLASSROOM STUDENTS WILL USE THAT AS A CRUTCH SOMETIMES  
16 IN ORDER TO SAY THAT THEY ARE NOT ABLE TO LEARN IN THAT  
17 PARTICULAR CLASSROOM, BUT THERE ARE ALSO PROBLEMS AS  
18 RELATES TO STUDENT BEHAVIOR

19 Q WELL, HOW DOES -- HOW DO THOSE ISSUES AFFECT THE  
20 LEARNING OR THE EDUCATIONAL OPPORTUNITIES THAT ARE  
21 AVAILABLE TO THE STUDENTS WHO ARE IN THOSE CLASSROOMS?

22 A WELL, IF THEY ARE NOT ABLE TO MANAGE THEIR CLASSROOM,  
23 IF THEY ARE NOT ABLE TO COMMUNICATE EFFECTIVELY WITH THE  
24 STUDENTS AND THEIR PARENTS, IF THEY ARE NOT FAMILIAR WITH  
25 OUR STANDARDS, IF THEY ARE NOT FAMILIAR WITH OUR

1 CURRICULUM, ALL OF THOSE HAVE A TREMENDOUS NEGATIVE IMPACT  
2 ON THE EFFECTIVENESS THAT THEY MAY HAVE WITHIN OUR  
3 PARTICULAR CLASSROOMS

4 Q WELL, THE FOREIGN TEACHERS THAT YOU HAVE HAD  
5 EXPERIENCE WITH AT ESTILL HIGH SCHOOL, DO THEY TYPICALLY  
6 MAKE EFFECTIVE TEACHERS OF STUDENTS AT ESTILL HIGH SCHOOL?

7 A I WOULD SAY THE MAJORITY, NO

8 Q WELL, WHY DO YOU CONTINUE TO HIRE THEM?

9 A BECAUSE WE ARE ABLE TO EMPLOY THEM, THEY ARE ABLE TO  
10 RECEIVE A SOUTH CAROLINA TEACHING CERTIFICATE THEY DO  
11 HAVE A -- A KNOWLEDGE BASE GENERALLY IN THEIR SUBJECT AREA  
12 AND IN ORDER TO CONTINUE TO RECEIVE OUR STATE  
13 ACCREDITATION AND OUR SOUTHEASTERN ASSOCIATION OF COLLEGES  
14 AND SCHOOLS ACCREDITATION WE HAVE TO HAVE CERTIFIED  
15 TEACHERS IN THE CLASSROOM AND IT SAYS CERTIFIED NOT  
16 NECESSARILY QUALIFIED

17 Q ARE THESE TEACHERS -- I UNDERSTAND THAT THEY COME  
18 FROM DIFFERENT PROGRAMS OR AGENCIES?

19 A YES, MANY DIFFERENT ONES.

20 Q CAN YOU GIVE US A BRIEF RUNDOWN OF THAT?

21 A ALL RIGHT WE HAVE A PROGRAM CALLED AMERICAN WORK  
22 VISA WHICH WE'VE JUST USED THIS YEAR FOR THE FIRST TIME

23 Q UH-HUH

24 A WE HAVE A PROGRAM CALLED FACES WHICH IS A FOREIGN  
25 EXCHANGE PROGRAM WHERE TEACHERS COME FROM ALL OVER THE

1 Q WELL, WHAT DO YOU HAVE AVAILABLE IN YOUR SCHOOL AND  
2 WHAT PROBLEMS DO YOU SEE IN TERMS OF INSTRUCTIONAL  
3 MATERIALS IN THE MEDIA CENTER OR THE LIBRARY, WHAT I WOULD  
4 REFER TO AS THE LIBRARY?

5 A OUR MEDIA CENTER, WHEN I ARRIVED THERE TWO YEARS AGO  
6 THE AVERAGE COPYRIGHT DATE OF OUR COLLECTION WAS ABOUT  
7 1980 ONE OF THE THINGS THAT I WORKED WITH OUR MEDIA  
8 SPECIALIST TO DO WAS TO BEGIN WEEDING THE COLLECTION,  
9 ELIMINATING THOSE BOOKS THAT WERE OLD

10 SHE'S DONE SOME OF THAT BUT STILL OUR AVERAGE  
11 COPYRIGHT DATE IS 1985 AND WE CAN'T JUST SAY WE'LL JUST  
12 THROW OUT ALL THE OLD BOOKS BECAUSE WE ARE REQUIRED TO  
13 HAVE TEN BOOKS PER CHILD IN ORDER TO MEET OUR STATE AND  
14 SOUTHERN ASSOCIATION ACCREDITATION STANDARDS

15 WE ALSO HAVE SOME OF OUR BOOKS, REFERENCE MATERIALS  
16 IN OUR MEDIA CENTER THAT ARE FROM THE 1940'S AND 1950'S  
17 IN THE 400 COLLECTION WHICH IS YOUR LANGUAGE AND FOREIGN  
18 LANGUAGE SECTION OF THE MEDIA CENTER, THE AVERAGE AGE IN  
19 THERE IS ABOUT THE 1940'S

20 WE ARE IN DESPERATE NEED -- WE DO NOT HAVE A D V D  
21 PLAYER ALMOST EVERYONE'S HOME HAS ONE NOW WE DON'T  
22 HAVE ONE IN OUR SCHOOL WE DO NOT HAVE --

23 Q DO YOU HAVE -- EXCUSE ME LET ME INTERRUPT YOU DO  
24 YOU HAVE V H S PLAYERS?

25 A YES, WE DO, BUT --

1 BOOKS ARE EXTREMELY EXPENSIVE SO YOU CAN ONLY BUY SO  
2 MANY

3 AND ALSO YOU HAVE TO MAKE SURE THAT YOU ARE SPREADING  
4 THE WEALTH, WHAT LITTLE BIT OF WEALTH THERE IS, TO MAKE  
5 SURE THAT YOU ARE COVERING ALL THE DISCIPLINES

6 Q ALL RIGHT HOW MANY COMPUTERS ARE AVAILABLE IN THE  
7 MEDIA CENTER FOR STUDENT USE?

8 A FOUR

9 Q ARE THERE OTHER COMPUTERS AVAILABLE FOR STUDENT USE  
10 IN THE SCHOOL?

11 A IN OUR CLASSROOMS WE HAVE ONE TO TWO COMPUTERS  
12 HOWEVER, MANY TIMES THEY ARE NOT FUNCTIONING WELL AND  
13 PARTICULARLY WE HAVE PROBLEMS WITH PRINTERS SO STUDENTS  
14 MAY BE ABLE TO DO WORD PROCESSING ON A COMPUTER OR THEY  
15 MAY BE ABLE TO ACCESS THE INTERNET, BUT THEY CAN'T PRINT  
16 OUT WHAT THEY HAVE DONE

17 WE HAVE RECEIVED SOME FUNDS AS FAR AS A GRANT IN  
18 ORDER TO REPLACE SOME OF OUR COMPUTERS, BUT MANY OF THE  
19 PRINTERS WERE NOT REPLACED BUT WE STILL HAVE CLASSROOMS  
20 WHERE COMPUTERS ARE NOT FUNCTIONING EITHER FOR STUDENT OR  
21 TEACHER USE

22 Q WELL, BOTTOM LINE, DO YOU HAVE ENOUGH COMPUTERS FOR  
23 THE INSTRUCTIONAL NEEDS OF THE STUDENTS AT ESTILL HIGH  
24 SCHOOL?

25 A NO IDEALLY YOU WOULD WANT TO HAVE AT LEAST FIVE

1 CENTER TO BE THE HEART OF THE SCHOOL YOU WANT TO HAVE A  
2 LOT OF ACTIVITY GOING ON ALL THE TIME YOU DON'T WANT THE  
3 OLD-TIME LIBRARY WHERE IT'S SHHHHH, EVERYBODY IS QUIET IN  
4 THERE

5 YOU WANT TO SEE AND HEAR ACTIVITY GOING ON AND YOU  
6 WANT TO SEE THINGS GOING ON AND YOU WANT TO BE ABLE TO  
7 ACCOMMODATE ALL THE STUDENTS THAT NEED TO BE THERE AT ANY  
8 GIVEN TIME

9 Q ARE YOU ABLE TO DO THAT?

10 A NO

11 Q LET'S TALK NOW ABOUT THE SCIENCE DEPARTMENT WHAT  
12 ABOUT THE MATERIALS THERE THAT ARE AVAILABLE TO USE FOR  
13 INSTRUCTION AND DELIVERY OF THE SCIENCE CURRICULUM TO THE  
14 STUDENTS?

15 A WELL, THEY HAVE CERTAIN AMOUNT OF CHEMICALS THEY  
16 HAVE A CERTAIN AMOUNT OF MODELS AND THINGS THAT THEY WOULD  
17 USE, FOR EXAMPLE, IN BIOLOGY CLASSES AND THAT SORT OF  
18 THING

19 BUT, ONCE AGAIN, THERE'S SO MUCH MORE THAT THEY COULD  
20 DO IF WE HAD ADDITIONAL RESOURCES THERE'S SO MUCH MORE  
21 THEY COULD DO IF THEY HAD COMPUTERS WE HAVE ONE LAB THAT  
22 DOES NOT HAVE WATER OR GAS LINES EXCEPT AT THE  
23 DEMONSTRATION TABLE AND THAT'S, THAT IS A PHYSICAL  
24 SCIENCE AND CHEMISTRY LAB

25 Q WHEN YOU TALK ABOUT THE DEMONSTRATION TABLE, WHO USES

1 THE DEMO?

2 A THE TEACHER

3 Q ALL RIGHT DO THE STUDENTS NOT HAVE ACCESS TO DO  
4 THAT KIND OF WORK ON THEIR OWN --

5 A NO

6 Q -- IN THAT CLASSROOM?

7 A AND IF YOU WILL REMEMBER YESTERDAY, I MENTIONED THAT  
8 IF OUR EIGHTH GRADE EARTH SCIENCE CLASS THAT IS HOUSED IN  
9 THE ART ROOM, SO ONCE AGAIN THERE'S A LACK OF FACILITIES  
10 THAT'S APPROPRIATE FOR TEACHING OF SCIENCE IN THAT ROOM AS  
11 WELL

12 Q ALL RIGHT NOW, SCIENCE HAS NOT BEEN A SUBJECT AREA  
13 THAT'S BEEN TESTED ON PACT FOR, FOR USE IN PUBLICATION IN  
14 SOUTH CAROLINA AS YET, IS THAT RIGHT?

15 A THAT'S CORRECT, BUT IT WILL BE THIS YEAR

16 Q THIS YEAR?

17 A IT WILL COUNT THIS YEAR, YES

18 Q OKAY SO IN ORDER TO LEARN THE SCIENCE CURRICULUM  
19 STANDARDS THAT HAVE BEEN PUBLISHED BY THE STATE OF SOUTH  
20 CAROLINA, IS ESTILL HIGH SCHOOL ABLE TO OFFER SUFFICIENT  
21 MATERIALS AND EQUIPMENT TO THE STUDENTS SO 'THAT THEY CAN  
22 LEARN THOSE STANDARDS?

23 A NO THERE ARE A LOT OF MATERIALS AND SUPPLIES THAT  
24 A SCIENCE TEACHER NEEDS THAT I'M NOT ABLE TO AFFORD  
25 THROUGH OUR REGULAR SCHOOL BUDGET THAT ARE DESPERATELY



1 NEEDED IN THERE

2 EARTH SCIENCE IS WHAT IS TAUGHT THERE ARE A LOT OF  
3 ROCKS AND MINERALS AND DIFFERENT KINDS OF THINGS THAT  
4 THEY, THEY TEACH IN EARTH SCIENCE THAT WE DO NOT HAVE FOR  
5 THE STUDENTS TO UTILIZE, THE TEACHER TO USE

6 Q OKAY WHAT ABOUT THE MATERIALS THAT ARE AVAILABLE AT  
7 ESTILL HIGH SCHOOL TO USE FOR MATH INSTRUCTION IN DELIVERY  
8 OF THE MATH CURRICULUM TO THE STUDENTS?

9 A WE NEED A LOT MORE MANIPULATIVES WE, OUR STUDENTS  
10 NEED TO BE WORKING WITH HANDS-ON THINGS THEY NEED TO BE  
11 ABLE TO FEEL AND TOUCH WHAT THEY ARE DOING SO THAT THEY  
12 CAN, THEY CAN TRULY VISUALIZE AND UNDERSTAND WHAT IT IS  
13 THEY ARE DOING, PARTICULARLY IN THE AREAS OF, FOR EXAMPLE,  
14 IN GEOMETRY EVEN IN ALGEBRA AND WE DO NOT HAVE THOSE

15 WE DON'T HAVE ENOUGH GRAPHING CALCULATORS FOR OUR  
16 STUDENTS NOW DON'T ASK ME TO OPERATE ONE BUT THEY ARE  
17 VERY NECESSARY TODAY AND WE DON'T HAVE A SUFFICIENT  
18 NUMBER OF THOSE EVEN THOUGH WE HAVE ALREADY PURCHASED SOME  
19 ADDITIONAL ONES, WE NEED MORE

20 Q OKAY WELL, WE HAVE HEARD SOME TESTIMONY FROM PRIOR  
21 WITNESSES THAT GRAPHING CALCULATORS ARE REQUIRED FOR  
22 GRADES NINE THROUGH 12, MATH CURRICULUM STANDARDS

23 A THAT S CORRECT

24 Q ARE YOU AWARE OF THAT?

25 A YES

1 Q WHAT GRADES DOES IT SERVE?

2 A WITH OUR HOMEWORK CENTER, WE SERVE GRADES NINE  
3 THROUGH 12

4 Q OKAY HOW MANY STUDENTS ARE SERVED THROUGH THAT?

5 A FORTY

6 Q ARE OTHER STUDENTS IN NEED OF THE HOME -- OF USING  
7 THE HOMEWORK CENTER?

8 A YES, WE HAVE A WAITING LIST

9 Q DO YOU KNOW HOW LONG THE WAITING LIST IS?

10 A I REALLY DON'T KNOW

11 Q WHY DON'T YOU HAVE MORE CHILDREN ATTENDING THE  
12 HOMEWORK CENTER?

13 A WELL, WE CAN'T AFFORD TO SERVE ANY MORE STUDENTS  
14 THE STATE HAS LIMITATIONS AS FAR AS THE NUMBER OF STUDENTS  
15 THAT CAN BE SERVED BY AN INDIVIDUAL IT HAS TO BE A RATIO  
16 OF TEN TO ONE AND WITH THE FUNDS THAT THEY PROVIDE US,  
17 WE ARE NOT ABLE TO SERVE ANY MORE STUDENTS THAN THAT

18 Q NOW THE HOMEWORK CENTER IS AN AFTER SCHOOL?

19 A IT'S AN AFTER-SCHOOL PROGRAM

20 Q ALL RIGHT DOES -- DO THE CHILDREN HAVE  
21 TRANSPORTATION IF THEY DECIDE TO STAY AFTER SCHOOL AND  
22 WORK IN THE HOMEWORK CENTER?

23 A PART OF WHAT WE HAVE TO SPEND OUR MONEY ON IS TO  
24 PROVIDE SCHOOL BUS TRANSPORTATION FOR THEM HOME

25 Q OKAY

1 A YES

2 Q -- RIGHT? IS THAT SUFFICIENT TO PROVIDE THOSE  
3 STUDENTS WITH HELP AFTER SCHOOL?

4 A NOT WHEN YOU CONSIDER WE HAVE ABOUT 525 STUDENTS IN  
5 OUR SCHOOL, NO, IT'S NOT

6 Q OKAY DO YOU HAVE ANY SUMMER SCHOOL OFFERINGS FOR  
7 YOUR STUDENTS?

8 A THROUGH, ONCE AGAIN, THROUGH THE -- IN GRADES NINE  
9 THROUGH 12 WE DO NOT

10 Q WHAT DO YOU HAVE FOR YOUR EIGHTH GRADERS?

11 A IN OUR EIGHTH GRADERS WE HAVE A, THE DISTRICT HAS  
12 A -- FOR THE LAST COUPLE OF YEARS WE HAVE HAD A PROGRAM  
13 WHICH HAS ALSO BEEN FUNDED THROUGH THE 21ST CENTURY  
14 LEARNING GRANT THROUGH FEDERAL FUNDS A, AN ENRICHMENT  
15 PROGRAM

16 IT'S NOT A PROGRAM FOR PROMOTION IT IS AN  
17 ENRICHMENT PROGRAM WHERE STUDENTS GO ABOUT FOUR WEEKS IN  
18 THE SUMMER A COUPLE OF HOURS A DAY AND THEY WORK ON THOSE  
19 SKILLS FOR WHICH THE TEACHERS HAVE INDICATED THAT THEY ARE  
20 DEFICIENT IN ORDER TO HELP TO HELP THEM TO BE BETTER  
21 PREPARED FOR THE FOLLOWING YEAR

22 Q ALL RIGHT HOW -- IS THAT GRANT CONTINUING OR DO YOU  
23 KNOW HOW LONG IT WILL CONTINUE?

24 A WELL, IF IT'S THE 21ST CENTURY LEARNING GRANT, WHICH  
25 IS MY UNDERSTANDING THAT'S WHAT FUNDED MOST OF THAT, THEN

1 COME OUT WE HAD INTENDED TO WORK ON THAT THIS YEAR BUT  
2 THE STATE HAS NOT GIVEN US THE NEW SOCIAL STUDIES  
3 STANDARDS

4 SO WE DO NOT WANT TO DEVELOP THE CURRICULUM AND THEN  
5 HAVE THE STANDARDS TO CHANGE WHICH WOULD MAKE US GO BACK  
6 AND RE-DO OUR CURRICULUM SO WE ARE WAITING FOR THE STATE  
7 TO GIVE US THE NEW SOCIAL STUDIES STANDARDS

8 Q BUT YOU ARE BEING TESTED ON SOCIAL STUDIES, CORRECT?

9 A WE ARE BEING TESTED AND IT WILL BE TESTED IN SOCIAL  
10 STUDIES THIS YEAR IN THE EIGHTH GRADE, YES, SO THE  
11 TEACHERS ARE UTILIZING THE STANDARDS THAT THEY HAVE

12 Q DO YOU HAVE ANY KIND OF DRAFT DOCUMENT THAT YOU ARE  
13 WORKING FROM?

14 A NO, WE DO NOT

15 Q AND DO YOU KNOW OR HAVE ANY ANTICIPATED DATE UPON  
16 WHICH YOU WILL ACTUALLY HAVE SOME, A FORMAL SOCIAL STUDIES  
17 CURRICULUM IN PLACE?

18 A NOT AT THIS TIME, I DON'T AGAIN, WE ARE WAITING FOR  
19 THE STATE TO GIVE US OUR STANDARDS

20 Q AND WITH REGARD TO THE OTHER CLASSES THAT ARE TAUGHT  
21 IN, AT ESTILL HIGH SCHOOL BEYOND MATH, ENGLISH, LANGUAGE  
22 ARTS, SOCIAL STUDIES AND SCIENCE, YOU DO NOT HAVE ANY  
23 STANDARDS FOR OR CURRICULUM STANDARDS FOR THOSE AT THE  
24 PRESENT TIME, DO YOU?

25 A WE HAVE CURRICULUM STANDARDS THE STATE PROVIDES WE

1 DON'T HAVE CURRICULUM GUIDES BUT YOU HAVE STANDARDS YES  
2 IN YOUR CAREER AND TECHNOLOGY EDUCATION YOU HAVE  
3 COMPETENCIES THAT STUDENTS MUST MEET

4 Q RIGHT BUT BEYOND THE DOCUMENT THE STATE PROVIDES  
5 YOU, THE ACTUAL STATE STANDARDS THE STUDENT WILL BE  
6 EXPECTED TO KNOW X, Y AND Z, YOU HAVEN'T ACTUALLY, YOU  
7 DON'T HAVE A DOCUMENT AT ESTILL HIGH SCHOOL THAT TELLS YOU  
8 HOW YOU ARE GOING TO ACCOMPLISH THAT, DO YOU?

9 A NO

10 Q NOW, MR FRANCHINI, AFTER THE DEVELOPMENT AT LEAST IN  
11 DRAFT AND IT'S BEEN NEARLY A YEAR SINCE YOU WERE DEPOSED,  
12 I BELIEVE YOU INDICATED THAT STILL EVEN AFTER YOUR  
13 STANDARDS WERE WRITTEN OR IN DRAFT FORM, ONLY ABOUT  
14 50 PERCENT OF YOUR TEACHERS WERE ACTUALLY IMPLEMENTING  
15 THEM, IS THAT CORRECT, AT THAT TIME?

16 A AT THE TIME I WAS DEPOSED, YES, I WOULD SAY THAT WAS  
17 TRUE

18 Q AND THERE WAS SOME RELUCTANCE ON THE PART OF SOME OF  
19 THE TEACHERS THERE TO ACTUALLY IMPLEMENT THOSE STANDARDS  
20 CORRECT?

21 A YES, I THINK THAT'S TRUE

22 Q AND SOME RESISTANCE?

23 A I DON'T KNOW WHETHER RESISTANCE IS -- I THINK THAT'S  
24 A STRONG WORD I THINK IT'S JUST RELUCTANCE AND ALSO A  
25 LACK OF UNDERSTANDING AND A LACK OF AWARENESS AND A LACK

1 RETIREES WHO RESIDE THERE, AND WITH FAIRLY SUBSTANTIAL  
2 INCOMES, LARGE HOMES, ET CETERA THAT'S ONE DICHOTOMY OF  
3 THE DISTRICT

4 THE OTHER ONE IS WE HAVE LOTS OF PEOPLE FROM  
5 LOW-INCOME BACKGROUNDS IN THE DISTRICT THE CHILDREN THAT  
6 WE SERVE IN THE SCHOOLS ARE MAINLY CHILDREN FROM THOSE  
7 BACKGROUNDS I DOUBT IF WE'VE GOT TEN STUDENTS IN THE  
8 WHOLE DISTRICT THAT ARE COMING OUT OF THESE RETIREMENT AND  
9 RESORT AREAS AND WE HAVE ABOUT THREE FAIRLY LARGE ONES  
10 IN THE DISTRICT

11 THE PARENTS OF THESE KIDS STAFF THE JOBS AND THE  
12 SERVICE INDUSTRY THEY GOT LOTS OF HOTELS, MOTELS WE  
13 GOT GOLF COURSES AND THINGS, FISHING IN THAT AREA AND  
14 THEN WE HAVE FARMING I KNOW WE DO HAVE SOME PEACH CROPS  
15 THAT ARE HARVESTED THERE WE GOT SOME STRAWBERRY CROPS  
16 THAT ARE HARVESTED THERE SO THE WORKFORCE, THOSE ARE THE  
17 MAIN JOBS AVAILABLE IN THAT AREA FOR WORKFORCE

18 NOW WE DO HAVE ONE SUBSTANTIAL EMPLOYER, THAT'S  
19 HOLCIM, WHICH IS A CEMENT COMPANY LOCATED IN HOLLY HILL,  
20 BUT FOR THE MOST PART WE ARE TALKING ABOUT A RURAL AREA,  
21 HUNDRED PERCENT RURAL, MAINLY SERVICE INDUSTRY TYPE JOBS,  
22 LOW WAGE TYPE JOBS

23 AND IT'S THE DICHOTOMY THAT I TALKED ABOUT IN TERMS  
24 OF RETIREES AND SOME FAIRLY WEALTHY PEOPLE IN THAT AREA  
25 AND ON THE OTHER END LOTS OF LOW-INCOME PEOPLE AND A VERY

1 MINUTE, IF ANY, MIDDLE CLASS IS LOCATED WITHIN OUR  
2 DISTRICT

3 Q DO ME A FAVOR AND SPELL THE NAME OF THE CEMENT  
4 COMPANY

5 A H-O-L-C-I-M THAT'S AN ACRONYM I DON'T KNOW WHAT  
6 IT STANDS FOR, BUT HOLCIM, H-O-L-C-I-M

7 Q ALL RIGHT, SIR SO THE COUNTY IS NOT UNLIKE OTHER  
8 COUNTIES WE HAVE HEARD EVIDENCE FROM IN THIS LAWSUIT?

9 A IT'S VERY SIMILAR

10 Q ALL RIGHT IT'S RURAL?

11 A RURAL

12 Q HAS A LARGE SEGMENT OF CHILDREN BEING RAISED IN  
13 POVERTY?

14 A YES AND I WANT TO TALK ABOUT THE, BEING A, A,  
15 FAMILIES OF THE STUDENTS, YEAH MY JUDGMENT, 90-PLUS  
16 PERCENT ON FREE AND REDUCED LUNCH WHICH IS THE POVERTY  
17 INDICATOR THAT WE HAVE BY THE GOVERNMENT

18 MANY -- WE HAVE A LARGE TRANSIENT POPULATION IN OUR  
19 DISTRICT, SOMEWHERE IN THE NEIGHBORHOOD OF TEN, 12 PERCENT  
20 SOMETIMES EACH YEAR WE GOT ABOUT 36 TO 3800 KIDS AND WE,  
21 I KNOW LAST YEAR I BELIEVE WE HAD NEARLY 400 STUDENTS WHO  
22 TRANSFERRED INTO OUR DISTRICT FROM OTHER DISTRICTS AND  
23 WE -- WE AVERAGE, I BELIEVE SOMEWHERE IN THE 300 RANGE

24 SO WE GOT THIS LARGE TRANSIENT POPULATION, PEOPLE  
25 MOVING, KIDS, SOME OF THEM ARE FOSTER KIDS WE HAVE A LOT

1 OF GRANDPARENTS THAT KEEP KIDS THAT COME DOWN, GET IN  
2 TROUBLE, SOMETIME IN THE NORTHERN CITIES MOM AND DAD THEY  
3 SEND THEM DOWN, COME STAY WITH GRANDPARENTS, THEY STAY A  
4 WHILE, THEN THEY GO BACK

5 WE DON'T HAVE -- WE DON'T HAVE A LOT OF RENTAL,  
6 RENTAL HOUSING IN OUR AREA SO YOU GOT FAMILIES THAT LIVE  
7 TOGETHER IN SMALL DWELLINGS, LOTS OF PEOPLE CLUSTERED  
8 TOGETHER AND I DON'T KNOW WHETHER IT'S THE RESULTS OF  
9 CONVICTIONS OR FALLOUTS BUT YOU GOT PEOPLE MOVING ALL THE  
10 TIME SO EVEN WITHIN THE DISTRICT, KIDS GET MOVED AROUND  
11 A LOT

12 WE GOT A LARGE SEGMENT FROM SINGLE FAMILY HOMES IN  
13 FACT, IN OUR EXPULSION HEARINGS THAT WE HAVE HELD ON THE  
14 DISTRICT LEVEL, IT'S RARE FOR A MALE TO COME WITH A CHILD  
15 MOST OF WHAT WE SEE COMING IN WITH CHILDREN ARE FEMALES

16 Q ALL RIGHT, SIR YOU HAVE A LARGE POPULATION OF  
17 SINGLE FAMILY, SINGLE-PARENT FAMILIES?

18 A RIGHT

19 Q AND MOST OF THE PARENTS WOULD BE MOTHERS?

20 A MOTHERS

21 Q AND YOU HAVE TWO CLASSES OF CITIZENS, THE POOR AND  
22 THE RETIREES ALONG THE LAKE IS THAT WHAT --

23 A THAT'S CORRECT

24 Q WITH A VERY SMALL --

25 A VERY SMALL MIDDLE CLASS



1 Q -- MIDDLE CLASS AND THE RETIREES REALLY HAVE NO  
2 REASON OR DO NOT, WHATEVER, SEND THEIR CHILDREN TO SCHOOL  
3 IN YOUR SCHOOL DISTRICT?  
4 A WELL, MANY OF THEM -- MANY OF THE RETIREES THEIR  
5 CHILDREN ARE GROWN SO THEY DON'T HAVE CHILDREN --  
6 Q RIGHT EITHER HAVE NO CHILDREN --  
7 A -- TO SEND  
8 Q THEY ARE NOT USERS, SO TO SPEAK, OF THE SCHOOL  
9 SYSTEM?  
10 A OF THE SCHOOL AND SO WHAT THE CHILDREN THAT WE  
11 SERVE ARE MAINLY FROM THE PARENTS OF THOSE FOLKS WHO WORK  
12 IN THE SERVICE INDUSTRY THERE IN THAT AREA  
13 Q WHAT'S THE BIGGEST TOWN IN YOUR SCHOOL DISTRICT?  
14 A HOLLY HILL IS THE BIGGEST TOWN  
15 Q DO YOU KNOW THE POPULATION?  
16 A I SURE DON'T MY GUESS IS, I -- I DON'T EVEN WANT TO  
17 VENTURE TO GUESS, BUT IT'S THE LARGEST TOWN  
18 Q YOU WOULD OVERESTIMATE, I BET YOU, IF YOU GUESSED THE  
19 NUMBER ALL RIGHT AND YOU HAVE BEEN SUPERINTENDENT,  
20 THIS IS YOUR, STARTING YOUR SEVENTH YEAR?  
21 A STARTING MY SEVENTH YEAR IN THE CONSOLIDATED  
22 DISTRICT BUT I WAS SUPERINTENDENT IN THE FORMER  
23 ORANGEBURG THREE FROM '88 TO '97 SO THAT'S NINE YEARS  
24 Q ALL RIGHT, SIR YOU ARE STARTING YOUR 16TH YEAR?  
25 A FIFTEENTH YEAR

1 A THAT'S CORRECT

2 Q NOW, TO WHAT DO YOU ATTRIBUTE, DR LONGSHORE, THIS  
3 ACADEMIC SHOWING?

4 A WE -- WE DO NOT HAVE ADEQUATE RESOURCES IN OUR  
5 DISTRICT TO PROVIDE AN ADEQUATE OR MINIMALLY ADEQUATE  
6 OPPORTUNITY FOR THE CHILDREN TO LEARN

7 Q AND IF YOU HAD ONE THING THAT YOU WOULD POINT TO AND  
8 SAY, GIVE ME THAT RESOURCE AND I WILL MAKE A DIFFERENCE,  
9 WHAT WOULD THAT BE, PLEASE?

10 A QUALITY TEACHERS

11 Q QUALITY TEACHERS ALL RIGHT, SIR LET ME GO THROUGH  
12 WITH YOU IF I CAN -- WE HAVE BEEN THROUGH SOME OF YOUR  
13 EMPLOYMENT HISTORY AND LET'S JUST START BACK FROM THE  
14 TIME YOU STARTED TEACHING AND TELL US HOW LONG YOU TAUGHT,  
15 HOW LONG YOU WERE PRINCIPAL AND WE KNOW HOW LONG YOU  
16 HAVE BEEN A SUPERINTENDENT

17 AND IF ANY OF IT WAS OUTSIDE OF ORANGEBURG IN THAT  
18 AREA, TELL US WHERE IT WAS I THINK WE HAVE THE CORE OF  
19 THAT PART OF YOUR PROFESSIONAL EXPERIENCE

20 A YES ALL OF MY PROFESSIONAL TEACHING EXPERIENCE HAS  
21 BEEN IN ORANGEBURG COUNTY REALLY MY FIRST TEACHING  
22 EXPERIENCE WAS WHEN I WAS, I BELIEVE, A JUNIOR, AT SOUTH  
23 CAROLINA STATE UNIVERSITY AND I DID SOME SUBSTITUTE  
24 TEACHING AT FELTON, THE LABORATORY SCHOOL IN MATHEMATICS  
25 WHILE I WAS A STUDENT AT STATE

1 FOR WHATEVER REASON, THOUGH, FOR SOME CHILDREN, WE DON'T  
2 BELIEVE THAT WE NEED TO ADDRESS ADEQUATELY THE AT-RISK  
3 FACTORS THAT THEY HAVE, BUT WE DO IT FOR OTHER KIDS IN  
4 OTHER, IN OTHER, IN OTHER CASES

5 WE HAVE LOTS OF STUDENTS AND I DESCRIBE OUR  
6 STUDENTS -- RATHER THAN USING THE WORDS AT-RISK, I  
7 DESCRIBE THEM AS SCHOOL DEPENDENT AND LET ME TELL YOU  
8 WHAT I MEAN BY SCHOOL DEPENDENT

9 IT'S MY BELIEF BASED ON MY YEARS OF EXPERIENCE IN  
10 WORKING WITH KIDS OVER THE YEARS THAT THE QUALITY -- THAT  
11 A CHILD'S EDUCATION COMES PRIMARILY THROUGH, THROUGH THREE  
12 MAJOR SOURCES

13 ONE IS WHAT THAT CHILD GETS AT HOME THE OTHER ONE  
14 IS WHAT THE BROADER COMMUNITY HAS IN PLACE TO HELP  
15 SUPPLEMENT A CHILD S EDUCATION FROM A CULTURAL STANDPOINT  
16 AND ET CETERA, AND THEN WHAT HAPPENS AT SCHOOL

17 AND SO WHEN I SAY SCHOOL DEPENDENT REFERRING TO OUR  
18 KIDS, WHAT I'M SAYING IS -- IS THAT WHAT THEY'RE GETTING  
19 AT HOME IS DEFICIENT THEY DON'T COME FROM A PRINT-RICH  
20 ENVIRONMENT THEY DON T COME FROM ENVIRONMENTS WHERE MOM,  
21 AND DADS IN MANY CASES ARE NOT THERE BUT MOM HAS A HIGH  
22 LEVEL OF EDUCATION

23 THEY DON'T COME OUT OF COMMUNITIES WHERE YOU GOT  
24 MUSEUMS AND THEATERS AND ALL OF THESE OTHER THINGS THAT  
25 HELP ENRICH THE EDUCATION EXPERIENCES OF KIDS SO

1 BASICALLY WHAT THEY GET IS WHAT WE GIVE THEM WHEN THEY  
2 COME TO SCHOOL

3 AND SO I COINED THE PHRASE AND I THINK I MIGHT HAVE  
4 PICKED THAT UP FROM A LEGISLATOR -- HOW IRONIC -- THAT  
5 THESE KIDS ARE SCHOOL DEPENDENT AND THAT'S, THAT'S WHAT  
6 WE -- THAT'S BASICALLY WHAT WE SERVE

7 WE SERVE KIDS THAT COME TO US WITH VERY LITTLE  
8 EXPOSURE IN TERMS OF MANY KIDS THAT, THAT WE SEE DON'T GET  
9 OUT OF THE DISTRICT OR THE COUNTY UNTIL WE TAKE THEM OUT  
10 ON FIELD TRIPS

11 THESE ARE KINDS OF -- I MEAN, THESE ARE THE KINDS OF  
12 CHILDREN WE SERVE THEY DON'T HAVE MAGAZINES AND  
13 NEWSPAPERS AND BOOKS AND COMPUTERS AND ALL OF THESE OTHER  
14 THINGS THAT CAN HELP ENHANCE INSTRUCTION AT HOME

15 MANY TIMES THEY DON'T HAVE PARENTS WHO ARE CAPABLE OF  
16 SITTING DOWN WITH THEM AND WORKING WITH THEM WITH HOMEWORK  
17 ASSIGNMENTS TO ANY SIGNIFICANT DEGREE AND THINGS LIKE  
18 THAT

19 SO WHEN THEY COME, THEY'RE COMING TO US LOOKING TO US  
20 TO FILL IN THE GAPS AND PROVIDE THE EDUCATION EXPERIENCES  
21 FOR THE KIDS

22 Q WELL, GIVEN THAT YOU THINK EDUCATION COMES FROM THREE  
23 SOURCES, THE PARENTS THE BROADER COMMUNITY AND THE  
24 SCHOOL?

25 A PRIMARILY

1 IT SAYS IS THIS AND I'M TRYING TO REMEMBER NOW -- YOU  
2 GOT TO REMEMBER THAT THIS, I FINISHED IN '83, THAT'S 20  
3 YEARS AGO, BUT THE WORK WAS DONE PRIOR TO, PRIOR TO THAT,  
4 SO I'M TRYING TO REMEMBER ALL OF THIS STUFF

5 BUT AS I RECALL IN MY REVIEW OF LITERATURE AND BY  
6 CULTURAL BIASED TESTS, THINGS LIKE THAT, THERE WAS A  
7 FELLOW BY THE NAME OF CHUMSKI, I BELIEVE WHO TALKED ABOUT  
8 EVERY -- HE SAID, WHEN KIDS ARE DEVELOPING LANGUAGE  
9 ACQUISITION THAT, THAT EVERY UTTERANCE IS ASSOCIATED WITH  
10 SOME SITUATION IN THE KID'S LIFE

11 AND SO THESE PHRASES, THESE WORDS, THESE SENTENCES  
12 YOU'RE ASSOCIATING WITH SOME SITUATION IN YOUR LIFE AND  
13 SO, IN SIMILAR CULTURES YOU MAY NOT HAVE TO EXPLICITLY SAY  
14 WHAT YOU MEAN, YOU COULD KIND OF SAY IT IN THE SHORTCUT  
15 BECAUSE THE, IT WILL CARRY THE IMPLICIT MEANING THAT THESE  
16 KIDS ARE USED TO BECAUSE OF THAT ASSOCIATION

17 AND THAT'S THE WAY HE DESCRIBED THIS ISSUE ON HOW  
18 CULTURE PLAYS OUT IN STANDARDIZED, IN STANDARDIZED TESTS,  
19 THAT INVARIABLY WHEN YOU ARE DEALING WITH -- WHEN YOU ARE  
20 DEALING WITH KNOWLEDGE THAT'S A PART OF A CHILD'S  
21 EXPERIENCE, THEY ARE GOING TO BE ABLE TO MASSAGE IT AND  
22 UNDERSTAND IT AND DISSECT IT A LOT BETTER THAN WHEN YOU  
23 ARE DEALING WITH INFORMATION THAT'S OUTSIDE OF A CHILD'S  
24 EXPERIENCE

25 Q WELL, LET ME ASK YOU IF YOU FOUND THIS -- FIRST OF

1 ALL, DID YOU FIND THAT CHILDREN, EVEN THE CHILDREN WHO  
2 WERE NOT INITIALLY ABLE TO SOLVE THE MATHEMATICAL WORD  
3 PROBLEM OR WHAT HAVE YOU, THAT ONCE YOU PUT IT INTO  
4 CONTEXT FOR THEM IN SOMETHING THAT WAS RELEVANT TO THEM --

5 A THEY COULD DO IT

6 Q -- THEY COULD DO IT?

7 A THEY COULD

8 Q SO THE INTELLECT WAS THERE?

9 A RIGHT

10 Q JUST AS IT WOULD BE FOR SOMEBODY WHO CAME FROM A  
11 DIFFERENT BACKGROUND WHO UNDERSTOOD THE WORDS?

12 A THAT'S CORRECT

13 Q SO THAT S THE FIRST FINDING THAT YOU MADE AND THE  
14 NEXT FINDING YOU MADE, I ASSUME, WAS THAT EVERYBODY IN  
15 LIFE TO UNDERSTAND HAS TO BE ABLE TO CONNECT IT TO  
16 SOMETHING THAT'S HAPPENED IN THEIR LIFE --

17 A RIGHT

18 Q -- IF THEY ARE TO LEARN?

19 A THAT'S THE PRIMARY PRINCIPLE IN GETTING STUDENTS TO  
20 RECALL INFORMATION IS THAT YOU TRY TO CONNECT IT TO PAST  
21 LEARNING, THINGS THEY ARE FAMILIAR WITH

22 Q ALL RIGHT NOW, HOW, IF AT ALL, DOES YOUR WORK AT  
23 THAT TIME AND YOUR SUBSEQUENT YEARS OF EXPERIENCE AS A  
24 TEACHER, PRINCIPAL, ADMINISTRATOR, SUPERINTENDENT, HOW HAS  
25 WHAT YOU HAVE LEARNED DURING THOSE YEARS INFLUENCED WHAT

1 YOU THINK ABOUT TEACHING CHILDREN THAT COME FROM  
2 IMPOVERISHED AND/OR ETHNIC MINORITY BACKGROUNDS?

3 A I -- I'M FIRMLY CONVINCED THAT IF THE INFORMATION IS  
4 PRESENTED TO KIDS IN THESE KINDS OF HOMES THAT THESE KIDS  
5 CAN LEARN AND DO AS WELL AS ANYBODY ELSE AND WHAT WE  
6 HAVE GOT TO DO IS WE HAVE GOT TO FIND PEOPLE, TEACHERS  
7 THAT ARE CAPABLE OF DOING THAT, OF MAKING THAT CONNECTION

8 Q ARE THERE PEOPLE AROUND TODAY WHO CAN DO THAT?

9 A YES, THERE ARE

10 Q AND WHAT DO YOU CALL THEM?

11 A EFFECTIVE TEACHERS

12 Q EFFECTIVE TEACHERS ALL RIGHT YOU HAD A LOT OF  
13 DISCUSSION ABOUT TOOL KITS, TOOLS AND TOOL KITS THROUGHOUT  
14 THIS TRIAL WHAT KINDS OF TOOL KIT DOES AN EFFECTIVE  
15 TEACHER HAVE?

16 A I -- I'M FROM THE OLD SCHOOL AND, AGAIN, BASED ON  
17 MY YEARS OF EXPERIENCE -- AND BY THE WAY, I HAVE TAUGHT A  
18 COURSE TO -- SOME YEARS AGO ON METHODOLOGY FOR TEACHERS OF  
19 SECONDARY MATHEMATICS ON DIFFERENT METHODOLOGY OF GETTING  
20 KIDS TO UNDERSTAND MATHEMATICS

21 AND THE TEACHER, IN MY JUDGMENT, IS THE SINGLE MOST  
22 IMPORTANT ELEMENT IN A CHILD'S LEARNING ENVIRONMENT AND  
23 THINGS, YOU KNOW, COMPUTERS AND RESOURCES, ALL OF THESE  
24 THINGS CAN ENHANCE A GOOD TEACHER OR AN EFFECTIVE  
25 TEACHER'S ABILITY TO DO BETTER, BUT THEY CANNOT SUBSTITUTE

1 LET'S TAKE ABOUT 15 MINUTES AND START BACK AT A QUARTER OF  
2 THE HOUR DR LONGSHORE, YOU CAN T TALK ABOUT YOUR  
3 TESTIMONY WHILE YOU ARE OFF THE STAND OKAY? THANK YOU  
4 WE WILL BE IN RECESS FOR 15 MINUTES

5 (WITNESS LEFT THE STAND )

6 (WHEREUPON A RECESS WAS HAD )

7 (WHEREUPON THE WITNESS RESUMED THE STAND )

8 THE COURT YES, SIR MR EPPS?

9 BY MR EPPS

10 Q DR LONGSHORE, WHEN WE QUIT AND TOOK THE RECESS --  
11 THANK YOU, YOUR HONOR -- WE WERE TALKING ABOUT THE  
12 CONSULTANTS AND THE FEEDBACK AND THE INFORMATION THAT YOU  
13 WERE GETTING ON YOUR TEACHING STAFF

14 IF YOU HAD TO TRY TO QUANTIFY WHAT YOU WOULD CALL  
15 EFFECTIVE TEACHERS AND INEFFECTIVE TEACHERS AND JUST  
16 UNSALVAGEABLE TEACHERS -- AND I KNOW THIS IS VERY  
17 DIFFICULT TO DO -- JUST GIVE US SOME IMPRESSION OF HOW YOU  
18 WOULD QUANTIFY YOUR TEACHING STAFF

19 A AS I SAID EARLIER, I BELIEVE THAT WE HAVE, I THINK I  
20 USED A -- QUANTIFY AS SOME EFFECTIVE TEACHERS I THINK I  
21 SAID IN THE PAST, PROBABLY -- AND THESE ARE VERY ROUGH,  
22 ROUGH APPROXIMATIONS, BUT I WOULD GUESS TO SAY ABOUT A  
23 THIRD OF MY TEACHING STAFF I WOULD -- I WOULD CLASSIFY AS  
24 EFFECTIVE TEACHERS OR HIGHLY-QUALIFIED EFFECTIVE TEACHERS

25 I HAVE GOT ANOTHER ONE-THIRD AGAIN, VERY ROUGH, THAT



1 I THINK WITH SUFFICIENT SUPPORT -- WHEN I SAY SUPPORT I'M  
2 TALKING ABOUT STAFF DEVELOPMENT -- CAN CERTAINLY PERFORM  
3 AT THE LEVEL THAT WE EXPECT

4 AND THE BOTTOM THIRD APPROXIMATELY 25, 30 PERCENT,  
5 MAYBE A LITTLE LESS THAN A THIRD, AND THE, THE MIDDLE  
6 GROUP MAY BE A LITTLE BIT BIGGER, BUT I'M NOT SURE I  
7 WOULD PROBABLY -- THAT I COULD CONSIDER REPLACING

8 AND I'M REALLY NOT SURE WHETHER EVEN WITH QUALITY  
9 STAFF DEVELOPMENT THAT WE COULD GET THEM AT THE LEVEL THAT  
10 WE FEEL WOULD BE PROFICIENT ENOUGH TO PROVIDE THE TYPE,  
11 THE QUALITY OF INSTRUCTION THAT WE WANT FOR KIDS

12 THOSE ARE -- THOSE ARE VERY ROUGH, ROUGH ESTIMATES  
13 YOU HAVE TO UNDERSTAND I DON'T GO INTO THE CLASSROOMS AND  
14 SIT DOWN FOR AN HOUR OR 50 MINUTES AND DO AN INTENSIVE  
15 EVALUATION OF TEACHERS

16 BUT WHAT I DO IS I DO WALK THROUGH THE BUILDING,  
17 STOP, LOOK, SPEND A FEW MINUTES AND I GET SUBSTANTIAL  
18 BRIEFINGS FROM THOSE PEOPLE WHO ARE CHARGED WITH GOING  
19 INTO THE CLASSROOMS ALONG WITH THE CONSULTANTS WHO WE HAVE  
20 EMPLOYED WHO GO IN AND GIVE A PERIODIC BRIEFING

21 AND SO BASED ON THE INFORMATION DRAWN FROM THOSE  
22 SOURCES, THAT WOULD BE MY ESTIMATE OF WHAT WE HAVE NOW,  
23 I REMIND YOU THAT I USED THE DESCRIPTION INEFFECTIVE OR  
24 EFFECTIVE TEACHER I NEVER SAID INCOMPETENT BECAUSE THERE  
25 ARE SOME PEOPLE WHO MAY NOT BE EFFECTIVE WITH THE CHILDREN

1           SO, I WANT TO MAKE THAT CLEAR, THAT WE DO GET AND  
2       HAVE SOME VERY EFFECTIVE TEACHERS COMING OUT OF ALL THREE  
3       OF THESE UNIVERSITIES   THE PROBLEM THAT WE HAVE IN OUR  
4       DISTRICT IS THAT IN OUR EFFORTS TO RECRUIT, YOU KNOW,  
5       EACH -- EACH SCHOOL, EACH UNIVERSITY WILL TURN OUT A POOL  
6       OF GRADUATES AND THEY ALL ARE NOT EQUAL IN TERMS OF WHAT  
7       WE HAVE, WELL, IN TERMS OF WHAT THEY TURN OUT, THEY'RE NOT  
8       GOING TO BE -- THEY ARE GOING TO TURN OUT SOME PEOPLE THAT  
9       ARE AT, WELL IN OUR JUDGMENT WOULD BE TOP TIER PEOPLE, YOU  
10      TURN OUT SOME THAT MAY NOT BE, YOU KNOW, IN THE MIDDLE AND  
11      YOU'RE GOING TO TURN OUT THERE'S GOING TO BE SOME THAT  
12      TURN OUT THAT -- THAT ARE NOT VERY WELL PREPARED

13           I HATE TO SAY IT, BUT THAT HAPPENS   NOT AT ONE OR  
14      ALL OF THESE INSTITUTIONS, MAYBE MORE SO AT SOME THAN  
15      OTHERS, BUT I'M NOT GOING TO GET INTO TRYING TO QUANTIFY  
16      WHERE THAT MAY BE

17           BUT WE ARE NOT ABLE TO ATTRACT WHAT I WOULD DESCRIBE  
18      AS TOP-FLIERS FROM ANY OF THESE INSTITUTIONS IN TERMS OF  
19      COMING TO WORK FOR US IN OUR DISTRICT   OCCASIONALLY I  
20      THINK THOUGH WE DO AND GET SOME AND THAT'S WHY I SAID WE  
21      DO HAVE SOME, SOME REALLY GOOD PEOPLE

22           IN FACT, I VENTURE TO SAY THAT, WELL, IN THE EVENT  
23      THAT WHOLE TOP GROUP BE FROM -- FROM THE, THESE THREE  
24      INSTITUTIONS   WHAT I SEE IN CANDIDATES, YOU KNOW, SOME  
25      COME, IN THESE THREE YEAR AREAS THAT I TALKED ABOUT,

1 TIME IT WAS 52, I JUST HAVEN'T CHECKED THEM LATELY  
2 50 PERCENT OF OUR TEACHERS ARE OUT OF ORANGEBURG PROPER,  
3 THE CITY OF ORANGEBURG  
4 AND I SAID EARLIER ABOUT THE LACK OF MIDDLE CLASS  
5 HOUSING, ET CETERA, IN THE AREA THAT WE LIVE WELL, FROM  
6 THE DISTANCE FROM ORANGEBURG PROPER TO MY SCHOOL CAN RANGE  
7 UP TO 36 MILES ONE WAY  
8 SO WHAT HAPPENED TO US IS WE LOST A LOT OF TEACHERS  
9 WHO WERE COMMUTING AND WE STARTED TO HAVE MORE TURNOVER  
10 IN TERMS OF THAT PACE YOU GET THEM IN, KEEP THEM A  
11 COUPLE YEARS AND IF THEY CAN GET TO CLOSER TO HOME THEY  
12 GO  
13 AND MANY OF THESE -- MOST OF OUR TEACHERS ARE FEMALE,  
14 THEY GOT SMALL CHILDREN, IT'S MUCH EASIER TO GET UP AND  
15 DRIVE FIVE MINUTES TO WORK THAN IT IS TO GET UP AND DRIVE  
16 40, 45 MINUTES ONE WAY AND WHEN YOU GET A CALL ABOUT THE  
17 CHILD YOU GOT THAT DISTANCE YOU GOT TO GET OUT AND DRIVE  
18 BACK  
19 SO IT'S BEEN TOUGHER FOR US TO COMPETE WITH THAT  
20 UNIFORM SALARY SCHEDULE AND OUR LOCATION AND THEN WE ARE  
21 ALSO BORDERED BY DORCHESTER AND BERKELEY COUNTIES WHO BOTH  
22 HAVE GOOD TEACHER SALARY SCHEDULES AND SO WE ARE NOT, WE  
23 ARE NOT AS COMPETITIVE WE ARE NOT COMPETITIVE NOW AS WE  
24 USED TO BE  
25 WHEN YOU CONSIDER OUR AREA AND FROM WHERE WE ARE

1 DRAWING OUR TEACHERS, IF YOU LOOK AT OUR SALARY SCHEDULE  
2 AND COMPARE IT WITH THE STATE, YEAH, IT'S SIGNIFICANTLY  
3 HIGHER COMPARED TO THE STATE

4 Q ALL RIGHT WOULD YOU LOOK AT YOUR COMPETITION IN  
5 TERMS OF SALARIES, OBVIOUSLY YOU ARE COMPETITIVE WITH THE  
6 CITY OF ORANGEBURG, ORANGEBURG FOUR AND FIVE BECAUSE THEY  
7 PAY THE SAME?

8 A SAME THING

9 Q NOW DORCHESTER AND BERKELEY, DO YOU KNOW WHETHER  
10 THEY'RE A LITTLE ABOVE, A LITTLE BELOW OR WHAT?

11 A I THINK THEY ARE PRETTY CLOSE THEY MAY BE A LITTLE  
12 LOW BUT I THINK THEY ARE PRETTY CLOSE

13 Q NOW --

14 A SUMMERVILLE MAY BE HIGHER, BUT I'M JUST NOT SURE BUT  
15 I THINK IT'S CLOSE I KNOW THEY ARE ON COMPETITIVE  
16 SALARIES WITH WHAT WE ARE DOING

17 Q ALL RIGHT IF WE -- IF TEACHERS ARE GIVEN A CHOICE,  
18 DO THEY TEND TO GO TO BERKELEY OR DORCHESTER AND STAY IN  
19 THE CITY OF ORANGEBURG AND/OR --

20 A THEY MAY DRIVE TO BERKELEY, BUT THE TENDENCY IS THAT  
21 THEY WILL TRY TO GET A JOB CLOSER TO HOME THAN ORANGEBURG  
22 THAT'S THE TENDENCY NOW WE DO COMMUTE PEOPLE FROM  
23 BFRKELEY AND DORCHESTFR COUNTY AS WELL SO WE DO LOSE  
24 TEACHERS THERE AS WELL

25 YOU KNOW, IF YOU LOOK AT OUR TURNOVER RATE, 12,

1 KNOW, FOR THIS ADDITIONAL WORK

2 Q TO TRY TO GET THEM TO PARTICIPATE?

3 A THAT'S CORRECT

4 Q ALL RIGHT SO HOW HAS THE MENTORING PROCESS WORKED  
5 AS A PRACTICAL MATTER BASED ON YOUR INFORMATION WITHIN  
6 ORANGEBURG SCHOOL DISTRICT THREE TO DATE?

7 A I -- I -- I CANNOT SAY LET ME PUT IT THIS WAY I  
8 DON'T SEE WITH ANY DEGREE OF CERTAINTY THE PROGRAM IS  
9 REALLY DOING WHAT IT IS DESIGNED TO DO

10 Q IS IT EFFECTIVE?

11 A IN MY DISTRICT, I DON'T THINK IT IS DOING WHAT IT IS  
12 DESIGNED TO DO IT'S NOT EFFECTIVE

13 Q OKAY DO YOU SUBSCRIBE, DR LONGSHORE, TO THE BELIEF  
14 THAT UNTIL A TEACHER HAS SOMETHING NEARING FIVE YEARS  
15 EXPERIENCE THAT THEY ARE NOT FULLY EFFECTIVE?

16 A I -- I -- THAT'S, I BELIEVE THAT'S SUPPORTED BY  
17 RESEARCH AND IN OUR JUDGMENT WITH FEW EXCEPTIONS, WHEN  
18 WE GET PEOPLE IN THAT HAVE AN IMMEDIATE IMPACT ON,  
19 POSITIVE IMPACT ON TEST SCORES, THEY ARE SOMEWHERE IN THE  
20 RANGE OF FIVE YEARS OR BETTER IN TERMS OF EXPERIENCE

21 Q FIVE YEARS OR MORE?

22 A THAT'S CORRECT

23 Q OKAY

24 A AND WE LOOK AT SPECIFICALLY PACT DATA BY TEACHER IS  
25 THE WAY WE LOOK AT IT

1 Q IF YOU HAD YOUR RATHERS, WOULD YOU RATHER HIRE THE  
2 INDUCTION TEACHERS OR WOULD YOU RATHER HIRE  
3 TEACHERS WITH--

4 A I WOULD RATHER HIRE EXPERIENCED TEACHER

5 Q ALL RIGHT

6 A BUT WE DO, I -- I DON'T WANT TO SAY THAT, YOU KNOW,  
7 YOU CAN'T GET ANY INDUCTION TEACHERS THAT ARE EFFECTIVE  
8 TEACHERS, BUT THE POOL OF PEOPLE THAT I GET FOR MY  
9 DISTRICT I WOULD MUCH RATHER HAVE -- AND I THINK WHAT WE  
10 SEE IN TERMS OF EFFECTIVENESS WOULD BE PEOPLE WHO COME TO  
11 US WITH SUFFICIENT EXPERIENCE AS A TEACHER

12 Q ALL RIGHT I'M GOING TO FOLLOW UP WITH THAT ANSWER  
13 IN JUST A MOMENT ABOUT YOUR RECRUITING EFFORTS BUT FIRST  
14 OF ALL I WANT TO, I WANT TO SEE HOW ALL THIS INTERPLAYS  
15 WITH WHETHER CHILDREN IN YOUR DISTRICT ARE RECEIVING THE  
16 OPPORTUNITY TO ACQUIRE A MINIMALLY-ADEQUATE EDUCATION

17 WE HAVE TALKED ABOUT YOUR EXISTING TEACHER POOL AND  
18 YOU ROUGHLY DIVIDED IT INTO THIRDS WITH THE QUALIFICATIONS  
19 THAT YOU PUT AROUND THAT AND WE TALKED ABOUT THE  
20 RECRUITMENT OR, EXCUSE ME, THE HIRING OF TEACHERS IN THE  
21 EIGHT OUT OF TEN OR NINE OUT OF TEN ARE FIRST YEAR  
22 TEACHERS, INDUCTION TEACHERS

23 AND WE HAVE TALKED ABOUT WITH EXHIBIT 6152-G WITH  
24 TEACHERS WHO ARE TEACHING WITH SUBSTANDARD CERTIFICATES OR  
25 WHO ARE TEACHING OUT-OF-FIELD AND YOU HAVE 11 PERCENT FALL

1 IN THAT CATEGORY

2 NOW, HOW DOES ALL OF THIS FIT INTO WHETHER A CHILD IN  
3 YOUR SCHOOL DISTRICT HAS THE OPPORTUNITY TO RECEIVE A  
4 MINIMALLY ADEQUATE EDUCATION IN THE CONTEXT OF GAPS,  
5 TEACHING GAPS?

6 A I DESCRIBED EARLIER, YOU KNOW, OUR STUDENTS AS BEING  
7 SCHOOL DEPENDENT IN THIS THREE-LEGGED ARRANGEMENT THAT  
8 PROVIDES THE CONTEXT FOR THEIR EDUCATION THEREFORE, IN  
9 MY JUDGMENT THESE KIDS CAN ILL AFFORD TO HAVE GAPS AS FAR  
10 AS INEFFECTIVE TEACHERS IN THAT PROGRESSION THROUGH THE  
11 SYSTEM

12 AND ONE INEFFECTIVE TEACHER ONE YEAR AND AN  
13 INEFFECTIVE TEACHER, YOU KNOW, CAN DERAIL THESE CHILDREN  
14 SO WE, WE NEED EFFECTIVE TEACHERS THROUGHOUT OUR SYSTEM IN  
15 MY JUDGMENT IN ORDER TO BE ABLE TO PROVIDE A MINIMALLY  
16 ADEQUATE EDUCATION FOR THE CHILDREN THAT WE SERVE

17 Q WITH THE CHILDREN THAT YOU SERVE AND THEIR NEEDS AND  
18 GIVEN THE FACT THAT YOU HAVE TWO-THIRDS OF YOUR TEACHING  
19 STAFF WHO ARE NOT EFFECTIVE AS YOU HAVE DESCRIBED THEM,  
20 ARE THESE CHILDREN RECEIVING THE OPPORTUNITY TO ACQUIRE A  
21 MINIMALLY-ADEQUATE EDUCATION?

22 A NO, THEY ARE NOT

23 Q ALL RIGHT ONE OTHER THING I WANT TO TALK ABOUT IN  
24 THE WAY OF STAFF IS THE FACES PROGRAM, RECRUITMENT OF  
25 FOREIGN TEACHERS DO YOU UTILIZE FOREIGN TEACHERS IN YOUR

1 DEVELOPMENT TO KEEP THEM OR HAVE THEM AT THAT TYPE LEVEL  
2 AND AS I SAID, ANYWHERE FROM PROBABLY 25 TO MAYBE UP TO A  
3 THIRD I BELIEVE AT THE POINT ARE INEFFECTIVE WORKING WITH  
4 OUR CHILDREN

5 AND I WENT ON TO SAY THAT BECAUSE THEY ARE MAYBE IN  
6 MY JUDGMENT INEFFECTIVE AT WORKING THROUGH THE CHILDREN  
7 THAT WE HAVE DOESN'T NECESSARILY MEAN THAT THAT PERSON  
8 MIGHT BE SOMEWHERE ELSEWHERE WHERE THEY'LL WORK WITH A  
9 DIFFERENT STUDENT POOL, DIFFERENT DEMOGRAPHICS THAT THEY  
10 WOULDN'T BE, THEY WOULDN'T BE SUCCESSFUL

11 SO WE TRY TO PROVIDE -- BECAUSE WE DO BELIEVE THAT  
12 STAFF DEVELOPMENT IS THE LIFEBLOOD THAT HELPS KEEP  
13 TEACHERS ON TASK AND TO BE EFFECTIVE -- TRY TO PROVIDE AS  
14 MUCH AS WE CAN WITHIN THE LIMITS, YOU KNOW, THAT WE, THAT,  
15 THAT WE WORK WITHIN

16 WE HAVE A NUMBER OF CONSULTANTS THAT WE HAVE COME  
17 INTO THE DISTRICT WORKING WITH TEACHERS ON THE ELEMENTARY  
18 LEVEL I KNOW WE HAVE SOME CONSULTANTS COMING OUT OF --  
19 TEXAS, I BELIEVE, IS WHERE THE CONSULTANTS COME FROM BUT  
20 I THINK THE HOME OFFICE IS IN THE STATE OF WASHINGTON

21 THEY WORK WITH THOSE FIRST THEY COME IN SEVERAL  
22 TIMES DURING THE YEAR AND THEY WORK WITH TEACHERS WE  
23 HAVE HAD AND WE WILL PROBABLY CONTINUE THIS, A CONSULTANT  
24 COMING OUT OF FURMAN UNIVERSITY, I TALKED ABOUT, WHO  
25 WORKED WITH, JUST OVER THE PAST COUPLE OF YEARS WITH, OUR



1 FACES TEACHERS

2 WE GOT A CONSULTANT, I BELIEVE, COMING OUT OF THE  
3 LOWER PART OF THE STATE, DON'T KNOW WHICH COLLEGE, MAYBE  
4 TWO COMING OUT, THAT ONE HAS WORKED IN SCIENCE, ONE HAS  
5 WORKED IN SPECIAL EDUCATION, WITH OUR TEACHERS

6 WE HAVE TWO CONSULTANTS, ONE IN LANGUAGE ARTS AND ONE  
7 FOR MATH, IN MATHEMATICS THAT FROM THE SAME GROUP AND I  
8 CAN'T RECALL THE NAME PELL GROUP OR SOMETHING LIKE THAT,  
9 BUT THEY WORK LANGUAGE ARTS, ONE WORKS IN MATHEMATICS

10 THEN WE HAVE THE HUB, YOU KNOW, MATHEMATICS AND  
11 SCIENCE HUB WHERE WE GET SOMEBODY FROM THAT ORGANIZATION  
12 TO COME DOWN AND WORK WITH TEACHERS THAT'S CREATED BY THE  
13 STATE

14 AND THEN WE HAVE -- WE DO HAVE SOME TEACHER  
15 SPECIALISTS AND SOME CURRICULUM SPECIALISTS I MENTIONED  
16 YESTERDAY THAT ARE WORKING WITH OUR -- WORKING WITH OUR  
17 PEOPLE WE HAVE ONE CURRICULUM SPECIALIST AT EACH OF THE  
18 TWO HIGH SCHOOLS AND WE HAVE GOT SOME CURRICULUM TEACHER  
19 SPECIALISTS AT BOTH OF THE HIGH SCHOOLS THAT ARE WORKING  
20 WITH -- WORKING WITH PEOPLE

21 WE HAVE HAD -- I'M SURE I MISSED SOMETHING -- BUT WE  
22 HAVE HAD, YOU KNOW, OVER THE YEARS I HAVE TALKED ABOUT  
23 FACE TEACHERS AND SEVERAL TEACHER AIDES WHO WE, WE FELT  
24 WERE PROMISING THAT WE TRY TO HELP TO GO BACK TO SCHOOL  
25 AND GET CERTIFIED

1           AND WE HAVE -- WE HAD A GROUP OF PROFESSORS AT SOUTH  
2 CAROLINA STATE UNIVERSITY WHO WORKED WITH THESE PEOPLE IN  
3 THE CONTENT AREA FOR THE PRAXIS EXAM, TUTOR THEM TO TRY TO  
4 HELP THEM PASS THE EXAM

5           SO THOSE ARE SOME OF THE THINGS, YOU KNOW, THAT WE  
6 HAVE BEEN DOING WITH STAFF DEVELOPING   SO IN MY JUDGMENT  
7 THAT'S -- THAT'S QUITE AN ARRAY AND IT, IT CERTAINLY  
8 POINTS TO THE FACT THAT WE BELIEVE THAT THAT'S THE  
9 LIFEblood IN TERMS OF TRYING TO HELP SUSTAIN AN EFFECTIVE  
10 TEACHING FORCE FOR STUDENTS IN DISTRICT THREE

11       Q     AND TO MOVE THE TWO-THIRDS OF THE TEACHERS INTO THE  
12 CATEGORY YOU WOULD CALL EFFECTIVE TEACHERS?

13       A     CORRECT

14       Q     ABLE TO TEACH YOUR CHILDREN?

15       A     THAT'S CORRECT

16       Q     NOW, WHAT IS WRONG OR HAS YOUR -- HAVE YOUR MANY  
17 EFFORTS AT STAFF DEVELOPMENT BEEN SUFFICIENT TO MOVE THOSE  
18 TWO-THIRDS OF YOUR TEACHING FORCE INTO THE EFFECTIVE  
19 TEACHER CATEGORY?

20       A     I THINK OUR BIGGEST PROBLEM RIGHT NOW WITH STAFF  
21 DEVELOPMENT, ONE THING I DIDN'T SAY IS, TOO, THAT WE DO  
22 SEND A LOT OF TEACHERS OUT OF THE DISTRICT FOR VARIOUS  
23 STAFF DEVELOPMENT SESSIONS, MANY THAT ARE PROVIDED THE  
24 STATE DEPARTMENT OF EDUCATION AND MANY THAT ARE OFFERED BY  
25 OTHER ORGANIZATIONS

1           THE -- IN MY JUDGMENT THE BEST -- YOU NEED A -- YOU  
2       NEED STAFF DEVELOPMENT THAT'S SUSTAINED, FOCUSED AND YOU  
3       NEED SOMETIME TO GET IT DONE    AND MY BIGGEST CONCERN AND  
4       I THINK THIS IS THE CONCERN OF THE PEOPLE THAT WORK WITH  
5       IT AND ALSO TEACHERS IS FINDING TIME TO DO IT

6           IN MANY INSTANCES WE HAVE TO DO IT AFTER SCHOOL WHEN  
7       THE TEACHERS, AFTER THE TEACHERS HAD A LONG DAY AND THEN  
8       YOU HAVE GOT TO BRING THEM IN, TRY TO DO STAFF  
9       DEVELOPMENT   AND WHEN YOU DO IT THAT WAY YOU DON T GET  
10      THE FULL BENEFIT OF IT BECAUSE YOU ARE WORKING WITH PEOPLE  
11      IN MANY INSTANCES WHO ARE TIRED

12          WE -- WE -- SOMETIME WE DO IT ON WEEKENDS    YOU KNOW  
13      HOW THAT IS WHEN YOU START INFRINGING ON THE -- THAT  
14      PRIVATE TIME OF TEACHERS    THAT'S TIME THAT THEY ARE NOT  
15      UNDER CONTRACT, AND IF THEY COME ON STAFF, IT'S GOING TO  
16      HAVE TO BE VOLUNTARY    YOU CAN GET SOME TO COME, YOU WILL  
17      GET OTHERS WHO WILL NOT COME AND DO IT

18          SO TIME IS THE REAL PROBLEM WITH DOING SUSTAINED  
19      FOCUSED AND GOOD STAFF DEVELOPMENT    WE AT TIMES HAVE TO  
20      PULL TEACHERS OUT OF CLASS IN ORDER TO GET IT DONE    I  
21      DON'T LIKE DOING THAT    YOU LOSE VALUABLE INSTRUCTIONAL  
22      TIME FOR CHILDREN WHEN YOU DO THAT

23          IN OUR DISTRICT WE DON'T HAVE SUBSTITUTES THAT ARE  
24      CAPABLE TO COME IN AND PROVIDE ANY KIND OF QUALITY  
25      INSTRUCTION FOR KIDS    AND UNFORTUNATELY WHEN WE DO HAVE

1 SUBS, A LOT OF TIMES WE ARE BRINGING IN PEOPLE TO  
2 SUPERVISE KIDS AND NOT TO PROVIDE ANY TYPE OF QUALITY  
3 INSTRUCTION SO WE DON'T LIKE TO DO THAT  
4 WE -- WE JUST NEED TIME TIME, TIME IS THE -- IS THE  
5 BIG PROBLEM AND TIME MEANS MONEY BECAUSE IN ORDER FOR US  
6 TO GET TIME, WE ARE GOING TO HAVE TO HAVE TEACHERS UNDER  
7 CONTRACT FOR SUFFICIENT NUMBER OF DAYS BEYOND THE TEACHING  
8 DAYS WHEN WE CAN DO SUSTAINED AND QUALITY STAFF  
9 DEVELOPMENT AND IN MY JUDGMENT THAT WOULD BE THE MOST  
10 EFFECTIVE WAY TO GET IT DONE

11 Q ARE YOU AWARE OF WHETHER THE EDUCATIONAL  
12 ACCOUNTABILITY ACT WAS SUPPOSED TO EXTEND THE CONTRACT  
13 YEAR AN ADDITIONAL FIVE, FIVE DAYS OR WHETHER THAT HAS  
14 BEEN IMPLEMENTED?

15 MR STEPP OBJECTION, YOUR HONOR THAT CALLS FOR A  
16 LEGAL CONCLUSION OR INTERPRETATION

17 THE COURT RIGHT ARE YOU ASKING FOR AN  
18 INTERPRETATION OF THIS OF THE STATUTE OR WHETHER IT  
19 PROVIDES FOR IT IN THERE OR WHETHER THE LEGISLATIVE INTENT  
20 IN THE PRE DISCUSSIONS WAS TO DO THAT

21 MR EPPS NO FIRST OF ALL, WHETHER IT'S IN THE  
22 STATUTE, AND NUMBER TWO, WHETHER IT INDEED HAS BEEN  
23 CARRIED FORWARD

24 BY MR EPPS

25 Q IF YOU ARE FAMILIAR WITH IT, DR LONGSHORE?

1 WITH BUSINESSES TO DISCUSS WITH THEM AND TO GET FEEDBACK  
2 ON OUR APPLICANTS THAT GO OUT IN THE COMMUNITY AND INTO  
3 EMPLOYMENT AND THEY TELL US THAT THEY HAVE TO GO THROUGH  
4 LARGE NUMBER OF APPLICATIONS, SOMETIMES A HUNDRED  
5 APPLICATIONS IN ORDER TO FILL FIVE OR TEN POSITIONS

6 Q AND THE PROBLEMS THAT THE INTERVIEWS -- THE POTENTIAL  
7 EMPLOYERS HAVE EXPRESSED DURING THOSE INTERVIEWS ARE THE  
8 PROBLEMS YOU DESCRIBED AS THEIR INABILITY TO READ AND DO  
9 BASIC MATH?

10 A THOSE ARE THE TWO AREAS THAT THEY KEY ON

11 Q DR LONGSHORE, YOU HAVE BEEN IN THE EDUCATION SYSTEM  
12 IN SOUTH CAROLINA FOR A LONG TIME NOW AND YOU HAVE BEEN  
13 SUPERINTENDENT, I THINK WE AGREED, ON GOING INTO YOUR 16TH  
14 YEAR?

15 A THAT'S CORRECT

16 Q OKAY YOU ARE IN YOUR 16TH YEAR WHAT IS THE  
17 PROBLEM THAT YOU SEE FROM THE STATE IN OFFERING OR  
18 PROVIDING PROGRAMS OR RESOURCES TO YOUR SCHOOL DISTRICT  
19 AND DISTRICTS LIKE YOURS SO THAT THEY CAN INDEED OFFER  
20 CHILDREN THAT GO THROUGH THOSE SCHOOLS THE OPPORTUNITY FOR  
21 A MINIMALLY ADEQUATE EDUCATION?

22 A I -- I THINK THE STATE HAS TO ACKNOWLEDGE THAT IT  
23 REQUIRES MORE TO OFFER A MINIMALLY ADEQUATE EDUCATION TO  
24 SOME STUDENTS THAN OTHERS AND I DESCRIBED YESTERDAY TO  
25 YOU THE STUDENTS THAT WE SERVE AND I -- I USED THE

1 DESCRIPTION SCHOOL DEPENDENT

2 AND FOR THOSE CHILDREN IT TAKES MORE TO PROVIDE THEM  
3 A MINIMALLY-ADEQUATE EDUCATION I DO WANT TO SAY IN  
4 SAYING IT TAKES MORE, MUCH MORE OF A CHALLENGE, BUT WE CAN  
5 DO IT AND I WANT TO BE SURE THAT'S CLEAR, BECAUSE I -- I  
6 DON T ACCEPT THE POSITIONS THAT THESE CHILDREN THAT WE  
7 SERVE CANNOT LEARN AT THE LEVEL THAT WE EXPECT AND THAT WE  
8 WANT

9 Q DURING YOUR YEARS OF SERVICE AS A TEACHER, PRINCIPAL,  
10 SUPERINTENDENT, HAVE YOU WITNESSED A COHESIVE STATE POLICY  
11 OF TRYING TO EDUCATE CHILDREN IN SOUTH CAROLINA AND  
12 CHILDREN IN DISTRICTS LIKE YOURS INCLUDING YOUR DISTRICT?  
13 A NO, I HAVEN'T THE -- I THINK THE PROBLEM AGAIN, AND  
14 I THINK I ALLUDED TO THIS YESTERDAY, IS, IS THE STATE OF  
15 SOUTH CAROLINA CANNOT SEEM TO COME TO A CONSENSUS ON WHAT  
16 IT WANTS TO DO IN EDUCATION AND THEN COME TO A CONSENSUS  
17 AND KEEP, SINK OUR TEETH INTO IT AND KEEP THE FOCUS OVER  
18 ALL OF THESE ADMINISTRATIONS

19 AND IN MY JUDGMENT WHAT HAPPENS, LIKE I SAID  
20 YESTERDAY, IS WHEN WE CHANGE ADMINISTRATIONS AND  
21 LEGISLATORS, WE CAN LOOK TO HAVE A WHOLE BUNCH OF CHANGES  
22 IN EDUCATION AND IT APPEARS THAT EACH OF THE GROUPS THAT  
23 COME IN WANTS TO HAVE THEIR SIGNATURE ON EDUCATION AND  
24 EVEN IF YOU GOT GOOD PROGRAMS THAT WERE STARTED BY A  
25 PREVIOUS ADMINISTRATION, THEY WILL COME IN AND THEY WILL

1     ADVANCED MEANS FOR THOSE STUDENTS THAT ARE GIFTED AND  
2     TALENTED AND CAN ACHIEVE AT THE HIGHEST LEVELS, THAT THEY  
3     ARE ABLE TO DEMONSTRATE THAT LEVEL OF EXPERTISE TO THOSE  
4     STANDARDS

5     Q     NOW, WHEN YOU TALK ABOUT UNDERSTANDING THE STANDARDS,  
6     ARE YOU TALKING ABOUT HAVING MASTERED THE KNOWLEDGE AND  
7     SKILL-SET EMBODIED IN THE STANDARDS? IT'S NOT JUST A  
8     MATTER OF KNOWING WHAT THE STANDARD IS RIGHT?

9     A     THAT'S CORRECT IT MEANS -- THE STANDARD IS REALLY  
10    OUTLINED WHAT YOU SHOULD KNOW AND SO THAT MEANS A  
11    DEMONSTRATION OF UNDERSTANDING MASTERY OF THOSE STANDARDS,  
12    COMPREHENSION AND THE ABILITY TO DEMONSTRATE THAT  
13    COMPREHENSION

14    Q     ALL RIGHT NOW, IN TERMS OF BEING ON GRADE LEVEL AT  
15    BASIC, IF WE ARE DEALING WITH THE TERM MINIMALLY ADEQUATE,  
16    A MINIMALLY ADEQUATE BODY OF KNOWLEDGE OR A MINIMALLY  
17    ADEQUATE EDUCATION, HOW DOES BASIC RELATE TO THE MINIMAL  
18    ADEQUACY OF EDUCATIONAL ACHIEVEMENT?

19           MR STEPP OBJECTION, YOUR HONOR WE PREVIOUSLY  
20    DISCUSSED THAT MINIMALLY ADEQUATE IS A LEGAL STANDARD THAT  
21    I DON'T THINK MR WILSON IS COMPETENT TO INTERPRET  
22           THE COURT AND CERTAINLY YOU ARE RIGHT OF COURSE,  
23    THAT'S WHAT THIS CASE IS ALL ABOUT I THINK, IS DEFINING  
24    WHAT MINIMALLY ADEQUATE IS, AND ULTIMATELY WOULD BE A  
25    LEGAL DEFINITION THAT WILL BE, AS I DISCUSSED IN THE PAST,

1 SOME EVIDENTIARY INPUT THROUGHOUT THE TRIAL OF THIS CASE  
2 FROM BOTH SIDES, I WOULD TAKE IT, TO ASSESS MEANING IN  
3 TERMS OF WHAT IS MINIMALLY ADEQUATE, SO I WILL ALLOW THE  
4 TESTIMONY SUBJECT TO THAT OBJECTION

5 MR MORRISON THANK YOU, YOUR HONOR

6 THE WITNESS WELL, BASIC IS THE MINIMUM THAT A  
7 STUDENT SHOULD HAVE AS A MATTER OF FACT THE EDUCATION  
8 ACCOUNTABILITY ACT SAYS A STUDENT THAT CANNOT PERFORM AT  
9 BASIC LEVEL THREE YEARS IN A ROW MUST BE RETAINED  
10 HOWEVER, THE LEGISLATURES PASS PROVISOS EACH YEAR WAVING  
11 THAT REQUIREMENT BECAUSE THE RETENTION WOULD BE SO  
12 SIGNIFICANT IN OUR SCHOOLS THAT THEY'RE NOT -- THEY FELT  
13 IT WASN'T IN SCHOOLS' BEST INTEREST

14 NOW, ALSO WHEN A STUDENT IS BELOW BASIC REQUIRES AN  
15 INDIVIDUAL ACADEMIC PLAN FOR EACH STUDENT, CONSULTATION  
16 WITH A PARENT AND SOME SORT OF REMEDIAL ACTION TO TRY TO  
17 BRING THAT STUDENT TO BASIC

18 THE RESEARCH THAT I HAVE STUDIED AT THE E O C SHOWS  
19 THAT WHEN A STUDENT IS BELOW BASIC, NEITHER RETENTION NOR  
20 SOCIAL PROMOTION WORKS ULTIMATELY A STUDENT THAT S BELOW  
21 BASIC THAT IS SOCIALLY PROMOTED, THAT IS THEY RE BELOW  
22 BASIC IN THE THIRD GRADE AND ARE MOVED TO THE FOURTH GRADE  
23 TO STAY WITH THEIR PEERS OR A STUDENT THAT'S IN THE THIRD  
24 GRADE THAT'S RETAINED, I'M--

25 MR STEPP OBJECTION, YOUR HONOR I THINK THIS IS



1 ARE GOING TO HAVE HIGH EXPECTATIONS FOR ALL STUDENTS, THEN  
2 WE NEED TO HAVE TIME TO PHASE IN THE TRAINING PROGRAMS FOR  
3 TEACHERS, THE INSTRUCTIONAL MATERIAL AND OTHER  
4 INFRASTRUCTURE AND TALENT REQUIRED TO ACHIEVE OUR GOALS

5 SO WE FELT IT WOULD BE UNFAIR TO IMMEDIATELY PUT IN  
6 PLACE A GRADING SCALE THAT MEASURED STUDENTS BASED ON WHAT  
7 WE ULTIMATELY EXPECTED TO MEASURE, HOW WE EXPECTED TO  
8 ULTIMATELY MEASURE STUDENTS, SO WE DECIDED TO TAKE WHAT  
9 WAS -- WE FELT WAS GOING TO BE APPROPRIATE FOR THE GRADES  
10 ON THE REPORT CARD OF EXCELLENT, GOOD, AVERAGE, BELOW  
11 AVERAGE, UNSATISFACTORY, AND SIGNIFICANTLY DISCOUNT THOSE  
12 INITIALLY AND THEN OVER TIME INCREASE TOWARD WHAT WAS THE  
13 TARGET LEVEL OF ACHIEVEMENT TO ACHIEVE THOSE GOALS SO IN  
14 EFFECT, WE CURVED THE GRADES FOR THE FIRST TEN YEARS

15 Q SO AS OF TODAY IN 2004, WE ARE -- WE ARE AT ONE  
16 LEVEL, BUT WE ARE NOT AT THE LEVEL FOR AVERAGE, ABOVE  
17 AVERAGE, GOOD, SO FORTH, THAT WE WILL BE IN 2010?

18 A THAT'S CORRECT WHAT WE DID WAS THE FIRST THREE  
19 YEARS WE HELD IT STEADY AT A RELATIVELY LOW LEVEL

20 Q UH-HUH

21 A AND THEN IN THE FOURTH YEAR, WHICH WILL BE THIS  
22 COMING REPORT CARD, FOR THE 2004 REPORT CARD, IT WILL  
23 INCREASE, AND IT WILL INCREASE FOR THE NEXT SEVEN YEARS  
24 SO BY 2010 WE WILL BE AT THE LEVEL OF MEASUREMENT THAT WE  
25 EXPECTED WHEN WE PUT THESE STANDARDS TOGETHER, BUT GIVES A

1 CHANCE FOR SCHOOLS AND TEACHERS, ADMINISTRATORS TO ADAPT  
2 TO THE SYSTEM, PUT IN PLACE THE PROGRAMS AND IMPROVEMENTS  
3 NECESSARY TO ACHIEVE THE LEVEL WE EXPECT

4 Q SO FOR THREE YEARS, THE FIRST THREE YEARS IT'S FLAT,  
5 AND THEN WE HAVE A RAMP UP, AND THEN--

6 A THAT'S CORRECT

7 Q -- THEN IT PLATEAUS OUT IS THAT CORRECT?

8 A THAT'S CORRECT

9 Q I'D LIKE YOU TO EXPLAIN, IF YOU WOULD, USING EXHIBIT  
10 6346-C COULD YOU EXPLAIN TO THE COURT WHERE WE ARE NOW  
11 IN TERMS -- I THINK WE ARE AT THE END OF THE THREE YEAR  
12 PERIOD WE ARE STILL AT THE FLAT LEVEL AND THEN WHAT  
13 IT'S GOING TO BE IN 2010 IN TERMS OF WHAT THE REQUIREMENTS  
14 OF THE EDUCATION ACCOUNTABILITY ACT AND E O C ARE GOING  
15 TO BE?

16 A OKAY WELL, IF YOU LOOK AT THIS TABLE, YOU WILL  
17 SEE -- IN THE LEFT-HAND COLUMN YOU WILL SEE GRADE, AND YOU  
18 SEE THE FIVE GRADES THAT ARE USED FOR BOTH IMPROVEMENT  
19 GRADE AND THE ABSOLUTE PERFORMANCE GRADE AND THIS SPEAKS  
20 TO ABSOLUTE PERFORMANCE IN GRADES THREE THROUGH EIGHT  
21 WHERE THE PACT SCORES ARE USED FOR THE ABSOLUTE  
22 PERFORMANCE ON THE REPORT CARD

23 THE FIVE GRADES, OF COURSE ARE EXCELLENT, GOOD,  
24 AVERAGE, BELOW AVERAGE, AND UNSATISFACTORY THE INITIAL  
25 SCORE REQUIRED REPRESENTS THE AVERAGE PACT SCORE FOR THE

1 STUDENTS IN THAT MEASUREMENT AREA, BEING A SCHOOL OR A  
2 DISTRICT OR GRADE LEVEL OR WHATEVER IS BEING MEASURED  
3 THE WAY THIS WORKS IS IF YOU ARE AT BASIC, YOU GET A 2 0  
4 3 0 IS GOOD -- EXCUSE ME IF YOU ARE BASIC, 2 0 3 0 IS  
5 PROFICIENT 4 0 IS ADVANCED, SO ANY--  
6 Q BELOW BASIC WOULD BE--  
7 A BELOW TWO  
8 Q BELOW TWO OKAY  
9 A SO ANYBODY BELOW 2 2 WOULD BE UNSATISFACTORY THAT  
10 MEANS OVER 80 PERCENT OF THE STUDENTS IN A SCHOOL COULD BE  
11 BELOW BASIC, AND -- OR MORE, AND BE UNSATISFACTORY BELOW  
12 AVERAGE, OVER 50 PERCENT OF THE STUDENTS COULD BE BELOW  
13 BASIC, AND YOU STILL BE BELOW AVERAGE, SO YOU COULD HAVE  
14 THE MAJORITY OF YOUR STUDENTS BELOW BASIC AND STILL BE  
15 BELOW AVERAGE  
16 Q UH-HUH  
17 A AND SO FORTH THEN IT COMES ON UP -- AND THEN, YOU  
18 KNOW, AT THE BASIC LEVEL STUDENTS ARE GOOD, AND AT  
19 EXCELLENT THEY ARE APPROACHING PROFICIENT I SAY THAT --  
20 EARLIER I SAID IT WRONG THE SCALE IS FIVE, FOUR, THREE,  
21 TWO, BELOW BASIC I BUT ANY WAY  
22 Q OKAY FIVE JUST TO CLARIFY--  
23 A ADVANCED, FOUR, PROFICIENT, THREE, SO FORTH NOW,  
24 WHEN YOU LOOK AT 2010 SCORE REQUIRED, YOU SEE THAT TO BE  
25 BELOW AVERAGE YOU HAVE TO BE BETWEEN AT LEAST A 2 8 AND

1 A SCHOOL TODAY SCORING 2 8 WOULD BE AVERAGE BUT IN 2010  
2 WOULD BE BELOW AVERAGE

3 AND IF YOU LOOK AT A SCHOOL SCORING 3 1 IN 2010,  
4 THAT'D BE BELOW AVERAGE TODAY THAT WOULD BE GOOD AND  
5 SO YOU CAN SEE THE AMOUNT OF DISCOUNT GIVEN TO ASSIST IN  
6 THE PHASING-IN OF THESE STANDARDS AND SO WHEN YOU LOOK  
7 AT WHAT'S REQUIRED, YOU CAN SEE THAT THE BAR RISES OVER  
8 THIS TEN YEAR PERIOD ULTIMATELY ACHIEVING THE TARGETS IN  
9 2010

10 Q AS THE BAR RISES, IF NOTHING CHANGES IN THE CURRENT  
11 PERFORMANCE OF SAY MARION THREE OR MARION SEVEN,  
12 ORANGEBURG THREE, ANY OF THE DISTRICTS THAT WE ARE  
13 REPRESENTING, WILL THE GAP WIDEN BETWEEN WHERE THEY --  
14 WHERE THEY SHOULD BE AND WHERE THEY ARE?

15 A WELL, SCHOOLS SCORING BELOW AVERAGE TODAY WOULD BE  
16 UNSATISFACTORY FOR EXAMPLE, SOME SCORING AVERAGE TODAY  
17 WOULD BE UNSATISFACTORY IN 2010

18 Q OKAY AND THE REASON THAT WE ARE MOVING THE STANDARD  
19 UP OVER THE NEXT SEVEN YEARS IS WHAT?

20 A BECAUSE 2010 -- THE 2010 TARGETS WERE WHAT WE FELT  
21 WAS THE APPROPRIATE LEVEL A 4 0 REPRESENTS STUDENTS AT  
22 PROFICIENT 4-0 IS PROFICIENT, 5-0 IS ADVANCED 3-0 IS  
23 BASIC BELOW THREE IS BELOW BASIC SO WHEN WE HAVE -- IF  
24 ALL OF OUR STUDENTS ARE PROFICIENT, THEN THEY WOULD SCORE  
25 4 0, THEY WOULD BE EXCELLENT

1 AS THE TARGET MOVES UPWARD UNDER THE E A A AND THE NO  
2 CHILD LEFT BEHIND ACT, IF WE DON'T MAKE DRAMATIC MOVES IN  
3 OUR RURAL POOR SCHOOL DISTRICTS WHERE CHILDREN, AT-RISK  
4 CHILDREN ARE AGGREGATED, WHAT WILL HAPPEN TO THOSE  
5 DISTRICTS?

6 A WELL, THEY WILL CLEARLY, IF THERE IS NOT SIGNIFICANT  
7 IMPROVEMENT IN THE STUDENT ACADEMIC ACHIEVEMENT, MORE AND  
8 MORE OF THOSE SCHOOLS WILL BE UNSATISFACTORY AND IT WILL  
9 BE INCREASING DIFFICULT FOR THEM, IF THEY DON'T MAKE  
10 PROGRESS, TO MOVE OUT OF THAT CATEGORY

11 CLEARLY THIS IS BASED ON RESULTS AND THE WHOLE POINT  
12 OF E A A IS TO MEASURE RESULTS, NOT PROCESS AND SO WHAT  
13 WE ARE LOOKING FOR IS WHATEVER IT TAKES TO GET THE RESULTS  
14 FOR THOSE STUDENTS TO LEARN, TO BE ABLE TO PERFORM AT A  
15 MINIMUM LEVEL WHICH IS BASIC

16 AND WE -- WE UNDERSTAND THAT WHAT WE DEFINE AS BASIC  
17 TODAY IS VERY LOW AND WE HAVE A -- WE STILL HAVE SCHOOLS  
18 THAT CAN BE RATED ABOVE UNSATISFACTORY THAT HAVE A VERY  
19 LARGE PERCENTAGE AS A MATTER OF FACT, A MAJORITY OF  
20 THEIR STUDENTS CAN BE BELOW BASIC AND STILL BE ABOVE  
21 UNSATISFACTORY

22 BUT THAT, THAT IS NOT, THAT IS NOT ACCEPTABLE  
23 LONG-TERM WE ONLY DID THAT AGAIN TO GIVE TIME TO PHASE  
24 IN THE RESOURCES, TALENT, TRAINING, MATERIALS, MEDIA  
25 REQUIRED FOR SCHOOLS TO BE ABLE TO MEET MUCH HIGHER

1 FOURTH ONE UP FROM THE BOTTOM TEACHER QUALITY WHY WAS  
2 THAT SELECTED AS A NINE AREA, ONE OF THE NINE AREAS FOR  
3 PUBLIC ACTION TO ACHIEVE THE GOAL?

4 A THE DATA IS COMPELLING THAT TEACHER QUALITY HAS AN  
5 ENORMOUS IMPACT ON STUDENT LEARNING, STUDENT ACHIEVEMENT  
6 AND THE QUALITY OF THE TEACHER, THE EXPERIENCE LEVEL, THE  
7 TRAINING, THE ABILITY OF THAT TEACHER TO RELATE TO THE  
8 STUDENTS IS CRITICALLY IMPORTANT TO ACHIEVE THE GOALS THAT  
9 WE ARE AFTER

10 Q AND THEN LOOK AT THE ONE RIGHT UNDER THAT, EARLY  
11 CHILDHOOD EDUCATION AND DEVELOPMENT AND WHY DID THE  
12 E O C HAVE THAT AS ONE OF THE NINE AREAS?

13 A AGAIN THE DATA IS VERY STRONG INDICATING THAT IF YOU  
14 HAVE EARLY CHILDHOOD EDUCATION AND DEVELOPMENT AND YOU ARE  
15 ABLE TO HAVE STUDENTS ENTER SCHOOL READY TO LEARN AND THEN  
16 YOU ARE ABLE TO GET THOSE STUDENTS TO GRADE LEVEL IN TERMS  
17 OF THEIR ACADEMIC ACHIEVEMENT AND KEEP THEM AT GRADE  
18 LEVEL, THEY ARE LIKELY TO BE SUCCESSFUL, NOT ONLY IN THE  
19 ACADEMIC CAREER BUT BEYOND

20 AND IF YOU DON'T DO THAT, THE STUDENTS AREN'T READY  
21 TO ATTEND SCHOOL OR THEY FALL BEHIND EARLY, THEN IT'S  
22 INEVITABLE WHEN THEY GET TO THE NINTH GRADE, AS I SAID  
23 EARLIER, THAT THEY'RE NOT GOING TO BE ABLE TO DO THE WORK  
24 AND AS A RESULT WILL HAVE A VERY HIGH DROPOUT RATE

25 Q NOW THERE'S -- THERE'S FIVE OTHER IMPORTANT GOALS I

1           AND THERE IS A BOX THERE THAT SHOWS THE 2001 HIGH  
2       SCHOOL COMPLETION RATE, SOUTH CAROLINA 51 PERCENT,  
3       NATIONAL 67 PERCENT, SOUTH CAROLINA RANKS, RANKING IS  
4       50TH    THAT, THAT STATISTIC IS ONE OF THE MOST DISTURBING  
5       TO THE E O C ?

6       A       ABSOLUTELY    WHEN, ANYTIME WE ARE 50TH IN THE NATION  
7       IN ANY STATISTIC IT S A CAUSE FOR CONCERN    WHEN IT'S AS  
8       IMPORTANT AS THE HIGH SCHOOL COMPLETION RATE, THEN THAT  
9       REALLY IS A CAUSE FOR CONCERN    AND, YOU KNOW, I DON'T  
10      THINK THIS IS INDICATIVE THAT HIGH SCHOOLS ARE THE  
11      PROBLEM, AS I SAID EARLIER

12           I THINK IT HAS TO DO WITH THE EARLY CHILDHOOD  
13      PROGRAMS IN FIEMENTARY SCHOOL WHEN STUDENTS ARE JUST NOT  
14      PREPARED TO DO HIGH SCHOOL WORK, WHEN YOU GET TO HIGH  
15      SCHOOL THEY DROP OUT

16      Q       LOOK AT GOAL NUMBER NINE JUST BRIEFLY    AND THIS, I  
17      WANTED TO PROVIDE FOR THE RECORD AND THE COURT THE WAY  
18      THAT YOU ARE LOOKING AT ERASING THE ETHNIC GROUP  
19      DIFFERENCES OR AT LEAST LOOKING AT HOW THEY MIGHT BE  
20      ERASED

21           COULD YOU JUST LOOK AT PAGE -- LET'S SEE    IT'S GOAL  
22      NUMBER NINE    AND I DON'T, I DON T HAVE A PAGE    I'M  
23      SORRY

24      A       PAGE SEVEN?

25      Q       PAGE SEVEN    THANKS    AND JUST LOOK AT APPARENTLY WE

1 ARE LOOKING AT AFRICAN-AMERICAN, WHITE, HISPANIC, FREE AND  
2 REDUCED LUNCH, AMERICAN INDIAN, ALASKAN, ASIAN, PACIFIC  
3 ISLANDER KINDS OF CATEGORIES AND WHAT ARE WE DOING THERE  
4 AND WHY ARE WE DOING IT?

5 A WE ARE BREAKING OUT THE SIGNIFICANT ETHNIC GROUPS TO  
6 BE ABLE TO DETERMINE ARE ALL STUDENTS BEING ABLE TO  
7 ACHIEVE AND ARE LEARNING OR DO WE HAVE GROUPS THAT WE NEED  
8 TO FOCUS ON THAT MAY NEED MORE SPECIFIC ATTENTION AND  
9 ASSISTANCE

10 Q AND IN LOOKING AT THIS, LET'S LOOK AT THE  
11 AFRICAN-AMERICAN AND WHITE JUST TO COMPARE IT TO --

12 MR STEPP YOUR HONOR, I WOULD OBJECT IT'S  
13 RELEVANT ON FREE AND REDUCED LUNCH VERSUS PAPER LUNCH, BUT  
14 NOT ON THE QUESTION OF RACE OR ETHNICITY

15 THE COURT I AGREE WITH THAT, MR STEPP WE HAVE  
16 DISCUSSED THAT TO THE EXTENT THAT PREVIOUS WITNESSES HAVE  
17 TESTIFIED OF THE COLINEAR NATURE OF ETHNICITY AND ECONOMIC  
18 STRATA

19 ONLY IN THAT CONNECTION IS RACE RELEVANT FOR THE  
20 PURPOSES OF THIS LAWSUIT THERE'S SOME WAY THAT THOSE,  
21 THAT THE ETHNICITY CAN BE TIED TO THE ECONOMIC STRATA THEN  
22 CERTAINLY IT WOULD BE RELEVANT MR MORRISON, I'LL BE  
23 GLAD TO HEAR THAT

24 BY MR MORRISON

25 Q OKAY I AM GLAD TO JUST LOOK AT FREE AND REDUCED



1 CAROLINA?

2 A I THINK IN THE AGGREGATE IT MAY BE, THAT IN THE  
3 AGGREGATE ALL OF OUR STUDENTS COULD BE AT THAT LEVEL BY  
4 2010 IT'S GOING TO BE A DIFFICULT GOAL I -- BUT WHEN  
5 WE START TO BREAK THE GOAL DOWN TO BE SURE NINE OUT OF TEN  
6 ARE ABOVE BASIC, I DON'T THINK IT'S ACHIEVABLE AT THE  
7 CURRENT LEVEL OF FUNDING THAT WE HAVE, BUT WE DO HAVE  
8 PARTICULARLY IN THE UPSTATE AND THE MIDLANDS AND/OR ON THE  
9 COAST WEALTHY DISTRICTS THAT ARE SIGNIFICANT, HAVE  
10 SIGNIFICANTLY INCREASED PROPERTY TAXES INVESTING MORE IN  
11 THEIR SCHOOLS AND TEACHERS, AND ARE MAKING SIGNIFICANT  
12 GAINS

13 AND WE ARE SEEING, YOU KNOW, PROGRESS IN THIS STATE  
14 IT'S JUST NOT THE PROGRESS IS NOT ACROSS THE STATE AT THE  
15 SAME LEVEL

16 Q OKAY AND WHAT IS THE SYSTEMIC ISSUE IN YOUR  
17 JUDGMENT?

18 A AGAIN, IT'S HOW SCHOOLS ARE FINANCED IS THE PROBLEM  
19 RELATED TO RESOURCES IN THAT WE HAVE LIMITED TAXPAYING  
20 ABILITY AND YOU HAVE STATE BUDGETS THAT HAVE BEEN REDUCING  
21 BASE STUDENT COSTS AND YOU HAVE NEEDS AND EXPECTATIONS  
22 THAT ARE GROWING

23 THE GAP IS -- IS SUCH THAT IT'S VERY DIFFICULT TO  
24 FIND A WAY ECONOMICALLY TO CLOSE THAT GAP IF THE TAX  
25 RATES IN MANY OF THESE AREAS ARE IN, VERY HIGH AND THAT

1 DRIVES AWAY INDUSTRY FROM COMING INTO THOSE AREAS WHICH  
2 COMPOUNDS THE PROBLEM OF, OF UNEMPLOYMENT AND ABILITY TO  
3 FINANCE THEIR SCHOOLS

4 SO UNLESS WE PRIME THE PUMP SOME WAY TO GET BETTER  
5 EDUCATION RESOURCES TO THOSE AREAS WHERE THEY CAN THEN BE  
6 ABLE TO HAVE THEIR STUDENTS ACHIEVE AT A HIGHER LEVEL WE  
7 WOULD MAKE IT MORE ATTRACTIVE FOR EMPLOYERS TO COME THERE  
8 TO EMPLOY THEM, THEN WE ARE GOING TO CONTINUE TO HAVE THIS  
9 CYCLE OF POVERTY THAT WE HAVE SEEN FOR AS LONG AS ANYBODY  
10 CAN RECALL IN SOUTH CAROLINA

11 Q IS THIS JUST A SITUATION WHERE IF WE LEAVE THE  
12 CURRENT RESOURCES SYSTEM IN PLACE AND WE JUST NEED A  
13 LITTLE MORE TIME A FEW MORE REPORT CARDS AND A FEW MORE  
14 REPORTS TO THE PUBLIC ON STATUS OF THINGS?

15 A NO, I THINK WHATEVER GAINS CAN BE HAD FROM  
16 ACCOUNTABILITY ALONE WERE HAD IN THE FIRST COUPLE OF YEARS  
17 WHERE PEOPLE GOT FOCUSED, THEY GOT INFORMATION ABOUT WHAT  
18 WAS GOING ON, AND DID THE THINGS THAT THEY COULD DO TO TRY  
19 TO, TO IMPROVE STUDENT ACHIEVEMENT BY INCREASED FOCUS AND  
20 PRIORITIZING

21 I THINK NOW WE ARE DEALING WITH A SITUATION WHERE WE  
22 ARE GOING TO HAVE TO BE LOOKING AT HOW TO IMPROVE  
23 SIGNIFICANT TEACHER QUALITY AND OTHER RESOURCES THAT WILL  
24 ASSIST WITH STUDENT LEARNING

25 Q OKAY LET ME TALK TO YOU ABOUT ONE MORE SOUTH

1 THE WORLD

2 AND SO AS WE MOVE TO A KNOWLEDGE-BASED ECONOMY THEN  
3 HAVING TOP TIER UNIVERSITIES ARE VITAL TO OUR SUCCESS AND  
4 STUDENTS CAPABLE OF PERFORMING AT TOP TIER UNIVERSITIES

5 Q NOW, IT MIGHT BE GOOD AT THIS POINT AND BEFORE WE GO  
6 TO THE NEXT SLIDE THAT WE HAVE SELECTED HERE THAT THE --  
7 THE E F A , THE EDUCATION FINANCE ACT IN 1977 WAS -- HAD  
8 SOMETHING CALLED THE DEFINED MINIMUM PROGRAM TO PROVIDE  
9 EDUCATION TO CHILDREN IN 1977

10 THAT DEFINED MINIMUM PROGRAM FROM 1977 WOULD IN NO  
11 WAY BE ADEQUATE TODAY WOULD IT?

12 A OF COURSE NOT THE WORLD HAS CHANGED DRAMATICALLY  
13 THE PERSONAL COMPUTERS AND THE INTERNET AND TECHNOLOGY,  
14 THE LEVEL OF SCIENCE AND MATHEMATICS AND TECHNOLOGY WORLD,  
15 THE NATURE OF THE GLOBAL POLITICS AND ECONOMICS AND  
16 KNOWLEDGE OF GLOBAL HISTORY ARE INCREASINGLY IMPORTANT TO  
17 UNDERSTAND AND BE ABLE TO COMPETE AND BE PREPARED FOR THE  
18 MODERN ECONOMY

19 Q AND THE E A A AND SPECIFICALLY THE E O C UNDER THE  
20 E A A HAS BEEN FOCUSED ON WHAT'S MINIMALLY ADEQUATE FOR  
21 TODAY, RIGHT?

22 A THAT'S CORRECT

23 Q AND THAT IS BASIC, RIGHT?

24 A RIGHT

25 Q PASSING BASIC ON THE PACT TEST?

1 A IN THE EDUCATION ACCOUNTABILITY ACT THE STATE DEFINED  
2 ADEQUATE BY SAYING EVERY STUDENT HAD TO BE AT LEAST AT  
3 BASIC AND OBVIOUSLY OUR TARGET IS PROFICIENT AND HOPEFULLY  
4 WE WILL HAVE A SIGNIFICANT NUMBER OF STUDENTS AT ADVANCED  
5 BUT BASIC IS THE MINIMUM

6 Q LET'S CONTINUE TO LOOK AT THIS PRESENTATION THE  
7 NEXT PAGE IS 6346-H AND YOU REPORT HERE FINDINGS OF THE  
8 PALMETTO INSTITUTE RESEARCH THAT HAS BEEN DONE YOU  
9 MENTIONED EARLIER YOU'RE ON THE BOARD THERE  
10 BUT WHY DON'T YOU RUN THROUGH THESE FINDINGS AND TELL  
11 US WHY THOSE ARE SIGNIFICANT TO THE --

12 A AS I SAID EARLIER, THE PALMETTO INSTITUTE'S PURPOSE  
13 IS TO FIND THE BEST MINDS IN THE COUNTRY TO ANALYZE THE  
14 ECONOMY OF SOUTH CAROLINA AND TO BE -- AND PUT FORTH THAT  
15 BASE RESEARCH HELPS TO UNDERSTAND WHERE OUR ECONOMY IS AND  
16 THE CHALLENGE AND OPPORTUNITIES FOR OUR ECONOMY.

17 AND THE FIRST STUDY WE COMMISSIONED PRESENTED THESE  
18 FINDINGS, THAT WE ARE NOT DOING WELL ECONOMICALLY AND  
19 UNLESS WE MAKE SOME DIFFICULT CHANGES WE MAY NEVER BE ABLE  
20 TO COMPETE WITH OUR ATLANTIC COAST NEIGHBORS, VIRGINIA,  
21 NORTH CAROLINA, GEORGIA, FLORIDA, IN THE NATION IN A  
22 KNOWLEDGE-BASED ECONOMY

23 THE ECONOMY IS CHANGING AND WE ARE BEHIND PERSONAL  
24 INCOME IS 18 PERCENT BELOW THE NATIONAL LEVEL AND  
25 NEIGHBORING ATLANTIC COAST STATES' AVERAGE AND IS

1 AS WE WERE BECAUSE OF THE BUDGET CUTS WE ARE SLIGHTLY  
2 ABOVE THE SOUTHEASTERN AVERAGE TODAY, BUT AS A PERCENTAGE  
3 OF THE NATIONAL AVERAGE, WE, THE LAST COUPLE OF YEARS I  
4 BELIEVE WE HAVE FALLEN BACK A BIT WE ARE STILL ABOVE THE  
5 SOUTHEASTERN AVERAGE BY, I THINK, LESS THAN \$100  
6 Q ALL RIGHT NOW, AND I WANT TO CALL YOUR ATTENTION TO  
7 PAGE BATES NUMBERED 518 I THINK IT MIGHT BE NUMBERED  
8 PAGE FIVE OF THE DOCUMENT AND IT SAYS AT THE TOP, HAVING  
9 ADEQUATE RESOURCES TO ALLOW EVERY STUDENT TO ACHIEVE AT  
10 HIGH ACADEMIC LEVELS

11 AND THIS IS A DISCUSSION ABOUT THE SUFFICIENCY OF  
12 FUNDING FOR EDUCATION IN SOUTH CAROLINA CORRECT?

13 A YES -- WELL, YES ADEQUACY AND EQUITY

14 Q ADEQUACY AND EQUITY AND THEN THE FIRST SENTENCE  
15 HERE SAYS, SUFFICIENCY IMPLIES ADEQUACY TO PRODUCE HIGH  
16 ACADEMIC ACHIEVEMENT FOR LOW WEALTH DISTRICTS, CLEARLY  
17 THE ISSUE OF SUFFICIENCY OR ADEQUACY MUST INCLUDE EQUITY  
18 DID I READ THAT RIGHT?

19 A THAT'S CORRECT

20 Q SO IF I'M LOOKING AT THIS DOCUMENT OR OTHER E O C  
21 DOCUMENTS THAT TALK ABOUT SUFFICIENCY OF FUNDING, THIS IS  
22 THE DEFINITION OF SUFFICIENCY THAT E O C HAS EMPLOYED  
23 AM I RIGHT ABOUT THAT?

24 A YES

25 Q OKAY NOW, ON THE NEXT PARAGRAPH ON THAT SAME PAGE

1 THERE IS REFERENCE TO THE PUBLICATION BY EDUCATION WEEK  
2 KNOWN AS QUALITY COUNTS AND WE HAVE HAD SOME CONVERSATION  
3 ABOUT THAT AND THE MOST RECENT RESULTS OF THAT, I THINK,  
4 HAVE JUST BEEN PUBLISHED AND YOU MENTIONED SOMETHING  
5 ABOUT IT TO MR MORRISON YESTERDAY, IS THAT RIGHT?

6 A THAT S CORRECT

7 Q ALL RIGHT I JUST KIND OF WANT TO GET A CLEAR,  
8 SOMETHING CLEARLY IN THE RECORD THAT SAYS WHAT ALL THIS  
9 IS AND THAT IS EXHIBIT, DEFENDANTS' EXHIBIT 3052 AND  
10 HERE THE -- I'M SORRY I HAVE RUN OUT OF COPIES I WILL  
11 LET YOU LOOK WITH ME IF YOU DON'T MIND

12 MAY I APPROACH THE WITNESS, YOUR HONOR? BECAUSE I  
13 WANT TO GET THIS IN THE RECORD SOUTH CAROLINA'S GRADES  
14 -- YOU MENTIONED SOUTH CAROLINA'S GRADES, THE CURRENT  
15 GRADE SOUTH CAROLINA FOR STANDARDS AND ACCOUNTABILITY IS  
16 A , FOR EFFORTS TO IMPROVE TEACHER QUALITY IS A MINUS,  
17 FOR SCHOOL CLIMATE IT'S C PLUS AND I HAVE GOT ANOTHER  
18 ONE THANK YOU SCHOOL CLIMATE IS C PLUS?

19 A THAT'S RIGHT

20 Q RESOURCES ADEQUACY IS B MINUS AND RESOURCES EQUITY  
21 THE GRADE IS C IS THAT RIGHT?

22 A THAT'S CORRECT

23 Q AND THERE IS A RANKING THAT THOSE GRADES BY  
24 THEMSELVES GIVE YOU SORT OF THE ABSOLUTE PERFORMANCE BUT  
25 THEN THERE IS ALSO, ED WEEK RANKS THE STATES IN EACH ONE

1 OF THOSE CATEGORIES IS THAT RIGHT?

2 A YES

3 Q AND AM I CORRECT TO YOUR UNDERSTANDING THAT OUR GRADE  
4 OF A AND STANDARDS AND ACCOUNTABILITY RANKED US EIGHTH IN  
5 THE COUNTRY?

6 A RANKED US IN THE TOP EIGHT

7 Q IN THE TOP EIGHT

8 A I HAVEN'T SEEN A RANKING ONE THROUGH EIGHT BUT I  
9 UNDERSTAND WE ARE IN THE TOP EIGHT I DON'T KNOW IF WE  
10 ARE EIGHTH OR SOME OTHER NUMBER

11 Q OKAY IN THE TOP EIGHT AT LEAST?

12 A RIGHT

13 Q AND THEN IN EFFORTS TO IMPROVE TEACHER QUALITY THE A  
14 MINUS PUT US FIRST IN THE COUNTRY FOR THE SECOND YEAR IN A  
15 ROW, CORRECT?

16 A YES, THE LAST YEAR I BELIEVE WE GOT A B-PLUS OR --

17 Q YEAH, I THINK THAT'S RIGHT

18 A BUT IMPROVED TO AN A MINUS AND WE OBVIOUSLY HAVE  
19 DONE VERY WELL IN THAT AREA

20 Q AND SCHOOL CLIMATE OUR C PLUS RANKS US 18TH OR IN  
21 THE TOP 18 IS THAT YOUR UNDERSTANDING?

22 A I HAVE NOT SEEN THAT RANKING, SO

23 Q ALL RIGHT YOU DON'T KNOW THAT?

24 A I DON'T KNOW THAT

25 Q AND WHAT ABOUT THE ADEQUACY B MINUS RANKING US 21ST,

1 Q LET ME JUST COVER THREE THINGS IF I COULD, UNLESS WE  
2 THINK OF SOME MORE THE -- THESE THREE ITEMS THAT I WOULD  
3 ASK YOU ABOUT IS, YOU MENTIONED THE ADDITIONAL TIME  
4 NECESSARY FOR PROFESSIONAL DEVELOPMENT AND THAT WE TRIED  
5 TO PUT TOGETHER FIVE ADDITIONAL DAYS

6 AND I'M NOT SURE I UNDERSTOOD I THINK MR EPPS DID,  
7 BUT YOU SAID THE LEGISLATURE NEVER FUNDED THE FIVE  
8 ADDITIONAL DAYS SO FAR?

9 A YES

10 Q WHAT DID YOU MEAN BY THAT?

11 A I BELIEVE -- ONE OF THE RECOMMENDATIONS OF THE  
12 TEACHER QUALITY COMMISSION WAS TO ADD FIVE DAYS TO THE  
13 TEACHER CONTRACT AND TO HAVE FIVE ADDITIONAL DAYS FOR  
14 PROFESSIONAL DEVELOPMENT

15 THE LEGISLATURE DID ENACT ADDING FIVE DAYS BUT IT'S  
16 MY UNDERSTANDING THAT HAS NEVER BEEN FUNDED AND IT IS NOT  
17 LIKELY TO BE FUNDED THIS YEAR

18 Q OKAY THE -- I WANTED TO JUST GO OVER HERE WE HAVE  
19 BEEN BUILDING CHARTS FOR EACH OF OUR DISTRICTS JUDGE, I  
20 ASKED THEM TO MOVE THIS OVER HERE SO I COULD SEE WHAT YOU  
21 ALL WERE SEEING, MAYBE POINT TO IT BECAUSE I GOT SO  
22 CONFUSED THE OTHER DAY

23 NOW THAT IT'S OVER THERE I, NATURALLY I TRIPPED ON  
24 IT SO -- BUT IN ORANGEBURG THREE WE THE A P , WE  
25 ADMINISTERED 31 A P TESTS IN ORANGEBURG AND ZERO KIDS



1 GRANT BASICALLY FOR THE BOOKS ON TAPE

2 I TESTED THE STUDENTS AT THE END OF THE YEAR AND  
3 SEVERAL OF THEM CAME UP TWO AND THREE READING LEVELS

4 Q WELL, I'D LIKE TO, YOU KNOW, TALK TO YOU MORE ABOUT  
5 THE NOVELS OR THE BOOKS ON TAPE BEFORE I DO THAT,  
6 THOUGH, WHEN YOU -- WHEN YOU GOT TO HOLLY HILL AND YOU  
7 WERE COMING INTO THE SITUATION, WHAT OBSERVATIONS DID YOU  
8 HAVE ABOUT WHAT WE HAVE BEEN, SOME WITNESSES HAVE CALLED  
9 DRILL AND KILL TYPE APPROACHES TO ENGLISH GRAMMAR AND  
10 READING AND ENGLISH?

11 A IT TOOK ME A FEW MONTHS ESPECIALLY THE FIRST SIX  
12 WEEKS TO REALLY, TO GET USED TO THE SHOCK OF THE DIFFERENT  
13 ENVIRONMENT AT THAT SCHOOL IT WAS SO DIFFERENT FROM  
14 WHERE I CAME FROM BECAUSE THE LACK OF RESOURCES AND THE  
15 METHODS, THE LACK OF RESOURCES AND THE METHODS OF  
16 INSTRUCTION THE TEACHERS USED WERE SO ANTIQUATED IN THAT  
17 THEY DID NOT MEET THE NEEDS OF THOSE INDIVIDUAL STUDENTS

18 Q OKAY AS YOU GOT FOCUSED ON THE BOOKS ON TAPE,  
19 APPROACH, COULD YOU DESCRIBE FOR US HOW BOOKS ON TAPE  
20 WORKS TO TEACH SOMEBODY TO READ?

21 A ESSENTIALLY, QUITE SIMPLY, WHEN A CHILD LISTENS TO A  
22 BOOK, HE ALSO IS SUPPOSED TO FOLLOW ALONG -- ACTUALLY  
23 MARIE CARVOE THE INNOVATOR OF THIS PROGRAM SAYS THE  
24 STUDENTS HAVE TO FOLLOW ALONG WITH THEIR FINGER IN THE  
25 BOOKS

1           AND THE MAGIC OF THE BOOK ON TAPE PROGRAM IS THE  
2 STUDENTS HEAR THE WORDS PRONOUNCED AS THEY ARE READING  
3 AND LET'S SAY A STUDENT HAS BEEN TESTED AND READS  
4 INDEPENDENTLY AT A FOURTH GRADE LEVEL

5           WE ARE SUPPOSED TO TALK TO THAT STUDENT SO HE  
6 UNDERSTANDS WHAT WE ARE DOING SO THAT HE UNDERSTANDS THAT  
7 HE'S GOING TO BE ACTUALLY LISTENING TO A BOOK ON TAPE THAT  
8 IS ON THE SIXTH OR SEVENTH GRADE READING LEVEL AND WHEN  
9 HE HEARS THE WORDS PRONOUNCED AND THE SENTENCE STRUCTURE  
10 AND THE VOICE INFLECTION, IT RAPIDLY IMPROVES THEIR  
11 READING LEVEL FOR EXAMPLE -- YOU WANT AN EXAMPLE?

12 LIKE --

13 Q       YOU CAN PUT AN EXAMPLE I WAS JUST GOING TO ASK YOU  
14 FOR ONE IF YOU HAD, REGARDING ANY INDIVIDUAL STUDENT  
15 THAT YOU MIGHT BRING THIS DOWN TO THE STUDENT LEVEL

16 A       OKAY THIS -- THIS ALWAYS HELPS WHENEVER I M TRYING  
17 TO EXPLAIN THE BOOKS ON TAPE A STUDENT J J , HE WAS  
18 READING SOMETHING AT HIS DESK AND HE KIND OF EMBARRASSED  
19 HIMSELF BECAUSE HE SAID, WHAT IS BOMB? AND I WENT AROUND  
20 AND I LOOKED AT WHAT HE WAS READING IT WAS T O M B , TOMB,  
21 AND SOON AS I SAID IT HE KNEW EXACTLY WHAT IT WAS, BUT THE  
22 FACT THAT HE HAD NOT BEEN EXPOSED TO THAT AND IF HE HAD  
23 BEEN LISTENING TO THAT ON TAPE HE WOULD HAVE KNOWN THAT  
24 AND JUST KEPT ON READING

25 Q       TO HIM IT LOOKED LIKE B O M B , BOMB?

1 A RIGHT

2 Q SO IT WAS TOMB OKAY BUT THE BOOK ON TAPE WOULD?  
3 HAVE GIVEN HIM THE CONTEXT FOR THAT WORD

4 A UH-HUH

5 Q OKAY NOW YOU USED THIS METHOD AT HOLLY HILL DURING  
6 THE PAST YEAR WAS IT EFFECTIVE? DID IT HELP STUDENTS?

7 A IT WAS EFFECTIVE TO THE EXTENT THAT I HAD MATERIALS  
8 I TRIED TO GET BOOKS ON TAPE OUT OF -- WELL FIRST OF ALL  
9 THERE WERE NO BOOKS ON TAPE IN THE DISTRICT AT ALL I HAD  
10 TO TRY TO GET THEM FROM THE ORANGEBURG PUBLIC LIBRARY OR  
11 RICHLAND COUNTY LIBRARY IN COLUMBIA

12 THAT'S PUTTING MYSELF AT STAKE BECAUSE SOME STUDENTS  
13 LOST SOME OF THE BOOKS ON TAPE BUT WHEN YOU ARE A  
14 TEACHER YOU TRY TO -- I MEAN, I DIDN'T WANT TO NOT PUT A  
15 BOOK IN A CHILD'S HAND

16 SO THE PROGRAM -- I HAD TO MOVE ON TO OTHER THINGS  
17 AND BECAUSE WE DID NOT HAVE THE RESOURCES FOR THAT, WE HAD  
18 TO WAIT FOR THE E I A GRANT TO COME IN FOR THAT TEACHER

19 Q OTHER THAN NOT HAVING THE BOOKS ON TAPE AND MATERIALS  
20 TO IMPLEMENT THIS PROGRAM AND YOU HAD TO GET THOSE FROM  
21 LIBRARIES OVER IN COLUMBIA OR IN ORANGEBURG, DID YOU FIND  
22 THE, THAT THE TEACHERS HAD COMPUTER ACCESS, E-MAIL ACCESS,  
23 POWERPOINT, THE KINDS OF THINGS WE USE TO COMMUNICATE IN  
24 THE BUSINESS WORLD ON A REGULAR BASIS?

25 A I THINK, I THINK YOU MAY BE REFERRING TO -- THE

1 WASTE OF THEIR TIME

2 Q OKAY DO THE TEACHERS AT HOLLY HILL HAVE DUTIES  
3 OUTSIDE THE CLASSROOM LIKE BUS DUTY, AFTERNOON DUTY,  
4 PARKING LOT DUTY, THAT KIND OF THING?

5 A THEY DO THEY DO A LOT OF DUTY IT'S BECAUSE IT'S  
6 SUCH A SMALL SCHOOL AND SO MORE TEACHERS ARE REQUIRED TO  
7 WEAR MORE HATS BUT TEACHERS ALL OVER THE STATE DO HAVE  
8 THOSE EXTRA DUTIES HOWEVER, A LOT OF TIMES IN OTHER  
9 SCHOOLS IN MY EXPERIENCE --

10 MS GRAY OBJECT, YOUR HONOR

11 THE COURT AS TO THE COMPARATIVE ANALYSIS I WILL  
12 SUSTAIN THE OBJECTION AS TO THAT  
13 BY MR MORRISON

14 Q JUST IF WE JUST STAY FOCUSED INSTEAD OF SAYING WHAT  
15 OTHER SCHOOLS HAVE, WHAT DOES HOLLY -- WHAT DOES HOLLY  
16 HILL NOT HAVE IS WHERE WE NEED TO STAY FOCUSED, MS  
17 TIEDEMANN?

18 A WHAT I HAVE WITNESSED IS THE TEACHERS HAVE A LOT OF  
19 DUTY BEFORE SCHOOL, DURING LUNCH, AFTER LUNCH, AFTER  
20 SCHOOL, AND THAT FRUSTRATES THEM MORE BECAUSE THEY DO NOT  
21 HAVE TIME TO DO THE THINGS THEY NEED TO BE DOING,  
22 PLANNING PREPARING LESSONS, GATHERING MATERIALS TO BE AN  
23 EFFECTIVE TEACHER

24 Q AND DO YOUR TEACHERS IN ADDITION TO THOSE, YOU KNOW,  
25 SOME SMALL THINGS, HAVE-TO-DO THINGS LIKE CLEAN THEIR OWN

1 ROOMS, FINDS TOILET PAPER FOR THE LADIES ROOM FOR THE  
2 FACULTY, THAT SORT OF THING?

3 A I WAS KIND OF SHOCKED WHEN EACH TEACHER HAD THEIR OWN  
4 BUCKETS AND RAG IN THE CLASSROOM THE TEACHERS HAVE TO  
5 CLEAN THEIR OWN BLACKBOARD WHICH IS KIND OF DISGUSTING  
6 ACTUALLY BLACKBOARDS ARE KIND OF DIFFICULT FOR STUDENTS TO  
7 READ

8 BUT YES, WE DO HAVE -- I HAVE MY OWN STASH OF HAND  
9 SOAP AND PAPER TOWELS BECAUSE THE BATHROOMS ARE NOT  
10 STOCKED AND THE TEACHERS, THEY KNOW THEY CAN COME TO ME  
11 FOR SOAP AND PAPER TOWELS

12 Q DOES ORANGEBURG THREE -- NOW YOU BECAME A TEACHER  
13 SPECIALIST IN A DIFFERENT DISTRICT AND YOU HAD, IT SOUNDS  
14 LIKE YOU HAD SUPPORT AND I WILL ASK YOU DID YOU HAVE  
15 SUPPORT TO BUILD YOUR PORTFOLIO AND TO HAVE THE TIME OFF  
16 NECESSARY TO --

17 MS GRAY YOUR HONOR, I OBJECT AS TO COMPARATIVE  
18 DESCRIPTION

19 THE COURT WHAT, IT -- IT DOES, BUT IT'S  
20 SPECIFICALLY AS TO THIS WITNESS AND HER BACKGROUND AND HOW  
21 SHE DEVELOPED WHAT SHE HAS DONE I WILL ALLOW THAT AS TO  
22 WHAT IT TAKES FOR DEVELOPMENT AT LEAST IN HER OWN  
23 OBSERVATION, HER OWN PERSONAL EXPERIENCE I WILL ALLOW  
24 THAT ANSWER THE QUESTION

25 THE WITNESS ARE YOU REFERRING TO --

1 A I AM AWARE THAT THEY DO NOT

2 Q CAN -- DO YOU KNOW FROM YOUR UNDERSTANDING AND  
3 KNOWLEDGE BASE ON THE TEACHING OF READING WHETHER SPECIAL  
4 EDUCATION STUDENTS ARE ALL UNABLE TO ACQUIRE THE ABILITY  
5 TO READ?

6 MR BARNES I OBJECT, YOUR HONOR

7 MRS HART WE'RE TALKING ABOUT READING NOW, YOUR  
8 HONOR

9 MR BARNES FIRST OF ALL, I THINK IT CALLS FOR AN  
10 EXPERT OPINION AND SECOND OF ALL, I MEAN, I THINK YOUR  
11 HONOR HAS JUST MADE IT FAIRLY CLEAR THAT SHE DOESN'T KNOW  
12 WHAT GOES ON IN THOSE CLASSROOMS

13 THE COURT THE LINE OF QUESTIONING EARLIER WAS  
14 WHETHER OR NOT THERE WAS, WHETHER THERE WERE PEOPLE IN  
15 SPECIAL ED THAT WERE NOT SUPPOSED TO BE THERE MAINLY AND  
16 MS LEE'S CONCERN WAS THAT THERE WERE PEOPLE WHO WERE  
17 PLACED THERE MAINLY BECAUSE THEY HAD READING DEFICIENCIES  
18 THAT SHOULD NOT HAVE PLACED THEM IN A SPECIAL EDUCATION  
19 CLASS

20 THE QUESTION THAT MS HART APPARENTLY JUST POSED WAS  
21 THAT OF SPECIAL EDUCATION STUDENTS I TAKE IT BY  
22 DEFINITION THEN THAT IS SPECIAL EDUCATION STUDENTS ARE  
23 YOU TALKING ABOUT THOSE THAT ARE IMPROPERLY PLACED IN  
24 THERE OR ARE YOU TALKING ABOUT ALL SPECIAL EDUCATION  
25 STUDENTS?

1 MRS. HART WHATEVER STUDENTS ARE IN THE SPECIAL  
2 EDUCATION CLASSES WHETHER THEY ARE, SHOULD BE THERE OR  
3 SHOULD NOT BE THERE

4 THE COURT I WILL ALLOW HER TO ANSWER THAT QUESTION  
5 BECAUSE BY DEFINITION IF THERE ARE PEOPLE IN THERE WHO ARE  
6 THERE ONLY BECAUSE OF READING DISABILITIES, THEN I THINK  
7 MS LEE IS EQUIPPED TO TALK ABOUT WHAT CAN BE DONE WITH  
8 THOSE FOLKS WITH READING DISABILITIES OR READING  
9 DEFICIENCIES, HOWEVER YOU WANT TO DEFINE IT

10 NOW IF SHE'S GOING TO BE TALKING ABOUT TRUE SPECIAL  
11 EDUCATION STUDENTS, PEOPLE WHO HAVE BEEN SCREENED WHO  
12 SHOULD BE THERE BECAUSE THEY HAVE SOMETHING OTHER THAN  
13 READING PROBLEMS, THEN SHE CAN T TALK ABOUT THAT BUT IF  
14 SHE'S TALKING ABOUT PEOPLE WITH READING DEFICIENCIES,  
15 THAT'S HER FIELD, I WILL LET HER DO THAT

16 MRS HART THANK YOU, YOUR HONOR

17 THE WITNESS MS HART, IF I MAY ANSWER THIS WAY  
18 I -- AND CERTAINLY THE ENGLISH, LANGUAGE ARTS TEAM AT THE  
19 STATE DEPARTMENT OF EDUCATION BELIEVE THAT ALL CHILDREN  
20 CAN LEARN TO READ WITH THE EXCEPTION OF A VERY SMALL  
21 PERCENTAGE OF STUDENTS THAT HAVE LEARNING DISABILITIES  
22 SUCH THAT THEY WILL NEVER BE ABLE TO LEARN TO READ OR THEY  
23 WILL ONLY BE ABLE TO LEARN TO READ WITH LIMITED  
24 PROFICIENCY

25 AND AS I STATED EARLIER, MANY OF OUR EFFORTS IN,

1 CAN IN THE POSITION THAT I OCCUPY TO HELP ALL TEACHERS  
2 LEARN TO EFFECTIVELY TEACH READING SO THAT ALL CHILDREN  
3 CAN LEARN TO READ, YOU KNOW, WELL

4 AND QUITE FRANKLY, IN THIS POSITION WHAT I FIND MOST  
5 FRUSTRATING IS THAT WE DO NOT HAVE THE RESOURCES WITH  
6 WHICH TO DO THIS JOB I MEAN, I AM, I HAVE BEEN -- I  
7 GUESS THE EXPECTATIONS HAVE FAR BEEN EXCEEDED YOU KNOW,  
8 WHEN YOU BEGIN A JOURNEY LIKE THIS, YOU THINK YOU KNOW  
9 WHERE YOU ARE GOING, BUT THERE REALLY NO GUARANTEES

10 AND THE INITIATIVE HAS BEEN FAR MORE SUCCESSFUL THAN  
11 I THINK I EVFR IMAGINED, BUT AGAIN WHAT IS FRUSTRATING IS  
12 THAT WE, THE STATE DEPARTMENT OF EDUCATION, HAVE NOT BEEN  
13 GIVEN THE RESOURCES WITH WHICH TO DO THIS SO THAT EVERY  
14 CHILD CAN ACHIEVE TO THE LEVEL THAT HAS BEEN GUARANTEED

15 Q OKAY HAS THE GENERAL ASSEMBLY LEGISLATURE OF THIS  
16 STATE PROVIDED SUFFICIENT FUNDING FOR PROFESSIONAL  
17 DEVELOPMENT TO TO -- PROFESSIONAL DEVELOPMENT TO PREPARE  
18 SOUTH CAROLINA TEACHERS TO TEACH ALL SOUTH CAROLINA  
19 STUDENTS HOW TO READ?

20 A NO

21 Q WILL THE FEDERAL MONEY THAT IS COMING TO THE STATE  
22 THROUGH TITLE ONE DO THAT?

23 A NO

24 Q DO THE LIMITATIONS THAT YOU ARE AWARE OF ON THE USE  
25 OF THAT FEDERAL MONEY IMPACT THAT EFFORT?



1 A YES

2 Q IN WHAT WAY?

3 A WELL, YOU KNOW, THE PROGRAM IS VERY SPECIFIC ABOUT,  
4 FIRST OF ALL, WHO CAN RECEIVE THE MONEY AND THEN SECONDLY  
5 WHAT THE MONEY CAN BE SPENT FOR

6 Q OKAY DO THE DISTRICTS THAT ARE IN THIS LAWSUIT, THE  
7 EIGHT DISTRICTS THAT ARE BEING, PARTICIPATING IN THIS  
8 TRIAL, DO THEY HAVE SUFFICIENT FUNDING TO PROVIDE  
9 PROFESSIONAL DEVELOPMENT TO PREPARE THEIR TEACHERS TO  
10 TEACH ALL OF THEIR STUDENTS HOW TO READ?

11 MR BARNES AND, YOUR HONOR, I OBJECT I'M JUST NOT  
12 SURE SHE HAS ANY KIND OF INTIMATE KNOWLEDGE ABOUT WHAT THE  
13 PROFESSIONAL DEVELOPMENT BUDGETS ARE

14 THE COURT EXPLORE THAT IF YOU WOULD, PLEASE, MA'AM  
15 GENERICALLY SHE SAID ACROSS THE BOARD, SO I THINK BY  
16 IMPLICATION IT WOULD APPLY TO THESE TOO UNLESS SHE'S  
17 SPEAKING OF SPECIFIC KNOWLEDGE ABOUT THESE, THAT WOULD GO  
18 TO THE WEIGHT THAT I WOULD GIVE HER ANSWER SO IF YOU  
19 WOULD, I WILL ALLOW THE QUESTION BUT I'D LIKE HER TO  
20 SPECIFY AS TO THE BASIS OF HER ANSWER

21 BY MRS HART

22 Q THESE EIGHT DISTRICTS ARE ALLENDALE AND DILLON TWO, I  
23 USED TO BE ABLE TO RATTLE THEM OFF -- ALLENDALE, DILLON  
24 TWO, FLORENCE FOUR -- THANK YOU -- HAMPTON TWO, LEE,  
25 JASPER, MARION SEVEN AND ORANGEBURG THREE BASED ON YOUR

1 OTHER, ENDED UP WITH A, CERTIFIED TEACHERS BUT AS A RESULT  
2 I HAVE A VERY YOUNG TEACHING POPULATION

3 WE LACK IN A LOT OF RESOURCES WE LACK, I THINK IT  
4 WAS THE 2000, LAST YEAR WAS THE 2002, 2003 SCHOOL YEAR, MY  
5 FIRST YEAR AS PRINCIPAL WAS THE FIRST YEAR WHEREAS  
6 TEACHERS HAD COMPUTERS IN THE CLASSROOMS WE WERE ABLE TO  
7 GET SOFTWARE AND SOME OTHER PERIPHERAL STUFF WITH THE  
8 COMPUTERS DURING THAT TIME

9 WE WERE ABLE IN THE 2002, 2003 SCHOOL YEAR TO GET  
10 SOME OF THE MANIPULATIVES AND THINGS THAT ARE NEEDED IN  
11 THE MATH CLASSES, IN THE APPLIED MATH CLASSES THAT  
12 TEACHERS DIDN'T HAVE BUT WE STILL STRUGGLE WITH GETTING  
13 TEACHERS TRAINED TO USE THEM, THE MANIPULATIVES, BECAUSE  
14 WE HAVE HAD SUCH A TURNOVER IN THE TEACHING POPULATION

15 SO THIS ONE MIGHT HAVE KNOWN HOW TO USE THE  
16 MANIPULATIVES BUT THEY HAVE MOVED ON SO NOW I HAVE A NEW  
17 TEACHER AND THAT'S FOR TRAINING BOTH OF OUR SCIENCE LABS  
18 ARE UTILIZED AS CLASSROOMS AS WELL AS BOTH OF OUR COMPUTER  
19 LABS ARE UTILIZED AS CLASSROOMS AS WELL

20 SO WE DON'T NECESSARILY HAVE A LAB WHERE CHILDREN IN  
21 NON, NON-COMPUTER CLASSES ARE WHERE THE FOCUS IS  
22 TECHNOLOGY LIKE IN CORE ACADEMIC CLASSES CAN UTILIZE THE  
23 LAB AS THE TEACHERS DEEM NECESSARY AND WITH THE DEFICIENCY  
24 IN THE SCIENCE, HAVING THE SCIENCE LABS AS CLASSROOMS

25 OUR MIDDLE SCHOOL SCIENCE CLASS DOES NOT, IS NOT A

1 LAB, IT'S JUST A TRADITIONAL CLASSROOM THAT PRESENTS  
2 SORT OF A STRUGGLE WITH THE MIDDLE SCHOOL SCIENCE TEACHERS  
3 BEING ABLE TO SATISFY SOME OF THE REQUIREMENTS OF THE  
4 SCIENCE STANDARDS BY NOT HAVING THE LAB

5 CURRENTLY WHAT WE DO IS WE KIND OF DO A MAKESHIFT  
6 MOCK KIND OF LAB DEAL AND WE ARE NOT ABLE TO HAVE THE FULL  
7 BENEFIT OF THE CLASS DOING THE LAB TOGETHER SOME  
8 CHILDREN GO AND SOME MORE CHILDREN GO AND KIND OF MAKE IT  
9 WORK

10 WE -- OUR VOCATIONAL PROGRAM WITH THE CULINARY ARTS  
11 BECAUSE WE LOST OUR CAFETERIA WE HAD TO LOSE OUR TEACHING  
12 KITCHEN SO THAT THE CAFETERIA COULD KIND OF SET UP IN THE  
13 TEACHING KITCHEN SO THAT PROGRAM IS FUNCTIONING BECAUSE  
14 WE DID HAVE ACCESS TO ANOTHER KITCHEN AREA IN ANOTHER  
15 HOME-EC CLASS

16 SO WE -- ACTUALLY OUR INSTRUCTIONAL TEACHING KITCHEN  
17 WE LOST SO WE KIND OF CHANGED THINGS SO WE CAN MOVE THAT  
18 GROUP TO THE OTHER KITCHEN WHICH IS NOT A TEACHING KITCHEN  
19 PER SE BUT LIKE I SAID, WE ARE MAKING DO WITH WHAT WE  
20 HAVE

21 THERE IS A LOT OF THINGS THAT HAVE CHANGED BECAUSE OF  
22 CONSTRUCTION BUT THERE ARE A LOT OF THINGS, THE THINGS  
23 THAT I LISTED ARE THINGS THAT ARE IN ADDITION TO WHAT WE  
24 REALIZE BECAUSE OF CONSTRUCTION, CONSTRUCTION JUST  
25 PRESENTS ANOTHER BARRIER

1 NEW, NEW ONE IS A FIRST-YEAR TEACHER, THE OTHER IS A  
2 SECOND-YEAR TEACHER BOTH ARE NEW TO ELLOREE HIGH SCHOOL  
3 SO TO ANSWER YOUR QUESTION, YES, SIR

4 Q ALL RIGHT LET'S SEE IF WE CAN KIND OF SUMMARIZE  
5 WHERE WE ARE TO THIS POINT. YOU'VE GOTTEN SOME NEW  
6 COMPUTERS AND YOU ARE GETTING SOME TRAINING ON THE  
7 COMPUTERS AS WE SPEAK?

8 A YES, SIR

9 Q THE TEACHING STAFF?

10 A UH-HUH

11 Q AND PRIOR TO THIS YEAR AND PRIOR TO GETTING THE NEW  
12 COMPUTERS AND GIVING THE TRAINING WERE YOU ABLE TO  
13 EFFECTIVELY UTILIZE THE COMPUTERS THAT YOU HAD IN THE  
14 SCHOOL?

15 A AS I STATED EARLIER, EFFECTIVELY UTILIZE, NO IN  
16 SOME INSTANCES I CAN SAY THERE WAS AN EFFECTIVE  
17 UTILIZATION OF THE TECHNOLOGY THAT WE HAD IN THE BUILDING  
18 THAT WAS FROM THE MORE AGGRESSIVE AND THE TEACHERS WHO  
19 WERE ALREADY ACCLIMATED TO HOW TO USE THE COMPUTERS

20 GENERALLY THE TEACHING STAFF DID NOT HAVE AN  
21 UNDERSTANDING OF HOW TO UTILIZE THE COMPUTERS AND THE  
22 2002, 2003 SCHOOL YEAR WE ALSO CONVERTED TO THE MANDATED  
23 SASI, WHICH IS AN OPERATING SYSTEM TO ENTER YOUR GRADES,  
24 MAINTAIN GRADES AND WHATNOT AND JUST THE OPERATING SYSTEM  
25 WHERE YOUR WHOLE DATABASE AND EVERYTHING IS IN

1 ALL RIGHT DR SUBER, IF YOU WILL RESUME THE STAND,  
2 PLEASE, SIR, WE FINALLY DETERMINED WHAT YOU CAN TELL US  
3 (WITNESS BACK ON STAND )  
4 THE COURT ALL RIGHT MRS HART, YOU CAN EXAMINE  
5 THE WITNESS  
6 MRS HART THANK YOU, YOUR HONOR  
7 THE COURT YES, MA'AM  
8 BY MRS HART  
9 Q ALL RIGHT DR SUBER, LET'S TALK FIRST ABOUT  
10 ACCREDITATION OF SCHOOLS AND SCHOOL DISTRICTS IN SOUTH  
11 CAROLINA WHAT IS THE BROAD DEFINITION OF ACCREDITATION?  
12 WHAT IS IT DESIGNED TO GO, WHAT DOES IT DO?  
13 A THE ACCREDITATION OF SCHOOLS IN SOUTH CAROLINA AS  
14 IT'S CURRENTLY SET UP IS A MATTER OF VERIFYING THAT  
15 SCHOOLS ARE IN COMPLIANCE WITH STATE LEGISLATION AND STATE  
16 BOARD OF EDUCATION REGULATIONS  
17 Q CAN YOU TALK MORE DIRECTLY INTO THE MICROPHONE,  
18 PLEASE? THANKS  
19 THE COURT IN THE BEST MICK JAGGER TRADITION  
20 THE WITNESS I DON'T THINK MY MOUTH CAN GET THAT  
21 WIDE  
22 BY MRS HART  
23 Q OKAY ACCREDITATION AND COMPLIANCE  
24 A RIGHT THE CURRENT SYSTEM THAT WE HAVE IN PLACE FOR  
25 EACH DIFFERENT STANDARD THAT WE HAVE IN PLACE CALLED THE

1 ACCREDITATION SYSTEM OF SOUTH CAROLINA, THERE IS AN  
2 APPROVED PIECE OF LEGISLATION THAT SUPPORTS IT OR REQUIRES  
3 IT OR THE STATE BOARD REGULATION THAT REQUIRES IT

4 SO THE COMPILATION OF ALL OF THOSE STANDARDS IS PART  
5 OF THE ACCREDITATION SYSTEM THERE BASED ON EITHER ONE OF  
6 THOSE TWO OR IN SOME CASES BOTH OF THOSE THERE HAS NOT  
7 BEEN A SYSTEMATIC REVIEW OF LET S ADD THIS STANDARD  
8 BECAUSE WE THINK WE NEED TO IN A FASHION THAT YOU MIGHT  
9 EXPECT IT WOULD BE A COMPREHENSIVE SYSTEM

10 IT'S SIMPLY BEEN A RESPONSE TO THOSE REQUIREMENTS  
11 THAT HAVE BEEN PLACED EITHER THROUGH LEGISLATION OR  
12 REGULATION

13 Q ALL RIGHT WHAT DOES RECEIVING ACCREDITATION  
14 INDICATE?

15 A IT INDICATES THAT A SCHOOL IS IN COMPLIANCE WITH  
16 THOSE STANDARDS AS THEY ARE SET FORTH

17 Q OKAY DOES IT DO THE SAME THING FOR SCHOOL  
18 DISTRICTS?

19 A YES, THERE IS A -- AND THE DISTRICT ACCREDITATION IS  
20 BASED ON THE INDIVIDUAL SCHOOLS WITHIN THE SYSTEM

21 Q ALL RIGHT DO YOU KNOW WHAT REGULATIONS ARE IN PLACE  
22 OR -- WELL, WHAT THE PRIMARY ACCREDITATION REGULATION IS?  
23 ARE YOU FAMILIAR WITH IT?

24 A YES, I AM

25 Q OKAY YOUR HONOR, I'D OFFER PLAINTIFFS' EXHIBIT

1 THAN FIVE YEARS?

2 A YES, THERE ARE SCHOOLS, A GOOD NUMBER OF SCHOOLS THAT  
3 HAVE NOT BEEN VISITED IN OVER FIVE YEARS

4 Q AND WHAT IS YOUR ACCREDITATION TEAM LOOKING FOR IN  
5 THESE VISITS?

6 A ON THE ONSITE VISITATION THEY ARE LOOKING TO VERIFY  
7 WRITTEN DOCK -- FOR EXAMPLE, ONE OF THE REQUIREMENTS IS  
8 THAT THERE BE A PERIODIC FIRE DRILL CONDUCTED AND IT  
9 SHOULD BE A LOG OF THAT HAPPENING, SOME DOCUMENTATION THAT  
10 THAT'S HAPPENING

11 WELL, ON THE ASSURANCE FORM IT'S SIMPLY SIGNED OFF  
12 THAT IN FACT THAT HAS BEEN HAPPENING BUT WHAT WE WOULD  
13 LOOK FOR IN ONSITE VISITATION WOULD BE, CAN YOU SHOW ME  
14 SOME DOCUMENTATION WHERE IN FACT THERE HAS BEEN A FIRE  
15 DRILL

16 SO IT'S -- IT'S KIND OF, USE THE WORDS TRIANGULATION  
17 IN THAT WE HAVE IT IN WRITING THAT IT'S HAPPENING OR HAD  
18 THE OPPORTUNITY TO REVIEW IT BUT THEN YOU WANT TO VERIFY  
19 THAT IN FACT IT IS HAPPENING BY BEING ONSITE

20 Q ALL RIGHT NOW, THE BOTTOM LINE, WHAT DOES  
21 ACCREDITATION MEASURE?

22 A ACCREDITATION AS IT'S CURRENTLY SET UP MEASURES  
23 COMPLIANCE WITH THOSE STANDARDS

24 Q AS SET OUT IN RULES AND REGULATIONS?

25 A AS SET OUT IN STATUTE OR IN STATE BOARD REGULATION

1 Q ARE THOSE STANDARDS MEASUREMENTS OF QUALITY IN THE  
2 SCHOOLS AND SCHOOL DISTRICTS?

3 A NO, THEY ARE -- THERE IS NOT AN ATTEMPT TO MEASURE  
4 QUALITY IT'S SIMPLY COMPLIANCE

5 Q OKAY

6 A SO FOR EXAMPLE, ONE OF THE STANDARDS MIGHT BE THAT  
7 THERE IS A -- A SECRETARY HIRED AT A SCHOOL WITH A GIVEN  
8 SIZE, NUMBER OF STUDENTS THERE IS NO -- AND IT'S SIMPLY  
9 A VERIFICATION THAT THERE IS A SECRETARY THERE

10 THERE IS NO AVENUE OR OPPORTUNITY FOR US TO VERIFY  
11 THE QUALITY OF THE WORK OR THE KIND OF WORK THAT IS DONE  
12 BY THAT SECRETARY WHICH WOULD DIRECTLY IMPACT ON THE  
13 QUALITY OF THAT SCHOOL, NOT HOW SMOOTHLY IT OPERATES

14 Q ALL RIGHT NOW, THE STANDARDS THAT WERE INTRODUCED  
15 INTO EVIDENCE NOW AS DEFENDANTS' 2833 AND PLAINTIFFS' 6312  
16 THROUGH 6315, WHAT ARE THESE STANDARDS MEASURING? IF THEY  
17 ARE NOT MEASURING QUALITY, WHAT ARE THEY MEASURING?

18 A THEY ARE MEASURING COMPLIANCE WITH THOSE REGULATIONS  
19 AND STANDARDS -- EXCUSE ME, LEGISLATIONS AND STATE BOARD  
20 REGULATIONS THAT ARE PUT INTO THE STANDARDS LIST TO SEE IF  
21 IN FACT SCHOOLS ARE MEETING THOSE

22 Q AND WHAT MEASUREMENTS, I GUESS I'M HAVING A LITTLE  
23 TROUBLE WITH THIS WHAT KINDS OF THINGS ARE MEASURED  
24 PRIMARILY IN THESE STANDARDS?

25 A ONLY THOSE ITEMS THAT ARE STIPULATED IN THE



1     LEGISLATION OR ARE STIPULATED BY STATE BOARD OF EDUCATION  
2     REGULATION

3     Q     ALL RIGHT

4     A     SO THESE ARE -- THESE ARE PROCESS THINGS OR  
5     COMPLIANCE THINGS     DO YOU HAVE A PERSON THAT DOES THIS  
6     THERE IS NO VERIFICATION THAT THAT PERSON IS, AND DOING A  
7     GOOD JOB, FOR EXAMPLE     SIMPLY THAT THERE IS A PERSON  
8     RESPONSIBLE FOR THOSE THINGS

9     Q     ALL RIGHT     THE STANDARDS AND THE ACCREDITATION, IS A  
10    LARGE PORTION OF THAT RELATED TO STAFFING REQUIREMENTS,  
11    SCHEDULING AND PERSONNEL?

12    A     YES

13    Q     OKAY

14    A     WHICH IS THE OPERATIONAL KINDS OF THINGS

15    Q     I AM SORRY?

16    A     THE OPERATIONAL KIND OF THINGS

17    Q     OPERATIONAL?

18    A     SO, FOR EXAMPLE, IT WOULD BE A REQUIREMENT THAT THERE  
19    BE A CERTAIN NUMBER OF MINUTES OF INSTRUCTION PER COURSE  
20    FOR A GIVEN YEAR     THE VERIFICATION OF THAT IS SIMPLY THAT  
21    THE CLASS SCHEDULE SAYS YOU ARE IN CLASS DURING THIS MANY  
22    MINUTES PER DAY AND THAT YOU MULTIPLY THAT OUT AND VERIFY  
23    THAT THAT NUMBER OF MINUTES ADDS UP TO THE NUMBERS AT THE  
24    END OF THE YEAR

25    Q     DOES ACCREDITATION AS IT IS CURRENTLY IN PLACE

1 INVOLVE, HAVE AS A CONSIDERATION STUDENT ACHIEVEMENT?

2 A IT DOES NOT AT ALL

3 Q IS THAT A PROPOSED ADDITION TO THE ACCREDITATION  
4 PROCESS?

5 A YES, IT IS THERE IS A REQUIREMENT IN THE E A A  
6 THAT STUDENT ACHIEVEMENT, STUDENT ACHIEVEMENT BE INCLUDED  
7 IN THE ACCREDITATION SYSTEM

8 Q OKAY SO CURRENTLY AND AT ALL TIMES IN THE PAST HAVE  
9 SCHOOLS RECEIVED ACCREDITATION FROM THE STATE EVEN THOUGH  
10 STUDENTS IN THOSE SCHOOLS HAVE NOT BEEN RECEIVING  
11 SATISFACTORY ACADEMIC RESULTS?

12 MRS. GRAY I OBJECT TO THAT, YOUR HONOR, PLEASE

13 THE COURT YES, MA'AM MRS. HART?

14 MRS. HART WELL, LET ME SEE IF I CAN RE-WORD IT

15 THE COURT OKAY

16 BY MRS. HART

17 Q IS THE FACT -- IS THE MEASUREMENT OF THE ACADEMIC  
18 RESULTS ACHIEVED BY THE STUDENTS, DOES THAT IMPACT IN ANY  
19 WAY AT ALL WHETHER OR NOT A STUDENT, A SCHOOL OR A SCHOOL  
20 DISTRICT IS ACCREDITED?

21 A THERE IS ABSOLUTELY NO CONSIDERATION GIVEN IN THE  
22 CURRENT STANDARDS FOR ACCREDITATION FOR STUDENT ACADEMIC  
23 ACHIEVEMENT SO IT'S COMPLETELY AT THIS POINT IN TIME  
24 INDEPENDENT, SEPARATE FROM STUDENT ACHIEVEMENT

25 Q DOES COMPLIANCE WITH ACCREDITATION STATUTES AND

1 REGULATIONS INDICATE OR IS THAT EQUIVALENT TO THE ADEQUACY  
2 OR QUALITY OF THE INSTRUCTION AND EDUCATION PROVIDED IN  
3 THOSE SCHOOLS AND DISTRICTS?

4 A NO

5 MRS GRAY YOUR HONOR, I OBJECT TO THE WORDS  
6 ADEQUATE ISSUE

7 THE COURT I --

8 MRS GRAY IT'S OUTSIDE THE SCOPE OF THIS WITNESS

9 THE COURT I TAKE IT IN THE LAY TERM I THINK IT'S  
10 A -- IT'S, PROBABLY PUTS A SLIGHTLY DIFFERENT SPIN ON THE  
11 PROCEEDING ANSWER I WILL ALLOW IT

12 BY MRS HART

13 Q DOES ACCREDITATION MEASURE THE QUALITY OF EDUCATION  
14 BEING PROVIDED BY A SCHOOL OR DISTRICT?

15 A IT DOES NOT MEASURE QUALITY

16 Q CAN A SCHOOL OR DISTRICT COMPLY WITH STATE  
17 REGULATIONS AND RECEIVE ACCREDITATION AND STILL NOT  
18 PROVIDE A MINIMAL QUALITY OF EDUCATION?

19 A YES

20 MRS GRAY I OBJECT TO THAT, YOUR HONOR

21 THE COURT IN --

22 MRS GRAY FOR A NUMBER OF REASONS

23 THE COURT INSOFAR AS THE ABBEVILLE DECISION IS  
24 CONCERNED, CERTAINLY I WOULD SUSTAIN THE OBJECTION BUT IF  
25 HE'S TALKING ABOUT THINGS, HE ALREADY SAID IT ANOTHER WAY

1 REALLY

2 MRS. HART: YEAH, HE HAS HE SAID IT SEVERAL  
3 DIFFERENT WAYS

4 MRS. GRAY: I OBJECT TO THE CONNECTION TO ABBEVILLE,  
5 YOUR HONOR

6 THE COURT: I UNDERSTAND AND I SUSTAIN THAT OBJECTION  
7 AS TO THE ARTFULLY WORDED ABBEVILLE DECISION  
8 NONETHELESS, INsofar AS WE ARE TALKING ABOUT QUALITY AND  
9 THINGS OF THAT NATURE, I WILL ALLOW HIM TO ANSWER THE  
10 QUESTION. I THINK HE'S DONE IT

11 MRS. HART: WELL, AND IF I MAY, YOUR HONOR, SINCE  
12 ABBEVILLE ELABORATED ON WHAT QUALITY IS REQUIRED, MY  
13 QUESTION REALLY IS WHETHER THAT IS A CONSIDERATION AT ALL  
14 IN THE ACCREDITATION PROCESS?

15 THE COURT: THE QUALITY

16 MRS. HART: THE QUALITY. WHATEVER QUALITY IT--

17 THE COURT: I UNDERSTAND AND I WILL ALLOW IT  
18 BY MRS. HART

19 Q: IS QUALITY AN ISSUE AT ALL IN ACCREDITATION?

20 A: IT IS NOT

21 MRS. HART: YOUR HONOR, I'M GOING TO HAND UP AND  
22 OFFER PLAINTIFFS' EXHIBIT 6321. IT'S A DOCUMENT ENTITLED  
23 ONSITE VISIT SUMMARY FOR 2001-'02, 2002-'03

24 THE COURT: ALL RIGHT

25 MRS. GRAY: YOUR HONOR, MAY I JUST BRIEFLY, I WASN'T

1 AND SCHOOLS?

2 A IF THESE ISSUES ARE NOT CLARIFIED BY THE DEADLINE,  
3 THEN IT WOULD BE, BECOME AN ISSUE OF NONCOMPLIANCE, IT  
4 WOULD BE NOTED IN THE ACCREDITATION REPORT AND THE  
5 ACCREDITATION STATUS OF THAT SCHOOL WOULD BE DROPPED A  
6 CATEGORY IT WOULD BE NOTED IN THERE

7 Q WELL, IN REGULATION 43-300 I BELIEVE THAT'S THE  
8 ACCREDITATION REGULATION, PLAINTIFFS' 6311, ON THE THIRD  
9 PAGE OF THAT REGULATION, ARE THESE THE CATEGORIES OF  
10 ACCREDITATION THAT ARE AVAILABLE UNDER THE ACCREDITATION  
11 SYSTEM IN SOUTH CAROLINA?

12 A YES THEY ARE

13 Q ALL RIGHT AN ALL CLEAR INDICATES WHAT?

14 A AN ALL CLEAR INDICATES THAT ALL THE STANDARDS HAVE  
15 BEEN MET

16 Q ALL RIGHT AND THE OTHER CATEGORIES ARE DIFFERENT  
17 CATEGORIES DEPENDING UPON THE ISSUES OF NONCOMPLIANCE THAT  
18 ARE IDENTIFIED?

19 A THAT'S CORRECT

20 Q ALL RIGHT NOW, ON, IF A DEFICIENCY -- WHEN ISSUE OF  
21 NONCOMPLIANCE IS NOT CORRECTED, WHAT IS THE NEXT STEP,  
22 WHAT HAPPENS TO THE SCHOOL, THE SCHOOL DISTRICT WITH THAT  
23 ISSUE?

24 A FOR THAT ONE YEAR IT'S SIMPLY CITED AND THAT SCHOOL  
25 WOULD NOT BE ISSUED AN ALL CLEAR STATUS IT WOULD BE

1 ISSUED AN ADVISED STATUS IF THAT SAME DEFICIENCY OCCURS,  
2 THE SAME DEFICIENCY OCCURS AGAIN, THE SAME SCHOOL, EXACTLY  
3 THE SAME CIRCUMSTANCES AGAIN THE SECOND YEAR, DROPPED  
4 AGAIN TO WARRANT STATUS

5 Q OKAY

6 A SO THAT EVENTUALLY AS YOU WORK DOWN THIS LIST ON ALL  
7 CLEAR, ADVISED, WARNED, PROBATION, DROPPED DROPPED  
8 STATUS WOULD INDICATE THAT YOU ARE NO LONGER FUNDED BY  
9 STATE, YOUR STATE FUNDING IS CUT OFF

10 Q ALL RIGHT WELL GIVE US AN EXAMPLE, PLEASE, DR  
11 SUBER, OF A SITUATION THAT WOULD RESULT IN A SCHOOL OR  
12 SCHOOL DISTRICT BEING ASSIGNED DROPPED AS ITS  
13 ACCREDITATION STATUS I MEAN, WHAT COULD, WHAT WOULD LEAD  
14 TO THAT? I THINK YOU SAID IT HAS TO BE THE SAME --

15 A HAS TO BE THE SAME, THE SAME DEFICIENCIES CITED OVER  
16 AND OVER AND OVER AGAIN AND NO PROGRESS BEING MADE

17 Q FOR HOW MANY YEARS?

18 A FOUR YEARS

19 Q FOUR YEARS?

20 A YES

21 Q ALL RIGHT IF A TEACHER IS IN A FIRST GRADE  
22 CLASSROOM WHO IS NOT CERTIFIED IN THIS SCHOOL, IS THAT A  
23 DEFICIENCY?

24 A YES, IT IS

25 Q IF THE FOLLOWING YEAR THE SAME TEACHER IS STILL IN

1 CARDS

2 Q I SEE

3 A AND THE NUMBER I GAVE YOU EARLIER 1,100, THERE ARE  
4 SCHOOLS THAT DID NOT RECEIVE REPORT CARDS FOR VARIOUS  
5 REASONS AS DEFINED BY THE EDUCATION OVERSIGHT COMMITTEE

6 Q ALL RIGHT AND HOW MANY SCHOOLS WERE IN THE EIGHT  
7 TRIAL DISTRICTS IN 2003?

8 A THIRTY-SIX

9 Q ALL RIGHT NOW LET'S GO BACK THEN TO THE PERCENTAGE  
10 SLIDE, 6352-B COULD YOU CALCULATE THE PERCENTAGES OF  
11 UNSATISFACTORY AND BELOW AVERAGE SCHOOLS?

12 A YES, I DID

13 Q AND IS THIS SLIDE A REPRESENTATION OF THAT?

14 A YES, IT IS

15 Q CAN YOU TELL THE COURT THEN WHAT THE SLIDE SHOWS?

16 A IT'S A GRAPHIC DEMONSTRATION OF THE FACT THAT THE  
17 STATEWIDE 17.4 PERCENT OF SCHOOLS IN THE STATE IN 2003  
18 REPORT CARDS WERE RATED AS EITHER UNSATISFACTORY OR BELOW  
19 AVERAGE ON THE ABSOLUTE RATING

20 HOWEVER, FOR THE EIGHT TRIAL DISTRICTS, 75 PERCENT OF  
21 THOSE SCHOOLS WERE RATED ON THE 2003 REPORT CARD AS  
22 UNSATISFACTORY BELOW AVERAGE ON ABSOLUTE RATING

23 Q ALL RIGHT DR. SUBER, HAVE YOU DONE ANY -- HAS YOUR  
24 OFFICE ANALYZED DATA ON STUDENT ACHIEVEMENT AS REFLECTED  
25 ON THE REPORT CARDS AND POVERTY IN SOUTH CAROLINA SCHOOLS?

1 A YES, WE HAVE

2 Q IS THERE ANY CORRELATION BETWEEN THE POVERTY LEVELS  
3 INDICES AND THE REPORT CARD RATINGS?

4 A THERE'S A VERY SIGNIFICANT CORRELATION

5 Q CAN YOU TELL US WHAT THE CORRELATION IS?

6 A CORRELATION IS AROUND, IT'S A NEGATIVE CORRELATION  
7 AND IT S AROUND 6

8 Q OKAY AND WHAT DOES THAT INDICATE IN LAYMAN'S TERMS?

9 A THE FACT THAT IT S A NEGATIVE CORRELATION INDICATES  
10 THAT IT'S ONE NUMBER, ONE VALUE GOES UP THE OTHER ONE GOES  
11 DOWN IN OTHER WORDS, AS THE VALUES VARY, MOVING IN  
12 OPPOSITE DIRECTIONS, SO IF THIS HIGH POVERTY THERE'S LOW  
13 ACHIEVEMENT IF THERE'S -- AND THE OPPOSITE OF THAT WOULD  
14 ALSO BE TRUE

15 Q SO IS THAT WHAT YOUR OFFICE FOUND THAT HIGH POVERTY  
16 WAS CORRELATED WITH LOW ACHIEVEMENT?

17 A YES

18 Q OKAY

19 A AND THE ACTUAL VALUE OF 6 INDICATES THAT THAT IS A  
20 VERY, VERY STRONG RELATIONSHIP

21 Q ALL RIGHT DO YOU SEE THAT CORRELATION IN THE  
22 SCHOOLS IN THE PLAINTIFF DISTRICTS?

23 A I CERTAINLY DO, YES HAVING KNOWLEDGE OF THOSE  
24 DISTRICTS THAT ARE THE PLAINTIFF DISTRICTS AND KNOWING  
25 THEIR -- THE TERM THAT WE HAVE COINED ON THE REPORT CARD



1 LOW-PERFORMING SCHOOLS?

2 A WE LOOK AT SUMMER SCHOOLS, NOT FOR LOW-PERFORMING  
3 SCHOOLS BUT IN GENERAL WE LOOK AT THOSE AND ANOTHER  
4 OFFICE ACTUALLY ADMINISTERS THOSE PROGRAMS, PARTICULARLY  
5 ONES FOR AFTER SCHOOL

6 Q ALL RIGHT AND WHAT ARE YOU LOOKING FOR WHEN YOUR  
7 OFFICE LOOKS AT THEM?

8 A WE ARE LOOKING TO BE SURE THAT THEY HAVE CERTIFIED  
9 STAFF DURING SUMMER SCHOOL, THEY ARE, PUPIL TEACHER RATIO  
10 IS AN APPROPRIATE FASHION, NOT TOO MANY STUDENTS, FOUND  
11 THAT THEY'RE TEACHING APPROVED COURSES AND IT HAS A  
12 CERTAIN AMOUNT OF INSTRUCTIONAL TIME THAT MUST BE MET

13 Q OKAY NOW, WE HAVE HEARD SOME TESTIMONY FROM OTHER  
14 WITNESSES, DR SUBER, ABOUT MATERIALS THAT GO TO  
15 LOW-PERFORMING SCHOOLS AND THERE'S BEEN SOME CONFUSION  
16 ABOUT WHETHER IT'S TEACHER SPECIALIST MONEY OR PRINCIPAL  
17 SPECIALIST MONEY OR PRECISELY WHAT THAT IS CAN YOU  
18 EXPLAIN TO US WHAT KIND OF FUNDING GOES TO LOW-PERFORMING  
19 SCHOOLS IN THE WAY OF MATERIALS?

20 A RIGHT FOR PRINCIPAL LEADERS, THEY ARE GIVEN A, AN  
21 AMOUNT OF MONEY FOR INSTRUCTIONAL MATERIALS AND EQUIPMENT  
22 PRINCIPAL LEADERS ARE ONLY PLACED IN THOSE VERY LOWEST  
23 SCHOOLS, LOWEST PERFORMING SCHOOLS

24 AND SO THIS YEAR WE HAVE, LIKE, A PRINCIPAL LEADERS  
25 PLACED SO IN THOSE EIGHT SCHOOLS WHICH ARE THE VERY

1 ABSOLUTE LOWEST PERFORMING IN THE STATE AS COMPARED TO  
2 STUDENT ACHIEVEMENT ON THE ABSOLUTE VALUE, THOSE SCHOOLS,  
3 THOSE PRINCIPAL LEADERS ARE GIVEN \$25,000 TO PURCHASE  
4 ADDITIONAL INSTRUCTIONAL MATERIALS AND EQUIPMENT

5 SO WE HAVE THAT POT OF MONEY JUST FOR THAT SMALL  
6 SELECT PART OF THE SCHOOLS

7 Q ALL RIGHT

8 A IN ADDITION, THERE ARE MONIES GIVEN TO OR AFFORDED TO  
9 ALL BELOW AVERAGE AND UNSATISFACTORY SCHOOLS FOR  
10 INSTRUCTIONAL MATERIALS AND EQUIPMENT AGAIN, AND THE  
11 IDEA BEHIND THAT IS THIS IS FOR THOSE SCHOOLS AND IT GOES  
12 UNDER THE DIRECTION OF THE PRINCIPAL, WHOEVER THAT MIGHT  
13 BE, WHETHER IT'S A PRINCIPAL SPECIALIST, MAYBE THAT, OR IT  
14 MAY BE A REGULAR PRINCIPAL THAT'S THERE AT THE SCHOOL

15 FOR THOSE MONIES ARE GIVEN TO THE PRINCIPAL WITH  
16 DIRECTIONS TO TRY TO USE THE INPUT OF THE INSTRUCTIONAL  
17 LEADERS IN THE SCHOOL NOW, WHAT WE CERTAINLY HOPE  
18 HAPPENS IS AND WHAT WE ENCOURAGE IS BOTH IN WRITTEN FORM  
19 AND LETTERS AND WITH RESPECT TO PRESENTATIONS, WHEN YOU  
20 MAKE DECISIONS ABOUT HOW TO SPEND THIS ADDITIONAL MONEY AS  
21 PRINCIPALS YOU NEED TO BE CONSIDERING THE INPUT FROM THE  
22 TEACHER SPECIALIST AND THE CURRICULUM SPECIALIST AND YOUR  
23 REGULAR FACULTY

24 OKAY SO WE WANT THAT INPUT THERE, BUT THE PRIMARY  
25 PERSON THAT MAKES THAT DECISION IS THE PRINCIPAL

1 INSTRUCTIONAL MATERIALS THAT YOU NEED TO TEACH TO THE  
2 STATE'S CURRICULUM

3 A YES, SIR

4 Q AND WE TOUCHED ON SOME OF THE, SOME OF THE ISSUES IN  
5 GENERAL ON WEDNESDAY, THE 13TH OF JANUARY 14TH OF  
6 JANUARY, I'M SORRY NOW, WHEN YOU GOT THERE AND EVEN  
7 TODAY -- LET ME TALK TO YOU ABOUT, FIRST OF ALL, JUST THE  
8 GENERAL TEXTBOOKS?

9 A UH-HUH

10 Q DID ALL STUDENTS IN ALL THE CLASSES HAVE TEXTBOOKS?

11 A THE FIRST YEAR THAT I GOI THERE, NO, ALL CHILDREN DID  
12 NOT HAVE TEXTBOOKS I CAN SPECIFICALLY REMEMBER TWO  
13 SITUATIONS IN THE ALGEBRA ONE THAT I THINK IT WAS WORLD  
14 GEOGRAPHY OR WORLD HISTORY WE HAD SOME SITUATIONS WHERE  
15 INSTEAD OF STUDENTS HAVING THEIR OWN INDIVIDUAL TEXTBOOKS  
16 TEACHERS HAD A CLASSROOM SET AND AS TEACHERS, AS STUDENTS  
17 CAME INTO THE CLASSES, THEY WOULD USE THE BOOKS IN THE  
18 CLASSROOM BUT THEY WERE NOT ABLE TO TAKE THE BOOKS HOME

19 AND IT WAS SOMETHING ABOUT THE WORLD GEOGRAPHY  
20 SITUATION I MAY BE IN THE WRONG YEAR IT WAS EITHER THE  
21 2001 SCHOOL YEAR OR THE 2000 -- 2000, 2001 OR 2001, 2002  
22 SCHOOL YEAR, BUT WE HAD A SITUATION WHERE THE WORLD  
23 GEOGRAPHY OR WORLD HISTORY CLASS WAS SET UP THE SAME WAY  
24 WHERE THERE WAS A CLASSROOM SET AND THAT STUDENTS WERE NOT  
25 ABLE TO TAKE THE BOOKS HOME

1 Q ALL RIGHT SO THEY HAD BOOKS IN THE CLASSROOM BUT  
2 THEY COULD NOT TAKE THEM HOME?

3 A UH-HUH

4 Q ALL RIGHT BUT THERE WERE ENOUGH BOOKS FOR STUDENTS  
5 TO USE IN CLASS, I TAKE IT, OR WERE THERE?

6 A AS I CAN REMEMBER, I DON'T REMEMBER A SITUATION WHERE  
7 A TEACHER DID NOT HAVE AT LEAST A CLASSROOM SET OF BOOKS

8 Q BUT IN ORDER FOR THE STUDENT TO TAKE THE BOOK HOME  
9 AND DO HOMEWORK THAT WAS NOT AVAILABLE TO THEM?

10 A NO, IT WASN'T AVAILABLE

11 Q AND THAT BEING WORLD GEOGRAPHY AND ALGEBRA THAT YOU  
12 CAN RECALL?

13 A RIGHT AND I SAY THAT IT WASN'T AVAILABLE IN ALL  
14 HONESTY, I THINK THAT THE TEXTBOOK SITUATION -- THE SCHOOL  
15 DID HAVE A TEXTBOOK COORDINATOR AND THERE WAS AND IS A  
16 TEXTBOOK BANK WHERE, AS A TEXTBOOK COORDINATOR THAT PERSON  
17 ENSURES THAT FOR AN UPCOMING SCHOOL YEAR TEXTBOOKS ARE  
18 ORDERED AND ON HAND FOR STUDENTS TO USE IN THE NUMBERS AND  
19 THE CAPACITY THAT THEY NEED

20 AND IN ALL HONESTY, I DON'T THINK THAT HAPPENED I  
21 DON T THINK THE TEXTBOOK COORDINATOR DID WHAT WAS  
22 NECESSARY IN THE PREVIOUS SCHOOL YEAR BECAUSE TEXTBOOKS --  
23 SINCE I HAVE BEEN THERE, I HAVEN'T HAD A PROBLEM WITH  
24 GETTING CLASSROOM TEXTBOOKS ONCE TEXTBOOKS WERE ADOPTED,  
25 I HAVEN'T HAD PROBLEM

1 BE SET UP IN THE MEDIA CENTER BUT RIGHT NOW IT'S JUST NOT  
2 THERE AND PRIOR TO CONSTRUCTION WE HAD ABOUT FOUR UNITS  
3 THAT WERE SET UP IN THE MEDIA CENTER SO AT MOST A  
4 TEACHER COULD GET FOUR STUDENTS IN THE MEDIA CENTER AT A  
5 TIME

6 Q WOULD THAT BE LIKE A PULLOUT SECTION?

7 A YES, SIR

8 Q ALL RIGHT NOW, DO YOU HAVE COMPUTERS IN YOUR  
9 CLASSROOM AVAILABLE FOR YOUR STUDENTS?

10 A THE TWO COMPUTERS THAT ARE IN THE CLASSROOM, ONE WAS  
11 SET UP FOR --

12 Q I'M SORRY IS THAT TWO COMPUTERS IN EVERY CLASSROOM  
13 OR TWO COMPUTERS IN JUST ONE CLASSROOM IN THE ENTIRE  
14 SCHOOL?

15 A THAT WAS -- IN THE 2002, 2003 SCHOOL YEAR WAS THE  
16 FIRST YEAR THAT WE GOT IT, BUT WE DID GET TWO COMPUTERS IN  
17 EACH CLASSROOM

18 Q OKAY

19 A ONE WAS SET UP FOR THE TEACHER USE AND ONE WAS SET UP  
20 FOR THE STUDENT USE, BUT TODAY THEY ARE NOT HOOKED UP

21 Q OKAY I HAVE TO ASK, WHY?

22 A PART OF IT IS CONSTRUCTION BUT THE CONSTRUCTION, THE  
23 PHASE OF CONSTRUCTION THAT CAUSED THEM TO BE SHUT DOWN WAS  
24 SUPPOSED TO BE OVER SO NOW I THINK IT'S BECAUSE OF THE  
25 CONTRACTORS, NOT THE CONSTRUCTION ITSELF LIKE, GOOD HELP

1 IS HARD TO FIND

2 Q BOTTOM LINE, DO YOU HAVE -- I MISSED SOMETHING WHAT  
3 DID I MISS?

4 MR BARNES GOOD HELP IS HARD TO FIND  
5 BY MR EPPS

6 Q GOOD HELP IS HARD TO FIND I WAS THINKING AHEAD, MS  
7 SHULER, WHICH IS UNUSUAL FOR ME BUT I WAS THE BOTTOM  
8 LINE DO YOU HAVE ENOUGH COMPUTERS AVAILABLE TO YOUR  
9 STUDENT BODY TO SERVICE THE STUDENT NEEDS, STUDENT NEEDS?

10 A NO, SIR WE -- WHAT WE HAVE DONE, WE WERE ABLE TO  
11 WRITE A GRANT A COUPLE OF YEARS AGO AND WE DID, DIDN'T GET  
12 THE FUNDING THAT WE WANTED WE WANTED TO BUY FIVE LAPTOPS  
13 SO THE COMPUTERS WOULD BE ABLE TO MOVE AROUND, THEY COULD  
14 TAKE THEM AS THEY NEEDED, CHECK THEM OUT FOR HOME OR  
15 WHATNOT, BUT WE DIDN'T GET THE FUNDING WE WANTED SO WE  
16 WERE ABLE TO GET TWO

17 AND THIS SCHOOL YEAR WE DID GET ANOTHER GRANT AND  
18 FIVE IS BEING ORDERED AS WE SPEAK SO THAT -- BUT TO ANSWER  
19 YOUR QUESTION, DO WE HAVE ENOUGH COMPUTERS IN THE BUILDING  
20 TO SATISFY THE STUDENT NEED, THE ANSWER IS NO

21 Q ALL RIGHT WE GOT 385 STUDENTS IN THE BUILDING RIGHT  
22 NOW YOU GOT TWO, DID YOU SAY?

23 A I HAVE ONE IN THE -- ACTUALLY I HAVE TWO IN EACH  
24 CLASSROOM

25 Q WELL, I HAVE BEEN THROUGH THAT WE UNDERSTAND THAT

1 ANY TO TAKE HOME?

2 A RIGHT WE HAVE TWO

3 Q TO TAKE HOME?

4 A YES

5 Q OKAY HOPEFULLY YOU WILL HAVE SOME MORE COMING

6 ONBOARD, FIVE DID YOU SAY?

7 A FIVE

8 Q THEY ARE NOT HERE YET?

9 A NO, SIR

10 Q THAT'S FOR THE STUDENT POPULATION OF 385 STUDENTS?

11 A YES, SIR

12 Q ALL RIGHT NOW, WE TALKED ABOUT GRAPHING CALCULATORS  
13 AND JUST VERY BRIEFLY TELL US WHY GRAPHING CALCULATORS ARE  
14 IMPORTANT, WHY IT WAS IMPORTANT FOR THE TEACHERS TO KNOW  
15 HOW TO USE THEM, AND WHY IT'S IMPORTANT TO THE STUDENTS IN  
16 YOUR STUDENT POPULATION

17 A BEING ABLE TO EFFECTIVELY UTILIZE GRAPHING  
18 CALCULATORS IS A COMPONENT OF A STANDARD IN THE MATH, IN  
19 ONE OF THE MATH STANDARDS, NUMBER ONE NUMBER TWO, MANY  
20 CHILDREN AT ELLOREE HIGH SCHOOL AS WE TALKED ABOUT THE  
21 THEORY OR WE TALKED ABOUT THE APPLICATION, I'LL GIVE AN  
22 EXAMPLE

23 WE HAVE A MATH CLASS AND THE OBJECTIVE FOR TODAY IS  
24 TO BE ABLE TO GRAPH A LINEAR, A LINEAR SITUATION AND THE  
25 CHILD MAY HAVE DIFFICULTY COMPREHENDING THE EQUATION, ONE,

1 HOW TO ESTABLISH "X" COORDINATES AND "Y" COORDINATES, TWO,  
2 THEN HOW TO TAKE THOSE COORDINATES AND PLOT THEM ON A  
3 GRAPH, THREE, AND THEREFORE HAVING DIFFICULTY DOING THAT  
4 NEVER ACTUALLY CAN VISUALIZE WHAT THAT LINEAR SITUATION  
5 WOULD LOOK LIKE IN GRAPHIC MODE

6 GRAPHING CALCULATOR IN THIS INSTANCE ONCE THE KID  
7 LEARNS HOW TO KEY IN A LINEAR SITUATION OR IT COULD BE  
8 QUADRATIC BUT FOR THE SAKE OF ARGUMENT, LINEAR SITUATION  
9 INTO A GRAPHING CALCULATOR, THAT GIVES THAT PARTICULAR  
10 STUDENT WHO MAY BE GETTING THAT CONTENT IN A THEORETICAL  
11 SENSE AN OPPORTUNITY TO SEE THIS IN A VISUAL SENSE

12 AND AT LEAST IT COULD SERVE AS A CHECK AND BALANCE  
13 FOR THAT STUDENT IN WORKING INDEPENDENTLY AND TRYING TO BE  
14 ABLE TO DO THIS ON THEIR OWN WHILE THE TEACHER IS DOING  
15 SOMETHING ELSE IN ORDER FOR THAT STUDENT TO GAIN AN  
16 UNDERSTANDING OF THAT CONCEPT

17 Q OKAY THAT'S THAT INTERACTIVE LEARNING WE WERE  
18 TALKING ABOUT, I ASSUME?

19 A YES, SIR

20 Q DO YOU HAVE ENOUGH GRAPHING CALCULATORS AND DO YOUR  
21 STUDENTS HAVE ACCESS TO THE GRAPHING CALCULATORS  
22 SUFFICIENT TO SATISFY THEIR LEARNING NEEDS?

23 A NO, SIR OVER -- WHEN I FIRST CAME TO ELLOREE HIGH  
24 SCHOOL THERE WERE NO GRAPHING CALCULATORS IN THE BUILDING  
25 EVENTUALLY A CLASSROOM SET WAS ORDERED FOR THE MATH



1 DEPARTMENT, HIGH SCHOOL AND, EITHER THE MIDDLE SCHOOL MATH  
2 DEPARTMENT OR THE SCIENCE DEPARTMENT INITIALLY SOMEBODY  
3 HAD TO SHARE I CAN'T REMEMBER

4 AND THEN AS TIME WENT ON, WE REALIZED WE HAD A  
5 SITUATION BECAUSE WE DID NOT HAVE PERSONNEL ON BOARD WHO  
6 UNDERSTOOD HOW TO UTILIZE THE GRAPHING CALCULATOR EXCEPT  
7 FOR THE ONE PART-TIME TEACHER THAT I WAS TELLING YOU ABOUT  
8 THAT WAS THERE ON A DAYS ONLY AND INSTRUCT THE CHILDREN  
9 IN HOW TO UTILIZE THE GRAPHING CALCULATORS

10 SO THEN WE HAD TO EMBARK UPON SOME TRAINING, AND  
11 DURING THE 2002, 2003 SCHOOL YEAR I, I MIGHT BE A LITTLE  
12 LATE, BUT MAYBE IT WAS THE 2001, 2002 SCHOOL YEAR WHERE  
13 WHAT DID HAVE TWO TEACHERS, THE HUB OFFERED A GRAPHING  
14 CALCULATOR COURSE AND I DID HAVE TWO TEACHERS WHO DIDN'T  
15 HAVE SMALLER CHILDREN WHO WERE ABLE TO GO AND GET THAT  
16 TRAINING I SINCE LOST ONE, BUT I STILL HAVE THE ONE ON  
17 STAFF

18 AND THEN IN THE 2002, 2003 SCHOOL YEAR, THE SCIENCE  
19 TEACHER SPECIALIST ON-SITE WAS KNOWLEDGEABLE IN GRAPHING  
20 CALCULATORS AND SHE DID SOME WORK FOR ME ON THE SCHOOL  
21 LEVEL TO TRY AND WORK WITH TEACHERS THAT WERE, DID NOT  
22 HAVE THE UNDERSTANDING THERE

23 BUT THE SITUATION CAME WHERE ONE OF THOSE SCIENCE  
24 TEACHERS RETIRED AT THE END OF THE YEAR THE OTHER ONE AT  
25 THE END OF THE 2002, 2003 YEAR HAS NOT BEEN BACK YET

1 BECAUSE SHE'S BEEN ON MATERNITY LEAVE ALL YEAR

2 SO IN ESSENCE I HAVE TWO NEW PEOPLE IN THOSE  
3 POSITIONS WHO ARE UNDERGOING THIS TRAINING OF UTILIZING  
4 THE GRAPHING CALCULATOR

5 Q IS THAT VERY SIMILAR TO THE PROFESSIONAL DEVELOPMENT  
6 ISSUES WE TALKED ABOUT, JUST DON'T HAVE -- I MEAN, THIS IS  
7 A STABILITY ISSUE WHERE YOU GET SOMEBODY, TRAIN THEM, THEY  
8 LEAVE OR RETIRE, GO ON MATERNITY LEAVE WE DIDN'T REALLY  
9 TALK ABOUT THAT IN PROFESSIONAL DEVELOPMENT

10 I'M GOING TO GET INTO TEACHER TURNOVER IN A MINUTE,  
11 BUT IS THAT A CONSTANT ISSUE WITHIN YOUR SCHOOL SYSTEM?

12 A YES, SIR

13 Q ALL RIGHT AND THE LAST THING I WANT TO ASK YOU  
14 ABOUT IN TERMS OF MATERIALS IS THE SCIENCE LABS AND  
15 BASED ON YOUR TESTIMONY ON THE 14TH OF JANUARY --

16 A UH-HUH

17 Q -- YOU HAVE TWO SCIENCE LABORATORIES AND WE TALKED  
18 ESSENTIALLY HOW THEY WERE SET UP NOW IS THE SITUATION  
19 WITH THE SCIENCE LABS THE SAME AS IT IS WITH THE COMPUTER  
20 LABS IN TERMS OF CLASSROOMS? IN OTHER WORDS, ARE THE  
21 SCIENCE LABS PLACED IN REGULAR CLASSROOM SETTINGS?

22 A YES, SIR

23 Q ALL RIGHT DO WE HAVE THE SAME ISSUES THEN ABOUT  
24 HAVING GENERAL ACCESS TO THE SCIENCE LABS BY THE STUDENT  
25 POPULATION WHO NEEDS TO USE THEM?

1 NOW IS A COSMETOLOGY PROGRAM

2 Q COSMETOLOGY?

3 A YES, SIR

4 Q BECAUSE IT'S A READY MARKET FOR YOUR AREA?

5 A YES, SIR WE HAVE MANY, MANY PERSONS WHO HAVE THEIR,  
6 HAVE ESTABLISHED THEIR OWN BUSINESS IN THE AREA ALONG THE  
7 LINE OF COSMETOLOGY AND BARBERING AND THAT OUR CHILDREN  
8 COULD SUPPORT THOSE BUSINESSES AND THOSE JOBS

9 Q WITH A COMMUNITY SUCH AS THE ELLOREE COMMUNITY WHEN  
10 YOU HAVE A VERY LIMITED NUMBER OF STUDENTS WHO HAVE GONE  
11 ON TO POST SECONDARY EDUCATION, IS VOCATIONAL EDUCATION  
12 CRITICAL TO AFFORDING THOSE CHILDREN THE OPPORTUNITY FOR A  
13 MINIMALLY ADEQUATE EDUCATION?

14 A IN MY OPINION YES, SIR

15 Q NOW, WHY DON'T YOU HAVE THOSE PROGRAMS IF INDEED THE  
16 STUDENTS NEED THEM?

17 A AT ELLOREE HIGH SCHOOL RIGHT NOW WE DON'T HAVE THE  
18 SPACE FOR THOSE PROGRAMS WE DON'T -- I -- I DON'T HAVE  
19 FUNDING TO BRING THOSE PROGRAMS BY PROVIDING THE SPACE AND  
20 HIRING THE TEACHER AND GETTING SOMEONE THERE IN ORDER TO  
21 RUN THOSE PROGRAMS

22 THE SPACE WE DON'T HAVE THE MONEY, THE FACILITIES  
23 AND EVEN WITH HAVING THE SPACE, THERE COMES A LOT OF  
24 INTRICATE MATERIALS, SUPPLIES AND THINGS THAT ARE NEEDED  
25 IN ORDER TO OPERATE BRICK MASONRY OR CARPENTRY PROGRAM,

1 Q OKAY SO WITH THE \$50,000 THAT YOU KNOW OF THAT YOU  
2 AS PRINCIPAL HAVE HAD TO BUY THINGS WITH, I UNDERSTAND YOU  
3 BOUGHT SOME GRAPHING CALCULATORS?

4 A YES, SIR

5 Q OKAY YOU BOUGHT SOME MICROSOFT WORD LICENSES OR YOU  
6 PUT MICROSOFT WORD ON SOME OF YOUR TEACHERS COMPUTERS?

7 A YES SIR

8 Q AND IT'S -- IN ADDITION TO BUYING THE SOFTWARE YOU  
9 GOT TO PAY FOR THE LICENSE BECAUSE EACH USER HAS TO HAVE A  
10 LICENSE CORRECT?

11 A YES, SIR

12 Q OKAY

13 A AND I'M NOT SURE -- LET ME QUALIFY SOMETHING BECAUSE  
14 I'M NOT SURE IF ALL OF RETRAINING GRANT WAS USED FOR THAT  
15 YOU KNOW, LIKE RETRAINING GRANT MAY HAVE PAID FOR PART OF  
16 IT AND SOME OTHER SOURCE MAY HAVE PAID FOR ANOTHER PART  
17 I'M NOT SURE BECAUSE THERE WAS SOME STIPULATION AS TO HOW  
18 IT COULD BE USED

19 SO I MAY NOT BE 100 PERCENT ACCURATE THAT ALL OF IT  
20 WAS SUPPLIED BY RETRAINING GRANT MONEY, I MEAN THE \$25,000  
21 STIPEND

22 Q I DON'T KNOW WHAT YOU CALL THAT MONEY MRS GRAY CAN  
23 ASK DR SUBER WHAT THE BUZZ WORD FOR THAT PARTICULAR GRANT  
24 IS SO YOU BOUGHT THE MICROSOFT WORD DO YOU THINK THAT  
25 YOU MIGHT HAVE PAID FOR THE MICROSOFT WORD IN IT, WITH

1 Q AND THAT'S UNDER YOUR OFFICE, RIGHT?

2 A THAT'S CORRECT

3 Q AND YOU GET AN ASSURANCE REPORT WHICH WAS INTRODUCED  
4 I BELIEVE AS EXHIBIT 2832 BUT THE ASSURANCE REPORT IS  
5 SIGNED BY REPRESENTATIVES OF THE SCHOOL DISTRICT CORRECT?

6 A YES

7 Q DO YOU GET ONE OF THESE FOR EVERY SCHOOL OR JUST FOR  
8 EVERY DISTRICT?

9 A IT'S BY SCHOOL

10 Q AND YOU GET ONE?

11 A IT'S SHOULD BE INDICATED ON THE SHEET THERE THAT  
12 WHETHER THE SIGNATURE THAT'S CALLED FOR THAT PARTICULAR  
13 EXHIBIT YOU HAVE IN YOUR HAND

14 Q OKAY THE ONE THAT I HAVE THAT WAS INTRODUCED HAS  
15 THE SUPERINTENDENT'S SIGNATURE AND IT JUST SAYS I CERTIFY  
16 THAT THE ABOVE-NAMED DISTRICT IS IN COMPLIANCE SO  
17 THERE'S ONE FOR EVERY SCHOOL AS WELL?

18 A YES

19 Q AND I KNOW THAT SHE INTRODUCED AND WE TALKED ABOUT  
20 BRIEFLY THE STANDARDS FOR THE VARIOUS SCHOOLS OVER WHICH I  
21 GUESS YOUR OFFICE HAS JURISDICTION, CORRECT?

22 A YES

23 Q SO YOU --

24 A WELL, I'M NOT SURE JURISDICTION IS THE RIGHT WORD  
25 WE DO ADMINISTER AND MONITOR THAT WE ARE NOT RESPONSIBLE

1 IN MAKING FINAL, DO NOT MAKE FINAL DECISIONS ABOUT WHICH  
2 STANDARDS ARE INCLUDED OR EXCLUDED ON THAT LIST BUT WE  
3 ARE THE CUSTODIAN OF THOSE, YES

4 Q AND I MAY HAVE MISUSED THAT WORD WHAT I MEANT TO  
5 SAY IS THAT YOUR OFFICE DOES THE ACCREDITATION FOR ALL OF  
6 THESE SCHOOLS AND THEY RETURN THEIR ASSURANCE FORMS TO  
7 YOUR OFFICE ON THOSE SCHOOLS AND DISTRICTS?

8 A THAT'S ACCURATE, YES

9 Q AND YOU HAVE STANDARDS THAT YOU PROVIDE TO THE  
10 DISTRICTS AND TO THE SCHOOLS THAT HAS -- THAT HAVE BEEN  
11 PREVIOUSLY MARKED AS DEFENDANTS' EXHIBITS 28, 33 AND  
12 PLAINTIFFS' EXHIBITS 6312, 6213, 6 -- EXCUSE ME 6313, 6314  
13 AND 6315 AND THOSE RELATE TO THE SPECIFIC SCHOOLS OR THE  
14 DISTRICT AS THE CASE MAY BE TO WHICH THOSE ASSURANCE FORMS  
15 ARE DIRECTED, CORRECT?

16 A YES

17 Q AND WHAT YOU EXPECT THE DISTRICTS AND THE PRINCIPALS  
18 TO REPORT BACK TO YOUR OFFICE, YOU EXPECT THEM TO BE  
19 TRUTHFUL IN THAT ASSURANCE CORRECT?

20 A WE CERTAINLY EXPECT THAT, YES

21 Q BECAUSE YOU RELY ON THOSE CERTIFICATIONS?

22 A YES, WE DO I BELIEVE THE QUESTION THAT MIGHT BE IS  
23 ONE OF INTERPRETATION IN OTHER WORDS, THE INTERPRETATION  
24 OF HOW STANDARD IS STATED AND HOW DOES IT PARTICULARLY  
25 APPLY TO A GIVEN SITUATION IN A GIVEN SCHOOL

1 Q YES, SIR AND ONE OF THE THINGS, FOR EXAMPLE -- AND  
2 WE HAVE BEEN THROUGH THE DISTRICT ONE WITH A COUPLE OF THE  
3 SUPERINTENDENTS, BUT ONE OF THE ITEMS, FOR EXAMPLE, THAT  
4 IS ON THE ELEMENTARY SCHOOL STANDARDS THAT HAS TO DO WITH,  
5 SAY, PHYSICAL FACILITIES IS BUILDINGS ARE KEPT CLEAN AND  
6 COMFORTABLE, RIGHT?

7 A YES

8 Q AND ADEQUATE LIGHTING, VENTILATION AND HEATING ARE  
9 PROVIDED, CORRECT?

10 A YES

11 Q AND BUILDINGS AND GROUNDS ARE MAINTAINED TO ENSURE  
12 SAFETY CORRECT?

13 A YES

14 Q AND SO THOSE ARE REPRESENTATIONS MADE TO YOUR OFFICE  
15 BY THE PEOPLE WHO ARE THERE ON THE GROUND IN THESE SCHOOL  
16 DISTRICTS ABOUT THE QUALITY OF THE BUILDINGS AND OTHER  
17 THINGS THAT ARE PROVIDED IN THOSE SCHOOLS CORRECT?

18 A YES

19 Q AND IF --

20 A NOW --

21 Q I'M SORRY I DIDN'T MEAN TO INTERRUPT YOU

22 A THOSE ISSUES THAT YOU CALLED, WHAT IS KEPT CLEAN, FOR  
23 EXAMPLE, MY DEFINITION OF CLEAN MIGHT BE DIFFERENT FROM  
24 YOUR DEFINITION OF CLEAN

25 Q SURE

1 A THAT IS A SMALL PART OF A RE-DISCUSSION THAT WE ARE  
2 HAVING

3 Q BEFORE I MOVE ON, LET ME SEE -- THE JUDGE ASKED FOR  
4 IT -- I'M GOING TO HAND YOU, DR SUBER, WHAT IS HOT OFF  
5 THE PRESS ON THE DEPARTMENT OF EDUCATION WEBSITE WHICH  
6 PURPORTS TO BE AN ORGANIZATIONAL CHART OF THE STATE  
7 DEPARTMENT

8 CAN YOU TAKE A LOOK AT THIS FOR JUST A SECOND AND  
9 MAKE SURE THAT THERE IS NO GLARING ERROR THAT YOU SPOT?

10 A TO THE BEST OF MY KNOWLEDGE THIS IS AN ACCURATE  
11 REPRESENTATION

12 Q ALL RIGHT, SIR AND YOUR OFFICE FALLS -- IF YOU LOOK  
13 AT SUPERINTENDENT TENENBAUM AND THEN UNDER THAT, DIVISION  
14 OF PROFESSIONAL DEVELOPMENT SCHOOL QUALITY LEONARD  
15 MCINTYRE, THEN SCHOOL QUALITY JOHN SUBER AND TECHNOLOGY  
16 BARBARA -- HELP ME WITH THE NAME

17 A TEUSINK

18 Q TEUSINK AND SO THAT'S THE -- THAT'S THE CHAIN THAT  
19 YOU COME DOWN, RIGHT?

20 A YES, IT IS SCHOOL LEADERSHIP IS ALSO A PART OF  
21 THAT, THAT'S THE THIRD PART IN THERE

22 Q THAT'S CORRECT AND, YOUR HONOR, FOR THE RECORD THIS  
23 IS DEFENDANTS' EXHIBIT 3075

24 THE COURT THANK YOU VERY MUCH  
25 BY MRS GRAY



1 Q NOW, YOUR OFFICE IS ESSENTIALLY THE OFFICE IN CHARGE  
2 OF INTERVENTIONS UNDER THE EDUCATION ACCOUNTABILITY ACT  
3 WITH THE EXCEPTION OF A COUPLE OF LIMITED INTERVENTIONS  
4 WOULD THAT BE A FAIR STATEMENT?

5 A YES, I THINK IT WOULD BE FAIR

6 Q OKAY I TRIED TO GO BACK AND LIST THE INTERVENTIONS  
7 THAT I M AWARE OF THAT GO THROUGH YOUR OFFICE AND I MAY  
8 HAVE INCLUDED SOME THAT SHOULDN'T BE THERE AND I THINK I,  
9 I KNOW I HAVE LEFT SOME THAT PROBABLY -- OR LET'S JUST GO  
10 DOWN THIS LIST

11 THE FIRST INTERVENTION THAT THE E A A PROVIDES IS  
12 PRINCIPAL SPECIALISTS AND PRINCIPAL MENTORS AND I BELIEVE  
13 THAT'S THROUGH THE OFFICE OF SCHOOL LEADERSHIP AND NOT  
14 YOUR OFFICE, RIGHT?

15 A THAT IS CORRECT

16 Q AND THE MONEY FOR PRINCIPAL SPECIALISTS AND PRINCIPAL  
17 MENTORS DOES NOT FLOW THROUGH YOUR OFFICE?

18 A IN ACTUALITY THE MONEY FOR PRINCIPAL SPECIALISTS IS  
19 PUT IN THE SAME BUDGET LINE WHEN A BUDGET COMES WITH  
20 TEACHER SPECIALISTS AND WE TAKE OUT A CERTAIN SUM OF MONEY  
21 BECAUSE IT'S A MIXED LINE, THE BUDGET GIVES IT TO US MIXED  
22 AND WE HAVE TO UNMIX IT BECAUSE IT'S SEPARATE OFFICES

23 SO TECHNICALLY THE MANAGEMENT OF THE MONEY IS THAT  
24 WOULD BE ACCURATE IN THAT THE MONEY IS MANAGED AND THE  
25 BUDGET IS DONE FOR PRINCIPAL SPECIALISTS IS IN THE OFFICE

1 OF SCHOOL LEADERSHIP

2 Q AND THE PRINCIPAL SPECIALISTS APPLY THROUGH ANOTHER  
3 OFFICE AND GET SELECTED THROUGH ANOTHER OFFICE AND ARE  
4 THEY ASSIGNED THROUGH ANOTHER OFFICE?

5 A YES

6 Q OKAY AND THAT'S THE OFFICE OF SCHOOL LEADERSHIP?

7 A THAT'S CORRECT

8 Q AND IS THAT TRUE FOR PRINCIPAL MENTORS AS WELL?

9 A YES, IT IS

10 Q OKAY AND THEN THE SECOND ONE ON MY LIST IS  
11 AFTER-SCHOOL PROGRAMS WHICH I BELIEVE YOU HAD TOLD ME  
12 PREVIOUSLY WENT THROUGH THE SAFE SCHOOLS --

13 A YES

14 Q -- PROGRAM? IS YOUR OFFICE RESPONSIBLE AT ALL FOR  
15 THE AFTER-SCHOOL PROGRAMS?

16 A WE ARE NOT RESPONSIBLE WITH RESPECT TO HANDLING THE  
17 MONEY OR PROVIDING THE GUIDELINES WE DO MAKE AN EFFORT  
18 WHEN WE ARE VISITING THOSE SCHOOLS THAT HAVE AFTER-SCHOOL  
19 PROGRAMS THAT WE ACT AS, A TERM WE USE IS LIAISON

20 WE MAY ANSWER QUESTIONS AND TRY TO BE AN ASSISTANCE  
21 TO THEM BUT IT IS NOT OUR PRIMARILY RESPONSIBILITY WE  
22 ARE VERY CAREFUL TO SHARE WITH THAT OFFICE IF THERE ARE  
23 QUESTIONS ABOUT AFTER-SCHOOL PROGRAMS OR WE TRY TO ANSWER  
24 QUESTIONS FOR THEM AND TRY TO REFER THEM TO THE OTHER  
25 OFFICE

1 Q HOW -- HOW IS IT DETERMINED WHICH SCHOOLS GET  
2 AFTER-SCHOOL PROGRAMS?

3 A I BELIEVE THOSE ARE ALL UNSATISFACTORY AND  
4 BELOW-AVERAGE SCHOOLS

5 Q SO THEY -- WITHOUT QUESTION THEY ALL GET AN  
6 AFTER-SCHOOL PROGRAM?

7 A I BELIEVE THAT'S CORRECT, YES

8 Q AND I BELIEVE ON ONE OF THE EXHIBITS THAT WE WILL  
9 TALK ABOUT IN A MINUTE YOU ATTRIBUTED A VALUE OR A COST,  
10 IF YOU WILL, OF AN AFTER-SCHOOL PROGRAM AT ABOUT \$30,000 A  
11 SCHOOL ON AVERAGE?

12 A I BELIEVE THAT'S CORRECT I AM NOT RESPONSIBLE FOR  
13 THAT PROGRAM, SO I HAVE ONLY SOME FAMILIARITY WITH THE  
14 DOLLAR AMOUNT AND THE EXACT CRITERIA FOR QUALIFYING FOR  
15 THEM

16 Q BUT YOU USED THAT AMOUNT WHEN YOU WERE COMING UP WITH  
17 YOUR COST PER SCHOOL FOR MRS HART CORRECT?

18 A YES

19 Q AND YOU BELIEVED THAT TO BE ACCURATE?

20 A I DO BELIEVE IT TO BE ACCURATE BUT I M NOT A HUNDRED  
21 PERCENT CERTAIN OF IT

22 Q OKAY NOW THE NEXT INTERVENTION THAT IS PROVIDED AND  
23 THIS, I THINK, IS THROUGH YOUR OFFICE, IS PRINCIPAL  
24 LEADERS CORRECT?

25 A YES, IT IS

1 Q AND I THINK YOU EXPLAINED ON YOUR DIRECT EXAMINATION  
2 THE DISTINCTIONS BETWEEN THOSE THREE PRINCIPAL RESOURCES  
3 THAT ARE PROVIDED TO UNDER PERFORMING SCHOOLS, CORRECT?

4 A YES

5 Q ALL RIGHT THE NEXT INTERVENTION THAT YOU PROVIDE IS  
6 TEACHER SPECIALISTS ON-SITE IS THAT CORRECT?

7 A YES

8 Q AND ALL OF THE FACTORS THAT ARE ATTENDANT TO THAT  
9 PROGRAM ARE RUN THROUGH YOUR OFFICE?

10 A THAT'S CORRECT

11 Q AND CURRICULUM SPECIALISTS, THE SAME THING?

12 A THAT'S CORRECT

13 Q AND THE EXTERNAL REVIEW TEAM REPORTS, OR THE WHOLE  
14 PROCESS OF EXTERNAL REVIEW, THAT IS HANDLED BY YOUR OFFICE  
15 AS WELL RIGHT?

16 A THAT'S CORRECT

17 Q OKAY AND THAT IS SOMETHING THAT IS MANDATORY FOR  
18 ALL UNSATISFACTORY SCHOOLS, CORRECT?

19 A THAT'S CORRECT BASED ON THE REVIEW PROCESS AS  
20 REQUIRED BY E A A FOR SCHOOLS RATED UNSATISFACTORY

21 Q RIGHT AND VOLUNTARY FOR BELOW-AVERAGE SCHOOLS?

22 A YES

23 Q AND THE RETRAINING GRANTS ARE -- HOW ARE THEY, HOW IS  
24 IT DETERMINED WHAT SCHOOLS GET RETRAINING GRANTS?

25 A ALL SCHOOLS RATED AS UNSATISFACTORY AND BELOW AVERAGE

1 QUALIFY FOR RETRAINING GRANTS

2 Q SO WITHOUT QUESTION THEY GET THE RETRAINING GRANT  
3 MONEY FOR THEIR SCHOOLS THAT ARE CLASSIFIED AS BELOW  
4 AVERAGE OR UNSATISFACTORY?

5 A THAT'S CORRECT

6 Q OKAY AND THEN THE PROFESSIONAL DEVELOPMENT IS  
7 ANOTHER RESOURCE THAT YOUR OFFICE PROVIDES TO LOW  
8 PERFORMING SCHOOLS, SEPARATE AND APART FROM THE RETRAINING  
9 GRANT RIGHT?

10 A THAT'S CORRECT

11 Q OKAY SO ARE THERE ANY OTHER RESOURCES -- WELL, I  
12 GUESS THERE IS ANOTHER ONE THAT YOU AND I TALKED ABOUT  
13 BEFORE

14 YOU HAVE A LIAISON IN YOUR OFFICE, CORRECT?

15 A YES

16 Q AND SOMEONE IN YOUR OFFICE IS ASSIGNED TO BE A  
17 LIAISON WITH EVERY LOW-PERFORMING SCHOOL?

18 A NO EVERY UNSATISFACTORY

19 Q JUST UNSATISFACTORY?

20 A JUST UNSATISFACTORY

21 Q OKAY AND THEN I ASSUME YOU HAVE LIAISONS FOR ALL  
22 YOUR TEACHER SPECIALISTS AS WELL, SOMEBODY THAT THEY  
23 REPORT TO AND HAVE CONTACT WITH IN YOUR OFFICE?

24 A WE DO NOT USE THE WORDS LIAISON WE DO HAVE  
25 EDUCATION ASSOCIATES ON STAFF WHO ARE CHARGED WITH

1 MANAGING THE PROGRAM AND THEY HAVE AN INDIVIDUAL  
2 DESIGNATED THAT MONITORS, KEEPS IN CONTACT BY E-MAIL  
3 CONTACT AND PHONE CONTACT WITH INDIVIDUALS IF A SPECIALIST  
4 IS NEEDED

5 Q AND THE TEACHER SPECIALISTS AND CURRICULUM  
6 SPECIALISTS AND PRINCIPAL LEADERS AND ALL HAVE CONTACT  
7 WITH YOUR OFFICE TO REPORT BACK HOW THE PROGRAM IS  
8 PROGRESSING, CORRECT?

9 A YES, THEY DO

10 Q AND I BELIEVE TEACHER SPECIALISTS ACTUALLY FILE IN  
11 ADVANCE THEIR PLANS FOR THE UPCOMING WEEK OR WEEKS?

12 A YES, THEY --

13 Q IS THAT -- SORRY

14 A YES, THEY DO

15 Q AND IS THAT TRUE FOR THE CURRICULUM SPECIALISTS AND  
16 THE TEACHER -- I MEAN, PRINCIPAL LEADERS AND SPECIALISTS  
17 AS WELL?

18 A NOT AS A THOROUGH CASE, NO

19 Q OKAY WHAT DO THE UNSATISFACTORY SCHOOL LIAISONS DO?  
20 WHAT IS THEIR JOB WITH THOSE SCHOOLS?

21 A THE STAFF MEMBERS ON THE OFFICE OF SCHOOL QUALITY  
22 THAT ARE DESIGNATED TO SERVE IN LIAISON ROLES ARE ASKED TO  
23 VISIT THOSE SCHOOLS AT LEAST ONCE A MONTH, TO BE ON-SITE  
24 IN THE SCHOOL ONCE A MONTH AND TO SERVE AS A COORDINATOR,  
25 FACILITATOR, GENERAL HANDYMAN IF YOU WOULD, RESOURCE

1 PERSON, PERHAPS THEY CAN ANSWER SPECIFIC QUESTIONS

2 THEY ARE CAUTIONED NOT TO BE PROJECTING TOO MANY  
3 QUESTIONS THAT THEY ARE NOT SURE ABOUT THEY SERVE AS A  
4 RESOURCE PERSON THEY WOULD TRY TO FIND OUT OTHER -- WHEN  
5 YOU GO TO A SCHOOL AND YOU SAY YOU ARE FROM THE DEPARTMENT  
6 OF EDUCATION, IMMEDIATELY THEY THINK YOU KNOW EVERYTHING  
7 ABOUT THE ENTIRE DEPARTMENT

8 SO THEY WILL ASK YOU ANYTHING FROM INDIVIDUAL  
9 TEACHERS' CERTIFICATION QUESTIONS TO ACCREDITATION  
10 STANDARDS TO SPECIAL EDUCATION ISSUES TO, TO ANYTHING  
11 THAT'S ON THEIR MIND WITH RESPECT TO DEPARTMENT OF  
12 EDUCATION AND THE REGULATIONS THAT ARE THERE

13 SO WE ARE -- THEY ARE CAUTIONED TO BE A RESOURCE  
14 PERSON AND NOT TO ANSWER QUESTIONS THAT THEY ARE NOT  
15 CERTAIN OF THE ANSWER BUT THEY ARE THERE TO GENERATE  
16 FIRSTHAND KNOWLEDGE, NOT ONLY FOR OUR DEPARTMENT STAFF BUT  
17 TO KNOW, TO KEEP A PULSE, IF YOU WILL, ON EXACTLY WHAT IS  
18 GOING ON IN AN UNSATISFACTORY SCHOOL AND TO PROVIDE  
19 ASSISTANCE WITH UNDERSTANDING THE GUIDELINES AND  
20 REGULATIONS THAT RELATE TO PRINCIPAL LEADERS, THE TEACHER  
21 SPECIALISTS, CURRICULUM SPECIALISTS, ET CETERA

22 Q AND I WOULD ASSUME THAT THOSE LIAISONS AS WELL COME  
23 BACK AND REPORT PERHAPS THINGS THAT THEY SEE THAT YOUR  
24 OFFICE COULD DO TO ASSIST THOSE SCHOOLS IN BECOMING  
25 BETTER, CORRECT?

1 A THAT IS ONE OF THE ROLES WE ASK THEM TO PERFORM, YES

2 Q AND ONE OF THE THINGS THEY PROBABLY DO IS HELP THE  
3 SCHOOLS, INDIVIDUAL LEADERSHIP AT THE SCHOOLS KNOW WHERE  
4 OTHER RESOURCES MAY BE AVAILABLE TO THEM, FOR EXAMPLE,  
5 THROUGH THE OFFICE OF CURRICULUM STANDARDS OR THE  
6 TRANSPORTATION AREA OR WHEREVER THEY MIGHT NEED  
7 ASSISTANCE CORRECT?

8 A THAT'S CORRECT

9 Q AND I BELIEVE THAT INTERVENTION, THE LIAISON FOR THE  
10 UNSATISFACTORY SCHOOLS STARTS AS SOON AS THE REPORT CARDS  
11 COME OUT RIGHT?

12 A YES NOW WE HAVE HAD THIS YEAR A SUSPENSION OF BEING  
13 ABLE TO VISIT SCHOOLS IN THE LIAISON ROLE DUE TO BUDGET  
14 CUTBACKS WE HAVE JUST -- AND THAT WAS TRUE FOR THE  
15 MONTHS OF OCTOBER AND NOVEMBER AND DECEMBER

16 SO WE DID NOT GET TO VISIT SCHOOLS DURING THAT TIME  
17 IN THE LIAISON ROLE HOWEVER, FOR THE MONTH OF JANUARY WE  
18 WERE ABLE TO REINSTATE THAT

19 Q AND I ASSUME YOU HAD CONTACT WITH THEM, YOU JUST  
20 DIDN'T PHYSICALLY TRAVEL TO THOSE SCHOOLS DURING THAT  
21 MONTHLY PERIOD?

22 A WE DID TRY TO MAINTAIN CONTACT WITH THEM PRIMARILY  
23 OVER THE PHONE OR E-MAIL

24 Q ALL RIGHT LET ME, LET ME MOVE ON TO ANOTHER AREA  
25 THAT I WANT TO ASK YOU ABOUT AND THAT IS THE EXTERNAL



1 BUT WE ARE PROVIDING THOSE FUNDS AS WE HAVE FUNDS  
2 AVAILABLE TO MEET THOSE TO AT LEAST MAKE AN INITIAL  
3 EFFORT TO MEET THOSE IDENTIFIED NEEDS

4 Q RIGHT

5 A THAT DECISION AGAIN IS AT THE DISCRETION OF THE  
6 PRINCIPAL AND WHICH CERTAINLY EXPECT AND HOPE THAT THAT  
7 PRINCIPAL, THAT SEATED PRINCIPAL WOULD IN FACT LISTEN TO  
8 THE RECOMMENDATIONS OF THE CURRICULUM SPECIALISTS BUT IT  
9 IS THE PRINCIPAL'S FINAL DECISION --

10 Q WELL --

11 A -- WITHIN THE GUIDELINES EXCUSE ME

12 Q I'M SORRY FOR INTERRUPTING YOU TOO AS WELL THAT  
13 HAS NOT ALWAYS BEEN THE CASE -- THE PROCEDURE FOR HOW  
14 THOSE FUNDS WERE EXPENDED HAS NOT ALWAYS BEEN AT THE  
15 DISCRETION OF THE PRINCIPAL, HAS IT?

16 A I'M NOT SURE I UNDERSTAND THE QUESTION

17 Q ALL RIGHT WELL YOU TESTIFIED, I BELIEVE ON DIRECT,  
18 THAT \$25,000 GOES TO AN UNSATISFACTORY SCHOOL, CORRECT?

19 A YES

20 Q AND 20,000, I BELIEVE, GOES TO A BELOW-AVERAGE  
21 SCHOOL?

22 A YES

23 Q AND THAT THAT MONEY THIS YEAR IS ACTUALLY GIVEN TO  
24 THE PRINCIPAL TO SPEND AS THE PRINCIPAL BELIEVES IT OUGHT  
25 TO BE SPENT?

1 A THAT'S THE SAME MONEY, YES

2 Q OKAY

3 A THAT, THAT DOES NOT REPRESENT A DIFFERENCE WHAT YOU

4 JUST DESCRIBED, I THINK, DOES NOT REPRESENT A DIFFERENCE

5 IN THAT FINAL DECISION AUTHORITY HOW THE MONEY IS SPENT

6 Q OKAY LAST YEAR IT FLOWED THROUGH THE STATE

7 DEPARTMENT, CORRECT?

8 A YES

9 Q SO THE STATE DEPARTMENT WAS, RECEIVED THE REQUESTS

10 FROM THE SCHOOLS, CORRECT?

11 A YES

12 Q AND THEN THE SCHOOLS -- I MEAN, THE STATE DEPARTMENT

13 ORDERED THE MATERIALS OR SUPPLIES AND PAID FOR THEM

14 DIRECTLY AND THEN THEY GET SHIPPED TO THE SCHOOLS,

15 CORRECT?

16 A THAT'S CORRECT, YES

17 Q AND THE YEAR BEFORE THAT YOU DON'T KNOW HOW IT

18 WORKED?

19 A THAT'S CORRECT

20 Q BECAUSE YOU WEREN'T OVER THAT OFFICE AT THAT POINT IN

21 TIME?

22 A THAT'S CORRECT

23 Q BUT AT LEAST SINCE YOU HAVE BEEN IN CHARGE OF THAT

24 OFFICE, THE PROCEDURE FOR PAYMENTS CERTAINLY HAS CHANGED?

25 A THAT IS ACCURATE, YES

1 CORRECT?

2 A THAT DOES REPRESENT OUR BUDGET PLAN FOR THE CURRENT  
3 YEAR, YES

4 Q AND SOME OF THIS OBVIOUSLY IS A PASS THROUGH DIRECTLY  
5 TO THOSE SCHOOLS WHICH IS THE RETRAINING GRANT, FOR  
6 EXAMPLE?

7 A YES, THAT'S CORRECT

8 Q AND YOU HAVE GOT \$7,650,000 GOING TO THE RETRAINING  
9 GRANT WHICH IS EARMARKED FOR LOW-PERFORMING SCHOOLS ONLY,  
10 CORRECT?

11 A YES, THAT'S CORRECT

12 Q AND WE TALKED ABOUT THAT EARLIER THAT'S JUST THE  
13 UNSATISFACTORY AND --

14 A BELOW AVERAGE

15 Q -- BELOW-AVERAGE SCHOOLS, CORRECT?

16 A YES

17 Q AND THAT'S NOT DONE ON A PER SCHOOL BASIS, THAT'S ON  
18 A CERTIFIED PROFESSIONAL BASIS CORRECT?

19 A THAT'S CORRECT NOW ALL CALCULATIONS, THE SCHOOL IS  
20 A NUMBER OF CERTIFIED STAFF PER SCHOOL

21 Q RIGHT

22 A SO IT'S A VARIED NUMBER PER SCHOOL

23 Q AND I BELIEVE IT'S ABOUT \$550 PER CERTIFIED STAFF?

24 A YES

25 Q AND I THINK IN YOUR ESTIMATE TO MRS HART YOU

1 ATTRIBUTED ON A PER SCHOOL AVERAGE OF ABOUT \$25,000, IS  
2 THAT RIGHT?

3 A YES

4 Q AND THAT'S ANNUAL BENEFIT TO THOSE LOW-PERFORMING  
5 SCHOOLS AS LONG AS THEY REMAIN IN THE BELOW AVERAGE OR  
6 UNSATISFACTORY CATEGORY?

7 A YES, AND IT WOULD ALSO BE DEPENDENT ON THE KINDS OF  
8 ALLOCATIONS THAT COME, OBVIOUSLY, FROM THE STATE BUDGET,  
9 BUT YES

10 Q AND BUT THAT'S CERTAINLY WHAT'S -- WELL LET ME ASK  
11 YOU THIS HAS THAT BEEN REDUCED IN, SINCE, IN PREVIOUS  
12 YEARS?

13 A NO, THAT'S NOT BEEN REDUCED, BUT I'M SAYING THAT  
14 DEPENDING THE CURRENT BUDGET WITH THE NEGATIVE SIGNS WE  
15 SEE WITH FORTHCOMING BUDGET FOR '05, '06 THAT IT MAY BE  
16 REDUCED

17 Q WELL, BUT AT LEAST AS OF TODAY THAT'S NOT SOMETHING  
18 THAT HAS GONE DOWN?

19 A THAT'S CORRECT

20 Q OKAY AND THE -- I BELIEVE -- AND I DID A LITTLE  
21 MATH AND IF YOU NEED A CALCULATOR I WILL HAND ONE UP TO  
22 YOU, BUT IT LOOKS AS THOUGH THAT NUMBER DIVIDED BY \$550 IS  
23 THE EQUIVALENT OF 13,909 TEACHERS, IS THAT ABOUT RIGHT?  
24 BUT WHATEVER THE MATH IS?

25 A RIGHT WHATEVER THE MATH IS THAT, THAT NUMBER THEN

1 IN GEOGRAPHIC AND ALSO SIZE PERSPECTIVE

2 A TIMMONSVILLE IS LOCATED APPROXIMATELY EIGHT TO TEN  
3 MILES FROM FLORENCE PROPER, 35 MILES FROM SUMTER, SOUTH  
4 CAROLINA, ABOUT 75 MILES FROM MYRTLE BEACH, AND 70 MILES  
5 FROM COLUMBIA

6 Q OKAY SO IT'S PRETTY CLOSE TO FLORENCE, PRETTY CLOSE  
7 TO SUMTER, 65 MILES TO COLUMBIA, 70, 75 MILES FROM THE  
8 BEACH?

9 A YES

10 Q WE HEARD A LOT OF TESTIMONY ABOUT THE RURAL NATURE OF  
11 SCHOOL DISTRICTS THAT WE HAVE PRESENTED EVIDENCE ABOUT  
12 THAT DOESN'T SOUND LIKE YOU ARE AS RURAL OR ISOLATED AS  
13 SOME OF THE DISTRICTS THAT WE HAVE PRESENTED TESTIMONY  
14 ABOUT

15 A RIGHT, WE ARE NOT

16 Q BUT IT IS A SMALL COMMUNITY?

17 A IT'S A SMALL, RURAL COMMUNITY

18 Q ALL RIGHT WHAT IS THE MAJOR INDUSTRY IN  
19 TIMMONSVILLE?

20 A HONDA, SOUTH CAROLINA

21 Q ALL RIGHT AND THAT IS THE MAJOR INDUSTRY, IS IT  
22 NOT?

23 A YES

24 Q OKAY JUST DO YOU HAVE A -- IF YOU CAN ANSWER THIS  
25 QUESTION, JUST TELL US DO YOU KNOW WHAT THEY DO FOR THE

1 TAX BASE IN FLORENCE SCHOOL DISTRICT NUMBER FOUR?

2 A THEY HAVE A FEE-IN-LIEU-OF-TAXES AGREEMENT AND I  
3 CAN GIVE YOU AN APPROXIMATION ABOUT \$298,000 WOULD BE WHAT  
4 WE GET FROM HONDA AS, IN THAT FEE-IN-LIEU-OF-TAXES  
5 AGREEMENT

6 Q OKAY LET'S TALK ABOUT THE EMPLOYMENT OPPORTUNITIES  
7 IN FLORENCE SCHOOL DISTRICT NUMBER FOUR AND TELL US WHAT  
8 PEOPLE DO FOR A LIVING GENERALLY

9 A IN FLORENCE FOUR A LOT OF PEOPLE WORK IN THE  
10 FACTORIES AROUND IN THE FLORENCE AREA A LOT, SOME OF  
11 THEM ARE FARMERS WE HAVE SMALL BUSINESSES IN THE TOWN,  
12 EATING ESTABLISHMENTS, BUSINESSES THAT SELL HARDWARE, A  
13 VERY SMALL SECTION OF THE TOWN IS DEVOTED TO THAT KIND OF  
14 THING

15 WE HAVE ONE STOPLIGHT THERE AND ONE, AND WE HAVE A  
16 BANK THERE, A GROCERY STORE SO A RELATIVELY SMALL TOWN

17 Q OKAY AND THE HOMES, JUST IN GENERAL?

18 A THE HOMES IN GENERAL IN TIMMONSVILLE, HAVE A VARIETY  
19 OF KINDS OF HOMES THERE WE HAVE LOTS OF BEAUTIFUL OLDER  
20 HOMES AND WE HAVE SINGLE WIDE TRAILERS, DOUBLE WIDE  
21 TRAILERS KIND OF INTERSPERSED THROUGHOUT THE COMMUNITY  
22 WITH NO ZONING REALLY REGULATIONS AS TO WHERE THOSE HOUSES  
23 CAN BE PLACED, THOSE HOMES CAN BE PLACED

24 AND WE DO HAVE A, SOME NEW DEVELOPMENTS OF HOUSES  
25 THAT ARE COMING UP AROUND, ON THE OUTSKIRTS OF TOWN

1 Q SPINNING OFF OF FLORENCE?

2 A RIGHT

3 Q OKAY SO YOU HAVE KIND OF A HODGEPODGE OF SOME NICE  
4 OLD HOMES, YOU HAVE A DOUBLE WIDE NEXT DOOR, SOMETHING  
5 LIKE THAT?

6 A RIGHT

7 Q SO IT'S KIND OF A MIXED COMMUNITY THERE --

8 A RIGHT

9 Q -- IN TERMS OF PROPERTY? WE HAVE HEARD A LOT OF  
10 TESTIMONY IN THE CASE EARLIER ABOUT, YOU KNOW,  
11 SINGLE-PARENT FAMILIES AND THIS SORT OF THING AND I'M  
12 GOING TO HUSTLE THROUGH THIS FOR JUST A MOMENT BUT DO YOU  
13 HAVE THAT SITUATION IN TIMMONSVILLE?

14 A WE DO HAVE SINGLE-PARENT FAMILIES

15 Q DO YOU HAVE A LOT OF THEM OR JUST SOME OR HOW WOULD  
16 YOU DESCRIBE IT?

17 A WE HAVE, WE HAVE A GOOD NUMBER, THE MAJORITY OF OUR  
18 STUDENTS I WOULD SAY WOULD COME FROM SINGLE-PARENT HOMES,  
19 SOME OF THE STUDENTS ARE RAISED BY GRANDPARENTS AND THEN  
20 WE HAVE, WE DO HAVE HOMES WHERE BOTH PARENTS ARE THERE BUT  
21 THE OVERRIDING THING ABOUT THAT IS THAT OUR PARENTS ARE  
22 GENERALLY VERY YOUNG

23 Q OKAY I WANT TO INTRODUCE, YOUR HONOR, THE  
24 DEMOGRAPHICS AS WE HAVE BEEN DOING --

25 THE COURT RIGHT

1 MR EPPS -- WITH THE OTHER COUNTIES AND SCHOOL  
2 DISTRICT INFORMATION, THE EXTENT -- EXCUSE ME THE  
3 INFORMATION CAN BE BROKEN DOWN THE FIRST ONE IS FLORENCE  
4 COUNTY ITSELF AND COUNTYWIDE THE RACIAL MIX IS  
5 39 3 PERCENT MINORITY OR AFRICAN-AMERICANS, 58 7 PERCENT  
6 CAUCASIAN AND OTHER IS LISTED AT 2 PERCENT

7 AND THEN WE WILL MOVE INTO THE SCHOOL DISTRICT  
8 ITSELF THE DEMOGRAPHICS CHANGE TO 87 4 PERCENT  
9 AFRICAN-AMERICAN, 12 3 PERCENT WHITE AND 3 PERCENT OTHER  
10 AND THAT'S THE SOUTH CAROLINA EDUCATION PROFILES 2002

11 THE FISCAL, SOME OF THE FISCAL ISSUES IN FLORENCE  
12 COUNTY AND WE DON'T HAVE THIS INFORMATION BROKEN DOWN FOR  
13 THE DISTRICT IN FLORENCE COUNTY THE 1999 WHICH IS AGAIN  
14 THE LAST INFORMATION WE HAVE, AVERAGE HOUSE SELLS FOR  
15 \$118,000

16 THE STATE OF SOUTH CAROLINA IS \$140,000 ON AVERAGE  
17 THE 1999 PER CAPITA INCOME IS \$24,500 COMPARED TO THE  
18 STATE AVERAGE OF \$24,000 PERCENTAGE IN FLORENCE COUNTY  
19 PER SE LIVE IN BELOW POVERTY IS 16 4 PERCENT COMPARED TO A  
20 STATE AVERAGE OF 14 1 PERCENT

21 AND THE FREE AND REDUCED LUNCH, REDUCED LUNCH FOR  
22 FLORENCE FOUR IS 10 PERCENT FREE LUNCH IS 67 2 PERCENT  
23 WHICH IS, IF MY MATH IS CORRECT RUNS IT UP TO  
24 77 2 PERCENT

25 WE TALKED ABOUT THE DEMOGRAPHICS OR AT LEAST WE JUST



1 NOW PUT ON THE BOARD FROM PUBLISHED DATA THE DEMOGRAPHICS,  
2 SOME OF WHICH DEAL WITH FLORENCE COUNTY AS A WHOLE AND  
3 SOME OF WHICH WE WERE ABLE TO BREAK DOWN INTO YOUR  
4 DISTRICT

5 BUT LET ME TALK TO YOU A LITTLE BIT ABOUT, ABOUT HOW  
6 FLORENCE SCHOOL DISTRICT NUMBER FOUR COMPARES TO THE  
7 COUNTY AS A WHOLE AND WE WILL GO BACK TO THE PRICE OF  
8 THE HOME

9 DO THE HOMES IN FLORENCE FOUR MEET OR EXCEED THE  
10 AVERAGE PRICE OF HOMES IN FLORENCE COUNTY AS A WHOLE?

11 MR BARNES YOUR HONOR, YEAH IF DR HARRISON COULD  
12 ANSWER THAT, THAT'S FINE BUT I'M CONCERNED THAT THERE MAY  
13 NOT BE A FOUNDATION FOR HER TO KNOW THAT KIND OF  
14 INFORMATION BUT SO I WOULD JUST OBJECT UNLESS THERE IS  
15 SOME --

16 MR EPPS LET'S DO THIS IN A CUMULATIVE FASHION IF  
17 WE CAN TO EXPEDITE THINGS

18 THE COURT RIGHT  
19 BY MR EPPS

20 Q DR HARRISON, TO THE EXTENT YOU KNOW, HOW DOES THE  
21 FISCAL SITUATION OF TIMMONSVILLE COMPARE TO FLORENCE  
22 COUNTY AS A WHOLE? WE CAN TALK ABOUT HOMES OR, OR INCOMES  
23 OR HOWEVER YOU WANT TO DESCRIBE IT

24 A FROM WHAT I -- FROM WHAT I SEE, FLORENCE FOUR IS LESS  
25 DEVELOPED AND HAS FEWER BUSINESSES THAN THE OTHER AREAS

1 BASICALLY THAT WOULD BE IT THE DOWNTOWN AREAS IN  
2 FLORENCE FOUR ARE, BASICALLY HAVE LITTLE BUSINESS, AND  
3 IT'S, PARTICULARLY COMPARED TO FLORENCE ONE

4 THE HOMES THERE ARE, AS I SAID EARLIER, A MIXTURE OF  
5 HOMES AND SO THERE ARE SOME VERY NICE HOMES THERE BUT  
6 THE PERCENTAGES WOULD BE LARGER, IT APPEARS AT LEAST FROM  
7 WHAT I SEE IN GOING AROUND THE DISTRICT, THE AREA, THE  
8 PERCENTAGES OF TRAILERS AND HOMES THAT ARE NOT AS WELL  
9 KEPT WOULD BE GREATER

10 MR EPPS OKAY ALL RIGHT AND, YOUR HONOR,  
11 LOOKING AT THE INPUT SIDE OF THE EQUATION AGAIN TO BE  
12 CONSISTENT WITH WHAT WE HAVE DONE IN THE PAST, I WANT TO  
13 INTRODUCE OR PUT ON THE BOARD AND I CAN'T GET TO THIS

14 I HAVE TO DO IT DURING A BREAK, THE FISCAL CAPACITY  
15 BASED ON THE RANKINGS 2000, 2001 SHOWS THAT FLORENCE  
16 SCHOOL DISTRICT NUMBER FOUR RANKS 57TH, HAS WEALTH PER  
17 PUPIL OF \$14,000, FISCAL CAPACITY PER STUDENT IS 15,500 --  
18 I'M SORRY

19 THIS IS FISCAL CAPACITY OF THE DISTRICT IS  
20 \$15,556,527 AND FOR 2000, 2001 THE AVERAGE DAILY  
21 MEMBERSHIP FOR THE SCHOOL DISTRICT WAS A 1,092 AND AGAIN  
22 THE RANKING WAS 57TH OUT OF '86

23 AND, YOUR HONOR, AGAIN, TO COMPLETE THE BOARD, THE  
24 FISCAL AUTONOMY FOR FLORENCE SCHOOL DISTRICT NUMBER FOUR  
25 IS, IT'S WITHIN THE CATEGORY OF 33 DISTRICTS THAT HAVE

1 WHAT'S CALLED LIMITED AUTONOMY OR LIMITED AUTHORITY AND  
2 THEY ARE ABLE TO RAISE TEN MILLS AS A DISTRICT WHICH I  
3 WILL TOUCH ON IN A MOMENT

4 AND I -- AGAIN, IN BEING CONSISTENT WITH WHAT WE HAVE  
5 DONE, WE HAVE INFORMATION ON THE TEACHERS, AND THIS COMES  
6 FROM THE REPORT CARDS, AND IT SHOWS THE TEACHERS WITH  
7 ADVANCED DEGREES 40 PERCENT, CONTINUING CONTRACT TEACHERS  
8 52 2 PERCENT, AVERAGE TEACHER SALARY \$37,928 COMPARED TO  
9 STATE AVERAGE OF \$39,707

10 AND AGAIN I WILL COME BACK TO THIS MOMENTARILY, YOUR  
11 HONOR, ON THE PROFESSIONAL DEVELOPMENT DAYS FOR TEACHERS  
12 FOR THE IMMEDIATE PAST YEAR WAS 5 0 DAYS WHICH IS DOWN  
13 FROM 9 3 DAYS COMPARED TO THE STATEWIDE AVERAGE OF 11 3  
14 DAYS

15 BY MR EPPS

16 Q OKAY WE HAVE HAD CONSIDERABLE TESTIMONY, DR  
17 HARRISON, IN THE CASE TO THIS POINT WHICH DISCUSSED  
18 AT-RISK CHILDREN ARE YOU FAMILIAR WITH THAT CONCEPT?

19 A YES

20 Q OKAY AND THE TESTIMONY HAS DESCRIBED AT-RISK  
21 CHILDREN, AT-RISK CHILDREN IN THIS CONTEXT, THE CONTEXT OF  
22 THIS LAWSUIT, AS BEING CHILDREN WHO ARE RAISED IN  
23 LOW-INCOME FAMILIES OR POVERTY, HOWEVER YOU WANT TO  
24 DESCRIBE IT, USUALLY MEASURED BY FREE AND REDUCED LUNCH,  
25 THEY COME FROM HOMES THAT DO NOT HAVE PRINT RICH

1 ENVIRONMENTS, AND THEY COME FROM HOMES WITH SPECIAL  
2 CHALLENGES

3 NOW, DOES THIS DESCRIBE THE STUDENT POPULATION THAT  
4 COMES TO SCHOOL IN FLORENCE SCHOOL DISTRICT NUMBER FOUR?

5 A YES, IT DOES I WOULD SAY THAT WHILE THAT DESCRIBES  
6 OUR STUDENTS, BUT THE NOTION OF AT-RISK CHILDREN, WHEN I  
7 THINK OF THAT, I THINK OF ALL THE CHILDREN THAT WE EDUCATE  
8 AS BEING AT RISK THEY ARE AT RISK OF, BY BEING IN SCHOOL  
9 AND WANTING AND DESERVING A QUALITY EDUCATION

10 I DO NOT ADHERE TO THE BELIEF THAT BECAUSE THE  
11 STUDENTS ARE POOR OR FROM SINGLE-PARENT HOMES, THAT THAT  
12 MAKES THEM SOMEHOW DIFFERENT OR THAT THAT GIVES THEM,  
13 GIVES US SOME KIND OF A EXCUSE FOR NOT EDUCATING THEM  
14 WELL

15 Q DO YOU BELIEVE THAT ALL STUDENTS ARE AT RISK IN SOME  
16 FORM OR FASHION?

17 A I DO

18 Q SO WHEN I USE THE TERM AT RISK IN DISCUSSING WITH  
19 YOU, I NEED TO BE MORE CAREFUL AND SAY AT RISK BECAUSE OF  
20 POVERTY?

21 A YES

22 Q I SEE NOW, CAN YOU GIVE ME AN APPROXIMATE  
23 PERCENTAGE OF THE STUDENT POPULATION IN FLORENCE SCHOOL  
24 DISTRICT NUMBER FOUR THAT YOU WOULD DEEM TO BE AT RISK FOR  
25 ACADEMIC FAILURE?

1 A AT RISK FOR ACADEMIC FAILURE? I WOULD SAY IF -- I  
2 WOULD SAY IN TERMS OF THE NUMBERS OF STUDENTS THAT WE HAVE  
3 THAT ARE MEDICAID ELIGIBLE, ON FREE AND REDUCED LUNCH, IF  
4 THOSE ARE THE, THE WAYS THAT YOU ARE DESCRIBING THAT, THAT  
5 WE HAVE OVER 85 PERCENT

6 Q 85 PERCENT? THERE'S BEEN TESTIMONY PRESENTED ABOUT  
7 HIGH SCHOOL STUDENTS AND FREE AND REDUCED LUNCH NUMBERS,  
8 SO TELL US WHAT YOU KNOW ABOUT THAT, PLEASE

9 A HIGH SCHOOL STUDENTS TYPICALLY, NOT ALL OF THEM BUT  
10 SOME OF THEM WILL NOT TAKE ADVANTAGE OF FREE AND REDUCED  
11 LUNCH OPPORTUNITIES BECAUSE OF THE STIGMA OF RECEIVING  
12 FREE AND REDUCED LUNCH

13 SO IN ORDER TO GET A REAL ADEQUATE PICTURE OF THE, A  
14 MORE ACCURATE PICTURE OF THE POVERTY IN A DISTRICT, YOU  
15 WOULD NEED TO, YOU WOULD HAVE TO LOOK AT THE MEDICAID  
16 ELIGIBLE POPULATION IN CONJUNCTION WITH THE FREE AND  
17 REDUCED LUNCH

18 Q ALL RIGHT HAVE YOU DONE THAT FOR FLORENCE SCHOOL  
19 DISTRICT NUMBER FOUR?

20 A YES

21 Q AND HOW DOES THE MEDICAID ELIGIBILITY NUMBER MATCH UP  
22 WITH THE FREE AND REDUCED LUNCH FIGURES THAT WE HAVE  
23 DISCUSSED THUS FAR?

24 A IT MATCHES UP PRETTY WELL

25 Q AND WHAT NUMBER OF FAMILIES IN FLORENCE SCHOOL

1 DISTRICT NUMBER FOUR THAT SEND STUDENTS TO YOUR SCHOOL  
2 DISTRICT WOULD BE MEDICAID ELIGIBLE?  
3 A EIGHT, 80 -- ABOUT 84 PERCENT  
4 Q 84 PERCENT?  
5 A I WOULD THINK  
6 Q YOU THINK THAT IN TERMS OF HIGH SCHOOL STUDENTS WOULD  
7 YOU CONSIDER THAT A METER SURROGATE FOR DETERMINING KIDS  
8 WHO ARE GENERALLY RAISED IN POVERTY?  
9 A YES  
10 Q OKAY ALL RIGHT LET'S TALK SOME MORE ABOUT AT-RISK  
11 CHILDREN AND I WANT THIS FOCUS TO BE PLACED PRIMARILY ON  
12 THE AT-RISK CHILDREN BECAUSE THEY ARE RAISED IN POVERTY  
13 WITHIN YOUR SCHOOL DISTRICT OKAY?  
14 A OKAY  
15 Q BUT LET'S MAKE THAT THE FOCUS OF THIS NEXT SERIES OF  
16 QUESTIONS DO AT-RISK CHILDREN HAVE SPECIAL NEEDS AND  
17 SPECIAL OFFERINGS REQUIRED OF THEM OR PROVIDED TO THEM SO  
18 THAT THEY WILL HAVE THE OPPORTUNITY TO ACQUIRE A MINIMALLY  
19 ADEQUATE EDUCATION?  
20 A YES STUDENTS THAT ARE AT RISK AS YOU DESCRIBE THEM  
21 HAVE TO BE TAKEN FROM WHERE THEY ARE WHEN THEY COME INTO  
22 THE SCHOOL SETTING TO WHERE WE WANT THEM TO BE WHERE WE  
23 NEED TO THEM TO BE TO BE ADEQUATELY PREPARED TO BE  
24 PRODUCTIVE CITIZENS  
25 AND THEY HAVE SPECIAL NEEDS AND THAT THE INSTRUCTION

1 HAS TO BE TAILORED TO THEIR LEARNING STYLES, WE HAVE TO  
2 MAKE SURE OF THAT THERE HAS TO BE ADEQUATE TIME FOR THEM  
3 TO CATCH UP OR TO -- TO -- OR EXTENDED TIME, EXTENDED  
4 LEARNING TIME TO MAKE SURE THAT THEY ARE ABLE TO MASTER  
5 THE MATERIAL AND MOVE ON TO THE NEXT GRADE LEVEL  
6 ADEQUATELY PREPARED

7 Q ALL RIGHT YOU SAID TWO THINGS ESSENTIALLY NUMBER  
8 ONE, IS YOU HAD TO HAVE A TEACHER WHO COULD MEET THEIR  
9 LEARNING STYLES?

10 A RIGHT

11 Q BECAUSE THEY LEARN DIFFERENTLY?

12 A RIGHT

13 Q THERE'S BEEN AMPLE TESTIMONY ABOUT THAT AND YOU  
14 BELIEVE THAT TO BE THE CASE?

15 A I BELIEVE THAT TO BE THE CASE I BELIEVE THERE'S,  
16 CLASSROOM INSTRUCTION HAS TO BE TAILORED TO MEET THE NEEDS  
17 OF THE STUDENTS

18 Q ALL RIGHT AND WHAT TYPE OF TEACHERS DO YOU NEED IN  
19 ORDER TO EFFECTIVELY COMMUNICATE AND TEACH AT-RISK  
20 CHILDREN IN THIS CONTEXT, AGAIN, CHILDREN RAISED IN  
21 POVERTY?

22 A YOU NEED TEACHERS THAT ARE CONTENT RICH, THAT HAVE  
23 CONTENT BASIS FOR TEACHING, AND TEACHERS THAT CARE ABOUT  
24 THE STUDENTS, ARE ABLE TO CONNECT WITH THE STUDENTS AND  
25 WILL DO ANYTHING, GO TO ALL ENDS TO MAKE SURE THAT THEY

1 ARE THESE SCHOOLS SITUATED?

2 A THEY ARE SITUATED IN A K-12 COMPLEX WHERE THE  
3 ELEMENTARY SCHOOL IS LOCATED ON A WING, THE MIDDLE SCHOOL  
4 IS LOCATED ON A WING, AND THEN YOU HAVE THE HIGH SCHOOL  
5 LOCATED ON A WING, AT LEAST THE, THE ACADEMIC PORTION OF  
6 THE HIGH SCHOOL

7 THE OTHER PORTION OF THE HIGH SCHOOL IS LOCATED AT  
8 ANOTHER SITE, THAT VOCATIONAL PORTION, WHERE STUDENTS HAVE  
9 TO BE TRANSPORTED TO THAT SITE WE HAVE A SHARED  
10 GYMNASIUM, A SHARED CAFETERIA, AND THE ELEMENTARY SCHOOL  
11 DOES HAVE A MULTIPURPOSE ROOM FOR ASSEMBLY PROGRAMS AND  
12 THOSE KINDS OF THINGS

13 Q ALL RIGHT WE HAVE NOT HAD THE SITUATION IN ANY  
14 DISTRICTS THUS FAR, BUT ALL THE STUDENTS FROM KINDERGARTEN  
15 TO THE 12TH GRADE ARE HOUSED IN ONE SCHOOL BUILDING OR  
16 COMPLEX?

17 A YES

18 Q IS IT ONE BUILDING?

19 A IT'S ONE BUILDING

20 Q ONE BUILDING AND DO YOU HAVE WINGS OFF THE  
21 BUILDING?

22 A YES

23 Q AND SO YOU HAVE AN ELEMENTARY SCHOOL ON ONE WING, A  
24 HIGH SCHOOL IN ANOTHER WING, A MIDDLE SCHOOL IS MIXED IN  
25 WITH THE ELEMENTARY SCHOOL?



1 A THE MIDDLE SCHOOL IS SEPARATE  
2 Q SEPARATE OKAY SO YOU HAVE THREE WINGS PRIMARILY  
3 THEN?  
4 A WE HAVE THREE WINGS AND COMMON AREAS  
5 Q AND COMMON AREAS?  
6 A YES  
7 Q OKAY BUT ALL HOUSED IN ONE BUILDING ON ONE SITE?  
8 A RIGHT  
9 Q OKAY DO YOU KNOW WHY THAT'S THE SITUATION IN  
10 FLORENCE SCHOOL DISTRICT NUMBER FOUR?  
11 A NO, I DON'T THE DECISION ON PLACING THE SCHOOLS IN  
12 ONE COMPLEX WAS MADE BEFORE I BECAME SUPERINTENDENT AND  
13 THE BUILDING WAS COMPLETED IN 2000 SO I'M NOT SURE WHY  
14 THAT DECISION WAS MADE I UNDERSTAND THAT ECONOMICALLY --  
15 MR BARNES YOUR HONOR, I OBJECT SHE SAID SHE  
16 DOESN'T KNOW AND I THINK NOW SHE'S EITHER REPEATING  
17 HEARSAY OR SPECULATING I'M NOT SURE WHICH  
18 THE COURT RIGHT LET ME SEE IF -- I'M NOT SURE  
19 WHETHER SHE IS TRYING TO EXPLAIN WHY IT'S THAT WAY OR  
20 WHETHER --  
21 THE WITNESS YEAH  
22 THE COURT I REALLY DON'T KNOW WHERE SHE IS GOING  
23 WITH THE ANSWER I'M NOT SURE IT'S IN RESPONSE TO THE  
24 QUESTION, QUITE FRANKLY I AGREE IF IT'S TRYING TO  
25 EXPLAIN WHAT SHE DOESN'T KNOW, THEN THAT'S A PROBLEM

1 THE BUS SCHEDULE HAS BEEN WORKED SO THAT WE WHERE  
2 POSSIBLE THE ELEMENTARY STUDENTS ARE BROUGHT INTO THE  
3 SCHOOL -- WELL, THEY LEAVE THE SCHOOL SEPARATELY AND WE,  
4 WE WORKED ON DOING THAT SO THERE ARE SOME LOGISTICAL  
5 KINDS OF THINGS THAT ARE PROBLEMATIC WITH THAT

6 Q IT'S NOT IDEAL?

7 A NO

8 Q OKAY NOW, DO YOU BELIEVE, DR HARRISON, THAT  
9 AT-RISK CHILDREN, THAT IS CHILDREN WHO COME FROM HOMES  
10 THAT ARE NOT PRINT RICH THAT COME INTO THE SCHOOL SYSTEM  
11 BEHIND MIDDLE CLASS FAMILIES OR HAVE OTHER DELAYED  
12 LEARNING CAN BE EDUCATED?

13 A ABSOLUTELY

14 Q AND WHAT IS REQUIRED IN ORDER TO PROVIDE THESE  
15 CHILDREN WITH THE OPPORTUNITY FOR A MINIMALLY ADEQUATE  
16 EDUCATION?

17 A QUALITY TEACHERS ARE REQUIRED TEACHERS THAT HAVE A  
18 KNOWLEDGE OF THE CONTENT AND AN EFFECTIVE GRASP ON  
19 INSTRUCTIONAL DELIVERY, MAKING SURE THAT THEY CAN MEET THE  
20 NEEDS OF THE STUDENTS, PROGRAMS THAT WILL TARGET MAKING  
21 SURE THAT PARENTS ARE EDUCATED, THAT STUDENTS HAVE AN  
22 OPPORTUNITY TO GET THE ADDITIONAL TIME, THE APPROPRIATE  
23 TIME THEY NEED FOR LEARNING, AND AS I SAID BEFORE, THE  
24 APPROPRIATE INSTRUCTION THAT THEY NEED FOR LEARNING  
25 WITH THOSE TWO THINGS IN PLACE AND OF COURSE YOU HAVE

1 TO HAVE THE RESOURCES TO MAKE THAT HAPPEN YOU HAVE TO  
2 HAVE HUMAN RESOURCES AS WELL AS FUNDING TO MAKE THAT ALL  
3 HAPPEN

4 Q OKAY ALL RIGHT TEACHERS CAME AS YOUR NUMBER ONE  
5 CRITERIA YOU HAVE TO HAVE THE QUALITY TEACHERS THAT WE  
6 TOUCHED ON EARLIER AND ANOTHER THING YOU SUGGESTED WOULD  
7 BE GOOD PARENTAL OUTREACH PROGRAMS?

8 A YES

9 Q TO GET THE PRINT INTO THE HOMES, CORRECT?

10 A YES

11 Q NOW, I'M NOT SURE IF THIS WAS IN THE SAME CONTEXT OR  
12 WHETHER THIS WAS SEPARATE YOU SAID THE CHILDREN NEEDED  
13 TIME

14 A YES

15 Q ALL RIGHT WHAT DO YOU MEAN BY THAT, PLEASE?

16 A THEY NEED EXTENDED LEARNING TIME THAT WOULD MEAN  
17 AFTER-SCHOOL PROGRAMS, SATURDAY PROGRAMS, SUMMER PROGRAMS  
18 THAT WOULD ENABLE THEM TO FINE TUNE THEIR LEARNINGS AND  
19 FOCUS ON AREAS THAT THEY MAY BE HAVING PROBLEMS IN

20 Q ALL RIGHT IF YOU HAVE THESE THINGS IN PLACE, IF YOU  
21 HAVE THE TEACHERS THAT YOU NEED AND YOU HAVE THE TIME THAT  
22 YOU NEED AND THE SPECIALIZED INSTRUCTION THAT SOME OF  
23 THESE CHILDREN REQUIRE, IS THERE ANY DOUBT IN YOUR MIND  
24 THAT THESE CHILDREN CAN RECEIVE THE SAME QUALITY AND HAVE  
25 THE SAME OUTCOMES AS ANY OTHER CHILD THAT COMES INTO THE

1 PUBLIC SCHOOL SYSTEM IN SOUTH CAROLINA?

2 A YES

3 Q YES, THERE IS DOUBT IN YOUR MIND OR YES THEY CAN?

4 A I'M SORRY YES, THERE IS NO DOUBT IN MY MIND

5 Q OKAY AND WHAT IS THE ANSWER? FOR THE RECORD, IT'S  
6 UNCLEAR THE WAY YOU SAID IT CAN THEY, CAN THEY ACHIEVE  
7 IN THE SAME FASHION AS MIDDLE CLASS CHILDREN OR ANYBODY  
8 ELSE THAT COMES TO SCHOOL IN SOUTH CAROLINA?

9 A GIVEN APPROPRIATE TIME, ADEQUATE INSTRUCTION BY  
10 QUALITY TEACHERS, THE RESOURCES AND PROGRAMS THE CHILDREN  
11 WILL BE ABLE TO, IN MY ESTIMATION, ACHIEVE AT THE LEVELS  
12 OF ANY STUDENT IN SOUTH CAROLINA OR ALL STUDENTS, OTHER  
13 STUDENTS IN SOUTH CAROLINA

14 Q NOW, WE TALKED ABOUT THE CHILDREN ALREADY IN YOUR  
15 DISTRICT NOT COMING FROM A PRINT-RICH ENVIRONMENT COMING  
16 INTO THE SCHOOLS BEHIND THE THEIR COUNTERPARTS, RIGHT?

17 A YES

18 Q WE ALREADY COVERED THAT ALL RIGHT DO YOU THINK  
19 EARLY CHILDHOOD DEVELOPMENT PROGRAMS ARE IMPORTANT IN  
20 EDUCATING CHILDREN FROM THESE BACKGROUNDS?

21 A IT'S ESSENTIAL BECAUSE CHILDREN IN OUR DISTRICT  
22 GENERALLY COME INTO THE SYSTEM FROM ENVIRONMENTS THAT ARE  
23 NOT PRINT RICH, THEY DON'T HAVE A LOT OF LITERATURE THERE,  
24 A LOT OF OPPORTUNITIES TO LEARN TO READ AND TO LEARN  
25 LETTERS AND THOSE KINDS OF THINGS

1           SO IT IS ESSENTIAL TO GET THE STUDENTS ON, ON TRACK  
2 EARLY SO THAT AS THEY MOVE THROUGH THE GRADES THEY WILL  
3 HAVE LESS PROBLEMS

4       Q     OKAY     ALL RIGHT     I'M GOING TO COME BACK TO ALL OF  
5 THIS IN A MOMENT BUT LET'S GO AHEAD AND PURSUE THE EARLY  
6 CHILDHOOD PROGRAMS THAT ARE AVAILABLE IN FLORENCE SCHOOL  
7 DISTRICT NUMBER FOUR     AND THE FIRST QUESTION I MUST ASK  
8 IS WHETHER YOU HAVE ANY PROGRAMS AT ALL FOR THREE YEAR  
9 OLDS

10     A     NO     OTHER THAN THE REQUIRED PROGRAMS FOR THREE YEAR  
11 OLD STUDENTS WITH DISABILITIES

12     Q     ALL RIGHT     LET'S TALK ABOUT FOUR YEAR OLDS THEN  
13 WHAT PROGRAMS DO YOU HAVE FOR FOUR YEAR OLDS?

14     A     FOR FOUR YEAR OLDS WE HAVE 4-K FULL-DAY PROGRAMS, TWO  
15 CLASSES AT THIS POINT SERVING 40 STUDENTS WITH AN  
16 ADDITIONAL CLASS OF FULL DAY TO BEGIN FEBRUARY 23RD

17     Q     ALL RIGHT     SO THIS TIME YOU HAVE TWO CLASSES, EACH  
18 OF APPROXIMATELY 20 STUDENTS?

19     A     YES

20     Q     THAT SERVE A TOTAL OF 40 STUDENTS?

21     A     YES

22     Q     AND DO YOU HAVE A WAITING LIST?

23     A     WE HAVE A WAITING LIST OF 24 STUDENTS

24     Q     OKAY     AND DID I UNDERSTAND YOU TO SAY THAT YOU ARE  
25 GOING TO BE ADDING A CLASS?

1           IN ADDITION TO THAT, WE HAVE TO HAVE LEADERS IN THOSE  
2 SCHOOLS WITH THE CAPACITY TO MONITOR AND MAKE SURE THAT  
3 THAT IS, THAT INSTRUCTION AND QUALITY LEARNING IS TAKING  
4 PLACE

5           IN ADDITION TO THAT, YOU HAVE TO HAVE THE RESOURCES  
6 TO HAVE THE PROGRAMS IN PLACE FOR THE, FOR THE LEARNING TO  
7 TAKE PLACE AND IN FLORENCE SCHOOL DISTRICT FOUR SINCE  
8 THOSE THINGS ARE NOT IN PLACE AND WE HAVE SO MANY, WE HAVE  
9 SO MANY THINGS THAT HAVE TO BE DONE THAT WE ARE JUGGLING  
10 AND THE LOCAL CAPACITY IS NOT THERE TO MAKE SURE THAT EACH  
11 STUDENT HAS THE OPPORTUNITY TO HAVE, TO RECEIVE A  
12 MINIMALLY ADEQUATE EDUCATION

13 Q     IN YOUR VIEW IS LOCAL CAPACITY CRITICAL TO THE  
14 OPPORTUNITY FOR A CHILD TO RECEIVE A MINIMALLY ADEQUATE  
15 EDUCATION?

16 A     YES

17 Q     BUILDING LOCAL CAPACITY?

18 A     BUILDING LOCAL CAPACITY IS CRITICAL

19 Q     OKAY AND YOU DO NOT HAVE THAT, AS I UNDERSTAND IT,  
20 IN FLORENCE SCHOOL DISTRICT NUMBER FOUR?

21 A     NO

22 Q     A SHORTAGE OF

23 A     WELL, AS I SAID, A SHORTAGE OF PRIMARILY THE KEY TO  
24 IT, TO MAKING SURE THAT STUDENTS LEARN IS IN EVERY  
25 CLASSROOM TO HAVE A TEACHER THAT IS SKILLED NOT ONLY IN

1 WORKING WITH THE STUDENTS BUT ALSO SKILLED IN, WITH THE  
2 CONTENT KNOWLEDGE AND THE CONTENT BASIS

3 AS YOU LOOK AT OUR TEACHING FORCE YOU WILL SEE THAT  
4 FOR US THAT'S NOT ALWAYS THE CASE FOR THAT ADDITIONALLY  
5 WE HAVE TO DEPEND SO MUCH ON SUPPLEMENTAL FUNDS THAT ARE  
6 TEMPORARY TO MAKE, TO DELIVER PROGRAMS TO OUR STUDENTS  
7 SO ALL THOSE THINGS IMPACT MY ANSWER IN THAT REGARD

8 Q AND IT LEAVES YOU TO THE CONCLUSION THAT YOU ARE NOT  
9 ABLE TO OFFER THE CHILDREN THAT COME INTO YOUR SCHOOL  
10 SYSTEM WITH THE NEEDS THEY HAVE THE OPPORTUNITY FOR A  
11 MINIMALLY ADEQUATE EDUCATION?

12 A YES

13 Q ALL RIGHT LET'S, IF WE CAN, MRS LANDRESS, LET'S  
14 PULL UP 6196 YOUR HONOR, I AM GOING TO TURN NOW TO THE  
15 MATRIX SIMILAR TO THE MATRIX WE HAVE INTRODUCED IN OTHER  
16 CASES AND REVIEW THAT

17 THE COURT RIGHT

18 BY MR EPPS

19 Q MRS LANDRESS, PULL UP 6196, PLEASE

20 MR EPPS YOUR HONOR, I HAD A SPECIAL REQUEST FOR A  
21 BRIEF BREAK AND .

22 THE COURT ALL RIGHT I WILL HONOR THE REQUEST  
23 WITHOUT KNOWING WHY OR WHO IT CAME FROM

24 MR EPPS I WILL TELL YOU IF YOU ASKED

25 THE COURT WHY DON'T WE STAND DOWN FOR ABOUT TEN

1 Q NOW LET'S TALK ABOUT WHAT YOU'RE ABLE TO DO AND WHAT  
2 YOU LACK IF YOU LACK ANYTHING IN FLORENCE SCHOOL DISTRICT  
3 NUMBER FOUR FROM THE STANDPOINT OF GIVING THE TEACHERS THE  
4 OPPORTUNITIES FOR THE PROFESSIONAL DEVELOPMENT THAT YOU  
5 THINK THEY NEED

6 A WE LACK -- PRIMARILY AT THIS POINT WE LACK THE TIME  
7 FOR GIVING THE STAFF DEVELOPMENT TO THE TEACHERS, THAT IS  
8 WITHOUT REMOVING THEM FROM THE CLASSROOM SETTING TO DO  
9 THAT, THAT THEY NEED TIME, FREED UP TIME TO ENGAGE IN  
10 STAFF DEVELOPMENT ACTIVITIES

11 TO A LIMITED EXTENT, A LIMITED EXTENT OF COURSE WE  
12 HAVE STAFF DEVELOPMENT DAYS THAT ARE MANDATED AND BUILT --

13 Q SLOW DOWN A LITTLE BIT

14 A I'M SORRY

15 Q THAT'S THE FIRST TIME WE HAD TO DO THAT

16 A I KNOW

17 THE COURT IT'S ALL RIGHT YOU HAVE BEEN UNDER GOOD  
18 CONTROL

19 THE WITNESS OKAY NOW --

20 THE COURT STAFF DEVELOPMENT ONE SYLLABLE I THINK  
21 WAS A LITTLE BIT

22 THE WITNESS OKAY I WILL SLOW DOWN OKAY I  
23 CAN'T REMEMBER -- OKAY WITH STAFF DEVELOPMENT, WHAT HAS  
24 TO HAPPEN IS THAT YOU HAVE TO PROVIDE OPPORTUNITIES FOR  
25 THE TEACHERS TO HAVE TO, GO TO STAFF DEVELOPMENT SESSIONS,



1 FOR LACK OF A BETTER WAY OF PUTTING IT SO YOU NEED TIME  
2 YOU NEED THE TIME TO DO THAT

3 IN ORDER TO DO THAT, YOU HAVE TO HAVE THE TEACHERS  
4 AFTER HOURS, NON-WORK TIME, NON-SCHOOL TIME OR DURING THE  
5 SUMMER TO MAKE SURE THAT THEY HAVE ADEQUATE TIME TO ABSORB  
6 WHATEVER THE LEARNINGS MAY BE OR THE STRATEGY

7 THEN THEY ALSO HAVE TO HAVE AN OPPORTUNITY TO HAVE  
8 SOME TRAINING, GO BACK TO THE CLASSROOM, APPLY THE  
9 LEARNINGS, GET FEEDBACK ON THAT, REFLECT UPON IN A GROUP  
10 WHAT IT IS THAT THEY LEARNED AND HOW WELL THE CLASSES WENT  
11 AND THEN GO BACK TO THE NEXT STRATEGY SO STAFF  
12 DEVELOPMENT HAS TO BE ONGOING AND MONITORED THROUGHOUT THE  
13 YEAR

14 BY MR EPPS

15 Q ALL RIGHT ARE YOU ABLE TO DO THAT WITHIN YOUR  
16 SCHOOL DISTRICT?

17 A WE ARE ABLE TO DO THAT TO A LIMITED DEGREE AT THIS  
18 POINT WE HAVE STAFF DEVELOPMENT DAYS THAT ARE BUILT INTO  
19 THE CALENDAR WE HAVE STAFF DEVELOPMENT ACTIVITIES EVERY  
20 OTHER THURSDAY FOR THE TEACHERS WHERE WE HAVE MEETINGS,  
21 STAFF DEVELOPMENT SESSIONS

22 BUT THE PROBLEM COMES IN WITH THE OPPORTUNITIES FOR  
23 SUMMER BECAUSE IN ORDER TO GET PEOPLE TO COME YOU HAVE TO  
24 HAVE MONIES TO PAY THEM STIPENDS TO COME OPPORTUNITIES  
25 TO WORK ON SATURDAYS, THEY HAVE TO HAVE, THEY COME WITH TO

1 DO THAT

2 ALSO YOU HAVE TO PAY FOR CONSULTANTS AND EXPERTS TO  
3 COME IN TO BE ABLE TO DELIVER THE STAFF DEVELOPMENT  
4 ACTIVITIES

5 Q IS THIS THE TIME AND MONEY ISSUE?

6 A TIME AND MONEY ISSUE

7 Q TIME AND MONEY DO YOUR TEACHERS HAVE ENOUGH TIME  
8 AND DOES THE DISTRICT HAVE ENOUGH RESOURCES TO OFFER AND  
9 PROVIDE THE LEVEL OF PROFESSIONAL OR STAFF DEVELOPMENT  
10 THAT YOU NEED IN ORDER TO MOVE THIS MIDDLE GROUP OF  
11 TEACHERS INTO THE CATEGORY OF EFFECTIVE TEACHERS SO THAT  
12 THE CHILDREN THERE WILL HAVE THE OPPORTUNITY TO ACQUIRE A  
13 MINIMALLY ADEQUATE EDUCATION?

14 A NO

15 Q THE PROFESSIONAL DEVELOPMENT THAT YOU ARE ABLE TO  
16 OFFER, IS IT, IS IT SYSTEMIC OR IS IT, WHAT I HAVE HEARD  
17 IS ONE-SHOT DEALS? HOW WOULD YOU CLASSIFY IT?

18 A WE HAVE MADE A CONSCIOUS EFFORT TO HAVE IT SYSTEMIC

19 Q OKAY ARE YOU ABLE TO DO THAT?

20 A WE ARE ABLE TO FOLLOW UP WITH SESSIONS HOWEVER, A  
21 PROBLEM COMES IN IN HAVING THE INABILITY TO GO INTO THE  
22 CLASSROOMS TO GET THE FEEDBACK FROM THE TEACHERS ABOUT HOW  
23 THEY ARE ACTUALLY IMPLEMENTING, HOW WELL THEY ARE ACTUALLY  
24 IMPLEMENTING STRATEGIES

25 Q ALL RIGHT SO, THE BOTTOM LINE IS YOU NEED MORE

1 PROFESSIONAL DEVELOPMENT TIME AND YOU NEED MORE  
2 PROFESSIONAL DEVELOPMENT RESOURCES IF YOU ARE GOING TO  
3 IMPROVE THESE TEACHERS' CAPABILITIES SO THAT THEY CAN  
4 REACH YOUR CHILDREN?  
5 A YES  
6 Q ALL RIGHT LET'S PULL UP OR TURN, IF I CAN, TO A  
7 LITTLE BIT OF A DIFFERENT ISSUE DO YOU THINK TEACHER  
8 EXPERIENCE IS IMPORTANT?  
9 A YES, I DO  
10 Q WE HAVE HEARD A LOT OF TESTIMONY AS TO WHY AND IN  
11 THE INTEREST OF TIME I'M NOT GOING TO GO THERE, BUT YOU  
12 ARE OF THE VIEW THAT YOU THINK IT S VERY IMPORTANT?  
13 A I THINK TEACHING EXPERIENCE IS VERY IMPORTANT  
14 ADDITIONALLY, THOUGH, I WOULD LIKE TO SAY TEACHING  
15 EXPERIENCE IS IMPORTANT, ALSO WILLINGNESS TO IMPLEMENT THE  
16 STRATEGIES  
17 Q ALL RIGHT SO THE, YOU -- I GUESS WHAT YOU ARE  
18 SAYING BY THAT IS THAT TEACHER EXPERIENCE COULD ALSO BE  
19 BETTER?  
20 A YES, SIR  
21 Q I'M WITH YOU LET'S TURN IF WE CAN, MRS LANDRESS,  
22 TO 6426-C AS A PREFACE, HOW MANY SCHOOL TEACHERS DO YOU  
23 HAVE IN FLORENCE SCHOOL DISTRICT NUMBER FOUR?  
24 A ABOUT 87  
25 Q EIGHTY-SEVEN? ALL RIGHT LET'S LOOK AT, THESE ARE

1 A YES

2 Q DOES INEXPERIENCE HANDICAP THE PRINCIPAL IN BOTH OF  
3 THOSE CORE AREAS?

4 A YES

5 Q LET'S TALK ABOUT YOUR VOCATIONAL PROGRAMS NOW, TELL  
6 ME WHAT YOU HAVE, DR HARRISON, AND THEN WE WILL MOVE TO  
7 WHAT YOU NEED AND THEN YOU CAN EXPLAIN WHY

8 A OKAY WELL, WE HAVE WELDING WE HAVE AN ELECTRONICS  
9 PROGRAM WE HAVE BUSINESS OCCUPATIONS, HEALTH  
10 OCCUPATIONS

11 Q OKAY

12 A AND CHILD DEVELOPMENT CLASSES, BUT NOT AS A COMPLETER  
13 PROGRAM

14 Q ALL RIGHT I DON'T UNDERSTAND THAT LAST COMPONENT

15 A IT'S JUST A CHILD DEVELOPMENT CLASS WHERE STUDENTS  
16 LEARN TECHNIQUES OF BABYSITTING AND SO ON FOR YOUNGER  
17 CHILDREN, BUT NOT AS A COMPLETER PROGRAM WITH ALL THE  
18 COURSES BEING OFFERED THAT WOULD LEAD TO THAT

19 Q ALL RIGHT NOW, IS YOUR VOCATIONAL PROGRAM OFFERING  
20 SUFFICIENT TO MEET THE NEEDS OF THE STUDENTS IN THE  
21 FLORENCE FOUR DISTRICT?

22 A NO

23 Q ALL RIGHT WHAT DO YOU NEED IN FLORENCE FOUR IN THE  
24 WAY OF VOCATIONAL OFFERINGS THAT YOU DO NOT HAVE?

25 A BECAUSE OF THE DEMAND IN THE FLORENCE AREA,

1 CARPENTRY, BRICK MASONRY WOULD BE, THOSE TWO AREAS WOULD  
2 BE THINGS THAT WOULD BE ADVANTAGEOUS TO OUR STUDENTS

3 Q OKAY IS THERE SIGNIFICANT DEMAND IN THE FLORENCE  
4 FOUR AREA FOR THE TRADES OF CARPENTRY AND BRICK MASONRY?

5 A YES

6 Q AND WHY DOES FLORENCE FOUR NOT OFFER THOSE PROGRAMS?

7 A WELL, AT THIS TIME WE DON'T HAVE THE FACILITY IN  
8 PLACE TO DO THAT NOR THE RESOURCES, AND, REALLY, THE  
9 TEACHING STAFF WE HAVE NOW IS REALLY ALL WE CAN AFFORD TO  
10 HAVE

11 Q ALL RIGHT WE TALKED ABOUT THE FACILITIES AND I JUST  
12 WANT TO GO BACK AND CAPSULIZE THAT VFRY BRIEFLY NOW THE  
13 FACILITY THAT YOU HAVE WAS BUILT IN THE YEAR 2000?

14 A YES

15 Q SO IT'S A NEW FACILITY, A RELATIVELY NEW FACILITY?

16 A YES

17 Q NOW, IN TERMS OF ISSUES ABOUT THE FACILITIES AM I  
18 CORRECT IN THAT YOUR ONLY REAL ISSUE IS NOT WITH THE  
19 STRUCTURE ITSELF BUT THE IDEA OF PUTTING ALL THE GRADES, K  
20 THROUGH 12, IN THE SAME FACILITY?

21 A YES

22 Q OKAY NOW, IF I GO LOOK AT THE STRUCTURE, TAKE  
23 PICTURES OF THE STRUCTURE WHAT I HAVE HERE, I ASSUME, IT'S  
24 GOING TO LOOK FINE?

25 A IT WILL LOOK FINE THE TILE, THAT'S A PROBLEM WITH

1 MOST RECENT CONSTRUCTION YOU WILL SEE SOME AREAS OF THE  
2 FLOOR THAT THAT'S BEING REPAIRED BUT BASICALLY THERE ARE  
3 NO OTHER PROBLEMS WITH THE FACILITY

4 Q ALL RIGHT SO THE ONLY ISSUE THERE IS TRYING TO  
5 AGAIN PLACE ALL THE STUDENTS IN ONE BUILDING?

6 A YES

7 Q OKAY ALL RIGHT LET'S -- I WANT TO TURN NOW TO A  
8 SUBJECT WE TALKED ON VERY EARLY ON AND THAT'S TIME ON  
9 TASK ALL RIGHT?

10 A ALL RIGHT

11 Q AND I WANT TO TALK TO YOU ABOUT REMEDIAL AND/OR  
12 COMPENSATORY OFFERINGS BY THE SCHOOL AND WE WILL BREAK  
13 IT OUT IN THE TWO TOPICS THE FIRST IS AFTER-SCHOOL  
14 PROGRAMS AND THEN WE WILL TALK ABOUT SUMMER SCHOOL

15 A OKAY

16 Q AND WE ARE DRAWING NEAR THE END, DR HARRISON

17 A OKAY

18 Q WHAT AFTER-SCHOOL PROGRAMS ARE AVAILABLE IN FLORENCE  
19 SCHOOL DISTRICT NUMBER FOUR?

20 A WE HAVE AFTER-SCHOOL PROGRAMS FOR STUDENTS IN GRADES  
21 THREE THROUGH EIGHT AND THOSE PROGRAMS ARE CALLED  
22 JUMP -- ARE CALLED GRASP, THEY HAVE A GRASP PROGRAM, GRASP  
23 PROGRAM, G-R-A-S-P, AND THEN WE HAVE A LEAP PROGRAM

24 Q L-E-A-P?

25 A YES

1 Q OKAY NOW, DID I UNDERSTAND YOU TO SAY THAT THE  
2 AFTER-SCHOOL PROGRAM WAS FUNDED BY A 21ST CENTURY GRANT?  
3 A YES  
4 Q HOW ABOUT YOUR SUMMER SCHOOL PROGRAM?  
5 A IT'S FUNDED BY E I A REMEDIATION FUNDS  
6 Q ALL RIGHT YOUR AFTER-SCHOOL PROGRAM, YOUR 21ST  
7 CENTURY GRANT, WHEN DOES IT EXPIRE?  
8 A IT EXPIRES IN MAY MAY OF 2004  
9 Q ALL RIGHT DO YOU HAVE ANY FUNDS CURRENTLY ALLOCATED  
10 OR CURRENTLY KNOWN TO BE AVAILABLE TO RUN YOUR SUMMER  
11 SCHOOL FOR THIS COMING SCHOOL YEAR?  
12 A WE WILL USE THE FUNDS THAT WE HAVE AVAILABLE FOR,  
13 COMPREHENSIVE REMEDIATION FUNDS THAT WE HAVE AVAILABLE TO  
14 OFFER SUMMER SCHOOL IF POSSIBLE  
15 Q OKAY NOW HOW ABOUT AFTER-SCHOOL PROGRAMS?  
16 A AFTER SCHOOL PROGRAMS WILL HAVE TO BE MODIFIED  
17 SOMEWHAT NEXT YEAR IF WE ARE NOT ABLE TO FIND ADDITIONAL  
18 FUNDING WE DO RECEIVE FUNDING FOR HOMEWORK CENTERS FROM  
19 THE STATE DEPARTMENT OF EDUCATION, FOR JOHNSON MIDDLE  
20 SCHOOL AND FOR TIMMONSVILLE HIGH SCHOOL  
21 Q ALL RIGHT LET'S SEE IF WE CAN CAPSULIZE NOW YOUR  
22 REMEDIAL PROGRAMS YOU'VE GOT AN AFTER-SCHOOL PROGRAM  
23 WHERE YOU CAN SERVE GRADES THREE THROUGH EIGHT?  
24 A YES  
25 Q AND IT'S FOUR DAYS A WEEK FOR HOW LONG?

1 A FOUR DAYS A WEEK FROM 3 30 TO 6 30  
2 Q 6 30 SO IT'S THREE HOURS THEN?  
3 A UH-HUH  
4 Q AND YOU ARE ABLE IN YOUR AFTER-SCHOOL PROGRAMS TO  
5 REACH ALL YOUR BELOW BASIC CHILDREN?  
6 A WELL, MOST OF THEM  
7 Q MOST OF THEM?  
8 A I WOULDN'T SAY ALL OF THEM WE PROVIDE  
9 TRANSPORTATION, SO PARENTS ARE PRETTY AMENABLE TO STUDENTS  
10 STAYING WE DON'T HAVE LARGE NUMBERS OF STUDENTS REFUSING  
11 TO STAY I CAN'T SAY HERE TODAY THAT WE SERVE EVERY ONE  
12 OF THEM  
13 Q BUT BY -- I ASSUME THAT BY JOINING IT WITH THE GIRL  
14 SCOUTS AND THIS SORT OF THING YOU ARE ABLE TO ATTRACT MORE  
15 PEOPLE?  
16 A RIGHT EXACTLY  
17 Q BETTER INCENTIVE?  
18 A RIGHT  
19 Q FOR YOUR SUMMER SCHOOL PROGRAMS YOU CANNOT BECAUSE OF  
20 LACK OF FUNDING, AS I UNDERSTAND YOUR TESTIMONY, EVEN  
21 ATTEMPT TO REACH THE CHILDREN WHO ARE MOST IN NEED AND  
22 THAT IS THE BELOW BASIC ONE STUDENTS?  
23 A RIGHT WE -- WITH THE LENGTH OF THE SUMMER SCHOOL WE  
24 FEEL, WE FEEL THAT WE WILL HAVE A QUALITY SUMMER SCHOOL  
25 AND GET THE BEST RESULTS WITH, FOCUSING ON THE STUDENTS



1 WHO ARE CLOSE TO BASIC

2 Q DO YOU NEED A LONGER PERIOD OF TIME IN SUMMER SCHOOL  
3 THAN FOUR WEEKS?

4 A YES, IT'D BE GOOD

5 Q DO YOU KNOW WHAT THE RESEARCH DATA SHOWS ON HOW LONG  
6 AN EFFECTIVE SUMMER SCHOOL HAS TO RUN?

7 A I DON'T REALLY KNOW I CAN'T REALLY TELL YOU ON  
8 THAT BUT WE DO KNOW THAT OUR STUDENTS NEED ADDITIONAL  
9 TIME TO LEARN, EXTENDED TIME FOR LEARNING AND SO THE  
10 LONGER THE TIME, CERTAINLY THE BETTER FOR MAKING SURE THAT  
11 YOU ARE ABLE TO HAVE A QUALITY PROGRAM WOULD BE THE KEY

12 Q DR HARRISON, AFTER HAVING VISITED WITH YOU ON THE  
13 REMEDIAL PROGRAMS THAT ARE AVAILABLE IN FLORENCE SCHOOL  
14 DISTRICT NUMBER FOUR, ARE THEY SUFFICIENT TO OFFER THE  
15 CHILDREN WITH THE GREATEST NEEDS THE OPPORTUNITY TO  
16 ACQUIRE A MINIMALLY ADEQUATE EDUCATION?

17 A NO

18 Q IF YOU HAD MORE FUNDS, WOULD YOU ENHANCE BOTH  
19 PROGRAMS?

20 A YES

21 Q SO THAT YOU COULD INDEED OFFER THESE CHILDREN THAT  
22 OPPORTUNITY?

23 A YES

24 Q NOW, WE HAVE TOUCHED ON THE TEACHERS AND JUST ONE  
25 FINAL ISSUE ON THE TEACHERS WHAT OUT OF THIS CATEGORY OF

1 DIFFERENT CATEGORIES OF DISABILITIES

2 Q OKAY WE CAN COME BACK TO THOSE IN A MINUTE

3 A OKAY PROBABLY LESS THAN 20 PERCENT, SOMEWHERE  
4 BETWEEN 13 AND 20 PERCENT OF THE POPULATION OF A LITTLE  
5 OVER A 111,000 CHILDREN IN THIS STATE THAT WE SERVE, UNDER  
6 I D E A , INDIVIDUALS WITH DISABILITIES EDUCATION ACT, DO  
7 NOT HAVE, ARE NOT, NOT INTELLECTUALLY INTACT

8 IN OTHER WORDS, THEY -- LESS THAN 20 PERCENT HAVE  
9 MENTAL DISABILITIES THE REMAINDER OF THE CHILDREN HAVE A  
10 VARIETY OF DISABILITIES THAT MAY INTERFERE WITH THEIR  
11 MAKING EDUCATIONAL PROGRESS WITHOUT THE BENEFIT OF  
12 SUPPORTS AND SERVICES THROUGH SPECIAL EDUCATION

13 HOWEVER, BECAUSE THOSE CHILDREN ARE INTELLECTUALLY  
14 INTACT, THEY HAVE AVERAGE INTELLECTUAL ABILITY, WITH  
15 APPROPRIATE SUPPORTS AND SERVICES THEY SHOULD BE ABLE TO  
16 PROGRESS IN THE GENERAL CURRICULUM, COMMENSURATE WITH,  
17 EQUAL TO THEIR NON-DISABLED PEERS DOES THAT ANSWER YOUR  
18 QUESTION?

19 Q YES, IT DOES AND LET'S TALK BRIEFLY ABOUT THE TERMS  
20 THAT ARE USED IN THIS FIELD WE HAVE REFERRED TO SPECIAL  
21 EDUCATION STUDENTS, STUDENTS WITH DISABILITIES, SPECIAL  
22 NEEDS STUDENTS AND EXCEPTIONAL STUDENTS OR EXCEPTIONAL  
23 NEEDS STUDENTS IS THERE ANY DIFFERENCE IN THAT  
24 TERMINOLOGY?

25 A THOSE TERMS ARE ALL INTERCHANGEABLE

1 Q YEAH OKAY

2 A THE TERMINOLOGY CHANGES OVER TIME WE -- FOR  
3 EXAMPLE, MENTAL DISABILITIES, WE USED TO USE THE TERM  
4 MENTAL RETARDATION THAT'S NO LONGER USED THEN WE MOVED  
5 TO MENTALLY HANDICAPPED THAT'S NO LONGER USED NOW WE  
6 USE MENTAL DISABILITIES, BUT THEY ARE ALL INTERCHANGEABLE

7 Q OKAY

8 A THEY ALL REFER TO STUDENTS WITH DISABILITIES WHO ARE  
9 ELIGIBLE FOR SERVICES UNDER I D E A

10 Q OKAY SO SPECIAL EDUCATION STUDENTS, STUDENTS WITH  
11 DISABILITIES, SPECIAL NEEDS STUDENTS AND EXCEPTIONAL  
12 CHILDREN ALL MEAN THE SAME THING?

13 A ALL THE SAME YES, MA'AM

14 Q OKAY ARE, DO MENTAL DISABILITIES EQUATE TO  
15 DISABILITIES AS A RULE IN ITS ENTIRETY?

16 A MENTAL DISABILITIES IS, AS I MENTIONED BEFORE, A  
17 SMALL PART MOST OF OUR CHILDREN DO NOT HAVE MENTAL  
18 DISABILITIES

19 Q OKAY SO WHAT IS THE IDEA BEHIND SPECIAL EDUCATION  
20 SERVICES?

21 A UP UNTIL THE INITIATION OF THIS LAW IN 1975, THERE  
22 WERE --

23 Q EXCUSE ME WHICH LAW ARE YOU TALKING ABOUT?

24 A INDIVIDUAL WITH DISABILITIES EDUCATION ACT

25 Q THE ACT?

1 A INITIALLY IT WAS EDUCATION OF ALL HANDICAPPED  
2 CHILDREN ACT THE ACRONYM FOR CURRENT LAW IS I D E A  
3 Q ALL RIGHT IT WAS ENACTED BY THE FEDERAL GOVERNMENT?  
4 A THAT'S CORRECT  
5 Q IN 1975?  
6 A IN 1975 AND PRIOR TO THAT THERE WERE OVER A MILLION  
7 CHILDREN IN THIS COUNTRY WHO DID NOT HAVE ACCESS TO PUBLIC  
8 EDUCATION  
9 Q WERE THEY ALLOWED TO ATTEND SCHOOL?  
10 A THEY WERE NOT ALLOWED TO ATTEND SCHOOL OR THEY  
11 ATTENDED SCHOOL AND WERE EXCLUDED BECAUSE OF LACK OF  
12 EDUCATIONAL PROGRESS OR BEHAVIORAL ISSUES OR WHATEVER SO  
13 THE PURPOSE OF THIS LAW WAS TO, IS TO STILL TO PROVIDE AN  
14 EQUAL PLAYING FIELD FOR CHILDREN WITH DISABILITIES  
15 IT'S AN ACCESS LAW IT'S A LAW THAT WAS DEVELOPED IN  
16 ORDER TO ENSURE THAT ALL CHILDREN HAVE ACCESS TO PUBLIC  
17 EDUCATION AND THAT IF THERE ARE EXCEPTIONAL OR SPECIAL  
18 NEEDS IN ORDER TO PROVIDE THAT ACCESS, THE TERMS IN THE  
19 LAW ARE IN ORDER FOR THE CHILD TO RECEIVE EDUCATIONAL  
20 BENEFIT, THEN UNDER THIS LAW IF THEY ARE ELIGIBLE, THOSE  
21 SUPPORTS AND SERVICES MUST BE PROVIDED  
22 REMEMBERING THAT ALL OF OUR CHILDREN ARE IN GENERAL  
23 ED FIRST AND THEN THE ISSUES THAT ARE NECESSARY FOR ACCESS  
24 MUST BE PROVIDED UNDER I D E A  
25 Q WHAT KINDS OF THINGS MIGHT BE PROVIDED TO ALLOW A

1 STUDENT WITH SPECIAL NEEDS ACCESS TO GENERAL EDUCATION  
2 CURRICULUM?

3 A COULD BE SPECIALIZED INSTRUCTION IT COULD BE  
4 ASSISTIVE TECHNOLOGY

5 Q SUCH AS?

6 A IT COULD BE A VOICE-ACTIVATED COMPUTER FOR A CHILD  
7 WHO DOESN'T HAVE USE OF HIS HANDS IT COULD BE BRAILLE  
8 FOR A CHILD WHO IS BLIND, IT COULD BE INTERPRETER SERVICES  
9 FOR A CHILD WHO IS DEAF WHATEVER IS NECESSARY IN ORDER  
10 TO GIVE THAT CHILD THE SAME ACCESS TO THE EDUCATIONAL  
11 PROGRAM AS HIS NON-DISABLED PEERS WOULD HAVE

12 Q OKAY HOW DOES ONE OR A SCHOOL EVALUATE WHAT A CHILD  
13 NEEDS IN THE WAY OF SPECIAL SERVICES?

14 A THERE IS AN EVALUATION PROCESS WE HAVE A DOCUMENT  
15 OF A, THAT IS PART OF STATE REGULATIONS, OUR ELIGIBILITY  
16 CRITERIA A CHILD WHO IS EXPERIENCING DIFFICULTY IN  
17 SCHOOL MAY BE REFERRED BY THE SCHOOL OR BY HIS OR HER  
18 PARENTS OR SOME OF OUR CHILDREN WITH, PARTICULARLY OUR  
19 CHILDREN WITH WHAT WE CALL LOW INCIDENCE DISABILITY, OUR  
20 SENSORY IMPAIRED CHILDREN, YOU MAY KNOW WHEN THE CHILD  
21 COMES TO SCHOOL IF HE IS BLIND THAT HE'S GOING TO NEED TO  
22 BE REFERRED TO SPECIAL EDUCATION AND EVALUATED

23 OTHER CHILDREN THAT MAY BE IN SCHOOL FOR A WHILE  
24 BEFORE YOU BEGIN TO RECOGNIZE THAT THERE ARE DIFFICULTIES  
25 BUT THERE'S A REFERRAL PROCESS THAT OCCURS THAT REFERRAL

1 A ONE OF THE BIG CHALLENGES, I THINK, THAT WE HAVE IN  
2 CLASSROOMS IS THAT WE TEND AS EDUCATORS TO PUT THE PROBLEM  
3 ON THE HEAD OF THE CHILD WE TEND TO SAY, JOHNNY IS, IS  
4 NOT READING, THERE IS SOMETHING WRONG WITH HIM

5 AS OPPOSED TO WHEN YOU, WHEN YOU LOOK AT A  
6 PROBLEM-SOLVING MODEL, WHEN YOU LOOK AT A PREVENTATIVE  
7 MODEL, THEN YOU SHOULD NOT BE LOOKING AT THE CHILD, YOU  
8 SHOULD BE LOOKING AT THE ENVIRONMENT, THE OPPORTUNITIES,  
9 THE ACCESS ISSUES

10 AND THEREIN LIES A LOT OF THE CHALLENGES THAT WE HAVE  
11 IN TERMS OF REFERRAL TO SPECIAL EDUCATION WE HAVE TO  
12 LOOK AT THE ENVIRONMENT, AT THE CLASSROOM, AT THE  
13 STRATEGIES WE ARE USING, AT THE METHODS AND MATERIALS WE  
14 ARE USING

15 AND THE SAME THING DOESN'T WORK FOR EVERY CHILD AND  
16 NOT JUST TALKING ABOUT CHILDREN WITH DISABILITIES, TALKING  
17 ABOUT CHILDREN IN GENERAL HAVE TO HAVE A WIDE VARIETY OF  
18 OPPORTUNITIES TO LEARN AND TO RETEACH IN A DIFFERENT WAY  
19 IF THE CHILD HASN'T BENEFITED FROM THE FIRST WAY THAT  
20 INFORMATION IS PRESENTED TO THEM

21 Q OKAY WELL, WE ARE GOING TO TALK A LITTLE BIT MORE  
22 ABOUT IDENTIFICATION OF SPECIAL EDUCATION STUDENTS LATER  
23 BUT RIGHT NOW, WHAT IS THE BOTTOM LINE PURPOSE OF PLACING  
24 CHILDREN IN SPECIAL EDUCATION PROGRAMS?

25 A UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT

1 THE PURPOSE OF PLACING CHILDREN IN SPECIAL EDUCATION IS TO  
2 GIVE ACCESS TO THOSE CHILDREN WHO HAVE IDENTIFIED  
3 DISABILITIES TO EQUAL THE PLAYING FIELD, IF YOU WILL, SO  
4 THAT THEY CAN PROGRESS IN THE GENERAL CURRICULUM,  
5 COMMENSURATE WITH THEIR PEERS AND SO THAT THEY WILL  
6 RECEIVE EDUCATIONAL BENEFIT FROM THE INSTRUCTION THAT THEY  
7 RECEIVE

8 Q NOW, LET'S GET BACK TO THE VARIOUS CATEGORIES OF  
9 SPECIAL EDUCATION YOU HAD -- WE HAD REFERRED TO  
10 PLAINTIFFS' EXHIBIT 6042 AND THE RED BOOK THAT'S PART OF  
11 THAT EXHIBIT AND IF YOU NEED TO, I THINK THE CATEGORIES  
12 ARE LISTED ON PAGES FOUR THROUGH 22 OF THAT EXHIBIT

13 BUT IF YOU COULD, PLEASE, JUST LIST FOR US IN AND  
14 BRIEFLY DESCRIBE THE VARIOUS CATEGORIES OF SPECIAL  
15 EDUCATION THAT ARE LISTED IN THE LAW AND AVAILABLE TO  
16 STUDENTS IN SOUTH CAROLINA

17 A OKAY WE TALKED EARLIER ABOUT MENTAL DISABILITIES  
18 IN SOUTH CAROLINA WE DIVIDE THAT UP INTO MILD, MODERATE  
19 AND SEVERE THOSE ARE CHILDREN WHOSE MEASURED  
20 INTELLIGENCE IS BELOW 70 THE MILD WE CALL E M D ,  
21 EDUCABLE MENTALLY DISABLED IN OUR STATE

22 OUR CHILDREN ARE, AN I Q SCORE IS NOT THE ONLY  
23 IDENTIFIER BUT JUST TO SORT OF GIVE YOU A FEEL FOR A, A  
24 DESCRIPTOR OF WHAT THOSE CHILDREN LOOK LIKE I Q 'S  
25 BETWEEN 70 AND -- BELOW 70 AND 48, 69 AND 48 WOULD BE THE

1 A THAT'S CORRECT E M D  
2 Q AND TRAINABLE MENTALLY DISABLED, THAT WOULD BE  
3 T M D ?  
4 A T M D  
5 Q AND PROFOUNDLY MENTALLY DISABLED AS P M D ?  
6 A RIGHT  
7 Q THOSE ARE THE CATEGORIES THAT WE SEE IN THE E F A  
8 WEIGHTINGS, IS THAT RIGHT?  
9 A THAT'S CORRECT  
10 Q BUT AND THE IDEA AND IN THIS REGULATION THEY RELATE  
11 TO MILD, MODERATE AND SEVERE MENTAL DISABILITY?  
12 A THAT'S RIGHT  
13 Q NOW ALL OF THESE CHILDREN HAVE INTELLECTUAL  
14 IMPAIRMENTS  
15 A THAT'S CORRECT  
16 Q WHAT'S ANOTHER CATEGORY, PLEASE, OF SPECIAL  
17 EDUCATION?  
18 A LEARNING DISABILITIES THAT'S PROBABLY THE LARGEST  
19 AREA IN WHICH SERVICES ARE PROVIDED ACROSS THE COUNTRY  
20 CHILDREN WITH LEARNING DISABILITIES HAVE ONE OR MORE OF A  
21 VARIETY OF THINGS THEY MAY HAVE DIFFICULTIES WITH BASIC  
22 READING OR READING COMPREHENSION  
23 THEY MAY HAVE DIFFICULTIES WITH MATHEMATICS  
24 CALCULATIONS OR MATHEMATIC REASONING OR THEY MAY HAVE  
25 SPEAKING, LISTENING, READING KINDS OF EXPRESSIVE PROBLEMS



1 Q WE HEARD THE JUDGE SAY THIS MORNING THAT HE HAD SOME  
2 DYSLEXIA KICKING IN IS THAT A LEARNING DISABILITY?

3 A YES, YES

4 Q OKAY

5 A YES, SIR

6 Q DIDN'T YOU SAY THAT, JUDGE?

7 THE COURT IT WAS A SELF-DIAGNOSIS, BUT

8 (OFF-THE-RECORD DISCUSSION)

9 THE WITNESS PLUS WE CAN'T EVALUATE YOU IF YOU ARE  
10 OVER 21, YOU HAVE TO GO SOMEWHERE

11 BY MRS HART

12 Q ALL RIGHT LEARNING DISABILITIES GO AHEAD

13 A IN OUR STATE AND IN MOST STATES ACROSS THE COUNTRY  
14 THE IDENTIFICATION OF LEARNING DISABILITIES LOOKS AT WHAT  
15 WE CALL A DISCREPANCY MODEL YOU MEASURE THROUGH  
16 EVALUATION THE INTELLIGENCE, THE POTENTIAL, THE ABILITY OF  
17 THE CHILD, AND THEN YOU USE ADDITIONAL MEASURES TO LOOK AT  
18 THEIR PERFORMANCE

19 AND IF THERE IS A SIGNIFICANT DISCREPANCY BETWEEN  
20 THEIR ABILITY AND THEIR PERFORMANCE IN ANY OF THOSE AREAS  
21 THAT I MENTIONED, ORAL EXPRESSION, LISTENING EXPRESSION,  
22 THE MATH, THE READING, IF THERE IS A DISCREPANCY OR GAP,  
23 IF YOU WILL, THAT IS SIGNIFICANT BETWEEN THEIR ABILITY AND  
24 THEIR ACHIEVEMENT THEN THEY WOULD PROBABLY MEET THE  
25 ELIGIBILITY FOR LEARNING DISABILITIES

1 Q DO THESE -- DO CHILDREN WHO HAVE LEARNING  
2 DISABILITIES HAVE NORMAL INTELLECTUAL CAPACITIES?

3 A ONE OF THE REQUIREMENTS IS NORMAL INTELLECTUAL  
4 ABILITY I DIDN'T MENTION -- YOU ALSO HAVE TO RULE OUT  
5 FOR LEARNING DISABILITIES ANY KINDS OF SENSORY IMPAIRMENT,  
6 THERE THE GAP CAN T BE AS A RESULT OF HEARING OR VISION  
7 PROBLEMS

8 IT CAN'T BE AS A RESULT OF ANY KIND OF CULTURAL OR  
9 ECONOMIC IMPACT AND IT CAN'T BE AS A RESULT OF THE LACK OF  
10 APPROPRIATE INSTRUCTION NOW, THOSE LAST TWO THINGS ARE  
11 VERY DIFFICULT TO DOCUMENT, BUT IF YOU LOOK THROUGH THE  
12 CRITERIA, THAT'S PART OF IT

13 Q OKAY WHAT'S ANOTHER CATEGORY OF SPECIAL EDUCATION?

14 A SPEECH AND LANGUAGE IMPAIRED

15 Q ALL RIGHT

16 A CHILDREN WHO -- THAT'S PROBABLY THE ONLY DISABILITY  
17 THAT YOU CAN GET A LABEL ON AND EVENTUALLY GET OUT OF  
18 BECAUSE WE LOOK AT SPEECH FLUENCY, WE LOOK AT  
19 ARTICULATION

20 Q WHAT'S ARTICULATION?

21 A JUST HOW CHILDREN CAN SAY AND PRONOUNCE WORDS YOU  
22 HAVE TO LOOK AT BOTH EXPRESSIVE AND RECEPTIVE KINDS OF  
23 ISSUES IN TERMS OF VOCABULARY AND IF A CHILD'S  
24 ARTICULATION IS IMPAIRED IT'S HARD FOR PEOPLE TO  
25 UNDERSTAND HIM

1           SO IF YOU CAN REMEDIATE THEIR ARTICULATION, THEN YOU  
2 CAN PROBABLY MOVE THOSE CHILDREN OUT OF THE SPEECH  
3 SERVICES

4   Q     OKAY   AS AN EXAMPLE, IS A LISP?

5   A     A LISP WOULD BE AN EXAMPLE   WITH YOUNG CHILDREN  
6 THERE, YOU KNOW, THERE ARE A NUMBER OF ISSUES WITH, WITH  
7 THE PRONUNCIATION THAT YOU CAN REMEDIATE WITH SPEECH AND  
8 LANGUAGE SERVICES

9   Q     OKAY   IS THERE ANOTHER -- ARE WE FINISHED WITH THAT  
10 CATEGORY, YOU THINK?

11   A     I THINK

12   Q     OKAY   WHAT'S ANOTHER CATEGORY?

13   A     EMOTIONAL DISABILITIES

14   Q     ALL RIGHT

15   A     AGAIN, WITH EMOTIONAL DISABILITIES THOSE ARE CHILDREN  
16 WHO ARE WHAT WE CALL INTELLECTUALLY INTACT   THEY, YOU  
17 CAN'T LABEL A CHILD AS LEARNING DISABLED OR EMOTIONALLY  
18 DISABLED IF THEY DO NOT HAVE I Q   RANGES WITHIN THE  
19 AVERAGE   THOSE ARE CHILDREN --

20   Q     ARE YOU SAYING THAT THOSE CHILDREN DO NOT HAVE  
21 IMPAIRED INTELLECTUAL ABILITY?

22   A     THOSE CHILDREN DO NOT HAVE IMPAIRED INTELLECTUAL  
23 ABILITY, THAT'S CORRECT   CHILDREN WHO ARE IDENTIFIED AS  
24 EMOTIONAL DISABILITIES HAVE TO HAVE EMOTIONAL ISSUES,  
25 BEHAVIORAL ISSUES THAT HAVE A HISTORY   THAT, THERE HAS TO

1 BE DOCUMENTATION OF INTENSITY AND DURATION

2 SO IF YOU HAVE A CHILD WHO MAYBE IS EXPERIENCING SOME  
3 BEHAVIORAL ISSUES, SOME EMOTIONAL ISSUES BECAUSE OF A  
4 DEATH IN THE FAMILY OR A DIVORCE OR BECAUSE THEY HAVE BEEN  
5 MOVED INTO A FOSTER HOME, THOSE ARE NOT KIDS WE ARE  
6 TALKING ABOUT

7 WE ARE TALKING ABOUT CHILDREN WHO OVER TIME, OVER AN  
8 EXPENDED PERIOD OF TIME THEIR BEHAVIORS ARE INTERFERING  
9 WITH THEIR ABILITY TO PERFORM IN THE CLASSROOM THEY  
10 HAVE, THEY ARE INTACT INTELLECTUALLY, THEY SHOULD BE ABLE  
11 TO PERFORM AT GRADE LEVEL

12 THE EMOTIONAL ISSUES, WHICH MAYBE WHEN I SAY  
13 BEHAVIORAL IT MIGHT BE ACTING OUT, IT MIGHT BE ACTING IN,  
14 BUT THOSE ISSUES ARE INTERFERING WITH THEIR LEARNING

15 Q GIVE US AN EXAMPLE OF ACTING IN

16 A THIS WOULD BE A CHILD WHO IS NOT RESPONSIVE IN THE  
17 CLASSROOM, A CHILD WHO COMES IN THE CLASSROOM AND IT'S  
18 80 DEGREES, HE KEEPS HIS COAT ON, PUTS HIS HEAD ON THE  
19 DESK AND COVERS HIS HEAD HE IS WITHDRAWING AS BEST HE  
20 CAN FROM PARTICIPATION THAT WOULD BE AN EXAMPLE

21 Q OKAY WHAT'S ANOTHER CATEGORY OF SPECIAL EDUCATION?  
22 WE TALKED ABOUT --

23 A OKAY ORTHOPEDICALLY IMPAIRED

24 Q ALL RIGHT

25 A THOSE WOULD BE CHILDREN WHO HAVE PHYSICAL PROBLEMS

1 THAT WOULD, AGAIN, INTERFERE WITH THEIR LEARNING NOT  
2 EVERY CHILD WHO IS IN A WHEELCHAIR MIGHT NEED SPECIAL  
3 EDUCATION, BUT THEY MIGHT NEED SPECIAL EDUCATION IN  
4 SUPPORTS AND SERVICES

5 DIFFICULTY WITH EITHER UPPER BODY FUNCTIONING OR  
6 LOWER BODY FUNCTIONING CHILDREN, FOR EXAMPLE, WHO HAVE  
7 MAYBE BEEN IN AUTOMOBILE ACCIDENTS, CHILDREN WITH SPINA  
8 BIFIDA, CHILDREN WHO HAVE --

9 Q HOW ABOUT CEREBRAL PALSY?

10 A CEREBRAL PALSY SHOULD, WOULD BE EXAMPLES OF CHILDREN  
11 WITH ORTHOPEDIC IMPAIRMENTS

12 Q DO THESE CHILDREN HAVE NORMAL INTELLFCTUAL  
13 CAPACITIES?

14 A A LARGE NUMBER OF THEM DO A LARGE NUMBER OF THEM  
15 ARE INTELLECTUALLY INTACT SOME CHILDREN HAVE MULTIPLE  
16 DISABILITIES

17 Q IS THAT ANOTHER CATEGORY?

18 A YES

19 Q OKAY LET'S TALK ABOUT THE MULTIPLE DISABILITIES  
20 CATEGORY THEN

21 A OKAY IT IS AS IT SAYS, CHILDREN THAT HAVE MORE THAN  
22 ONE IDENTIFIED DISABILITY THAT COULD BE IMPAIRING THEIR  
23 PROGRESS IN THE GENERAL CURRICULUM

24 Q SO THAT IF THEY HAVE ONE DISABILITY THEY'D BE SERVED  
25 UNDER THAT DISABILITY CATEGORY BUT IF THEY HAVE MULTIPLES

1 IT'S GOING TO REQUIRE INTERVENTIONS TARGETED TO DIFFERENT  
2 KINDS OF DISABILITY?

3 A EXACTLY SO YOU MIGHT NEED MORE EXPERTISE

4 Q SO YOU MIGHT HAVE AN ORTHOPEDICALLY IMPAIRED CHILD  
5 WHO ALSO HAS IMPAIRED INTELLECTUAL ABILITY, THAT WOULD BE  
6 A MULTIPLE DISABILITY?

7 A THAT'S CORRECT

8 Q OKAY ALL RIGHT SO HE WOULD NEED SERVICES BOTH FOR  
9 THE ORTHOPEDIC IMPAIRMENT AS WELL AS THE INTELLECTUAL?

10 A THAT'S CORRECT OR YOU MIGHT HAVE A LEARNING  
11 DISABLED CHILD WHO ALSO HAS A VISION IMPAIRMENT YOU  
12 RULED OUT THE VISION IS WHY HE'S LEARNING DISABLED AND  
13 THEN YOU GOT TO PROVIDE HIM WITH BOTH KINDS OF SERVICE

14 Q I SEE WHAT'S THE ANOTHER CATEGORY PLEASE MRS  
15 DURANT?

16 A OTHER HEALTH IMPAIRED IS ANOTHER CATEGORY  
17 CHILDREN -- AN EXAMPLE OF THIS WOULD BE CHILDREN WHO HAVE  
18 SICKLE CELL ANEMIA, CHILDREN WHO HAVE A I D S , WHO MAY BE  
19 IN AND OUT OF SCHOOL, THEIR ATTENDANCE MIGHT BE SPORADIC  
20 BECAUSE OF PHYSICAL IMPAIRMENT

21 SOME CHILDREN WHO HAVE ATTENTION DEFICIT DISORDER MAY  
22 ALSO FALL UNDER THIS CATEGORY THERE ARE A VARIETY OF  
23 HEALTH ISSUES THAT MAY IMPACT ON CHILDREN'S SCHOOL  
24 ATTENDANCE OR EVEN ABILITY TO PARTICIPATE WHEN THEY ARE  
25 THERE SO THOSE CHILDREN WOULD FALL UNDER OTHER HEALTH

1 IMPAIRED

2 Q WOULD A CHILD -- AS I WAS READING THROUGH THIS  
3 REGULATION, OKAY, I'M LOOKING AT PAGE 18 ON, IN THE RED  
4 BOOK AND THERE IS A LIST OF OTHER HEALTH PROBLEMS

5 A LIMITED STRENGTH, VITALITY, ALERTNESS, HEIGHTENED  
6 ALERTNESS TO ENVIRONMENTAL STIMULI, CHILDREN WITH  
7 ALLERGIES, WITH MAJOR ALLERGIES WOULD FALL UNDER THAT

8 Q ASTHMA?

9 A YES ACUTE HEALTH PROBLEMS

10 Q DIABETES?

11 A YES

12 Q LEUKEMIA?

13 A UH-HUH

14 Q NEPHRITIS?

15 A HEART, ANY OF THOSE, ANY OF THOSE KINDS OF PHYSICAL  
16 HEALTH ISSUES THAT MAY INTERFERE WITH THEIR LEARNING,  
17 THEIR ABILITY TO PARTICIPATE WHEN THEY ARE AT SCHOOL OR  
18 EVEN MIGHT MAKE THEIR ATTENDANCE SPORADIC

19 Q BUT THEY ARE CLASSIFIED BECAUSE OF THOSE ILLNESSES AS  
20 SPECIAL EDUCATION STUDENTS?

21 A THAT'S CORRECT

22 Q ARE THESE CHILDREN OF NORMAL INTELLIGENCE?

23 A YES, THEY ARE

24 Q ALL RIGHT DO YOU -- CAN YOU GIVE US ANOTHER  
25 CATEGORY? THERE ARE SEVERAL MORE AS I UNDERSTAND THEM

1 A I HAVE ALLUDED TO HEARING IMPAIRED AND VISUALLY  
2 IMPAIRED

3 Q THOSE TWO --

4 A THOSE ARE SELF-EXPLANATORY THEY ARE SEPARATE  
5 THERE ALSO IS A CATEGORY OF DEAF, BLIND CHILDREN, VERY  
6 SMALL NUMBERS BUT THOSE ARE CHILDREN WHO HAVE BOTH OF  
7 THOSE IMPAIRMENTS

8 Q ALL RIGHT WHAT ABOUT AUTISM?

9 A OH, LEST I FORGET AUTISM AUTISM IS, THE NUMBERS  
10 ARE GROWING BY LEAPS AND BOUNDS THOSE ARE CHILDREN WHO  
11 HAVE A COMBINATION OF CHALLENGES, BEHAVIORALLY, SOCIALLY,  
12 COMMUNICATION AND THERE ARE SOME VERY SPECIFIC WAYS TO  
13 EVALUATE THAT

14 CHILDREN WITH AUTISM PROBABLY BEYOND THE MENTAL  
15 DISABILITIES CATEGORIES THAT I MENTIONED EARLIER ARE  
16 CHILDREN WITH AUTISM HAVE A VERY WIDE RANGE OF ABILITY,  
17 BUT THAT'S PROBABLY THE ONE CATEGORY THAT HAS THE HIGHEST  
18 NUMBER OF CHILDREN WHO ALSO HAVE CONCOMITANT MENTAL  
19 DISABILITIES, ABOUT 70 PERCENT OF OUR CHILDREN WITH AUTISM  
20 ALSO HAVE MENTAL DISABILITIES SOME OF THE OTHER  
21 30 PERCENT HOWEVER ARE ALSO GIFTED

22 Q ALL RIGHT SO YOU HAVE GOT THE MENTAL DISABILITIES  
23 CATEGORY WHERE ALL THE CHILDREN HAVE INTELLECTUAL  
24 IMPAIRMENTS, AND THEN YOU'VE GOT AUTISM WHERE 70 PERCENT  
25 OR THEREABOUTS HAVE LIMITED INTELLECTUAL ABILITIES BUT



1 THE OTHERS THAT WE DISCUSSED GENERALLY DO NOT HAVE LIMITED  
2 INTELLECTUAL --

3 A THERE ARE EXCEPTIONS BUT GENERALLY THEY DO NOT, NO  
4 AND I THINK THE ONE CATEGORY I HAVEN'T TALKED ABOUT IS  
5 TRAUMATIC BRAIN INJURY AND IN ORDER TO BE ELIGIBLE UNDER  
6 T B I THERE HAS TO BE AN INJURY TO THE BRAIN AFTER BIRTH  
7 IT'S NOT, NOT SOMETHING THAT OCCURS AT BIRTH AUTOMOBILE  
8 ACCIDENTS, BICYCLE ACCIDENTS, ACCIDENTS WITH WEAPONS OR  
9 SKATEBOARDS, THOSE ARE THE KINDS --

10 Q SKATEBOARDS?

11 A -- OF THINGS THAT CAUSE BRAIN TRAUMA AND AGAIN BEGIN  
12 THEN TO INTERFERE WITH THE CHILD'S LEARNING

13 Q ALL RIGHT WELL, OF THE CATEGORIES -- AND WE TALKED  
14 ABOUT PROBABLY 13 CATEGORIES?

15 A YES

16 Q OKAY CHILDREN WHO ARE PLACED IN SPECIAL EDUCATION  
17 UNDER ONE OF THESE CATEGORIES, HOW MANY OF THEM OR  
18 APPROXIMATELY HOW MANY OF THEM CAN BE EXPECTED TO MEET  
19 STANDARDS AND ACHIEVE AT PARITY WITH THEIR PEERS?

20 MR STEPP YOUR HONOR, I WOULD OBJECT TO THAT  
21 THERE'S NO WAY MRS DURANT OR ANYBODY ELSE CAN KNOW,  
22 SAYING THAT -- I MEAN, I UNDERSTAND I THINK THE THRUST OF  
23 THE QUESTION BUT EVEN NORMAL INTELLECTUAL BRAIN  
24 DEVELOPMENT IS GOING TO PRODUCE A RANGE OF SCORES AND SO  
25 TO SAY HOW MANY STUDENTS IN SPECIAL ED CAN MEET STANDARDS

1 EDUCATION IN SOUTH CAROLINA?

2 A YEAH, WE HAVE THE DECEMBER 1 COUNT INFORMATION, I  
3 THINK IS ONE OF THE EXHIBITS

4 Q OKAY

5 A IF I MIGHT JUST ANSWER THIS THE PURPOSE OF THE LAW  
6 IS TO PROVIDE AN EQUAL PLAYING FIELD FOR CHILDREN WITH  
7 DISABILITIES SO THE EXPECTATION WOULD BE THAT CHILDREN  
8 WITH DISABILITIES WHO ARE INTELLECTUALLY INTACT WITH  
9 APPROPRIATE SUPPORTS AND SERVICES WOULD BE ABLE TO PERFORM  
10 COMMENSURATE WITH THEIR PEERS

11 THAT STILL WOULD ALLOW FOR THE SAME VARIANTS THAT YOU  
12 HAVE WITHIN THE NORMAL RANGE FOR NONDISABLED CHILDREN  
13 BUT THE EXPECTATION OF THE LAW IS THAT WITH APPROPRIATE  
14 SUPPORTS AND SERVICES THESE CHILDREN CAN BENEFIT, THAT ALL  
15 CHILDREN CAN BENEFIT BUT SPECIFICALLY THOSE WHO ARE  
16 INTELLECTUALLY INTACT SHOULD BE ABLE TO BENEFIT FROM  
17 EDUCATION IF THEY HAVE THOSE SUPPORTS AND SERVICES

18 THE COURT COMMENSURATE OR THE SAME AS THOSE  
19 CHILDREN WITHOUT THOSE THINGS, SAME DEFICITS CAN DO?

20 THE WITNESS THAT'S CORRECT

21 BY MRS HART

22 Q AND YOU HAVE TALKED ABOUT THE CHILDREN WHO ARE PLACED  
23 INTO EMOTIONAL DISABILITY SPECIAL EDUCATION -- DO YOU NEED  
24 SOME WATER?

25 A PLEASE

1 Q YES TELL US WHAT THIS FIRST SLIDE SHOWS, 6399-A  
2 A OKAY TO THE FAR RIGHT IT SHOWS THE STATE AVERAGE  
3 FOR DISABLED AND NONDISABLED IN TERMS OF PERFORMANCE ON  
4 PACT AND THIS IS LOOKING AT STUDENTS WHO PERFORMED BELOW  
5 BASIC  
6 Q ALL RIGHT  
7 A LOOKING AT THAT ONE CATEGORY  
8 Q AND THE RED, THE RED BAR IS?  
9 A THE RED BAR INDICATES STUDENTS WITH DISABILITIES AND  
10 THE WHITE BAR INDICATES STUDENTS WITHOUT IDENTIFIED  
11 DISABILITIES  
12 Q THEN OF COURSE THE OTHER BARS REPRESENT THE SCORES IN  
13 THAT WAY FOR OUR EIGHT PLAINTIFF DISTRICTS?  
14 A THAT'S CORRECT  
15 Q OKAY WHAT DOES THIS SAY TO YOU, THE RESULTS OF  
16 THESE?  
17 MR STEPP YOUR HONOR, IF THAT CALLS FOR  
18 INTERPRETATION OF OPINION I WOULD OBJECT TO IT  
19 MRS HART WELL, I DON'T THINK IT  
20 THE COURT ALL RIGHT IF SHE'S SIMPLY BEING ASKED  
21 TO LOOK AT THIS AND COMPILE WHAT IT SAYS NUMERICALLY AND  
22 THINGS OF THAT NATURE, RIGHT SHE HAS NOT BEEN QUALIFIED  
23 AND IS NOT AN EXPERT WITNESS AND SO ANY OPINION BEYOND  
24 THAT I WILL SUSTAIN THE OBJECTION TO THANK YOU GO  
25 AHEAD

1 BY MRS HART

2 Q WHAT DOES THIS SHOW IN TERMS OF THE SCORES FOR THE  
3 DISABLED STUDENTS AS COMPARED WITH THE SCORES FOR THE NOT  
4 DISABLED STUDENTS?

5 A IT SHOWS THAT BOTH FOR DISABLED AND NONDISABLED IN  
6 THE PLAINTIFF DISTRICTS THAT THE NUMBERS OF STUDENTS  
7 SCORING BELOW BASIC ARE HIGHER IN THE PLAINTIFF DISTRICTS  
8 IF YOU LOOK AT THE WHITE BAR AND LOOK ACROSS FROM THE  
9 STATE AVERAGE ACROSS IN EACH OF THE PLAINTIFF DISTRICTS  
10 YOU CAN SEE THAT THE -- THE NONDISABLED STUDENTS ARE,  
11 THERE ARE MORE NONDISABLED STUDENTS THAN THE STATE AVERAGE  
12 SCORING BELOW BASIC

13 AND THEN IF YOU LOOK AT THE RED BAR, ALTHOUGH NOT IN  
14 ALL DISTRICTS, IN MANY OF THEM THERE IS THIS SIGNIFICANT  
15 GAP THERE AS WELL BETWEEN THE DISABLED AND THE  
16 NONDISABLED AGAIN IF YOU LOOK AT THE BAR AND GO ACROSS,  
17 THE MAJORITY OF OUR PLAINTIFF DISTRICTS HAVE MORE CHILDREN  
18 WHO ARE DISABLED SCORING BELOW BASIC THAN THE STATE  
19 AVERAGE

20 Q NOW, THE DISABLED STUDENTS THAT ARE REPRESENTED ON  
21 THESE RED BARS, DOES THIS INCLUDE STUDENTS WITH NORMAL  
22 INTELLECTUAL FUNCTIONING?

23 A THERE COULD WELL BE SOME E M D CHILDREN IN THIS MIX  
24 IT WOULD NOT INCLUDE THE CHILDREN WHO QUALIFY FOR  
25 ALTERNATE ASSESSMENT SO THE MAJORITY OF THE CHILDREN WHO

1 HAS SAID, THE PURPOSE OF THE VARIOUS ACTS AND THE BILLS IS  
2 TO PROVIDE ACCESS TO THESE PEOPLE, SO ASSUMING THAT THAT  
3 ACCESS THEN IS THERE, IS MET FOR THE PURPOSE OF THE  
4 QUESTION THAT THEY HAVE THE ACCESS THAT THE LAW REQUIRES

5 MR STEPP WELL, YOUR HONOR, THE EXHIBIT 6399-A IS  
6 ABOUT OUTCOMES, IT'S NOT ABOUT ACCESS I DON'T KNOW, I  
7 MEAN, THAT'S JUST THE OTHER LEAP THAT, YOU KNOW, PERFECT  
8 ACCESS WOULD HAVE PERFECT PACT SCORES THAT'S, OF COURSE,  
9 THE THEORY THAT WE HAVE BEEN WRESTLING WITH SINCE DAY ONE  
10 OF THE TRIAL SO TO SPEAK

11 BUT, YOU KNOW, IT DOESN'T IDENTIFY WHETHER THEY HAVE  
12 ACCESS AND IT IDENTIFIES THEIR PERFORMANCE ON PACT ONLY

13 THE COURT IT IS AN OUTCOME OBVIOUSLY BUT IT'S AN  
14 OUTCOME BASIS, BASED MODEL, CLEARLY THAT BUT AND I DOUBT  
15 THAT MRS DURANT HAS GOT ANY WAY OF KNOWING FROM LOOKING  
16 AT THIS CHART WHETHER PERFECT ACCESS HAS BEEN PROVIDED FOR  
17 ALL OF THESE PEOPLE HERE

18 BUT IF FOR THE PURPOSES OF QUESTIONING, WE LAY THAT  
19 AS AN ASSUMPTION IN THAT REGARD, THAT THE ACCESS REQUIRED  
20 BY LAW WAS MET IN THIS REGARD, THEN I WILL ALLOW HER TO  
21 ANSWER THE QUESTION THANK YOU

22 THE WITNESS IF I MIGHT SAY THIS THE OFFICE OF  
23 SPECIAL EDUCATION PROGRAMS IN WASHINGTON LOOKS AT ALL  
24 STATES' STATEWIDE TESTING AND COMPARES THE PERFORMANCE OF  
25 CHILDREN WITH DISABILITIES TO THE PERFORMANCE OF CHILDREN

1 WITHOUT DISABILITIES AND LOOKS AT REWARDS AS WELL AS  
2 SANCTIONS FOR STATES WHOSE CHILDREN ARE OR NOT PERFORMING  
3 COMMENSURATE WITH THEIR PEERS

4 BECAUSE THE TENANT OF THE LAW IS IF YOU HAVE  
5 APPROPRIATE SUPPORTS AND SERVICES FOR CHILDREN WITH  
6 DISABILITIES, AND IF I MAY, I WOULD SAY BASED UPON LOOKING  
7 AT THIS DATA FOR CHILDREN WITHOUT DISABILITIES, IF YOU  
8 HAVE APPROPRIATE SUPPORTS AND SERVICES THEN THE  
9 EXPECTATION IS THAT THEY WOULD BE ABLE TO MEET THE BASIC  
10 LEVEL OF PERFORMANCE I DON'T KNOW WHETHER THAT ANSWERS  
11 YOUR QUESTION, BUT  
12 BY MRS HART

13 Q IS THE EXPECTATION THAT NON, THAT DISABLED STUDENTS  
14 SHOULD BE ABLE TO PERFORM COMMENSURATE WITH THEIR PEERS ON  
15 STATE ASSESSMENTS?

16 A THAT IS THE EXPECTATION

17 MR STEPP OBJECTION, YOUR HONOR THAT'S ONLY TRUE  
18 IN CERTAIN CATEGORIES I MEAN, YOU KNOW YOU, JUST CAN'T  
19 GENERALIZE THAT'S MY OBJECTION

20 THE COURT RIGHT ISN'T THAT --

21 MR STEPP THERE ARE CATEGORIES OF SPECIAL EDUCATION  
22 IN WHICH THAT IS NOT THE --

23 THE COURT EXACTLY ISN'T THAT TRUE, MRS HART?

24 MRS HART WELL, I THINK MRS DURANT EARLIER  
25 TESTIFIED THAT MOST OF THE CHILDREN WHO ARE GOING TO BE

1 HART, IF YOU WILL ASK MRS DURANT THAT OF COURSE,  
2 OBVIOUSLY SHE HAS HAD CONSIDERABLE EXPERIENCE AND INPUT IN  
3 DEVELOPING THESE BY WORKING WITH THESE CRITERIA IN HER  
4 THREE SOME, THREE AND A HALF YEARS WITH THE DEPARTMENT  
5 ITSELF AND WHICH PROBABLY GOES BACK ABOUT AS LONG AS WE  
6 HAVE HAD, NOT QUITE AS LONG AS WE HAVE BEEN HAVING THESE  
7 REPORTS RENDERED BUT

8 AND SHE'S -- IS THIS JUST RAW PACT DATA THAT IS TAKEN  
9 FROM THE REPORT CARDS AND TRANSFERRED HERE OR FROM THE  
10 SCORES, I SHOULD SAY THE TEST SCORES AND TRANSFERRED HERE?  
11 IS THAT HOW THIS DEVELOPED?

12 BY MRS HART

13 Q MRS DURANT, CAN YOU ANSWER THE QUESTION ABOUT WHAT  
14 SCORES ARE REPORTED IN THE PACT SCORE REPORTS THAT WE  
15 ENTERED AS 6398 FOR DISABLED STUDENTS?

16 A I WOULD STATE THAT FOR CHILDREN WHO ARE ADMINISTERED  
17 ALTERNATE ASSESSMENT THEY ALSO ARE SCORED IN THE SAME WAY  
18 BELOW BASIC, BASIC, ADVANCED, PROFICIENT SO WHETHER OR  
19 NOT THEY ARE INDICATED HERE, AND IT WAS MY UNDERSTANDING  
20 THAT ALTERNATE ASSESSMENT WAS NOT HERE, BUT EVEN IF  
21 ALTERNATE ASSESSMENT IS HERE, YOU ARE LOOKING AT THE  
22 PERFORMANCE OF CHILDREN BASED ON HOW THEY ARE EVALUATED,  
23 AND SO EVEN CHILDREN WHO ARE TESTED WITH ALTERNATE  
24 ASSESSMENT CAN PERFORM AT THE SAME LEVELS

25 AND I WOULD SAY, AGAIN, BECAUSE YOU ARE LOOKING AT

1 THE UNIQUE NEEDS OF CHILDREN WITH DISABILITIES AND  
2 PROVIDING ACCOMMODATIONS AND MODIFICATIONS BOTH IN  
3 INSTRUCTION AND IN TESTING, MY EXPECTATION WOULD BE THAT  
4 CHILDREN WITH DISABILITIES WOULD BE, FOR THE MOST PART,  
5 SCORING COMMENSURATE WITH THEIR PEERS

6 Q ALL RIGHT DOES THIS CHART INDICATE THAT CHILDREN  
7 WITH DISABILITIES ARE SCORING COMMENSURATE WITH THEIR  
8 PEERS?

9 A IT DOES NOT

10 Q WHO IS RESPONSIBLE FOR ENSURING THAT STUDENTS WITH  
11 DISABILITIES, CHILDREN WITH EXCEPTIONAL NEEDS, HOWEVER YOU  
12 WANT TO REFER TO THEM RECEIVE APPROPRIATE SERVICES TO  
13 ACCESS THE EDUCATION THAT IS PROVIDED?

14 A THAT'S, THAT RESPONSIBILITY IS GIVEN TO THE STATES  
15 UNDER THEIR GENERAL SUPERVISION RESPONSIBILITIES OF THE  
16 EDUCATION OF CHILDREN ACROSS THE STATE, BOTH DISABLED AND  
17 NONDISABLED

18 Q ALL RIGHT AND WE HAVE ALSO -- WE KNOW FROM PRIOR  
19 WITNESSES ABOUT THE E F A WEIGHTINGS FOR SPECIAL  
20 EDUCATION DOES THE STATE RECOGNIZE ITS RESPONSIBILITY TO  
21 PROVIDE A SPECIAL EDUCATION TO STUDENTS WITH DISABILITIES?

22 A YES, THE STATE RECOGNIZES THAT RESPONSIBILITY WE  
23 HAVE LEGISLATION THAT SUPPORTS THAT

24 Q DOES EACH CHILD WITH EXCEPTIONAL NEEDS IN SOUTH  
25 CAROLINA RECEIVE ADEQUATE SERVICES?



1 THE ABILITY OF IMPLEMENT, I E P S AS, INDIVIDUALIZED  
2 EDUCATION PROGRAMS, AS THEY ARE WRITTEN, THE ABILITY TO  
3 MONITOR STUDENT PROGRESS AND TO TWEAK, IF YOU WILL, THEIR  
4 PROGRAMS IF THEY ARE NOT MAKING PROGRESS THE SUPERVISION  
5 OVERSIGHT OF PROGRAMS TO ENSURE COMPLIANCE IS A KEY  
6 COMPONENT

7 Q YOU MAY HAVE INCLUDED THIS, IS TEACHER QUALITY ONE OF  
8 THE ISSUES?

9 A WELL, WHEN I MENTIONED KNOWLEDGE, SKILLS AND  
10 EXPERTISE, THAT THAT ALL RELATES TO TEACHER QUALITY YES,  
11 THAT IS AN ISSUE

12 Q ALL RIGHT YOUR HONOR I SKIPPED OVER EXHIBIT  
13 6399-B , 6399-A WAS 2003 PACT ENGLISH, LANGUAGE ART, ARTS  
14 BELOW BASIC 6399-B IS THE SAME THING FOR MATH BELOW  
15 BASIC AND IF I CAN JUST --

16 THE COURT YES, MA'AM

17 BY MRS HART

18 Q -- GO BACK BRIEFLY, MRS DURANT, AND ASK YOU DO YOU  
19 SEE THE SAME GAP IN ACHIEVEMENT BY DISABLED STUDENTS AS  
20 COMPARED WITH THEIR PEERS ON THE MATH PACT SCORES THAT YOU  
21 SAW IN THE ENGLISH, LANGUAGE ARTS?

22 A I DO AND IN FACT I THINK, AND IT APPEARS IN  
23 COMPARING THE TWO THAT THERE IS MORE DISPARITY WITHIN THE  
24 AREA OF MATH, AT LEAST IN SOME OF OUR DISTRICTS

25 Q GIVEN APPROPRIATE SPECIAL EDUCATION SERVICES, WOULD

1 YOU EXPECT STUDENTS WITH DISABILITIES TO ACHIEVE AT A  
2 LEVEL COMMENSURATE, NOT NECESSARILY EQUAL BUT COMMENSURATE  
3 WITH THEIR PEERS WHO ARE NOT DISABLED?

4 A AGAIN, THAT'S THE PURPOSE OF THE LAW AND SERVICES TO  
5 ALLOW THAT EQUAL ACCESS

6 Q ALL RIGHT NOW, WE HAVE TALKED A MINUTE AGO ABOUT  
7 THE FACTORS THAT IMPACT ON THE PROVISION OF SPECIAL  
8 EDUCATION SERVICES TO STUDENTS WITH DISABILITIES AND WE  
9 ARE GOING TO RETURN TO THAT A LITTLE BIT LATER, BUT RIGHT  
10 NOW, HOW IS SPECIAL EDUCATION FUNDED IN SOUTH CAROLINA,  
11 HOW ARE SPECIAL EDUCATION SERVICES FUNDED?

12 A THERE ARE THREE WAYS THAT, THAT OUR SPECIAL EDUCATION  
13 SERVICES ARE FUNDED ONE IS THROUGH THE EDUCATION FINANCE  
14 ACT WE HAVE A PUPIL WEIGHTING, A SYSTEM THAT WEIGHTS  
15 STUDENTS WITH DISABILITIES AT A HIGHER RATING THAN  
16 STUDENTS WITHOUT DISABILITIES SO IF A CHILD IS IDENTIFIED  
17 AS HAVING EXCEPTIONAL NEEDS THEN THE DISTRICT WOULD GET  
18 MORE MONEY TO PROVIDE SERVICES FOR THAT CHILD THAN THEY  
19 WOULD IF THAT SAME CHILD WERE NOT DISABLED

20 WE HAVE FEDERAL ALLOCATION THAT WAS PROMISED IN 1975  
21 WITH THE PASSING OF THE FIRST LEGISLATION THE FEDERAL  
22 PROMISE FOR, FOR THIS LEGISLATION WAS 40 PERCENT OF THE  
23 EXCESS COST WHICH MEANS 40 PERCENT OF THE DOLLARS ABOVE  
24 AND BEYOND WHAT IT COSTS TO EDUCATE A NONDISABLED CHILD  
25 TO DATE THOSE FEDERAL DOLLARS, 28 YEARS LATER, ARE AT

1 ABOUT 16 PERCENT WE FLOW THROUGH 96 PERCENT OF THOSE  
2 DOLLARS AS THEY COME INTO THE STATE TO OUR DISTRICTS AND  
3 THEN WHATEVER IS NOT COVERED BY THE E F A WEIGHTINGS,  
4 THE I D E A MONEY AND THEN THERE'S SOME OTHER LITTLE POTS  
5 OF STATE MONEY FOR PRESCHOOL, FOR PROFOUND, FOR EXTENDED  
6 SCHOOL YEAR THAT FLOW THROUGH TO DISTRICTS

7 PUTTING ALL THOSE DOLLARS TOGETHER IF THEY DON'T PAY  
8 FOR THE COST THEN THE DIFFERENCE IS PICKED UP BY LOCAL,  
9 FROM LOCAL TAX DOLLARS

10 Q HOW MUCH DOES IT COST TO EDUCATE CHILDREN WITH  
11 EXCEPTIONAL NEEDS?

12 MR STEPP OBJECTION, YOUR HONOR THAT WOULD BE AN  
13 OPINION

14 THE COURT RIGHT WHERE WOULD THAT INFORMATION COME  
15 FROM?

16 MRS HART WELL, SHE KNOWS ABOUT THE FUNDING SHE  
17 KNOWS ABOUT THE E F A WEIGHTINGS SHE KNOWS ABOUT THE  
18 MONEY THAT COMES TO THE STATE FROM THE FEDERAL GOVERNMENT  
19 AND SHE KNOWS WHAT IT COSTS I MEAN, IT'S PART OF HER JOB  
20 TO KNOW WHAT SERVICES ARE PROVIDED AND HOW TO HELP  
21 DISTRICTS WITH THAT

22 THE COURT ARE YOU TALKING ABOUT THE TOTAL MONEY  
23 THAT FLOWS THROUGH OR ARE YOU TALKING ABOUT PER PUPIL OR  
24 HOW ARE YOU DOING THAT?

25 MRS HART I JUST WANT AN EXAMPLE FROM HER ABOUT HOW

1 MUCH IT COSTS TO EDUCATE A CHILD WITH EXCEPTIONAL NEEDS  
2 BY MRS HART

3 Q ARE YOU AWARE FROM YOUR WORK, MRS DURANT, HOW MUCH  
4 THE BILL CAN RUN TO EDUCATE A CHILD WITH EXCEPTIONAL  
5 NEEDS?

6 A WELL, IT DOES VARY BASED ON THE, MEETING THE  
7 INDIVIDUAL NEEDS OF THE CHILD

8 THE COURT I WILL ALLOW HER TO ANSWER THAT QUESTION

9 THE WITNESS THE EXTREME WOULD BE A CHILD WHO WOULD  
10 HAVE TO BE SENT OUT-OF-STATE IN ORDER TO RECEIVE SERVICES  
11 BECAUSE THEY COULD NOT BE PROVIDED IN STATE THAT COULD  
12 BE UPWARDS BEYOND \$40,000 FOR A CHILD WHO HAS TO BE SENT  
13 OUT-OF-STATE

14 IF THE CHILD IS EDUCATED FOR THE MOST PART IN THE  
15 REGULAR CLASSROOM WITH SUPPORTS AND SERVICES, THEN THE  
16 COST COULD BE MINIMAL ABOVE WHAT IT WOULD COST IF THE  
17 CHILD WERE NOT DISABLED

18 IT DOES SIGNIFICANTLY SO I COULDN'T GIVE YOU A  
19 SPECIFIC FIGURE, BUT IT, IT VARIES DEPENDING UPON THE  
20 NEEDS OF THE CHILD A CHILD WHO IS IN A ORTHOPEDIC CLASS  
21 OR RECEIVING SERVICES THROUGH ORTHOPEDIC, DISABLED, THAT  
22 CHILD MIGHT HAVE TO HAVE A NOTE TAKER, THAT CHILD MIGHT  
23 HAVE TO HAVE A LAPTOP COMPUTER THAT TRAVELS WITH HIM

24 SO, YOU KNOW, YOU ADD THOSE COSTS ON TOP OF WHATEVER  
25 THE REGULAR IS IF I MAY, FIRST OF ALL, CHILDREN WITH

1     DISABILITIES BY LAW ARE REQUIRED TO HAVE EVERYTHING THAT  
2     THEIR NONDISABLED PEERS DO, A TEACHER A CLASSROOM,  
3     TEXTBOOKS, ALL THOSE THINGS

4             AND THEN THE EXCESS COST IS WHAT DO YOU HAVE TO PUT  
5     ON TOP OF THAT IN ORDER TO PROVIDE THAT ACCESS AND LEVEL  
6     THE PLAYING FIELDS

7     BY MRS   HART

8     Q     AND IT CAN BE ANYWHERE FROM A MINIMAL AMOUNT FOR A  
9     CHILD WHO IS EDUCATED FOR THE MOST PART IN GENERAL  
10    EDUCATION CLASSROOM ON UP TO, AN EXTREME EXAMPLE, \$40,000?

11    A     THAT'S CORRECT, OR MORE

12    Q     ALL RIGHT   I'M SORRY?

13    A     I SAID OR MORE

14    Q     OR MORE    ARE THE E F A   WEIGHTINGS FOR CHILDREN WITH  
15    DISABILITIES SUFFICIENT TO PAY FOR THE SERVICES REQUIRED  
16    BY THOSE CHILDREN ADDED TO THE FEDERAL DOLLARS THAT ARE  
17    PROVIDED?

18            MR   STEPP   OBJECTION, YOUR HONOR   I MEAN, I THINK  
19    THAT'S AN OPINION   I THINK IT'S ALSO BEYOND THE  
20    DISCLOSURE THAT WE GOT FOR THIS WITNESS   I DIDN'T  
21    UNDERSTAND THAT SHE WAS GOING TO TALK ABOUT, REALLY,  
22    FUNDING AT ALL

23            THE REPRESENTATION WAS THAT SHE WAS GOING TO TALK  
24    ABOUT OVER-REPRESENTATION OF STUDENTS IN SPECIAL ED BASED  
25    UPON READING ISSUES   AND WE HAVEN'T GOTTEN THERE YET, BUT

1 I CERTAINLY DON'T THINK FUNDING WAS PART OF THAT

2 THE COURT RIGHT AND I DON'T RECALL, I KNOW THAT I  
3 MODIFIED THE DISCLOSURE SOMEWHAT IN LIMINE IN OUR AUGUST  
4 MEETING, AND I DON'T RECALL FUNDING BEING A PART OF THAT  
5 AT THE TIME, MRS HART CAN YOU ADDRESS THAT?

6 MRS HART WELL, THIS IS ESSENTIALLY, THIS IS JUST  
7 HAVING HER COMMENT ON THE E F A AND WHETHER IT'S EVEN  
8 BEEN CHANGED OVER THE YEARS AND I CAN ASK HER THOSE  
9 QUESTIONS AND GET TO THE SAME POINT I THINK

10 THE COURT WELL, YOU CAN -- I THINK OF COURSE THE  
11 TESTIMONY ABOUT THE E F A AND THE CONTEXT OF FUNDING  
12 GENERALLY HAS BEEN TESTIFIED TO

13 NO ONE TESTIFIED SPECIFICALLY ABOUT THE WEIGHTING  
14 GIVEN TO SPECIAL NEEDS CHILDREN ALTHOUGH I RECOGNIZE THAT  
15 ONE OF THE WEIGHTED CATEGORIES, IF THAT'S WHERE YOU ARE  
16 GOING TO GO WITH THIS, CERTAINLY YOU HAVE SOME LATITUDE  
17 WITH THAT, BUT BEYOND THAT AND SHE'S ALREADY TESTIFIED  
18 THAT THE FEDERAL FUNDING IS ONLY 16 PERCENT OF THE  
19 40 PERCENT OF THE COVERAGE

20 SO I MEAN, THAT'S IN THE RECORD I WILL LET HER  
21 COMMENT UPON THE E F A  
22 BY MRS HART

23 Q LET ME ASK YOU THIS, MRS DURANT HAS THE E F A ,  
24 HAVE THE E F A WEIGHTINGS FOR SPECIAL NEEDS CHILDREN  
25 CHANGED SINCE THEY WERE ENACTED IN 1977?

1 A NO, THEY HAVE NOT CHANGED

2 Q HAVE THE SERVICES FOR SPECIAL NEEDS CHILDREN THAT ARE  
3 REQUIRED BY LAW CHANGED IN THAT TIME PERIOD?

4 A THE SERVICES HAVE CHANGED EACH TIME THE LAW HAS BEEN  
5 REAUTHORIZED THE EXPANSION OF DISABILITIES INCORPORATED  
6 HAVE EXPANDED AND CERTAINLY THE MANDATES FROM NO CHILD  
7 LEFT BEHIND HAVE IMPACTED ON WHAT WE'RE REQUIRED TO DO FOR  
8 CHILDREN WITH DISABILITIES

9 Q OKAY DO THE FEDERAL AND STATE GOVERNMENTS PROVIDE  
10 SUFFICIENT FUNDING TO PAY FOR THOSE SERVICES THAT ARE  
11 REQUIRED?

12 MR STEPP SAME OBJECTION

13 THE COURT RIGHT I WILL ALLOW HER TO ANSWER THAT  
14 QUESTION I THINK THE ONLY RELEVANT AREA QUITE FRANKLY IS  
15 THE STATE FUNDING, BUT YOU CAN GO AHEAD AND ANSWER THE  
16 QUESTION

17 THE WITNESS IF I MAY, AS WAS MENTIONED BEFORE IN  
18 TWO DIFFERENT DISTRICTS TEN YEARS EACH ALWAYS WE HAD TO  
19 USE LOCAL DOLLARS TO SUPPLEMENT THE DOLLARS THAT WE  
20 RECEIVED FROM STATE AND FEDERAL DOLLARS IN ORDER TO BE  
21 ABLE TO DO WHAT WE WERE MANDATED TO DO

22 THE REQUIREMENT IN THE LAW IS THAT YOU CANNOT REFUSE  
23 TO PROVIDE A SERVICE FOR A CHILD WITH, WITH A DISABILITY  
24 ON THE BASIS OF YOU DON'T HAVE FUNDING TO DO THAT AND SO  
25 IN MY 20 YEARS EXPERIENCE AS AN L E A DIRECTOR I ALWAYS

1 HAD TO USE FUNDS IN ADDITION TO WHAT WAS PROVIDED FOR ME,  
2 STATE AND LOCAL THAT'S THE BEST ANSWER I CAN GIVE TO  
3 THAT  
4 BY MRS HART  
5 Q YOU USED ANOTHER ACRONYM L E A  
6 A EXCUSE ME THAT'S A LOCAL EDUCATION AGENCY WE  
7 REFER TO THESE DISTRICTS, THE FEDERAL GOVERNMENT REFERS TO  
8 THEM AS LOCAL EDUCATION AGENCIES  
9 Q NOW, THE E F A DEFINES THROUGH THE DEFINED MINIMUM  
10 PROGRAM THE D M P TEACHER PUPIL RATIOS FOR VARIOUS  
11 SPECIAL NEEDS HAS THAT BEEN CHANGED SINCE THE E F A WAS  
12 ENACTED?  
13 A THAT'S NOT BEEN CHANGED WITH THE EXCEPTION OF SPEECH  
14 AND LANGUAGE SERVICES ABOUT 15 YEARS AGO THE SPEECH  
15 LANGUAGE CASELOAD WAS CHANGED FROM 75 TO 60  
16 Q SO THAT REQUIRES MORE SPEECH TEACHERS, IS THAT  
17 CORRECT?  
18 A YES, THAT'S CORRECT  
19 Q OKAY DOES THE STATE ADEQUATELY FUND THE EDUCATION  
20 OF STUDENTS WITH SPECIAL NEEDS?  
21 MR STEPP OBJECTION, YOUR HONOR  
22 THE COURT SUBJECT TO THAT OBJECTION, I WILL ALLOW  
23 HER TO ANSWER THE QUESTION WITHIN THE FRAMEWORK OF WHAT I  
24 SAID EARLIER, THE PARAMETER OF HER TALKING ABOUT FUNDING  
25 THE WITNESS AS I SAID BEFORE, BASED ON MY PERSONAL



1 EXPERIENCE AS A LOCAL EDUCATION DIRECTOR THE ANSWER TO  
2 THAT WOULD BE NO  
3 BY MRS HART

4 Q HAVE YOU AS THE DIRECTOR OF THE OFFICE OF EXCEPTIONAL  
5 CHILDREN REQUESTED CHANGES IN HOW THE STATE FUNDS  
6 PROFESSIONAL EDUCATION SERVICES?

7 A I HAVE REQUESTED ADDITIONAL STATE FUNDING EACH YEAR  
8 THAT I HAVE BEEN IN THE OFFICE IN THE POSITION THAT I AM  
9 IN

10 Q HAVE YOU RECEIVED ANY ADDITIONAL FUNDING FOR SPECIAL  
11 EDUCATION?

12 A RECEIVED NO ADDITIONAL FUNDING IN FACT IF I MAY,  
13 OUR FUNDING HAS BEEN CUT AS CUTS HAVE BEEN MADE THERE  
14 ACROSS THE BOARD, SO THAT INCLUDES SPECIAL EDUCATION  
15 FUNDING

16 Q ALL RIGHT DO YOU KNOW FROM YOUR EXPERIENCE AS A  
17 DIRECTOR OF SPECIAL EDUCATION IN THE DISTRICTS AND IN YOUR  
18 EXPERIENCE AS A DIRECTOR OF THE OFFICE, STATE OFFICE OF  
19 EXCEPTIONAL CHILDREN WHETHER SPECIAL EDUCATION SERVICES  
20 ARE PROVIDED AS REQUIRED TO SPECIAL EDUCATION STUDENTS IN  
21 SOUTH CAROLINA?

22 MR STEPP IF THE QUESTION IS DOES SHE KNOW I GUESS  
23 I DON'T OBJECT TO THAT QUESTION, BUT WHAT SHE WOULD KNOW  
24 DEPENDING UPON HER ANSWER TO THIS I MIGHT HAVE A  
25 SUBSEQUENT OBJECTION

1 ANSWER THAT QUESTION, MRS HART, I THINK WOULD BE AN  
2 APPROPRIATE PLACE TO START  
3 BY MRS HART

4 Q IS THAT ENOUGH -- DO YOU KNOW HOW TO ANSWER THAT  
5 QUESTION?

6 A I THINK THAT I DO

7 Q OKAY

8 A IF I MAY THE EFFECT UPON A CHILD, ANY CHILD,  
9 REGARDLESS OF THE EXPANSE OF THEIR I E P , GOES BACK TO  
10 THE WHOLE PURPOSE OF ELIGIBILITY, PLACEMENT AND DEVELOPING  
11 AN INDIVIDUALIZED PROGRAM

12 IT IS DETERMINED THAT A CHILD NEEDS THIS SPECIFIC  
13 SERVICE IN ORDER TO ACCESS, HAVE ACCESS AND TO BENEFIT,  
14 THEN NOT PROVIDING THAT IS CERTAINLY GOING TO IMPACT ON  
15 HIS ABILITY TO ACCESS, HAVE EQUAL ACCESS AND TO BENEFIT  
16 AND SO I THINK THAT THE SEVERITY CERTAINLY PLAYS A PART,  
17 BUT ONCE IT S BEEN DETERMINED BY A TEAM OF EXPERTS THAT  
18 THIS IS WHAT A CHILD NEEDS, THEN TO NOT PROVIDE IT WOULD  
19 BE TO DENY HIM APPROPRIATE ACCESS, MINIMALLY ADEQUATE FOR  
20 THAT PARTICULAR CHILD

21 Q AND WHEN YOU REFER TO ACCESS, ARE YOU REFERRING TO  
22 ACCESS TO THE EDUCATION OFFERED BY THE SCHOOL?

23 A ACCESS TO GENERAL EDUCATION AND ALL OF THE THINGS  
24 THAT GO WITH THAT

25 Q ALL RIGHT WHEN WE WERE, WHEN YOU WERE TALKING ABOUT

1 THE VARIOUS FACTORS THAT IMPACT ON THE EDUCATION OF  
2 STUDENTS WITH DISABILITIES YOU REFERRED TO TEACHER  
3 QUALITY IS THAT AN ISSUE IN THE SPECIAL EDUCATION FIELD?

4 A ACROSS THE COUNTRY IT IS IN SOUTH CAROLINA  
5 PARTICULARLY IT'S, IT'S A BIG ISSUE FOR US

6 Q IF A TEACHER IS NOT QUALIFIED TO TEACH SPECIAL NEEDS  
7 CHILDREN, WHAT EFFECT DOES THAT HAVE ON THE CHILD?

8 A WELL, IF A CHILD IS IN NEED OF SPECIALIZED  
9 INSTRUCTION AND YOU HAVE A PERSON THAT YOU DESIGNATED TO  
10 PROVIDE THAT SPECIALIZED INSTRUCTION WHO DOESN'T KNOW HOW,  
11 THEN AGAIN YOU HAVE FAILURE TO IMPLEMENT THE INSTRUCTION  
12 AND THE CHILD DOESN'T HAVE ACCESS TO WHAT HE NEEDS IN  
13 ORDER TO BE SUCCESSFUL, TO BENEFIT FROM THE INSTRUCTION  
14 THAT'S PROVIDED

15 Q DOES THE CHILD HAVE ACCESS TO EDUCATION IN THAT  
16 CIRCUMSTANCE?

17 A IF YOU DON'T PROVIDE HIM WITH THE SERVICES THAT HE  
18 UNIQUELY REQUIRES, THEN YOU ARE DENYING HIM ACCESS

19 Q DOES HE HAVE AN OPPORTUNITY TO ACQUIRE AN EDUCATION  
20 IN THOSE CIRCUMSTANCES?

21 MR STEPP OBJECTION, YOUR HONOR AGAIN, I MEAN, IT  
22 DEPENDS ON THE CATEGORY I MEAN, THERE ARE, YOU KNOW,  
23 THERE ARE STUDENTS IN THE GENERAL EDUCATION TRACK AND, YOU  
24 KNOW, THERE MAY BE THINGS THAT AN I E P CALLS FOR THAT  
25 ARE NOT PROVIDED THAT ARE NOT REASONABLY CALCULATED TO

1 SKILLS AND KNOWLEDGE OF STAFF WHO ARE DESIGNATED TO  
2 PROVIDE THOSE SERVICES, THE AVAILABILITY OF THE LATEST  
3 SERVICE PERSONNEL WITHIN THAT CONTEXT I WILL ALLOW HER  
4 TO ANSWER THE QUESTION

5 THE WITNESS OKAY SO IF I REMEMBER THE QUESTION  
6 CORRECTLY, WITH REGARD TO THE QUALIFICATIONS OF TEACHERS,  
7 AGAIN, IF A CHILD'S I E P CALLS FOR A SPECIFIC CURRICULUM  
8 ADAPTATION OR MODIFICATION, IF IT CALLS FOR SPECIALIZED  
9 INSTRUCTION AND HIS OR HER TEACHER IS NOT TRAINED TO  
10 PROVIDE THAT MODIFICATION, ACCOMMODATION OR SPECIALIZED  
11 INSTRUCTION, THEN YES, THAT WOULD IMPACT ON THAT CHILD'S  
12 ACCESS

13 BY MRS HART

14 Q OKAY IN GENERAL, DO YOU KNOW WHAT THE QUALITY OF  
15 TEACHERS IN SPECIAL EDUCATION IS ACROSS THE STATE?

16 A NOT TO EQUATE QUALITY WITH CERTIFICATION

17 Q ALL RIGHT

18 A BECAUSE THOSE ARE NOT NECESSARILY EQUAL, BUT I  
19 BELIEVE THAT A LITTLE OVER 20 PERCENT OF OUR SPECIAL  
20 EDUCATION TEACHERS ARE NOT CERTIFIED TEACHERS

21 Q OKAY WHY IS CERTIFICATION IN SPECIAL EDUCATION  
22 IMPORTANT FOR A TEACHER WHO HAS A SPECIAL EDUCATION  
23 CASELOAD?

24 A FOR THE THINGS THAT I HAVE ALREADY MENTIONED  
25 SPECIAL MEANS SPECIAL YOU NEED TO BE KNOWLEDGEABLE OF

1 SPECIALIZED INSTRUCTION YOU NEED TO BE KNOWLEDGEABLE SO  
2 THAT YOU CAN ADAPT AND MODIFY THE GENERAL CURRICULUM TO  
3 AFFORD ACCESS

4 YOU NEED TO HAVE CONSULTATION SKILLS SO THAT YOU CAN  
5 WORK WITH THAT GENERAL ED TEACHER TO ENSURE THAT CHILD'S  
6 SUCCESS IN THE GENERAL EDUCATION PROGRAM THE DIAGNOSTIC  
7 PRESCRIPTIVE KINDS OF SKILLS THAT ARE REQUIRED HAVE TO BE  
8 TAUGHT TEACHERS DO NOT AUTOMATICALLY COME WITH THOSE  
9 THINGS.

10 Q ALL RIGHT WE HAVE HEARD TESTIMONY IN THIS CASE  
11 ABOUT TEACHER CERTIFICATION COVERING ISSUES OF CONTENT  
12 KNOWLEDGE AND PEDAGOGY IS TEACHER CERTIFICATION IN THE  
13 SPECIAL EDUCATION FIELD, IS THAT SUFFICIENT FOR A  
14 CERTIFICATION OF THE TEACHER -- OF SPECIAL EDUCATION,  
15 CONTENT KNOWLEDGE AND PEDAGOGY?

16 A THAT IS ALSO FOR SPECIAL EDUCATION TEACHER FOR A  
17 COUPLE OF REASONS IF THE TEACHER IS PROVIDING SUPPORT  
18 FOR A CHILD WHO IS IN FULL-TIME GENERAL ED, ITINERATE  
19 SERVICES OR RESOURCES, THEN TO MAKE SURE THAT THAT CHILD  
20 IS GOING TO BE SUCCESSFUL IN THAT GENERAL CURRICULUM, THE  
21 SPECIAL ED TEACHER IS GOING TO HAVE TO HAVE SOME KNOWLEDGE  
22 OF THE CONTENT AND THE PEDAGOGY SO THAT THEY CAN PROVIDE  
23 THAT SUPPORT

24 IF THE SPECIAL EDUCATION TEACHER IS DOING ALL OF THE  
25 INSTRUCTION, THEN THEY HAVE TO HAVE EVEN MORE OF THAT

1 KNOWLEDGE AND ABILITY TO APPLY THE CONTENT IN ORDER TO  
2 PROVIDE ALL THE INSTRUCTION IF THE CHILD IS FOR EXAMPLE  
3 IN THE SELF-CONTAINED CLASS

4 SO FOR A VARIETY OF REASONS, YES THOSE THINGS AND  
5 THEN ON TOP OF THOSE THINGS, THE SPECIALIZED INSTRUCTION

6 Q ALL RIGHT DOES THE SPECIAL EDUCATION TEACHER NEED  
7 KNOWLEDGE OF THE LAWS AND REGULATIONS RELATING TO SPECIAL  
8 EDUCATION?

9 A ABSOLUTELY THERE IS SOMETHING LIKE 814 REGULATIONS  
10 THAT HAVE TO BE APPLIED TO EVERY CHILD IT S A LOT OF  
11 PAPERWORK AND IT'S ALSO A VERY LITIGIOUS FIELD AND SO A  
12 TEACHER WOULD BE AT GREAT RISK FOR NOT BEING ABLE TO DO  
13 WHAT HE OR SHE NEEDS TO DO IN LITIGATION IF THEY ARE NOT  
14 KNOWLEDGEABLE OF THE PROCEDURES

15 Q DOES TEACHER CERTIFICATION OF SPECIAL EDUCATION  
16 TEACHER, TEACHERS COVER THOSE AREAS IN ADDITION TO JUST  
17 GENERAL CONTENT KNOWLEDGE AND PEDAGOGY THAT ARE COVERED IN  
18 OTHER CERTIFICATION AREAS?

19 A THE CERTIFICATION FOR SPECIAL EDUCATION TEACHERS?

20 Q YES

21 A THE CONTENT, YES, DOES INCLUDE ALL OF THAT

22 Q OKAY AND SO IF A TEACHER IS NOT CERTIFIED IN  
23 SPECIAL EDUCATION, IS -- WELL, CERTIFICATION OF A SPECIAL  
24 EDUCATION TEACHERS PROVIDE SOME ASSURANCE THEN THAT A  
25 TEACHER HAS THAT INFORMATION AND IS ABLE TO USE IT, IS

1 THAT CORRECT?

2 A THAT'S CORRECT

3 Q OKAY ARE THERE ISSUES OF TEACHER RECRUITMENT AND  
4 RETENTION IN SPECIAL EDUCATION OUTSIDE THE NORMAL OTHER  
5 ISSUES THAT WE HAVE HEARD ABOUT WITH REGARD TO THE GENERAL  
6 EDUCATION TEACHERS?

7 A YES, THERE ARE AND I THINK THAT'S PROBABLY WHY  
8 SPECIAL EDUCATION, THERE IS A SPECIAL EDUCATION TEACHER  
9 SHORTAGE NOT ONLY IN OUR STATE BUT ACROSS THE COUNTRY  
10 SOME OF THE THINGS THAT I ALREADY MENTIONED, THE PAPERWORK  
11 REQUIREMENTS, THE KNOWLEDGE OF AND THE KNOWLEDGE OF THE  
12 PROCEDURES AND THE ABILITY TO APPLY THOSE, AND THE  
13 LITIGIOUS ENVIRONMENT THAT SPECIAL EDUCATION HAS BECOME  
14 ARE REASONS FOR TEACHERS NOT TO GO INTO SPECIAL EDUCATION  
15 OR TO MOVE OUT OF SPECIAL ED INTO GENERAL ED AND THE  
16 OFFICE OF TEACHER CERTIFICATION TELLS US THAT  
17 APPROXIMATELY --

18 MR STEPP OBJECTION, YOUR HONOR, WHICH IS BASED ON  
19 INFORMATION FROM SOMEWHERE ELSE

20 THE COURT RIGHT THAT WOULD -- THAT WOULD BE  
21 HEARSAY AND I THINK SHE HAS ALREADY ANSWERED THE QUESTION  
22 REALLY IN REGARD TO THAT END AS I UNDERSTAND IT THANK  
23 YOU

24 BY MRS HART

25 Q ARE THERE FACTORS IN THE DISTRICTS THAT ARE

1 THE COURT AND I WILL ALLOW IT FOR THOSE PURPOSES

2 MRS HART I DON'T THINK MR STEPP REALLY HAS AN  
3 OBJECTION BECAUSE THAT'S WHY I WAS PRODUCING -- THAT  
4 GENERAL LAY OF THE LAND BACKGROUND

5 THE COURT ALL RIGHT

6 BY MRS HART

7 Q MRS DURANT, 6400, PLAINTIFFS' 6400, IS THIS A TABLE  
8 OF THE SUBSTANDARD CERTIFICATES BY DISTRICT IN THE SPECIAL  
9 EDUCATION AREA?

10 A YES, IT IS

11 Q NOW -- WELL, THERE ARE TWO LISTS ACTUALLY  
12 SUBSTANDARD AND STANDARD CERTIFICATIONS OF SPECIAL  
13 EDUCATION TEACHERS?

14 A THAT'S CORRECT

15 Q ALL RIGHT LET'S REFER AT THIS POINT, MRS LANDRESS  
16 TO PLAINTIFFS 6399-C

17 WHAT DOES THIS SLIDE SHOW, MRS DURANT?

18 A THIS IS STATEWIDE DATA IT SHOWS THE SPECIAL  
19 EDUCATION TEACHERS, SUBSTANDARD VERSUS STANDARD AGAIN,  
20 IT'S INDICATING THAT 21 PERCENT OF OUR SPECIAL EDUCATION  
21 TEACHERS ACROSS THE STATE HOLD SUBSTANDARD CERTIFICATION

22 Q ALL RIGHT LET'S GO THEN NEXT TO PLAINTIFFS' EXHIBIT  
23 6399-D AND EXPLAIN FOR US, PLEASE, WHAT THIS SLIDE SHOWS,

24 MRS DURANT

25 A THIS SHOWS THE PERCENTAGE OF SUBSTANDARD SPECIAL



1 EDUCATION TEACHERS IN THE PLAINTIFF DISTRICTS SO THIS  
2 IS, AGAIN, THE SLIDE YOU SHOWED BEFORE INDICATED THAT  
3 STATEWIDE THE AVERAGE OF SUBSTANDARD CERTIFICATES FOR  
4 SPECIAL EDUCATION TEACHERS WAS 21 PERCENT

5 THIS INDICATES THAT THE, IN THE PLAINTIFF DISTRICTS  
6 ALL OF THE DISTRICTS HAVE ABOVE THAT STATE AVERAGE OF  
7 SUBSTANDARD TEACHERS AND SOME OF THEM SIGNIFICANTLY ABOVE  
8 THE STATE AVERAGE

9 Q ALL RIGHT NOW WE HAVE ALREADY DISCUSSED WHAT  
10 CERTIFICATION OF SPECIAL EDUCATION TEACHERS ENTAILS, THAT  
11 BEING THE CONTENT KNOWLEDGE AND THE PEDAGOGY THAT OTHER  
12 TEACHERS HAVE TO HAVE IN THEIR AREAS BUT ALSO THE  
13 KNOWLEDGE OF THE LAWS AND REGULATIONS RELATING TO SPECIAL  
14 EDUCATION IS THAT RIGHT? AND THE DIAGNOSTIC AND  
15 DESCRIPTIVE SKILLS?

16 A THAT'S CORRECT

17 Q ALL RIGHT SO IF -- BETWEEN 29 3 PERCENT WHICH WE  
18 SEE IN DILLON TWO AND 55 5 PERCENT WHICH WE SEE IN HAMPTON  
19 TWO OF TEACHERS IN SPECIAL EDUCATION ARE NOT CERTIFIED OR  
20 ARE NOT, DON'T HOLD STANDARD CERTIFICATION, WHAT DOES THAT  
21 INDICATE ABOUT THE QUALITY OF EDUCATION THAT'S BEING  
22 PROVIDED TO THE SPECIAL EDUCATION STUDENTS IN THOSE  
23 DISTRICTS?

24 MR STEPP YOUR HONOR, THAT CALLS FOR AN OPINION  
25 THE COURT IT WOULD

1 MR STEPP SHE COULD DRAW THE INFERENCE FROM THIS  
2 PAPER

3 THE COURT THAT'S RIGHT AND MRS DURANT HAS  
4 ALREADY TESTIFIED SHE DOESN'T NECESSARILY EQUATE QUALITY  
5 OF EDUCATION WITH CERTIFICATION BECAUSE THAT'S AN INEXACT  
6 COMPARISON IN THAT REGARD I THINK THAT DATA WILL HAVE TO  
7 SPEAK FOR ITSELF IN THAT REGARD

8 I SUSTAIN THE OBJECTION NOW YOU CAN QUOTE FROM AN  
9 INDIVIDUALIZED, YOU KNOW, AS TO WHAT THE NON-CERTIFIED  
10 TEACHERS DON'T BRING TO THE TABLE, BUT THAT'S ALREADY BEEN  
11 DEVELOPED, MRS HART

12 MRS HART I THINK IT HAS, YOUR HONOR  
13 BY MRS HART

14 Q AND, MRS DURANT, JUST TO SUMMARIZE, IF THE TEACHER  
15 IS NOT CERTIFIED IN SPECIAL EDUCATION, DO YOU HAVE ANY  
16 ASSURANCE THAT THEY HAVE A KNOWLEDGE OF THE LAWS AND  
17 REGULATIONS RELATING TO SPECIAL EDUCATION OR WHETHER THEY  
18 POSSESS THE DIAGNOSTIC AND PRESCRIPTIVE KNOWLEDGE AND  
19 SKILL-BASE NECESSARY TO PROVIDE SERVICES, APPROPRIATE  
20 SERVICES TO SPECIAL EDUCATION STUDENTS?

21 A NO, WE DON'T HAVE AN ASSURANCE OF THAT

22 Q OKAY DOES CERTIFICATION INDICATE AT LEAST A  
23 BASELINE UNDERSTANDING OF THOSE AREAS BY THOSE TEACHERS  
24 WHO ARE CERTIFIED IN SPECIAL EDUCATION?

25 A YES, IT DOES

1 THAT COMES TO BEAR AT THAT TABLE TO GIVE THAT CHILD THE  
2 HELP THAT HE OR SHE NEEDS AND THE SPECIAL EDUCATION IS THE  
3 ONLY INTERVENTION THAT IS AVAILABLE, MANY OF THOSE  
4 CHILDREN END UP BEING QUALIFIED, BEING DETERMINED ELIGIBLE  
5 BY THOSE TEAMS

6 Q AS A RESULT OF THAT PROCESS AND SUBJECTIVITY THAT IS  
7 A PART OF IT, ARE CHILDREN WRONGLY PLACED IN SPECIAL  
8 EDUCATION CLASSES?

9 A YES, THEY ARE

10 Q DOES POVERTY PLAY ANY ROLE IN THE PLACEMENT OF  
11 CHILDREN INTO SPECIAL EDUCATION CLASSES?

12 A THERE ARE A NUMBER OF FACTORS THAT COME INTO PLAY IN  
13 THAT REFERRAL PROCESS POVERTY CERTAINLY COULD BE ONE OF  
14 THEM WHEN I TALK ABOUT STIMULATION PRIOR TO ENTERING  
15 SCHOOLS, STIMULATION WHILE A CHILD IS IN SCHOOL,  
16 INSTRUCTION AT THE HOME, EXPOSURE, ALL OF THOSE THINGS DO  
17 IMPACT ON A CHILD'S READINESS WHEN THEY COME TO SCHOOL

18 THEIR ABILITY TO USE AND UNDERSTAND LANGUAGE WHICH  
19 THEN IS, IT HAS A DIRECT IMPACT ON THEIR ABILITY TO LEARN  
20 TO READ AND ALSO HAS A DIRECT IMPACT ON BEHAVIORAL ISSUES  
21 THAT MAY COME INTO PLAY LATER BECAUSE IF, IF THEY ARE NOT  
22 PROGRESSING NORMALLY, THEY ARE NOT EXPERIENCING SUCCESS,  
23 THEN WHAT WE BEGIN TO SEE IS INAPPROPRIATE BEHAVIORS FROM  
24 THESE CHILDREN

25 Q ALL RIGHT DOES ABILITY OR INABILITY TO READ AS A

1 CHILD MOVES THROUGH SCHOOL PLAY ANY ROLE IN THE PLACEMENT  
2 OF A CHILD INTO SPECIAL EDUCATION?

3 A SIGNIFICANT THERE ARE TWO THINGS THAT ARE GOING TO  
4 GET YOU REFERRED TO SPECIAL EDUCATION, INABILITY TO READ  
5 AND INABILITY TO BEHAVE IN A CLASSROOM

6 Q OKAY DO TEACHERS REFER CHILDREN TO SPECIAL  
7 EDUCATION BECAUSE THEY CANNOT READ OR SPEAK STANDARD  
8 ENGLISH PROPERLY?

9 A GOING BACK TO WHAT I SAID ABOUT VOCABULARY AND  
10 CHILDREN ENTERING SCHOOL AND BEING ABLE TO USE AND  
11 UNDERSTAND LANGUAGE, THE ABSENCE OF THE USE OF STANDARD  
12 ENGLISH COULD BE INTERPRETED BY A TEACHER AS INABILITY TO  
13 SPEAK PERHAPS THE PRESENCE OF A DISABILITY

14 Q OKAY IS THERE A CULTURAL OR LINGUISTIC COMPONENT TO  
15 THESE DECISIONS AND TO THESE ATTEMPTS TO OR REFERRALS TO  
16 SPECIAL EDUCATION?

17 A THERE'S A REQUIREMENT IN THE REFERRAL PROCESS  
18 SPECIFICALLY IN THE AREA OF LEARNING DISABILITIES, BUT  
19 ACROSS THE ELIGIBILITY REQUIREMENTS THERE IS A REQUIREMENT  
20 THAT YOU HAVE TO RULE OUT CULTURAL DIFFERENCES, YOU HAVE  
21 TO RULE OUT ABSENCE OF INSTRUCTION BEFORE YOU CAN CONSIDER  
22 A CHILD TO BE ELIGIBLE FOR SPECIAL EDUCATION

23 HOWEVER, IT'S VERY DIFFICULT TO MONITOR AND DOCUMENT  
24 THE SKILLS AND ABILITIES OF INDIVIDUAL TEAMS TO MAKE THOSE  
25 DECISIONS

1 Q ARE YOU SAYING THAT THE SKILLS AND ABILITIES OF THE  
2 INDIVIDUAL TEAMS LEAD TO DIFFERING RESULTS?

3 A THAT'S EXACTLY WHAT I'M SAYING

4 Q THEY MAY SEE -- ARE YOU SAYING THAT THEY MAY SEE AN  
5 INABILITY TO READ OR AN INABILITY TO SPEAK STANDARD  
6 ENGLISH OR AN INABILITY TO BEHAVE OR A LACK OF BEHAVIORAL  
7 PROBLEMS IN THE CLASSROOM AS A NEED FOR SPECIAL EDUCATION  
8 AS OPPOSED TO SOMETHING ELSE?

9 A TEACHERS OFTEN SEE THOSE INABILITIES TO SPEAK, READ  
10 AND WRITE, BEHAVE, AS INDICATIONS OF, POTENTIAL  
11 INDICATIONS OF DISABILITY AS OPPOSED TO SEEING THOSE AS  
12 CHALLENGES FOR ME AS A CLASSROOM TEACHER OR MY SCHOOL IN  
13 TERMS OF APPROACHING THIS CHILD WITH A TEAM, AS OPPOSED TO  
14 SEEING THAT AS AN OPPORTUNITY TO PROBLEM SOLVE, ASSESS,  
15 PROVIDE INTERVENTIONS IN ORDER TO KEEP THE CHILD IN  
16 GENERAL

17 AND IF THEY SEE THAT AS A POTENTIAL DISABILITY AND AN  
18 OPPORTUNITY TO GET HELP FOR THAT CHILD IN WHAT THEY  
19 CONSIDER TO BE, MANY TIMES, THE ONLY INTERVENTION THAT IS  
20 AVAILABLE WHICH IS SPECIAL EDUCATION

21 Q YOU SAID A FEW MINUTES AGO THAT THERE ARE TWO THINGS  
22 THAT WILL GET A CHILD REFERRED TO SPECIAL EDUCATION QUICK,  
23 ONE IS THE INABILITY TO READ AND ONE IS BEHAVIORAL  
24 PROBLEMS?

25 A THAT'S CORRECT

1 MRS HART MAYBE THAT WAS AN UNARTFULLY WORDED  
2 QUESTION, BUT ARE CHILDREN PLACED -- LET ME JUST REPHRASE  
3 THE COURT TRY AGAIN  
4 BY MRS HART  
5 Q ARE CHILDREN PLACED IN SPECIAL EDUCATION BECAUSE OF A  
6 LACK OF ABILITY TO READ? ARE --  
7 MR STEPP WE HAVE ALREADY BEEN THERE IF THAT'S  
8 THE QUESTION, IT'S BEEN ASKED AND ANSWERED  
9 THE COURT THAT HAS BEEN ASKED AND ANSWERED THAT  
10 AND THE BEHAVIORAL PROBLEM SHE HAS ALREADY FOCUSED ON  
11 BY MRS HART  
12 Q ARE CHILDREN PLACED IN SPECIAL EDUCATION BECAUSE OF  
13 LACK OF ABILITY TO READ UNRELATED TO A DISABILITY?  
14 A YES, THEY ARE  
15 Q ARE CHILDREN PLACED IN SPECIAL EDUCATION IN SOUTH  
16 CAROLINA BECAUSE OF BEHAVIORAL ISSUES UNRELATED TO  
17 DISABILITY?  
18 A YES, THEY ARE  
19 Q WHAT KINDS OF PRE-REFERRAL INTERVENTIONS ARE OFFERED  
20 OR REQUIRED IN SOUTH CAROLINA PRIOR TO PLACING CHILDREN IN  
21 SPECIAL ED?  
22 A PRE-REFERRAL INTERVENTIONS ARE THE KINDS OF ACCESS  
23 ISSUES THAT WE HAVE BEEN TALKING ABOUT THROUGHOUT THE DAY  
24 AND SO THEY MAY DIFFER FROM CHILD TO CHILD WHAT WE NEED  
25 TO HAVE AVAILABLE IN ORDER TO ENSURE APPROPRIATE REFERRALS

1 STATEWIDE

2 Q ALL RIGHT WELL, YOU HAD EARLIER SAID THAT  
3 NATIONALLY WE HAVE MORE OF A PROBLEM WITH  
4 OVER-IDENTIFICATION AND LEARNING DISABILITIES?

5 A THAT'S CORRECT

6 Q IS THAT RIGHT? WHAT DOES THIS SLIDE INDICATE TO YOU  
7 ABOUT IDENTIFICATION OF LEARNING DISABILITIES IN THE  
8 PLAINTIFF DISTRICTS?

9 A THIS SLIDE INDICATES THAT THERE IS AN  
10 UNDER-IDENTIFICATION OF STUDENTS WITH LEARNING  
11 DISABILITIES IN THE PLAINTIFF DISTRICTS, PARTICULARLY IN  
12 SIX OF THOSE DISTRICTS, AS COMPARED TO THAT IDENTIFICATION  
13 ACROSS OUR STATE

14 Q ALL RIGHT WELL, LET'S LOOK BACK NOW AT 6399-G NOW  
15 THIS IS THE PERCENT OF STUDENTS WITH DISABILITY IN THE  
16 EDUCABLE MENTALLY DISABLED CATEGORY TELL US AGAIN WHAT  
17 THAT IS

18 A STUDENTS WHO ARE IDENTIFIED AS BEING E M D , WE CALL  
19 THAT EDUCABLE MENTALLY DISABLED, ARE CHILDREN WHO  
20 ACCORDING TO OUR NEW CRITERIA, WE DID REVISE OUR RED BOOK  
21 CRITERIA IN APRIL OF 2000, SCORE BELOW 70 IN THE AREAS OF  
22 VERBAL AND PERFORMANCE I Q AND ADAPTIVE BEHAVIOR

23 THEY MUST BE BELOW 70 IN ALL THREE AREAS AND ABOVE  
24 48 REMEMBER I SAID THAT MILD MENTAL DISABILITIES IS 48  
25 TO 70

1 Q OKAY BUT THIS IS -- YEAH -- THIS IS 48 TO 70?

2 A THAT'S CORRECT

3 Q IN THE I Q ?

4 A THAT'S CORRECT VERBAL I Q , PERFORMANCE I Q AND  
5 THE MEASURE OF THEIR ADAPTIVE BEHAVIOR

6 Q THREE DIFFERENT MEASURES?

7 A THAT'S CORRECT

8 Q ALL RIGHT WHAT DOES THIS SLIDE INDICATE TO YOU  
9 ABOUT WHETHER THERE IS OVER-IDENTIFICATION OF EDUCABLE  
10 MENTALLY DISABLED STUDENTS IN THE PLAINTIFF DISTRICTS?

11 A THIS SLIDE INDICATES THAT THERE IS SIGNIFICANT  
12 DISPARITY BETWEEN THE STATE AVERAGE FOR IDENTIFICATION OF  
13 STUDENTS WITH EDUCABLE MENTAL DISABILITIES AND THOSE  
14 IDENTIFICATIONS IN OUR PLAINTIFF DISTRICTS

15 Q HOW CAN THAT HAPPEN?

16 MR STEPP OBJECTION, YOUR HONOR THAT WOULD CALL  
17 FOR SPECULATION I MEAN, SHE DOESN'T KNOW HOW IT  
18 HAPPENED I MEAN, SHE DOESN'T KNOW WHO THESE CHILDREN ARE  
19 OR WHAT PROCESS THEY WENT THROUGH

20 I MEAN, YOU KNOW, SHE WILL -- I SUPPOSE, CAN  
21 REITERATE HER PREVIOUS OPINION THAT IT'S BECAUSE OF  
22 DEFECTIVE IMPLEMENTATION, BUT, YOU KNOW

23 THE COURT RIGHT NOW HOW CAN IT HAPPEN, MRS HART?  
24 IT SEEMS TO TRANSGRESS TWO AREAS, ONE IS SPECULATION, THE  
25 OTHER OR IT WOULD BE AN OPINION FROM A FACT WITNESS



1 SPECIAL NEEDS, STUDENTS WITH DISABILITIES IN THE  
2 PLAINTIFFS' DISTRICT

3 AND IF SHE'S GOT SOME BASIS OF UNDERSTANDING HOW THAT  
4 WOULD COME ABOUT AND WITHOUT INFRINGING UPON THE EXPERT  
5 AREA AND THINGS OF THAT NATURE, I WILL LET HER ANSWER IT  
6 YOU WILL HAVE TO FORM A FOUNDATION FIRST  
7 BY MRS HART

8 Q ALL RIGHT MRS DURANT, ARE CHILDREN PLACED INTO  
9 THIS CATEGORY PARTIALLY AS A RESULT OF TESTING?

10 A THEY ARE IF YOU REFER A CHILD EARLY, A YOUNG CHILD,  
11 YOU REMEMBER I SAID THAT I Q DOESN'T NECESSARILY  
12 FLUCTUATE THE EXCEPTION IS WHEN YOU EVALUATE A CHILD, A  
13 VERY YOUNG CHILD AND THEY DON'T HAVE THE UNDERSTANDING OF  
14 LANGUAGE, RECEPTIVE OR EXPRESSIVE LANGUAGE, THEN THEIR  
15 TEST SCORES MAY BE SKEWED

16 THE PLACEMENT OF CHILDREN IN THE CATEGORY OF EDUCABLE  
17 MENTAL DISABILITIES IS AN EXAMPLE OF THE RESULT OF THAT  
18 EVALUATING VERY YOUNG CHILDREN WITHOUT THOSE CHILDREN  
19 HAVING HAD THE OPPORTUNITY TO ACCESS INTERVENTIONS,  
20 WITHOUT THOSE CHILDREN HAVING HAD THE EXPOSURE TO  
21 VOCABULARY AND LANGUAGE, WITHOUT THEM HAVING ACCESS TO  
22 EDUCATION THAT WOULD CLOSE THOSE GAPS

23 IF YOU REFER AND EVALUATE THEM EARLY, THEN THEIR  
24 CHANCES OF THEIR I Q SCORES BEING SKEWED, THEIR  
25 PERFORMANCE BEING, THEIR PERFORMANCE SCORES BEING

1 DEPRESSED ARE MUCH GREATER AND THAT IS ONE OF THE WAYS  
2 THAT THIS HAPPENS

3 Q OKAY DOES OVER-IDENTIFICATION AND  
4 OVER-REPRESENTATION OVERLAP IN ANY WAY?

5 A YES, THEY DO OVERLAP

6 Q TELL US HOW THEY INTERRELATE

7 A WELL, WHETHER OR NOT YOU HAVE OVER-REPRESENTATION IN  
8 OUR STATE, YOU DO HAVE OVER-IDENTIFICATION AND WE LOOKED  
9 AT CHARTS THAT SHOW AND EXPLAIN THAT THE  
10 OVER-REPRESENTATION THEN GOES ON TOP OF THAT

11 IF YOU LOOK AT THE OVER-IDENTIFICATION AND BEGIN TO  
12 BREAK IT OUT BY RACE AND ETHNICITY, YOU MAY ALSO SEE  
13 OVER-REPRESENTATION

14 MR STEPP OBJECTION TO THAT

15 MRS HART I WAS JUST TRYING TO GET HER TO EXPLAIN  
16 THE DIFFERENCES

17 THE COURT AND I WILL ALLOW --

18 MRS HART AND HOW THEY DO INTERRELATE WHICH THEY  
19 DO

20 THE COURT TALKING ABOUT THAT FROM AN ECONOMIC AREA  
21 ACCORDING FROM THIS PERSPECTIVE THAT'S -- I WILL ALLOW  
22 HER TO ANSWER ALL OF THIS AS WE WELL KNOW THE RELEVANCE  
23 MAY BE SOMEWHAT LIMITED, BUT THE EXPLANATION IS FINE  
24 BY MRS HART

25 Q LET'S LOOK AT ONE MORE CATEGORY, MRS DURANT, AND

1 THAT SLIDE IS DEPICTED ON PLAINTIFFS' 6399-I THIS IS THE  
2 SPEECH AND LANGUAGE IMPAIRMENT BAR CHART SHOWING  
3 PERCENTAGES OF CHILDREN IN THE PLAINTIFF DISTRICTS PLACED  
4 INTO SPEECH AND LANGUAGE IMPAIRMENT AND REMIND US AGAIN  
5 WHAT THAT CATEGORY COVERS, PLEASE

6 A THOSE ARE CHILDREN WHO MAY HAVE A VARIETY OF ISSUES  
7 THAT IMPACT ON THEIR SPEECH AND LANGUAGE IT COULD BE  
8 FLUENCY, IT COULD BE ARTICULATION, IT COULD BE LITERACY  
9 ISSUES, VOCABULARY, ALL OF THOSE THINGS

10 Q SO LITERACY ISSUES PLAY INTO IDENTIFICATION OF  
11 CHILDREN FOR PLACEMENT AND ENROLLMENT OF CHILDREN IN  
12 SPEECH AND LANGUAGE?

13 A YEAH IF YOU LOOK AT LANGUAGE DEVELOPMENT,  
14 VOCABULARY UNDERSTANDING, THEN EARLY LITERACY SKILLS DO  
15 PLAY INTO THAT

16 Q DO TEACHER PREPARATION AND EXPECTATIONS PLAY A ROLE  
17 IN THE IDENTIFICATION OF STUDENTS WHO ARE REFERRED TO AND  
18 PLACED IN SPEECH AND LANGUAGE IMPAIRMENT CATEGORIES?

19 A THEY DO IN THAT, GOING BACK TO THE EXPERIENCE AND  
20 EXPERTISE AND KNOWLEDGE AND ABILITIES AND SKILLS OF THE  
21 GENERAL EDUCATION TEACHER, IF THEIR INABILITY TO  
22 UNDERSTAND THE CHILD, THE CHILD'S INABILITY TO PERFORM  
23 WITHIN THE CLASSROOM, THE TEACHER'S ABILITY TO PROVIDE,  
24 IMPLEMENT, INTERVENTIONS, DIAGNOSE, PRESCRIBED WHAT NEEDS  
25 TO HAPPEN TO KEEP THAT CHILD IN THE GENERAL ED PROGRAM IS

1 IT, IF THOSE SKILLS AND THAT KNOWLEDGE IS NOT THERE AND IF  
2 THAT CHILD IS PERCEIVED BY THE TEACHER TO BE A CHILD WITH  
3 A DISABILITY BECAUSE OF THE LACK OF LANGUAGE, THE LACK OF  
4 UNDERSTANDING OF THEIR LANGUAGE, THEN THAT CHILD COULD BE  
5 PERCEIVED BY THAT TEACHER AS A CHILD WHO HAS A DISABILITY  
6 AND THEREFORE BE REFERRED FOR SPECIAL EDUCATION  
7 EVALUATION

8 Q AND DESPITE THE SAFEGUARDS THAT ARE WRITTEN INTO THE  
9 REGULATIONS FOR ENROLLMENT OF CHILDREN IN SPECIAL  
10 EDUCATION AND SPECIFICALLY IN SPEECH AND LANGUAGE  
11 IMPAIRMENT, ARE CHILDREN OVER-IDENTIFIED AND OVER-ENROLLED  
12 IN THAT CATEGORY IN SOUTH CAROLINA?

13 A THEY ARE, YES

14 Q ARE THEY OVER-IDENTIFIED IN THE PLAINTIFF DISTRICTS?

15 A IN, ACCORDING TO THE DATA THAT WAS USED TO PUT  
16 TOGETHER THIS CHART, IN SIX OF OUR EIGHT DISTRICTS THEY  
17 ARE ABOVE THE STATE AVERAGE, SOME OF THOSE SIGNIFICANTLY  
18 ABOVE

19 Q ARE THERE SOCIAL AND ECONOMIC IMPLICATIONS INVOLVED  
20 IN THE PLACEMENT OF CHILDREN IN SPEECH AND LANGUAGE  
21 IMPAIRMENT CATEGORIES OF SPECIAL EDUCATION? I THINK WE  
22 TALKED ABOUT CULTURAL IMPLICATIONS AND TEACHER  
23 EXPECTATIONS DO SOCIAL ECONOMIC FACTORS --

24 A SOCIAL AND ECONOMIC FACTORS CAN CERTAINLY IMPACT ON  
25 THE CHILD'S READINESS, USE OF LANGUAGE, UNDERSTANDING OF

1 GENERAL ED POPULATION AND BECAUSE OF THE LACK OF  
2 INTERVENTIONS AND SUPPORTS THAT ARE AVAILABLE TO THE  
3 GENERAL ED TEACHER, THAT TEACHER THEN BELIEVING THAT THEIR  
4 ONLY RESORT IS TO SEND THE CHILD TO SPECIAL ED

5 Q NOW, IF OVER-IDENTIFICATION OCCURS -- AND THIS  
6 DOCUMENT ACKNOWLEDGES THAT OVER-IDENTIFICATION DOES OCCUR  
7 INTO SPECIAL EDUCATION, IS THAT CORRECT?

8 A THAT'S CORRECT

9 Q IF OVER-IDENTIFICATION OCCURS AND THE WRONG CHILDREN  
10 ARE PLACED IN SPECIAL EDUCATION, DO THEY RECEIVE  
11 APPROPRIATE INTERVENTIONS AND STRATEGIES IN SPECIAL  
12 EDUCATION CLASSES TO ALLOW THEM TO ACCESS THE EDUCATION  
13 OFFERED IN SCHOOLS?

14 MR STEPP OBJECTION, YOUR HONOR I THINK THIS  
15 QUESTION HAS BEEN ASKED AND ANSWERED I THINK I OBJECTED  
16 TO IT BEFORE IT CALLS FOR AN OPINION I THINK YOU  
17 PERMITTED IT

18 THE COURT I DID YES, SIR AND I THINK IT HAS  
19 BEEN ASKED AND ANSWERED, BUT IT, IF IT'S A SPRINGBOARD  
20 INTO SOMETHING ELSE I WILL LET HER ANSWER IT SO WE CAN  
21 MOVE ON, SUBJECT TO OBJECTION

22 BY MRS HART

23 Q DO THE STUDENTS -- DO YOU REMEMBER THE QUESTION?

24 A I DO

25 Q OKAY

1     A     AND LET ME JUST REPEAT IT TO MAKE SURE I UNDERSTAND  
2     WHAT THE QUESTION IS     IF A CHILD IS NOT A CHILD WITH A  
3     DISABILITY AND HE OR SHE IS PLACED IN A PROGRAM FOR  
4     CHILDREN WITH DISABILITIES AND IS BEING TREATED AS IF THEY  
5     HAD A DISABILITY, ARE THEY RECEIVING AN APPROPRIATE  
6     EDUCATION     AND THE ANSWER TO THAT IS NO

7             THE ANALOGY WOULD BE IF YOU HAD PNEUMONIA AND WE  
8     TREATED YOU FOR ARTHRITIS     IT'S A -- SPECIAL MEANS  
9     SPECIAL EDUCATION AND RELATED SERVICES THAT ARE  
10    SPECIFICALLY DESIGNED TO MEET THE NEEDS OF A CHILD WITH A  
11    DISABILITY SO YOU DON'T GIVE THAT TO A CHILD WHO DOESN'T  
12    HAVE A DISABILITY AND ANTICIPATE THAT HE OR SHE IS GOING  
13    TO MAKE PROGRESS

14            YOU GIVE THEM WHAT THEY NEED OVER IN THE GENERAL  
15    EDUCATION PROGRAM AND SPECIAL EDUCATION ONLY COMES THEN TO  
16    THOSE CHILDREN WHO ARE TRULY CHILDREN WITH DISABILITIES

17    Q     WELL, USING YOUR ANALOGY OF GIVING A CHILD WITH  
18    PNEUMONIA OR GIVING A PERSON WITH PNEUMONIA MEDICATION FOR  
19    ARTHRITIS, IS ANYTHING BEING DONE TO TREAT THE PNEUMONIA  
20    BY THE MEDICATION FOR ARTHRITIS?

21    A     COULD MAKE IT WORSE     COULD MAKE IT WORSE

22    Q     IS THAT ANALOGY -- CAN YOU TRANSLATE THAT ANALOGY  
23    INTO THE EDUCATION IN THE SPECIAL EDUCATION ARENA?

24    A     I CAN     AND I WILL GO BACK     I FEEL LIKE I'M  
25    REPEATING MYSELF, BUT IN THE GENERAL EDUCATION CLASSROOM,

1 YOU HAVE DELIVERY OF THE CORE CURRICULUM, YOU HAVE  
2 DELIVERY OF STANDARDS AND YOU SHOULD HAVE INTERVENTIONS  
3 THAT ARE AVAILABLE FOR CHILDREN WHO ARE NOT PROGRESSING  
4 NORMALLY THROUGH THOSE CURRICULUM AND STANDARDS OKAY

5 IN THE SPECIAL EDUCATION CLASSROOM YOU HAVE  
6 SPECIALIZED INSTRUCTION, ACCOMMODATIONS, MODIFICATIONS,  
7 CURRICULUM ADAPTATIONS TO GIVE THOSE CHILDREN WHO HAVE  
8 IDENTIFIED DISABILITIES ACCESS TO THIS CORE CURRICULUM AND  
9 GENERAL CURRICULUM

10 SO IF YOU TAKE THE CHILD AWAY FROM THE CORE  
11 CURRICULUM AND THE STANDARDS AND YOU PROVIDE HIM WITH SOME  
12 SORT OF SPECIALIZED INSTRUCTION THAT HE DOESN'T NEED, YOU  
13 NOT ONLY ARE GIVING THE WRONG MEDICATION BUT YOU ALSO ARE  
14 NOT ALLOWING HIM TO MAKE PROGRESS IN THAT NATURAL  
15 ENVIRONMENT WHICH IS THE GENERAL ED CLASSROOM WHERE THE  
16 CORE CURRICULUM IS PROVIDED

17 Q DOES THE STATE ACKNOWLEDGE IN THIS AGREEMENT THAT  
18 OVER-REPRESENTATION AND OVER-IDENTIFICATION ISSUES ARE A  
19 RESULT OF INSTRUCTIONAL INADEQUACIES IN THE GENERAL  
20 EDUCATION CLASSROOMS?

21 A YES, THAT S WHY WE ARE TRYING TO DEVELOP THOSE SKILLS  
22 AND THAT KNOWLEDGE BASE AND THAT CAPACITY AT THE LOCAL  
23 LEVEL

24 Q AND DOES THE STATE IN THIS AGREEMENT ACKNOWLEDGE THAT  
25 AFRICAN-AMERICAN STUDENTS ARE OVER-REPRESENTED AND WRONGLY

1 TERRITORIES AS WELL, APPARENTLY COMPARES SPECIAL EDUCATION  
2 GRADUATION RATES WITH REGULAR EDUCATION GRADUATION RATES

3 AND TO THE EXTENT THIS IS BEING OFFERED TO SHOW THE  
4 DISPARITY IN SOUTH CAROLINA, I DON'T OBJECT TO IT IF  
5 IT'S BEING OFFERED TO SHOW A COMPARISON WITH OTHER  
6 JURISDICTIONS, THEN I DO

7 THE COURT I UNDERSTAND LET ME SEE WHAT IT IS  
8 BEING OFFERED FOR MRS HART, YOU CAN --  
9 BY MRS HART

10 Q WELL, MRS DURANT, MR STEPP DID CORRECTLY IDENTIFIED  
11 THIS AS A TABLE OF GRADUATION RATES FOR STUDENTS BOTH  
12 WITH, WHO ARE PLACED IN SPECIAL EDUCATION AND STUDENTS WHO  
13 ARE NOT PLACED IN SPECIAL EDUCATION, IS THAT RIGHT?

14 A THAT'S CORRECT

15 Q OKAY FOR EACH STATE AND TERRITORIES OF THE UNITED  
16 STATES?

17 A THAT'S CORRECT

18 Q WHAT DOES IT SHOW FOR SOUTH CAROLINA?

19 A IT SHOWS THAT THE PERCENTAGE OF STUDENTS WHO WERE  
20 IDENTIFIED ELIGIBLE FOR GRADUATION AND IDENTIFIED UNDER  
21 THE I D E A WAS 30 PERCENT, THAT THE PERCENT OF STUDENTS  
22 ELIGIBLE FOR GRADUATION IN GRADUATING WITH A DIPLOMA IN  
23 THE GENERAL ED POPULATION WAS 72 PERCENT AND THAT THERE IS  
24 A DIFFERENCE OF MINUS 42 BETWEEN THE GRADUATION RATES OF  
25 STUDENTS WITH DISABILITIES AND STUDENTS WITHOUT



1     DISABILITIES

2     Q     SO MORE THAN TWICE THE NUMBER OF STUDENTS WITHOUT  
3     DISABILITIES ARE ELIGIBLE FOR GRADUATION AS COMPARED TO  
4     THE STUDENTS WITH DISABILITIES IN SOUTH CAROLINA, IS THAT  
5     RIGHT?

6     A     THAT'S CORRECT     ACCORDING TO THIS TIME AND DATA

7     Q     OKAY     ARE THOSE NUMBERS A CONCERN TO YOU?

8     A     THEY ARE OF GREAT CONCERN TO ME     OUTCOMES FOR  
9     CHILDREN WITH DISABILITIES IS, IS, POSITIVE OUTCOMES FOR  
10    CHILDREN WITH DISABILITIES IS OUR RESPONSIBILITY AND DOING  
11    WHAT WE NEED TO DO TO, TO GET THEM TO POSITIVE OUTCOMES,  
12    ONE OF THOSE BEING OF COURSE GRADUATION WITH A DIPLOMA

13    BEING A GOAL, THEN THIS DISPARITY IS OF GREAT CONCERN

14    Q     DID THE DATA IN THESE TABLES TRIGGER A VISIT BY THE  
15    OFFICE OF, U S   DEPARTMENT OF EDUCATION OFFICE?

16    A     IT DID     AND THE DEPARTMENT OF EDUCATION DOES RANK  
17    ORDER STATES BASED ON VARIETY OF DATA AND OUR POSITION IN  
18    THE RANK ORDER WITH GRADUATION WITH A DIPLOMA OF GENERAL  
19    ED VERSUS SPECIAL ED PRECIPITATED ADDITIONAL ON-SITE  
20    VISITS TO SOUTH CAROLINA FROM THE OFFICE OF SPECIAL  
21    EDUCATION PROGRAM

22    Q     WHAT WAS THAT OFFICE LOOKING AT, WHAT WERE THEY  
23    CONCERNED ABOUT?

24    A     WELL, THEY WERE, THE REASON THAT THEY CAME WAS THE  
25    GRADUATION DATA     OF COURSE WHEN THEY COME THEY LOOK AT A

1 SPECIAL ASSISTIVE DEVICES AND THINGS LIKE THAT THAT CAN BE  
2 PROVIDED TO DISTRICTS THAT WILL FACILITATE THE EDUCATION  
3 OF CHILDREN IN SPECIAL EDUCATION CLASSES OR WOULD HELP  
4 ALLEVIATE THE PROBLEM OF OVER-IDENTIFICATION? ARE THERE  
5 OTHER PERSONNEL, OTHER PROGRAMS?

6 A AS I SAID BEFORE, THE PROBLEM OF OVER-IDENTIFICATION  
7 STARTS IN GENERAL AND NOT IN SPECIAL EDUCATION SO IF OUR  
8 SPECIAL -- IF OUR GENERAL EDUCATION TEACHERS ARE FULLY  
9 TRAINED IN THE PROBLEM-SOLVING MODELS, IN THE DEVELOPMENT  
10 OF, AND WHAT INTERVENTIONS ARE AVAILABLE AND HOW TO  
11 IMPLEMENT THOSE INTERVENTIONS AND ARE ABLE TO SUCCESSFULLY  
12 CLOSE THOSE GAPS, AND THOSE THINGS, THAT TRAINING, THE  
13 AVAILABILITY OF STAFF TO SUPPORT THAT AND TO PROVIDE  
14 INTERVENTIONS CERTAINLY HAS, IS NOT THERE IN ALL OF OUR  
15 DISTRICTS

16 BUT IF THOSE THINGS ARE THERE, THEN YES, THOSE THINGS  
17 CAN NOT ONLY REDUCE INAPPROPRIATE REFERRALS BUT ALSO  
18 INAPPROPRIATE PLACEMENTS BECAUSE OF CHILDREN'S NEEDS ARE  
19 BEING MET IN THE GENERAL ED CLASSROOM WHERE THEY SHOULD  
20 BE

21 Q IS THERE A ROLE FOR COUNSELORS TO PLAY IN THE SPECIAL  
22 EDUCATION AREA?

23 A THERE'S A ROLE FOR COUNSELORS, THERE ARE A VARIETY OF  
24 ROLES FOR COUNSELORS TO PLAY IN THE SPECIAL EDUCATION  
25 AREAS

1 A YES LACK OF STAFF, LACK OF RESOURCES IS NOT AN  
2 ACCEPTABLE REASON NOT TO DO  
3 Q AND IF THEY DON'T HAVE THOSE SERVICES, DO THEY HAVE  
4 ACCESS?  
5 A THE CHILDREN?  
6 Q YES  
7 A NO, THEY DO NOT  
8 Q AND WHO IS CHARGED WITH THE DELIVERY OF SPECIAL  
9 EDUCATION SERVICES TO THESE HUNDREDS OF CHILDREN IN EACH  
10 OF THESE DISTRICTS?  
11 A THE ACTUAL ON-SITE DELIVERY IS THE RESPONSIBILITY OF  
12 THE DISTRICT, THE CLASSROOM TEACHERS, THE SCHOOLS  
13 Q AND YOUR ROLE IN THIS EFFORT IS AT THE OFFICE OF  
14 EXCEPTIONAL CHILDREN AT THE STATE DEPARTMENT OF EDUCATION  
15 IS TO DO WHAT?  
16 A PROVIDE GENERAL SUPERVISION AND OVERSIGHT  
17 Q OKAY  
18 A AND TO ENSURE THAT THEY ARE DOING WHAT IT IS THAT  
19 THEY ARE SUPPOSED TO DO  
20 Q OKAY ARE YOU ABLE TO DO THAT WITH THE STAFFING AND  
21 RESOURCES THAT YOU HAVE?  
22 A NO, I'M NOT  
23 Q OKAY LET'S LOOK, MRS LANDRESS, AT OUR POWERPOINT  
24 SLIDE NUMBER 6399-C , WHICH IS THE SUBSTANDARD  
25 CERTIFICATION ALL RIGHT NOW, 21 PERCENT OF, ACCORDING

1 TO THIS SLIDE OF SPECIAL EDUCATION TEACHERS IN SOUTH  
2 CAROLINA ARE SUBSTANDARD, IS THAT -- IS THAT RIGHT?

3 A THAT'S CORRECT

4 Q OKAY LET'S LOOK NEXT AT 6399-D NOW, THIS IS THE  
5 SLIDE SHOWING THE PERCENTAGE OF SUBSTANDARD SPECIAL  
6 EDUCATION TEACHERS IN THE PLAINTIFF DISTRICTS?

7 A RIGHT

8 Q ALL RIGHT ARE THOSE PERCENTAGES HIGHER THAN THE  
9 STATE AS A WHOLE?

10 A THEY ARE

11 Q NOW, MR STEPP WALKED YOU THROUGH THE EFFORTS THAT  
12 YOU AT THE STATE DEPARTMENT ARE TAKING TO TRY AND IMPROVE  
13 THE RECRUITMENT AND RETENTION OF QUALIFIED SPECIAL  
14 EDUCATION TEACHERS INCLUDING EFFORTS TO INCREASE THE  
15 NUMBERS OF CERTIFIED SPECIAL EDUCATION TEACHERS

16 A YES

17 Q IS -- HOW LIKELY IS IT THAT A SPECIAL EDUCATION  
18 STUDENT IN HAMPTON TWO WILL GET A CERTIFIED TEACHER OF  
19 SPECIAL EDUCATION?

20 MR STEPP OBJECTION, YOUR HONOR EXCEPT TO THE  
21 EXTENT IT'S -- THIS DATA ON THE CHART, I'M NOT -- PERHAPS  
22 I DON'T UNDERSTAND THE QUESTION IF SHE'S, IF SHE'S  
23 ASKING MRS DURANT TO SPECULATE ABOUT HOW LIKELY IS THE  
24 TEACHERS IN HAMPTON WOULD IMPROVE THEIR CERTIFICATION  
25 STATUS THEN I WOULD OBJECT TO THAT

1 PRINCIPAL, OUR FORMER PRINCIPAL HAD HIRED HER AS AN  
2 OUTSIDE CONSULTANT TO COME IN, EVALUATE THE TEACHERS  
3 IT'S MY UNDERSTANDING THAT SHE WOULD GIVE A REPORT AND  
4 THEN SHE WOULD LEAVE

5 AND WHEN I WAS AT HOLLY HILL ROBERTS, SHE HAS ONLY  
6 ACTUALLY PROVIDED ANY TYPE OF FOLLOW UP OR ASSISTANCE TO  
7 THE TEACHERS TO ADDRESS THESE OBSERVATIONS OF HERS ONCE  
8 AND THAT WAS ONLY ON THE SUBJECT OF LESSON PLANNING, SO

9 Q SO IT'S YOUR UNDERSTANDING THAT DR KARGES-BONE WAS  
10 HIRED BY THE PRINCIPAL AND NOT BY THE SUPERINTENDENT?

11 A I DON'T KNOW IF DR LONGSHORE SAID TO HIRE HER, BUT I  
12 KNOW THAT MS LOTT OR THE FORMER PRINCIPAL DID ASK HER TO  
13 COME AT CERTAIN TIMES

14 Q OKAY WELL, UNDER PARAGRAPH ONE -- AND THIS WAS MY  
15 QUESTION TO YOU -- I MEAN, SHE OBVIOUSLY CAME IN AND WAS  
16 IN THE SCHOOL FOR A PERIOD OF TIME AND SAW AND OBSERVED  
17 TEACHERS AND EVERYTHING ABOUT THE SCHOOL IN HOLLY HILL  
18 ROBERTS?

19 A SHE WAS IN SEVERAL DIFFERENT CLASSROOMS, YES

20 Q OKAY UNDER PARAGRAPH ONE OF HER FEEDBACK SECTION ON  
21 NOTES, IF IT IS, IT SAYS UNDER ORGANIZATION I SEE TONS,  
22 UNDERLINED, OF MATERIALS, TEXTBOOKS, CURRICULUM GUIDES,  
23 PAPERS, BUT THINGS SEEM SCATTERED AND DISORGANIZED IN MANY  
24 SETTINGS

25 TO BE ABLE TO DELIVER INSTRUCTION YOU NEED TO BE ABLE

1 TO PUT YOUR HANDS ON MATERIALS TO KEEP THE CONTENT  
2 FLOWING YOU NEED TO HAVE MATERIALS IN ORDER TO BE  
3 PREPARED -- MATERIALS IN ORDER AND PREPARED I APOLOGIZE  
4 I HAVE NEW CONTACT LENSES AND I'M NOT READING VERY WELL

5 I KNOW THAT THERE ARE MANY TEACHING SKILLS AS THERE  
6 ARE LEARNING STYLES BUT NO MATTER WHAT YOUR STYLE THERE  
7 MUST BE A CERTAIN LEVEL OF PROFESSIONAL ORGANIZATION THAT  
8 SHOWS THE STUDENTS WHAT YOU WANT THEM TO MODEL, CORRECT?

9 DID YOU ALSO WHEN YOU GOT TO HOLLY HILL ROBERTS HIGH  
10 SCHOOL SEE A LOT OF MATERIALS THAT WERE LYING AROUND BUT  
11 NOT BEING USED?

12 A I CAN SPEAK FOR THE ENGLISH TEACHERS' CLASSROOMS THAT  
13 I'M IN EVERY DAY, THEY DO HAVE A LOT OF MATERIALS  
14 HOWEVER, I WOULD NOT FIND THEM USABLE IN MY TEACHING  
15 BECAUSE, FOR EXAMPLE, IN SEVERAL TEACHERS' CLASSROOMS THEY  
16 DID HAVE NOVELS FOR THE CHILDREN TO READ

17 THEY WERE OLD, YELLOWED, PAGES BENT STUDENTS,  
18 TEENAGERS TODAY ARE NOT GOING TO PICK UP A YELLOW BOOK,  
19 THEY ARE NOT GOING TO DO IT I HAVE SEEN THAT ONE BOOK  
20 WAS ACTUALLY DROPPED ON THE FLOOR ONE TIME AND ANOTHER  
21 STUDENT STEPPED ON IT AND THE FIRST STUDENT SAID, WELL,  
22 I'M NOT GOING TO PICK THAT UP NOW AND READ THAT YOU  
23 STEPPED ALL OVER IT TEENAGERS ARE STRANGE

24 Q SO UNLESS THEY HAVE A BRAND NEW BOOK THEY WON'T READ  
25 IT?

1 A WELL, NO, BUT IT CAN'T BE YELLOW WITH THE PAGES CRISP  
2 WHEN YOU OPEN IT UP AND YOU CAN TELL THAT IT'S BEEN  
3 SITTING ON THE SHELF FOR SEVERAL YEARS IN THE ENGLISH  
4 TEACHERS' CLASSROOMS I SAW OLD YELLOWED BOOKS

5 RIGHT NOW I'M THINKING OF A SPECIFIC TEACHER WHO HER,  
6 THE WORKBOOKS THAT SHE HAS IN HER CLASSROOM ARE SOME THAT  
7 I USED WHEN I WAS IN SCHOOL AND I HAVE COME TO LEARN  
8 FROM THE TEACHERS THAT THERE ARE ALMOST, THEY ARE HESITANT  
9 TO GET RID OF THINGS BECAUSE THEY DON'T KNOW WHERE THE  
10 NEXT MATERIALS ARE GOING TO COME FROM

11 ONE TEACHER, FOR EXAMPLE, SAID THAT SHE DOES NOT  
12 ALLOW HER STUDENTS TO TAKE NOVELS FROM HER PERSONAL  
13 LIBRARY OUT OF THE ROOM AND I LEARNED THAT IT WAS  
14 BECAUSE SHE DIDN'T KNOW HOW SHE WOULD REPLACE THOSE NOVELS  
15 IF THEY WERE LOST

16 I USE MY OWN PERSONAL MONEY FOR NOVELS AND IF A CHILD  
17 LOSES IT I DON'T CARE BECAUSE THEY ARE READING IT, BUT I  
18 HAVE MORE REASONABLE ACCESS TO MATERIALS THE TEACHERS  
19 ARE AFRAID THAT THEY'RE NOT GOING TO BE ABLE TO BE  
20 REPLACED THEY ARE NOT REALLY USABLE THEY WERE NOT  
21 REALLY USABLE IN MY OPINION

22 Q WELL, WHEN YOU GOT THERE, YOU GOT, YOU UNDERTOOK TO  
23 GET MORE NOVELS FOR HOLLY HILL ROBERTS HIGH SCHOOL, DIDN'T  
24 YOU?

25 A I DID

1 Q AS FAR AS CURRICULUM?

2 A YES FOR BISHOPVILLE INTERMEDIATE THERE WAS NO  
3 CURRICULUM

4 Q HOW DO YOU KNOW THAT?

5 A WELL, WHEN I GOT THERE I ASKED TO SEE IT, FIRST OF  
6 ALL, AND THERE WAS NO PAPER DOCUMENT SO THEN WHEN I  
7 BEGAN TO QUESTION THE PRINCIPAL AND TEACHERS ABOUT, ABOUT  
8 CURRICULUM STANDARDS, THEY ALL SAID THAT THEY WERE  
9 TEACHING THE STANDARDS

10 BUT THE MORE THAT I BEGAN TO TALK AND ASK PEOPLE THE  
11 LESS ABLE THEY WERE TO IDENTIFY WHAT IT WAS THEY WERE  
12 TEACHING I CALL IT TEACHING AT STANDARD THEY MIGHT BE  
13 TEACHING WHAT WAS IN THE BOOK AND HOPING THAT IT WAS  
14 ADDRESSING THE STANDARDS OR FINDING A STANDARD THAT MIGHT  
15 ADDRESS BUT THERE REALLY WAS NO, NO CONSISTENCY OF FULLY  
16 IMPLEMENTING THE STANDARD-DRIVEN CURRICULUM AS WAS  
17 REQUIRED, YOU KNOW, BY THE, BY THE CURRICULUM STANDARDS

18 THE OTHER THING IS IN TALKING TO PEOPLE AT THE  
19 DISTRICT LEVEL, THEY SAID THEY WERE --

20 MRS GRAY YOUR HONOR, I WOULD OBJECT TO HEARSAY  
21 THE COURT AS TO TALKING AT THE DISTRICT LEVEL, I  
22 SUSTAIN THAT I THINK SHE'S SUFFICIENTLY OTHERWISE LAID  
23 THE GROUND WORK YOU ASKED FOR IT

24 MRS GRAY YOUR HONOR, I'M SORRY, BUT I BELIEVE SHE  
25 WAS TALKING ABOUT BISHOPVILLE INTERMEDIATE



1 HEARSAY, I BELIEVE

2 THE COURT THE COMMENT IS HEARSAY I WILL ALLOW THE  
3 OVERALL STATEMENT THAT THE TEACHERS WERE RESISTANT AND  
4 DIDN'T THINK THE KIDS COULD ATTAIN THOSE LEVELS I WILL  
5 ALLOW THAT

6 BY MRS LEONARDI

7 Q YOU CAN CONTINUE JUST WHAT YOU PERSONALLY OBSERVED

8 A WELL, AND IN MY OBSERVATION I SAW THAT MANY OF THE  
9 TEACHERS FELT LIKE THAT WHAT THEY HAD BEEN DOING WAS WHAT  
10 WAS GOING TO MEET THE NEEDS OF THE CHILDREN I EVEN HEARD  
11 THE COMMENT MADE, WELL --

12 MRS GRAY YOUR HONOR, I OBJECT

13 THE WITNESS EXCUSE ME

14 THE COURT YES, MA'AM THE COMMENT, I WILL SUSTAIN  
15 THE OBJECTION

16 THE WITNESS ONE OF THE TEACHERS TOLD ME --

17 THE COURT THAT S THE SAME OBJECTION

18 THE WITNESS OKAY

19 THE COURT YOU'VE ALREADY ANSWERED THE QUESTION  
20 THOUGH, MRS KIRBY

21 THE WITNESS OKAY

22 BY MRS LEONARDI

23 Q DID LEE COUNTY POOL ITS RESOURCES WITH OTHER  
24 DISTRICTS EVENTUALLY TO GET THE CURRICULUM IN PLACE AT THE  
25 DISTRICT LEVEL?

1 A YES IN LANGUAGE ARTS AND MATH THE, THE LANGUAGE  
2 ARTS CURRICULUM WAS DEVELOPED THROUGH THE PEE DEE CENTER,  
3 PEE DEE EDUCATION CENTER GROUP, AND WE WERE -- AT THE  
4 SCHOOL LEVEL I WAS VERY PLEASED THAT THEY CHOSE TO DO  
5 THAT

6 NUMBER ONE, THEY COULDN'T AFFORD TO DEVELOP A  
7 CURRICULUM AT THE LEVEL THAT NEEDED TO BE DEVELOPED FOR  
8 THAT SCHOOL WITH THE EXPERTISE THEY HAD IN HOUSE THERE  
9 REALLY WASN'T A LARGE AMOUNT OF FUNDING TO GO OUTSIDE FOR  
10 THAT, THAT PURPOSE

11 BUT I THINK WE DID USE THE RETRAINING GRANT MONEY TO  
12 HELP DEVELOP THE CURRICULUM BECAUSE THAT'S A VERY VERY  
13 STRONG PROFESSIONAL DEVELOPMENT FOR TEACHERS WHO  
14 PARTICIPATE IN THAT PROCESS

15 WE HAVE A COUPLE OF TEACHERS THAT WE CHOSE THAT WE  
16 FELT LIKE HAD THE POTENTIAL TO WORK WITH THAT, TO WORK IN  
17 DEVELOPING THE LANGUAGE ARTS CURRICULUM ALSO THE MATH  
18 CURRICULUM WAS DEVELOPED THROUGH THE MATH SCIENCE HUB  
19 AND THERE WERE REPRESENTATIVES FROM EACH SCHOOL THAT  
20 PARTICIPATED IN THAT

21 ONCE THAT CURRICULUM WAS DEVELOPED THOUGH THERE WAS A  
22 HUGE PROFESSIONAL DEVELOPMENT CHALLENGE OF TEACHING THE  
23 TEACHERS HOW TO IMPLEMENT A STANDARDS-DRIVEN CURRICULUM, A  
24 CURRICULUM THAT WAS A HIGH LEVEL OF RIGOR

25 THERE WAS STILL A LOT OF RESISTANCE FROM TEACHERS IN

1 THOSE CLASSROOMS

2 THERE WERE NO CLASSROOM SETS OF BOOKS OF ANY KIND  
3 ANYWHERE IN THAT SCHOOL WHEN I WENT THERE WERE NO MATH  
4 MANIPULATIVES OTHER THAN THOSE THE TEACHER SPECIALISTS WHO  
5 HAD BEEN THERE BEFORE I CAME HAD BROUGHT WITH THEM

6 Q JUST SLOW DOWN OKAY

7 A FORGIVE ME YOU ALL KNOW ME, IT'S HARD TO TALK  
8 SLOWLY AND I APOLOGIZE

9 THE COURT YOU'RE NOT THE FIRST WHO HAD TO BE  
10 REMINDED, MRS KIRBY IT'S A TEACHER THING

11 THE WITNESS THANK YOU KEEP REMINDING ME THERE  
12 WERE, IT WAS JUST SO OVERWHELMING AT WHAT THEY DID NOT  
13 HAVE THERE WERE NO RULERS, THERE WERE NO CALCULATORS,  
14 THERE WERE NO LITERATURE SERIES OR CLASSROOMS SETS OF  
15 BOOKS FOR CHILDREN TO READ

16 THE LIBRARY WAS VERY, VERY LIMITED THEY DID NOT  
17 EVEN MEET THE S A C S REQUIREMENTS FOR HAVING THE NUMBER  
18 OF VOLUMES PER PUPIL WHEN I WAS THERE INITIALLY I COULD  
19 GO ON AND ON WHAT WAS NOT THERE

20 THERE WERE SO MANY MORE THINGS, NOT ONLY THAT WERE  
21 NEEDED JUST TO TEACH THE STANDARDS BUT MATERIALS THAT WERE  
22 NEEDED OR MANIPULATIVES AND/OR ARTIFACTS THAT WERE NEEDED  
23 TO HELP IMPLEMENT WHAT THE BOOK HAD IN THE WAY OF THE  
24 STANDARDS

25 SO AGAIN, IT WAS A MAJOR UNDERTAKING JUST TRYING TO

1 BUILD THAT CURRICULUM AS WE WERE GOING AND TRY TO IDENTIFY  
2 THOSE MATERIALS AND GET THEM IN PLACE IN THE HANDS OF  
3 THOSE CHILDREN IN SCHOOL  
4 BY MRS LEONARDI

5 Q YOU SAID YOU USED SOME OF YOUR INTERVENTION TEAM  
6 MONEY TO BUY MATERIALS?

7 A WE USED ALL OF IT TO BUY MATERIALS I MEAN, AND IT'S  
8 A DROP IN THE BUCKET IF YOU COULD ACTUALLY SEE HOW MANY  
9 BOOKS YOU COULD GET FOR \$20,000, IT'S NOT MUCH BOOKS ARE  
10 EXPENSIVE AND SO, YOU KNOW, YOU KNOW, THAT LITTLE THREE  
11 OR FOUR STACKS OF BOOKS THAT WE GOT FOR THAT MONEY, I  
12 MEAN, IT WAS ALMOST DEPRESSING WHEN I SAW IT

13 I SAID, YOU KNOW, WE JUST SPENT ALL, ALL THE MONEY  
14 AND THAT'S ALL WE GOT FOR IT BUT YOU HAVE TO START  
15 SOMEWHERE SO AGAIN WE SPENT THAT MONEY THERE WE,  
16 THE -- IT WAS SO FRUSTRATING THOUGH FOR THE TEACHERS  
17 THOUGH NOT TO HAVE THE MATERIALS AND IT WAS JUST AS  
18 FRUSTRATING NOT TO HAVE THE DAY-TO-DAY SUPPLIES THAT THEY  
19 NEEDED

20 FINANCIALLY THE DISTRICT WAS IN DIRE STRAITS, THE  
21 TIMING WAS SUCH THAT THE ECONOMY WAS SO EVERYBODY WAS, BUT  
22 THEY WERE EVEN MORE SO THAT WAY DURING THAT FIRST YEAR I  
23 WAS THERE, THE, MAYBE IT WAS THE SECOND YEAR BUT I KNOW  
24 THE ADMINISTRATORS WERE PUT ON FURLOUGH FOR FIVE DAYS,  
25 THEY WEREN'T PAID, AND THE ADMINISTRATORS THERE WERE

1 ALREADY PAID SO POORLY I WAS ABSOLUTELY AMAZED WHEN --

2 MRS GRAY YOUR HONOR, I OBJECT AND I DON'T THINK  
3 THERE'S A FOUNDATION FOR WHAT SALARIES ARE BEING PAID

4 THE COURT I SUSTAIN THE OBJECTION AS TO THAT ASPECT  
5 AS TO THE PAY OF THE ADMINISTRATORS THE FACT THAT THEY  
6 WERE PLACED ON FURLOUGH IS A RELEVANT AREA OF INQUIRY  
7 THE SALARY IS ANOTHER MATTER

8 BY MRS LEONARDI

9 Q YOU MENTIONED NOT HAVING DAY-TO-DAY SUPPLIES WHAT  
10 KIND OF THINGS ARE YOU TALKING ABOUT?

11 A WELL, THERE WERE FOUR COPIERS IN THE SCHOOL TWO  
12 NEVER WORK AND THE OTHER TWO WORKED INTERMITTENTLY WHEN I  
13 WAS THERE THE TEACHERS HOME PLAN, COME BACK THE NEXT  
14 MORNING READY TO RUN OFF THE PAPERS AND THE COPIER WAS  
15 BROKEN DOWN AGAIN IT WOULD TAKE SOMETIMES TWO TO THREE  
16 DAYS TO GET A REPAIR PERSON IN IF THEY COULD AFFORD TO GET  
17 THEM IN

18 TEACHERS WERE HIGHLY FRUSTRATED IN FACT THAT THEY  
19 COULDN'T JUST GET THE VERY BARE NECESSITIES EVEN GETTING  
20 PAPER WAS HARD THERE, YOU KNOW, FOR A WHILE WE DID  
21 PURCHASE PAPER WITH SOME OF OUR INTERVENTION PRINCIPAL  
22 LEADER MONEY SO THAT IT'S WASN'T THAT THEY HAD NOTHING TO  
23 GO ON OR TO GO WITH

24 THEY WERE FRUSTRATED CONSTANTLY AT THE FACT THAT  
25 THEIR JOBS WERE MADE HARDER EVERY DAY BECAUSE WE WERE

1 DEMANDING MORE AND MORE, WE WERE ENCOURAGING AND  
2 SUPPORTING AND IN EVERY WAY POSSIBLE STRONG-ARMING THEM  
3 INTO MOVING INTO THE STANDARDS-BASED SYSTEM

4 AND THEN THEY ARE SAYING BUT, YOU KNOW, THERE'S NOT  
5 EVEN ENOUGH MONEY TO BUY PAPER AND/OR WE CAN'T HAVE ENOUGH  
6 PAPER TO RUN OFF THEY WERE BUYING A LOT OF THINGS OUT OF  
7 THEIR POCKETS

8 TEACHERS ALTRUISTICALLY DO THAT A LOT BUT PROBABLY  
9 SOME OF THE RETIRED TEACHERS WERE SPENDING IMMENSE AMOUNTS  
10 OF MONEY FROM THEIR POCKETS AND, YOU KNOW, IT GETS TO A  
11 POINT WHERE YOU THINK, YOU KNOW, AM I EVEN MAKING ENOUGH  
12 TO MAKE MY JOB WORTHWHILE

13 SO I FEEL LIKE THAT THEY, THE TEACHERS EXPRESS THOSE  
14 FRUSTRATIONS TO ME AND TO OTHER MEMBERS OF THE TEAM  
15 REGULARLY

16 Q WHEN YOU LEFT DENNIS INTERMEDIATE AFTER SPENDING YOUR  
17 INTERVENTION TEAM MONEY ON THE MATERIALS AND THINGS, WHAT  
18 DID YOU SEE THAT WAS STILL LACKING?

19 A WELL, EVERYTHING THAT WE BOUGHT WAS EVENTUALLY IF NOT  
20 IMMEDIATELY, YOU KNOW, CONSUMABLE YOU CAN'T, WE COULD  
21 NOT AFFORD TO BUY HARDBACK BOOKS OF COURSE WE WERE  
22 BUYING PAPERBACK BOOKS

23 THOSE ONLY LASTED WITH YOUNG CHILDREN, YOU KNOW, FOR  
24 A SHORT PERIOD OF TIME PAPER'S GONE AS SOON AS IT'S  
25 USED THE RULERS AND THE, YOU KNOW, THE DIFFERENT MATH

1     END     IT HAS TO CONTINUE TO MOVE FORWARD     THEN IT CAN  
2     ONLY DO THAT THROUGH ADDITIONAL PROFESSIONAL DEVELOPMENT,  
3     ADDITIONAL WORK WITH THOSE TEACHERS WHO NEED HELP WITH  
4     DISCIPLINE, ADDITIONAL WORK ON, ON HOW TO USE THE  
5     MANIPULATIVES AND THE RESOURCES TO EFFECTIVELY ENHANCE  
6     INSTRUCTION     ALL OF THOSE KINDS OF THINGS ARE THINGS THAT  
7     NEED TO BE ONGOING AND CONTINUING

8     Q     AND HOW DOES TEACHER TURNOVER IMPACT THAT --

9     A     IT JUST MAKES --

10    Q     -- EFFORT?

11    A     IT'S REALLY, IT'S REALLY FRUSTRATING BECAUSE IT  
12    REALLY MAKES IT SO MUCH HARDER TO, TO KEEP ANYTHING GOING  
13    CONSISTENTLY BECAUSE YOU HAVE TO CONSTANTLY START OVER AND  
14    START OVER AND START OVER     THE NUMBERS OF THE TEACHERS  
15    THE FIRST YEAR I WAS THERE WERE VERY SIMILAR

16           THE SECOND YEAR THERE WERE A LOT OF YOUNG TEACHERS  
17    WITHOUT EXPERIENCE, THERE WERE A LOT OF RETIRED TEACHERS  
18    AND THEN AGAIN THE INDICATION IN JUNE AFTER I LEFT HOW  
19    MANY POSITIONS HAD TO BE REPLACED SHOWED THAT TURNOVER  
20    RATE IS HIGH ENOUGH THAT IT, THAT THE IMPACT IS THAT IT  
21    HAS TO BE CONTINUAL TRAINING OVER AND OVER AND OVER AGAIN

22    Q     I'D NOW LIKE TO TAKE A LOOK AT 6442-B     AND, AGAIN,  
23    THIS SLIDE IS FOR DENNIS INTERMEDIATE     AND IF YOU COULD  
24    AGAIN JUST DESCRIBE WHAT THIS SLIDE DEPICTS, PLEASE?

25    A     IT'S A VERY SIMILAR PATTERN TO THE LANGUAGE ARTS

1 THE COURT ALL RIGHT

2 BY MRS LEONARDI

3 Q THAT WAS SLIDE 1574-B D THE NEXT ONE IS 1574-B M

4 A THESE ARE THE WORN FLOOR TILES THAT I REFERENCED A

5 FEW MOMENTS AGO AGAIN CONCERNS WERE THAT THE OLD

6 ASBESTOS TYPE TILES WERE A DANGER WITH ASBESTOS RELEASE

7 MRS GRAY YOUR HONOR, I MOVE TO STRIKE MOVE TO

8 STRIKE THE REFERENCE TO THE DANGER ABOUT ASBESTOS I

9 DON'T THINK THIS WITNESS IS AN EXPERT ON THE ISSUES OF

10 ASBESTOS THE TILES ON THE FLOOR ARE BROKEN, THE PICTURE

11 SHOWS THAT

12 THE COURT THEY ARE AND THEY'RE ASBESTOS TILES OF

13 COURSE SHE CAN TESTIFY AS TO THAT AS TO THE DANGERS AS

14 TO WHETHER THIS VIABLE ASBESTOS CREATES A DANGER THAT

15 WOULD, I THINK, REQUIRE SOME MORE SPECIALIZED KNOWLEDGE

16 AND I WILL SUSTAIN THAT OBJECTION

17 SHE CAN TESTIFY AS TO WHAT SHE HAS OBSERVED,

18 CERTAINLY, AS SHE HAS DONE

19 MRS LEONARDI THANK YOU, YOUR HONOR

20 BY MRS LEONARDI

21 Q THE NEXT SLIDE 1574-B Y IS THAT SHOWING THE SAME

22 TYPE OF THING?

23 A THE TILES CRACKED AND BROKEN, YES

24 MRS GRAY YOUR HONOR, I MOVE TO STRIKE THE

25 REFERENCE AND THE COMMENT ABOUT ASBESTOS RELEASE



1 THE COURT WELL, I'M GOING TO LET HER TESTIFY AS TO  
2 THAT NOW AS TO THE DANGER OF IT AND WHETHER IT IS A REAL  
3 PROBLEM, A HEALTH PROBLEM, IS ANOTHER MATTER ENTIRELY  
4 BUT THERE ARE, IF THERE ARE CRUMBLING TILES AND IF SHE'S  
5 THE ONE WHO PROVIDED THE ANALYSIS, AND I BELIEVE THAT'S  
6 CORRECT, MRS KIRBY, YOU PROVIDED THIS CAPTION IS THAT  
7 RIGHT?

8 THE WITNESS AND IT WAS JUST A CONCERN

9 THE COURT THAT'S RIGHT THEN I WILL ALLOW IT TO  
10 COME IN AS IT IS, SUBJECT TO OBJECTION THANK YOU  
11 BY MRS LEONARDI

12 Q THE NEXT SLIDE IS 1574-B R COULD YOU DESCRIBE THAT  
13 ONE FOR ME?

14 A JUST AN AREA OF THE GYM, EXPOSED WIRING AND THE TYPE  
15 OF LIGHT FIXTURES THE CHILDREN WITH BALL, BALLS AND  
16 EQUIPMENT WERE JUST A CONCERN

17 Q WHAT DO YOU MEAN BY THAT?

18 A IF A BALL GOES UP AGAINST THE LIGHT THE GLASS FALLS  
19 EVERYWHERE IT'S A SAFETY CONCERN

20 Q 1574-C M

21 A AGAIN MY REFERENCE JUST TO THE FACT THAT THE TILES  
22 WERE NOT REPLACED WHEN THE ROOF HAD LEAKED REPEATEDLY AS  
23 THEY HAD HERE THEY WERE, THEY WERE LEFT UP BECAUSE THEY  
24 WEREN'T FALLING OUT THEY WERE JUST LEFT HERE

25 Q WAS LEAKING A PROBLEM THAT YOU HAD THROUGHOUT THE

1 MIGHT BE DEFINED IN LAW

2 PROBABLY ONE OF THE BIGGEST DIFFERENCES IS THAT THERE  
3 ARE 400 EMPLOYEES IN THE STATE DEPARTMENT OF EDUCATION AND  
4 THERE ARE EIGHT AND A HALF AT THE E O C

5 Q OKAY AND THE EIGHT AND A HALF AT THE E O C DON'T  
6 DIRECT THE RESOURCES OF THE EXECUTIVE BRANCH, STATE  
7 DEPARTMENT OF EDUCATION, DO YOU?

8 A NO, WE DO NOT

9 Q NOR DOES THE EXECUTIVE BRANCH DIRECT YOUR RESOURCES?

10 A THAT'S CORRECT WE ARE SEPARATE ENTITIES

11 Q AND WHEN YOU REPORT TO THE PUBLIC, DO YOU REPORT ON  
12 BEHALF OF THE LEGISLATURE?

13 A WELL, NOT DIRECTLY WE REPORT, WHEN THE E O C  
14 ISSUES A REPORT, OUR FIRST AUDIENCE IS THE LEGISLATURE

15 Q YOU REPORT TO THE LEGISLATURE?

16 A WE REPORT TO THE LEGISLATURE BUT WE ALSO DO FAIRLY  
17 EXTENSIVE PUBLIC REPORTING AND WORK TO MAKE CERTAIN THAT,  
18 YOU KNOW, THOSE GROUPS, THOSE PROFESSIONAL GROUPS OR THOSE  
19 PEOPLE WITH RESPONSIBILITY IN EDUCATION RANGING FROM THE  
20 GOVERNOR TO THE STATE BOARD TO THE STATE SUPERINTENDENT  
21 ARE INVOLVED IN THAT WORK

22 Q OKAY DR ANDERSON, HAS THERE EVER BEEN ANY OTHER  
23 DIRECTOR OF THE EDUCATION OVERSIGHT COMMITTEE?

24 A NO, SIR

25 Q OKAY LET ME WORK WITH YOU FOR A FEW MINUTES ON YOUR

1 PROFESSIONAL BACKGROUND BEFORE YOU BECAME EXECUTIVE  
2 DIRECTOR OF THE E O C , WELL, LET ME JUST GO BACK TO THE  
3 BEGINNING AND KIND OF JUST -- YOU WERE EDUCATED WHERE AND  
4 HOW AND WHAT DEGREES DO YOU HAVE?

5 A CERTAINLY I HAVE A BACHELOR AND MASTER'S DEGREES  
6 FROM GEORGE PEABODY COLLEGE IN NASHVILLE, TENNESSEE AND I  
7 HAVE A PH D FROM FLORIDA STATE UNIVERSITY

8 Q OKAY AND YOUR PH D IS IN WHAT FIELD?

9 A MY PH D IS IN HIGHER ED AND THE EMPHASIS IS ON  
10 ACADEMIC EVALUATION

11 Q OKAY AND YOUR MASTER'S DEGREE IS HISTORY?

12 A HISTORY

13 Q YOU GREW UP IN MEMPHIS?

14 A I GREW UP IN SHELBYVILLE

15 Q SHELBYVILLE?

16 A WHICH IS IN BEDFORD COUNTY WHICH IS IN MIDDLE  
17 TENNESSEE MEMPHIS IS IN SHELBY COUNTY WE JUST DO THAT  
18 TO CONFUSE YOU

19 Q IN THE CONTEXT OF YOUR WORK IN YOUR PH D PROGRAM,  
20 YOU WERE IN FLORIDA IN TERMS OF BEFORE YOU GOT A PH D IN  
21 FLORIDA DID YOU, WERE YOU INVOLVED IN EDUCATION?

22 A YES, I WAS I WAS A CLASSROOM TEACHER IN THE BROWARD  
23 COUNTY SCHOOLS I HAVE TAUGHT IN THE MIDDLE SCHOOL I  
24 TAUGHT SOCIAL STUDIES AND I WORKED WITH WHAT AT THAT TIME  
25 WE CALLED BEHAVIORALLY DISTURBED OR SOCIALLY MALADJUSTED

1 PEOPLE DO NOT HAVE A HIGH SCHOOL DIPLOMA THEREFORE IF THEY  
2 ARE WORKING THEY ARE WORKING AT VERY LOW-PAYING JOBS OR  
3 THEY ARE WORKING MULTIPLE JOBS JUST FOR THE BAREST HUMAN  
4 NECESSITIES

5 AND THAT THEN THEY ARE HAVING CHILDREN, YOU KNOW, AND  
6 THEN THEIR CHILDREN ARE GROWING UP IN SITUATIONS WHERE  
7 THEY ARE NOT EXPOSED TO A LOT OF READING MATERIALS, A LOT  
8 OF EARLY LANGUAGE DEVELOPMENT, A LOT OF SUPPORT FOR  
9 SCHOOLS, YOU KNOW THE PARENTS MAY VIEW SCHOOLS AS  
10 SOMEPLACE THAT FAILED THEM, THEREFORE WHY SHOULD THEY FORM  
11 GOOD RELATIONSHIPS WITH TEACHERS

12 AND SO WE ARE CAUGHT IN THIS CONTINUOUS LOOP THAT  
13 BECAUSE WE DO NOT GRADUATE STUDENTS FROM HIGH SCHOOL WE  
14 CREATE PARENTS THAT DO NOT HAVE CHILDREN THAT COME IN WITH  
15 THE PREREQUISITE SKILLS TO SUCCEED

16 Q AND IS THE HIGH SCHOOL GRADUATION RATE A KEY  
17 INDICATOR OF SUCCESS IN MOVING PEOPLE THROUGH THE  
18 EDUCATION SYSTEM TO PRODUCTIVE CITIZENSHIP?

19 A ABSOLUTELY ONE OF THE THINGS YOU GET WITH HIGH  
20 SCHOOL GRADUATION RATE IS NOT JUST, NOT JUST, YOU KNOW,  
21 NUMBER OF PEOPLE WITH A DIPLOMA BUT YOU GET, YOU HAVE A  
22 SENSE OF WHAT YOU MIGHT CALL HOLDING POWER

23 IS THE SYSTEM KEEPING THE STUDENT IN THE SCHOOL LONG  
24 ENOUGH THAT THEN YOU CAN BEGIN TO TEACH THE CHILD OR  
25 PROVIDE THOSE KINDS OF REMEDIES AND SUPPORT THAT THEY

1 NEED

2 Q NOW, WHERE DOES SOUTH CAROLINA END UP RANKING IF  
3 51 PERCENT ON A NATIONAL BASIS, WHERE DO WE END UP RANKING  
4 IN TERMS OF HIGH SCHOOL GRADUATION?

5 A LAST

6 Q AND IN TERMS OF THE POOR RURAL SCHOOL DISTRICTS THAT  
7 WE ARE DEALING WITH, I KNOW YOU REVIEWED THE HIGH SCHOOL  
8 GRADUATION RATES, IS THERE, IS THERE ANY KIND OF DISPARATE  
9 IMPACT ON THE POOR RURAL DISTRICTS IN TERMS OF THAT  
10 INDICATOR?

11 A OH, AS I RECALL SOME OF THOSE DATA WERE AS LOW AS  
12 30 PERCENT AND I -- IT'S JUST HARD FOR ME TO IMAGINE A  
13 SCHOOL CULTURE IN WHICH YOU ARE ONLY TALKING ABOUT ONE IN  
14 THREE STUDENTS FINISHING

15 Q THE, LET'S -- LET ME JUST TURN OVER TO YOUR LAST TWO  
16 PAGES FROM THE RETREAT AND I DON'T WANT TO GO THROUGH  
17 THESE INDIVIDUALLY BUT JUST WANTED TO HIGHLIGHT THEM FOR  
18 THE RECORD AND THE COURT HERE

19 IN TERMS OF THE SOUTH CAROLINA EDUCATION OVERSIGHT  
20 COMMITTEE OBJECTIVES AND CRITICAL ACTIONS FOR '02, '03,  
21 THESE ARE A SUMMARY OF OUTCOMES FROM THE RETREAT DON'T  
22 KNOW IF THAT'S THE RIGHT WORD?

23 A CERTAINLY EVERY YEAR AT THE RETREAT THE COMMITTEE  
24 ESTABLISHES WHAT WILL BE ITS PRIMARY FOCUS FOR THE ENSUING  
25 YEAR AND WE TRY TO KEEP IT DOWN TO ABOUT THREE OR FOUR

1 DIFFERENT ISSUE FROM WHAT SHE'S GOING INTO  
2 I NOTE YOUR OBJECTION I WILL ALLOW HER TO TALK  
3 THE WITNESS LET ME TALK ABOUT AS A LOCAL  
4 ADMINISTRATOR IN RICHLAND ONE, ONE OF THE PROGRAMS FOR  
5 WHICH I WAS RESPONSIBLE WAS TITLE ONE AND WHAT WE  
6 ATTEMPTED TO -- IN VERY PRACTICAL TERMS WE USED OUR TITLE  
7 ONE FUNDS PRIMARILY TO LOWER PUPIL-TEACHER RATIO  
8 BUT FIRST WE HAD TO ESTABLISH A PUPIL-TEACHER RATIO  
9 IN ALL OF OUR SCHOOLS AND THEN WE COULD COME IN AND USE  
10 THE TITLE ONE FUNDS TO LOWER THAT RATIO FURTHER IN THE  
11 SCHOOLS THAT WERE ELIGIBLE FOR TITLE ONE FUNDS  
12 SO YOU MIGHT SEE A PUPIL-TEACHER RATIO AT SATCHEL  
13 FORD ELEMENTARY OF 22 TO ONE BUT A PUPIL-TEACHER RATIO AT  
14 WATKINS ELEMENTARY WHICH WAS A TITLE ONE SCHOOL OF PERHAPS  
15 15 TO ONE  
16 BY MR MORRISON  
17 Q OKAY AND WE ARE GOING TO GET INTO CLASS SIZES IN  
18 SOME DEPTH LATER, BUT I WANT TO ASK YOU TO CONTINUE TO  
19 CONNECT THE NO CHILD LEFT BEHIND TO THE TITLE ONE, 1965  
20 HISTORY AND THE IDEA THAT WE JUST TALKED ABOUT ABOUT  
21 SUPPLEMENTING OR SUPPLANT  
22 A OKAY WELL, FROM 1965 FORWARD ON SOME CYCLE, I DON'T  
23 KNOW IF IT'S SIX YEARS OR EIGHT YEARS OR TEN YEARS, THOSE  
24 FUNDS ARE REAUTHORIZED AND --  
25 Q RE WHAT?

1 A THE GOAL IS PROFICIENT

2 Q OKAY LET'S RETURN TO THE -- AND THANK YOU FOR THE  
3 EXPLANATION LET'S RETURN TO THE BOTTOM OF PAGE THREE OF  
4 THIS DOCUMENT I BETTER PUT IN THE RECORD AGAIN BECAUSE I  
5 KNOW I WILL LOOK FOR IT AT SOME POINT, PLAINTIFFS' EXHIBIT  
6 6298

7 IT IS, THIS PARAGRAPH TALKS ABOUT THE PROGRESS IT  
8 SAYS, NOT DISSIMILAR FROM NO CHILD LEFT BEHIND'S ADEQUATE  
9 YEARLY PROGRESS, THE SOUTH CAROLINA RATING SYSTEM  
10 INCREASES ITS RIGOR OVER TIME

11 THE RATINGS IN 2001 AND 2002 IDENTIFIED APPROXIMATELY  
12 FIVE PERCENT OF SCHOOLS AS UNSATISFACTORY ON THE ABSOLUTE  
13 MEASURE AND 26 PERCENT OF SCHOOLS AS UNSATISFACTORY ON THE  
14 IMPROVEMENT MEASURE THE IMPROVEMENT MIRRORS A HISTORIC  
15 PERFORMANCE PATTERN ACROSS SEVERAL ASSESSMENTS

16 OUR STUDENTS HAVE PERFORMED LESS WELL ON ACADEMIC  
17 MEASURES AS THEY PROGRESS THROUGH SCHOOL IN PRACTICAL  
18 TERMS, THE DISADVANTAGES SOME CHILDREN BRING TO THE  
19 CLASSROOM ARE NOT REMEDIED AND THE GAP INCREASES AS  
20 STUDENTS ENTER UPPER GRADES

21 THIRD GRADE SCORES ARE BETTER THAN EIGHTH GRADE  
22 SCORES TOO MANY STUDENTS DO NOT MAINTAIN THE SAME LEVEL  
23 OF COMPETENCE RELATIVE TO GRADE LEVEL EXPECTATIONS AS THEY  
24 ADVANCE THROUGH THE GRADES

25 NOW I WANT TO FOCUS ON THAT PARTICULAR OBSERVATION

1 AND ASK A , WHY YOU MADE THAT PARTICULAR OBSERVATION AND  
2 WHAT THE SIGNIFICANCE OF IT IS

3 A ALL RIGHT LET'S TALK FIRST ABOUT SOUTH CAROLINA'S  
4 PERFORMANCE ON OTHER TESTS, WHETHER WE GO BACK AS 30 YEARS  
5 TO I THINK IT WAS THE C T B S FORM EQUIVALENT OR THE  
6 B S A P PROGRAM WE HAVE ALWAYS TENDED TO SEE VERY EARLY  
7 SUCCESS SOME OF THAT HAS TO DO WITH THE SHIFT IN THE  
8 CURRICULUM

9 AS EDUCATORS WE TALK ABOUT THE FIRST THREE YEARS OF  
10 SCHOOL, YOUNG PEOPLE LEARN TO READ AND THEN BEYOND GRADE  
11 FOUR THEY READ TO LEARN SO ANY, ANY GAP YOU HAVE IN  
12 THOSE EARLY YEARS BECOMES MORE CUMULATIVE AS YOU PROGRESS  
13 THROUGH

14 YOU MIGHT -- AND WE DO IT A LOT YOU TEND TO SEE  
15 MORE WORD PROBLEMS IN MATHEMATICS AT GRADE FOUR AND  
16 BEYOND GRADE FOUR AND BEYOND WE EXPECT CHILDREN TO READ  
17 THE DIRECTIONS IN A TESTING SITUATION AS OPPOSED TO  
18 READING THEM TO THEM

19 SO WE IN EVERY SINGLE TEST MEASURE OF OUR HISTORY,  
20 SOUTH CAROLINA HAS DECLINED ITS PERFORMANCE AND THAT'S  
21 LOOKING COHORT, A CLASS OF STUDENTS, THIRD GRADERS AS THEY  
22 BECOME FOURTH GRADERS, FOURTH GRADERS AS THEY BECOME FIFTH  
23 GRADERS

24 OUR ACCOUNTABILITY LEGISLATION INDICATED THAT WE  
25 WANTED TO HAVE A MUCH CLOSER LOOK AT STUDENT IMPROVEMENT



1 INSTEAD OF LOOKING AT YOUR CLASS AS IT MOVES THROUGH THE  
2 YEARS, WE WERE GOING TO COUNT IMPROVEMENT IF STEVE  
3 IMPROVED FROM THIRD GRADE TO FOURTH GRADE SO WE MEASURE  
4 AND THAT'S A VERY DIFFERENT MEASURE, IT'S BEEN A TOUGH  
5 ADJUSTMENT FOR OUR SCHOOLS TO SEE THIS

6 SO WHEN WE CALCULATE THE IMPROVEMENT RATING, WE MATCH  
7 INDIVIDUAL CHILDREN, CURRENT TEST SCORE TO THEIR TEST  
8 SCORE IN THE PREVIOUS YEAR BECAUSE IT IS A MEASURE OF  
9 IMPROVEMENT, SCORING BASIC IN BOTH YEARS IS NOT AN  
10 IMPROVEMENT

11 EVEN THOUGH YOU ARE NOW IN THE FOURTH GRADE AND YOU  
12 ARE LEARNING DIFFERENT THINGS, RELATIVE TO THE  
13 EXPECTATIONS OF A FOURTH GRADER YOU HAVE NOT GOTTEN ANY  
14 STRONGER

15 SO OUR IMPROVEMENT MEASURE EXPECTS THAT YOU ARE  
16 GETTING STRONGER RELATIVE TO THE GRADE EXPECTATIONS AS YOU  
17 MOVE THROUGH THE SYSTEM

18 Q OKAY AND IT'S YOUR OBSERVATION HERE THAT SOUTH  
19 CAROLINA HISTORICALLY IN TERMS OF WHAT WE HAVE SEEN IN  
20 THIS COURTROOM IN PRACTICAL TERMS THE DISADVANTAGES SOME  
21 CHILDREN BRING TO THE CLASSROOM ARE NOT REMEDIED AND THE  
22 GAP INCREASES AS STUDENTS ENTER THE UPPER GRADES

23 I WANTED TO ASK YOU ABOUT THE, WHAT ARE YOU TALKING  
24 THE DISADVANTAGES SOME CHILDREN BRING TO THE CLASSROOM IS,  
25 IS A PHRASE OF COURSE WE ARE DEALING WITH SOCIOECONOMIC

1 COMMUNITY FACTORS, THE TECHNICAL ASSISTANCE PROGRAM IS  
2 UNDER STUDY TO IDENTIFY LONGER TERM STRATEGIES THAT BUILD  
3 LOCAL CAPACITY

4 WHAT WAS YOUR POINT THERE ABOUT THE TECHNICAL  
5 ASSISTANCE COMING IN AND OUT OF A DISTRICT AND NEEDING TO  
6 BUILD LONGER TERM LOCAL CAPACITY?

7 A WHEN YOU, OUR TECHNICAL ASSISTANCE PROGRAM HAS FIVE  
8 PIECES, AN EXTERNAL REVIEW TEAM, THE TEACHER SPECIALISTS,  
9 THE PRINCIPAL SPECIALISTS AT THE -- THIS IS UNDER STATUTE,  
10 IF THE DISTRICTS REQUEST IT THE HOMEWORK CENTER AND THE  
11 RETRAINING GRANT AND ONLY FUNDING FOR THE RETRAINING  
12 GRANT IS MULTI YEAR

13 THE OTHER RELIES UPON ANNUAL DETERMINATIONS AND IT  
14 BECAME VERY APPARENT QUICKLY THAT THE TECHNICAL ASSISTANCE  
15 OUTLINED IN THE STRATEGY DIDN'T RECOGNIZE THE TRANSITION,  
16 DIDN'T BUILD LOCAL CAPACITY AND WE JUST CONCLUDED A YEAR  
17 OF STUDY OF THE TECHNICAL ASSISTANCE AND THE ADOPTIONS,  
18 THE RECOMMENDATIONS TO CHANGE THAT PROGRAM SO IT FOCUSED  
19 MUCH MORE ON LOCAL CAPACITY

20 I MEAN, THE GOAL OF THE SYSTEM IS NOT TO ALWAYS BE  
21 THEIR SYSTEM THE GOAL OF THE SYSTEM IS FOR THOSE  
22 COMMUNITIES TO BE ABLE TO STAND INDEPENDENTLY AND COMPETE  
23 WELL

24 Q OKAY AT THE BOTTOM OF THE PAGE YOU INDICATE, WE  
25 CANNOT EXPECT THE SAME HIGH PERFORMANCE FROM EVERY CHILD

1 IF WE DO NOT PROVIDE RESOURCES TO COMPENSATE FOR THE  
2 DISADVANTAGES CHILDREN BRING TO OUR CLASSROOMS WHAT ARE  
3 YOU TALKING ABOUT THERE IN TERMS OF THE NEED TO PROVIDE  
4 RESOURCES TO COMPENSATE FOR THOSE DISADVANTAGES?

5 A WELL, I THINK ONE OF THE ISSUES I WOULD TALK ABOUT IS  
6 I ALLUDED TO A BIT EARLIER WAS THE NOTION OF WHAT HAPPENS  
7 OVER THE SUMMER THERE IS FAIRLY SIGNIFICANT RESEARCH  
8 THAT DEMONSTRATES THAT WITHIN THE SCHOOL YEAR WE MAKE, WE  
9 CAN MAKE ABOUT THE SAME LEVEL OF PROGRESS WITH CHILDREN  
10 FROM POVERTY AND CHILDREN FROM ADVANTAGED

11 BUT WHAT HAPPENS IN THE SUMMER IS THAT THE CHILDREN  
12 FROM POVERTY GO HOME AND THE CHILDREN FROM ADVANTAGED GO  
13 TO ZOOS, CAMP, AND JOIN THE LIBRARY READING CLUB AND THEIR  
14 FAMILIES MAY TAKE THEM ON A TRIP TO THE BEACH OR SOMEWHERE  
15 ELSE AND SO WHAT HAPPENS IN THOSE OUTSIDE OF THE 180  
16 DAYS AND SIX HOURS EITHER REINFORCES OR EXTENDS WHAT  
17 HAPPENS IN THE SCHOOL YEAR AND THE RESEARCH FROM JOHNS  
18 HOPKINS WOULD SAY THAT BY THE TIME THE CHILDREN, CHILD  
19 FROM POVERTY COMES BACK TO SCHOOL, HE OR SHE HAS LOST  
20 ABOUT THREE MONTHS OF WHAT HE LEARNED THE YEAR BEFORE

21 AND OVER TIME THAT BECOMES A HUMILIATIVE DEFICIT AND  
22 IF THE CHILDREN ARE ABOUT AT THE SAME LEVEL IN GRADE  
23 THREE, CHILDREN FROM POVERTY COULD BE, YOU KNOW, A YEAR  
24 BEHIND IN GRADE SIX, TWO YEARS BEHIND IN GRADE NINE AND  
25 THEY ARE NOT THERE FOR GRADUATION SO THAT SORT OF

1 REINFORCEMENT

2 A LOT OF THESE RURAL COMMUNITIES ALSO DO NOT HAVE  
3 PUBLIC LIBRARIES THAT ARE OPEN AS MANY HOURS I MEAN, OR  
4 BOYS AND GIRLS CLUBS, YOU KNOW, ANY OF THOSE KINDS OF  
5 THINGS THAT NURTURE AND EXTEND WHAT HAPPENS IN SCHOOL

6 Q OKAY YOU TURN TO A FOCUS IN USING THIS EXHIBIT AS A  
7 VEHICLE FOR US TO TALK ABOUT A WIDE VARIETY OF ISSUES TO  
8 INTRODUCE THESE FROM THE STANDPOINT OF HAVING IDENTIFIED  
9 THE PROBLEM AND OUTLINED HERE, YOU THEN SAY WE HAVE TO BE  
10 SOME, WE HAVE TO BE VIGILANT ABOUT CERTAIN OPPORTUNITIES

11 AND THE FIRST OPPORTUNITY AT THE TOP OF PAGE 13 OF  
12 EXHIBIT 6298 IS FIRST WE MUST ATTEND TO THE ISOLATION THAT  
13 MANY STUDENTS EXPERIENCE WE KNOW THAT INEQUITIES EXIST  
14 IN THE AVAILABILITY OF QUALIFIED TEACHERS AND THAT THOSE  
15 STUDENTS IN NEED OF THE MOST EXPERIENCED OFTEN ARE TAUGHT  
16 BY THE LEAST EXPERIENCED

17 AND YOU GO ON TO DISCUSS TEACHER PREPARATION, AND  
18 YOUR POINT ABOUT INCONVENIENCE, YOU CLOSE THAT PARAGRAPH  
19 SAYING, INCONVENIENCE SHOULD NOT DIMINISH OPPORTUNITY  
20 I'D PARTICULARLY LIKE YOU TO FOCUS ON THE IDEAS IN THAT  
21 PARAGRAPH OF GEOGRAPHIC AND ECONOMIC ISOLATION AND HOW  
22 THEY HAVE TO BE ADDRESSED SO THAT THE STUDENTS' LIVES ARE  
23 FILLED WITH ACTIVITIES THAT EXTEND AND ENRICH

24 AND YOU JUST TALKED ABOUT THE LACK, SOMETIMES, OF  
25 OPEN LIBRARIES OR EXTENDED HOURS OR BOYS AND GIRLS CLUBS

1 PREVIOUSLY TITLE ONE SCHOOLS, THEY HAVE ALREADY REACHED  
2 THE POINT WHERE THEY CHOICE HAD TO BE OFFERED THEN SO  
3 SOME OF THEM COULD BE IN THEIR THIRD YEAR

4 THIS WILL BE THE SECOND YEAR THAT ADEQUATE YEARLY  
5 PROGRESS IS DETERMINED UNDER THE NEW SYSTEM, SO WE WOULD  
6 ANTICIPATE THAT A SIGNIFICANT NUMBER OF SOUTH CAROLINA  
7 SCHOOLS WOULD BE IN THE CHOICE OPTION

8 Q OKAY AND WHAT SPECIFICALLY ARE THE IMPLICATIONS OF  
9 CHOICE FOR THE POOR RURAL SCHOOL DISTRICTS IN THE  
10 PLAINTIFF DISTRICTS?

11 A WHAT OPTIONS DO THEY HAVE? I MEAN, THAT'S THE REAL,  
12 THAT'S THE REAL PROBLEM LAST YEAR IN THE CURRENT VERSION  
13 OF A Y P ONLY 24 PERCENT OF SOUTH CAROLINA SCHOOLS MADE  
14 A Y P , SO AND NONE OF THE HIGH SCHOOLS

15 SO WHAT DOES CHOICE MEAN WHEN YOU LIVE IN A RURAL  
16 ISOLATED AREA AND THE ONLY HIGH SCHOOL IS AS YOU SAW IN  
17 THESE COMMUNITIES HAS BEEN RATED POOR, THAT IT HAS TO  
18 OFFER YOU CHOICE BUT THERE'S NO PLACE ELSE TO GO

19 Q WE HAVE, AS YOU CAN SEE, PRESENTED SOME DEMOGRAPHIC  
20 DATA ON THE COUNTY POPULATION SOME OF IT'S UP HERE ON  
21 THE BOARD, VERSUS THE STUDENT ETHNICITY IN TERMS OF  
22 POPULATIONS I NOTE THAT ONE OF THE THINGS THAT YOU  
23 COMMENT ON TO THE CIVIL RIGHTS COMMISSION IS THE  
24 AFRICAN-AMERICAN PARTICIPATION RATES IN SOUTH CAROLINA  
25 SCHOOL DISTRICTS --

1 MR BARNES YOUR HONOR, AND I OBJECT TO ANY  
2 REFERENCES TO RACE IN THAT REGARD

3 THE COURT RIGHT AND I WILL --

4 MR BARNES SHE CLEARLY DISCUSSED DEMOGRAPHICS IN  
5 TERMS OF POVERTY AND I THINK THAT'S SUFFICIENT

6 THE COURT WELL, SHE HAS, BUT THE MILEY CHART OF  
7 COURSE ONCE AGAIN REAFFIRMS AT LEAST ONE OF THE  
8 UNSATISFACTORY AND BELOW-AVERAGE SCHOOLS A CLEAR  
9 CORRELATION BETWEEN THOSE TWO FACTORS, THAT IS RACE AND  
10 POVERTY AND SO I WILL ALLOW IT AS I HAVE IN THE PAST  
11 SIMPLY AS IT BEARS ON THE POVERTY ISSUE

12 MR MORRISON THANK YOU, YOUR HONOR

13 BY MR MORRISON

14 Q WHAT I WANTED TO DO, DR ANDERSON, WAS REFER YOU TO  
15 THE TWO CHARTS, TABLE ONE AND TABLE TWO, ON PAGE 14 AND DO  
16 EXACTLY THAT I JUST WANT TO LOOK AT THE BELOW-AVERAGE  
17 UNSATISFACTORY RATINGS IN TERMS OF PARTICIPATION

18 AND IF WE COULD HIGHLIGHT -- AND THE TABLE ONE IS  
19 AFRICAN-AMERICAN PARTICIPATION RATES IN SOUTH CAROLINA  
20 SCHOOL DISTRICTS, AND HIGHLIGHT THE BELOW-AVERAGE  
21 UNSATISFACTORY COLUMNS AND THEN WHITE PARTICIPATION RATES  
22 IN SOUTH CAROLINA SCHOOL DISTRICTS AND HIGHLIGHT THE BELOW  
23 AVERAGE AND UNSATISFACTORY COLUMNS

24 AND IF YOU, YOU HAD STATED EARLIER AN OBSERVATION  
25 WHICH I THINK YOU MAKE HERE ABOVE, I THINK IT'S, IT'S THE

1 EDUCATION?

2 A NO, I DO NOT OUR RESULTS DO NOT SHOW THAT

3 Q OKAY AND WHEN YOU MEASURE IT BASED ON OUTPUTS OR  
4 RESULTS, IS, IS THERE A CHARACTERISTIC OF CHILDREN  
5 PARTICULARLY FROM POVERTY AT-RISK IN THE SMALL RURAL  
6 SCHOOL DISTRICTS THAT SUGGESTS IN YOUR PROFESSIONAL  
7 KNOWLEDGE THAT THEY JUST CAN'T LEARN, THEY CAN'T MEET  
8 THESE STANDARDS? IS THAT, IS THAT A PROFESSIONAL OPINION  
9 THAT YOU HOLD?

10 A ABSOLUTELY NOT I THINK EVERY CHILD CAN LEARN

11 Q AND SO, IF GIVEN THE OPPORTUNITY THE CHILDREN IN OUR  
12 DISTRICTS, THE PLAINTIFF DISTRICTS IN YOUR OPINION CAN OR  
13 CANNOT MEET THE STANDARDS?

14 A THEY CAN MEET THE STANDARDS GIVEN THE OPPORTUNITY

15 Q LET'S TALK ABOUT THE FIRST REPORT CARDS MAYBE I  
16 SHOULD -- CHANGE THE SUBJECTS?

17 THE COURT PROBABLY A GOOD TIME WE WILL STOP FOR  
18 LUNCH AT THIS POINT, FOLKS, AND COME BACK AT 2 15 WE  
19 WILL BE IN RECESS UNTIL THEN THANK YOU DO NOT TALK  
20 ABOUT YOUR TESTIMONY THANK YOU

21 MR MORRISON THANK YOU, YOUR HONOR

22 (WITNESS LEFT THE STAND )

23 (WHEREUPON COURT WAS IN RECESS FOR LUNCH )

24 THE COURT DR ANDERSON, YOU CAN RESUME THE STAND,  
25 PLEASE MA'AM MR MORRISON, IF WE COULD STOP JUST

1 ALL STUDENTS IN ENGLISH, LANGUAGE ARTS, 75 PERCENT IN  
2 MATH, BUT AGAIN, THAT GAP BETWEEN WHAT FREE LUNCH STUDENTS  
3 ARE ABLE TO MOVE AND PAY LUNCH STUDENTS WIDENS, IT'S NOW  
4 13, 23 PERCENTAGE POINTS IN ENGLISH, LANGUAGE ARTS AND 17  
5 PERCENTAGE POINTS IN MATH

6 SO WHAT WE SEE AS WE MOVE TO THE UPPER LEVELS THAT  
7 THE FREE LUNCH STUDENTS ARE NOT ABLE TO HOLD THEIR GROUND  
8 ALL RIGHT THE BASIC MOVEMENT, THE PAY LUNCH STUDENTS  
9 MOVED AT ABOUT TWICE THE RATE MOVING FROM BASIC TO SCORES  
10 HIGHER THAN BASIC IN 2002 AS DID THEIR PEERS WHO WERE ON  
11 FREE AND REDUCED LUNCH

12 AND THEN THE DROPPED SCORES OF, AGAIN YOU SEE ABOUT  
13 20 PERCENT OF STUDENTS IN ENGLISH, LANGUAGE ARTS AND MATH  
14 DROPPED FROM BASIC TO BELOW BASIC, BUT ONLY FOR PAY LUNCH  
15 STUDENTS THOSE NUMBERS WERE ONLY ABOUT 15 PERCENT WHEREAS  
16 FOR STUDENTS ON FREE AND REDUCED PRICE LUNCH 25 PERCENT  
17 AND 27 PERCENT IN MATH

18 Q OKAY NOW I'M GOING TO MOVE, YOUR HONOR, INTO THIS  
19 AREA THAT THE COURT HAS BEEN A LITTLE BIT UNCOMFORTABLE  
20 WITH AND WE JUST FORECAST FOR THE COURT WHERE I AM GOING  
21 WITH THIS IS WHETHER OR NOT WE ARE SEEING IN THE DATA A  
22 QUALITATIVE DIFFERENCE IN THE LEVEL OF POVERTY

23 QUALITATIVE DIFFERENCE IN THE LEVEL OF POVERTY  
24 BETWEEN THE AFRICAN-AMERICAN PAY AND FREE AND REDUCED  
25 LUNCH, FREE AND REDUCED LUNCH AND THE WHITE FREE AND



1 REDUCED LUNCH I'M NOT SAYING ANYTHING ABOUT THE RACIAL  
2 CHARACTERISTIC, I'M JUST SAYING THAT, DO WE SEE A  
3 DIFFERENCE IN THE COMMUNITY

4 AND IN THAT REGARD I'D LIKE TO TALK ABOUT  
5 AFRICAN-AMERICAN FREE AND REDUCED LUNCH NUMBERS IN THESE  
6 SCORES AND WHITE FREE AND REDUCED LUNCH NUMBERS IN THESE  
7 SCORES

8 AND THE POINT, RATHER THAN GET INTO ANY TROUBLE WITH  
9 THE, WITH THE COURT AND THE OBJECTIONS, IS WE'D LIKE TO  
10 ASK WHETHER OR NOT, WITH YOUR PERMISSION, WHETHER OR NOT  
11 THERE IS A LIFE CIRCUMSTANCE DIFFERENCE THAT IS EVIDENCED  
12 THERE BASED ON THE DATA THAT WE ARE SEEING

13 ARE WE SEEING A DEEPER KIND OF POVERTY IN ONE  
14 CHARACTERISTIC COMMUNITY THAN IN THE OTHER COMMUNITY  
15 BASED, AND A DIFFERENT KIND OF EXPERIENCE THAN WHAT WE ARE  
16 SEEING WHEN YOU DON'T CONSIDER THE ISSUE OF  
17 AFRICAN-AMERICAN

18 AGAIN, I SAY THAT WITH THE BACKGROUND THAT 88 PERCENT  
19 OF THE CHILDREN IN OUR DISTRICTS ARE AFRICAN-AMERICAN AND  
20 86 PERCENT ARE ON FREE AND REDUCED LUNCH AND WE HAVE  
21 ALREADY PROVED THAT

22 THE COURT RIGHT WITHOUT A DOUBT THEY ARE BUT  
23 DOES NOT THE DATA ON TABLE EIGHT ALSO SHOW THAT THE  
24 CORRELATION BETWEEN FREE AND REDUCED LUNCH AND  
25 AFRICAN-AMERICANS ON THE ONE HAND AND THE CORRELATION

1 BETWEEN PAY LUNCH AND WHITES IS SO CLOSE AS TO BE  
2 STATISTICALLY INSIGNIFICANT THROUGHOUT THE WHOLE SCHEME OF  
3 THINGS?

4 MR MORRISON WE AGREE WITH THAT ONE PIECE THE  
5 PIECE THAT I CALL YOUR ATTENTION TO IS THE SPECIFIC, WHEN  
6 YOU PUT BOTH, BOTH CATEGORIES OF RACES IN POVERTY, WHOSE,  
7 WHO IS IN WORSE SHAPE

8 NOW YOU CAN BOTH BE QUALIFIED FOR FREE AND REDUCED  
9 AND YOU COULD BE WAY QUALIFIED FOR FREE AND REDUCED AND  
10 CLOSE TO THE BUBBLE ON FREE AND REDUCED AND I THINK WHAT  
11 YOU ARE SEEING, WHAT WE WOULD ARGUE TO THE COURT IS WHAT  
12 WE ARE SEEING IN THESE IS A DEEPER DEPRAVATION

13 AND AS SUCH WE, WHEN WE AGGREGATE AFRICAN-AMERICAN  
14 STUDENTS IN FREE AND REDUCED LUNCH, WE ARE AGGREGATING  
15 DEEPER NEEDS A LESS ADEQUATE EDUCATIONAL SYSTEM AND  
16 THOSE TWO LINES I THINK ARE THE LINES THAT THE COURT HAS,  
17 IS HAVING TROUBLE, TROUBLE WITH AND I AM NOT TRYING TO  
18 CORRELATE THAT TO ANYTHING OTHER THAN THE POVERTY AND  
19 THERE IS ACTUALLY VERBIAGE, MAYBE I CAN CALL YOUR HONOR'S  
20 ATTENTION TO THE -- MAY NOT BE IN THIS EXHIBIT -- I WILL  
21 JUST HAVE TO LEAVE IT WITH MY VERBIAGE I THINK I HAVE SOME  
22 LATER ON THAT'S ACTUALLY IN THE REPORTS THAT DEAL WITH  
23 THE, THAT PARTICULAR DIFFERENCE

24 IF YOU WILL JUST FOLLOW ME FOR ONE SECOND FURTHER, BY  
25 WAY OF LAYING A FOUNDATION AND I'M JUST, I DO THINK THIS

1 IS RELEVANT DATA FOR THE COURT TO CONSIDER I WOULD ASK  
2 THE COURT TO LOOK AT --

3 MR BARNES YOUR HONOR, BEFORE MR MORRISON MOVES ON  
4 CAN I BE HEARD AT THIS POINT?

5 THE COURT I THINK HE'S ASKING ME TO LOOK AT  
6 SOMETHING ELSE BEFORE HE MOVES INTO IT AND I WILL LET YOU  
7 SPEAK IN RESPONSE BEFORE WE GET INTO IT

8 MR MORRISON JUST ONE MORE THING IF YOU WOULD  
9 LOOK AT THE LINE, AFRICAN-AMERICAN PAY LUNCH

10 THE COURT RIGHT

11 MR MORRISON AND LOOK AT THE LINE WHITE FREE AND  
12 REDUCED LUNCH

13 THE COURT RIGHT

14 MR MORRISON AND I THINK WHAT SHOWS IN THE DATA AND  
15 WHAT SHOWS IN MANY OF THE DIAGRAMS THAT THE E O C HAS  
16 PREPARED FOR THE STATE TO CONSIDER, THE ACHIEVEMENT GAP  
17 AND IN PART WE ARE FOCUSED ON THAT ACHIEVEMENT GAP, IS  
18 THAT THOSE TWO COLUMNS ARE ROUGHLY THE SAME THE  
19 AFRICAN-AMERICAN PAY AND THE WHITE FREE AND REDUCED LUNCH  
20 SCORES ARE ABOUT THE SAME

21 WE ARE NOT SAYING THAT'S BECAUSE OF RACE, BUT IT IS  
22 A, AN INDICATOR OF THE QUALITATIVE COMMUNITY RESOURCE AND  
23 LEVEL OF POVERTY THAT PEOPLE ARE COMING FROM

24 THE COURT ALL RIGHT MR BARNES?

25 MR BARNES WELL, YOUR HONOR, I MEAN, THE THING THAT

1 TROUBLES ME IS THAT MR MORRISON CAN'T HAVE IT BOTH WAYS  
2 HE CAN'T SAY THAT POVERTY IS SOMEHOW, YOU KNOW,  
3 STATISTICALLY INSIGNIFICANT WITH RACE AND THEN WANT TO  
4 ARGUE ABOUT DEEPER LEVELS OF POVERTY FOR  
5 AFRICAN-AMERICANS

6 THAT'S THE EXACT POINT THAT WE ARE TRYING TO AVOID  
7 I MEAN, IF FREE AND REDUCED LUNCH IS A BENCHMARK HERE THAT  
8 YOUR HONOR HAS ESTABLISHED THEN HERE IT IS AND JUST  
9 BECAUSE THE E O C LOOKED AT DIFFERENT CORRELATES FRANKLY  
10 THE A Y P DOES FOR NO CHILD LEFT BEHIND, BUT I WOULDN'T  
11 EXPECT YOUR HONOR TO USE THAT AS SOME KIND OF BENCHMARK  
12 FOR DECIDING WHAT'S THE OPPORTUNITY FOR A MINIMALLY  
13 ADEQUATE EDUCATION ANYMORE THAN I WOULD EXPECT THESE OTHER  
14 CORRELATES DOWN HERE JUST BECAUSE THE E O C DID IT  
15 DOESN'T SOMEHOW BOOTSTRAP IT INTO ADMISSIBLE TESTIMONY

16 YOU CAN'T HAVE IT BOTH WAYS EITHER IT'S  
17 STATISTICALLY INSIGNIFICANT AND FREE AND REDUCED IS LUNCH  
18 IS WHAT WE SHOULD LOOK AT OR MR MORRISON GETS TO ARGUE  
19 THAT POOR BLACKS IN SOUTH CAROLINA ARE MORE POOR THAN POOR  
20 WHITES IN SOUTH CAROLINA AND THAT SOMEHOW, YOU KNOW,  
21 SHOULD THEY BE GIVEN A DIFFERENT REMEDY?

22 WELL, IF THAT'S WHAT'S ULTIMATELY ARGUED SURELY THAT  
23 CANNOT BE SOME SORT OF, YOU KNOW, UNEQUAL REMEDY FOR BLACK  
24 STUDENTS AS OPPOSED TO WHITE STUDENTS JUST BECAUSE THEY  
25 HAPPEN TO BE MORE POOR IF THAT'S IN FACT WHAT IT WOULD

1 SHOW

2 I SIMPLY THINK IT'S NOT NECESSARY FOR YOUR HONOR TO  
3 INQUIRE, YOU SAID TIME AND TIME AGAIN THAT ON THIS LUNCH  
4 IS WHAT IT IS, THAT YOU'RE GOING TO LOOK AT AND THIS IS  
5 JUST, IT'S JUST NOT NECESSARY OTHER THAN TO SOMEHOW THEN,  
6 YOU KNOW, FIND IT FACING US IN A PROPOSED ORDER THIS FALL  
7 THAT BECAUSE IT CAME INTO EVIDENCE

8 AND SO I WOULD MOVE THAT, YOU KNOW, TO THE EXTENT  
9 THAT THIS COMES IN EVIDENCE AT ALL THAT THE RECORD IS VERY  
10 CLEAR THAT WHAT WE ARE CONSIDERING HERE ARE THE PAY AND  
11 FREE AND REDUCED LUNCH AND NOT THESE OTHER COHORTS

12 THE COURT ALL RIGHT THANK YOU MR MORRISON?

13 MR MORRISON YOUR HONOR, FIRST LET ME JUST STATE  
14 FOR THE RECORD, I'M NOT ARGUING THAT BECAUSE THE E O C OR  
15 THE S D E DID IT THAT IT'S ADMISSIBLE INTO EVIDENCE BUT  
16 I AM ASKING THE COURT TO CONSIDER THE RELEVANCE OF THE  
17 NATURE OF THE COMMUNITY PARTICULARLY, AND THE BACKGROUND  
18 FROM WHICH THE STUDENTS COME IN DETERMINING WHAT IS AN  
19 APPROPRIATE RESOURCE TO PROVIDE AN OPPORTUNITY TO ACQUIRE  
20 A MINIMALLY ADEQUATE EDUCATION

21 AND I THINK THAT IS WHERE WE ARE AND WHAT I'M  
22 TRYING TO DO IS FIND THE INDICIA OF POVERTY AND THE TEST  
23 SCORES AS THEY RELATE TO POVERTY WE HAVE SEEN GO DOWN,  
24 WITH THE GREATER THE POVERTY, THE GREATER THE TEST SCORES  
25 GO DOWN AS WE HAVE PROVED EARLIER

1 I THINK WHAT THIS DATA WOULD SHOW IS THAT AS THESE  
2 TEST SCORES ARE AT THE BOTTOM END FOR AFRICAN-AMERICAN  
3 FREE AND REDUCED LUNCH, THAT THOSE CHILDREN ARE MORE  
4 LIKELY FROM DEEP POVERTY AND THAT'S, AGAIN, I MEAN,  
5 THAT'S JUST ALL I AM TRYING TO SHOW

6 IT'S -- THE COURT OBVIOUSLY IS, NEEDS TO CONSIDER, WE  
7 WOULD SAY, THE NATURE OF THE COMMUNITIES, THE SMALLNESS OF  
8 THE COMMUNITIES, THE DENSITY OF POPULATION, THE RACIAL  
9 DEMOGRAPHIC OF THE COMMUNITY, THE TAX BASE, ALL OF THOSE  
10 THINGS GO INTO, INTO YOUR HONOR'S CONSIDERATION OF WHAT IT  
11 TAKES TO REACH THE CONSTITUTIONAL LEVEL OF MINIMAL  
12 ADEQUACY FROM OUR PERSPECTIVE

13 AND IN THAT CONTEXT THIS IS JUST ONE MORE DATA POINT  
14 WE DON'T THINK IT TURNS THE TIDE ONE WAY OR THE OTHER WE  
15 DO THINK IT'S AN IMPORTANT DATA POINT FOR YOUR HONOR TO  
16 HAVE IN THE TOTAL, THE TOTALITY OF CIRCUMSTANCES

17 AND WE WOULD THINK THAT EXCLUDING IT FROM EVIDENCE AS  
18 OPPOSED TO WEIGHING IT IN WHATEVER THE NATURE OF YOUR  
19 HONOR MIGHT WEIGH THE EVIDENCE, WOULD BE, WOULD BE UNFAIR  
20 TO THE PLAINTIFFS IN THESE CASES

21 THE COURT THE CONCERN ABOUT LUMPING ALL THOSE  
22 FACTORS THAT YOU JUST MENTIONED TOGETHER, SEEMINGLY RATHER  
23 INNOCUOUSLY, THE POVERTY OF A, AN AREA, THE DENSITY OF THE  
24 AREA, THE RURAL NATURE OF THE AREA AND THINGS LIKE THAT,  
25 THEN THROW IN THE RACIAL NATURE OF THE AREA, WOULD SEEM TO

1 ME TO INJECT AN ELEMENT OF CONSTITUTIONAL SIGNIFICANCE,  
2 THAT IS THE RACIAL ISSUE, THAT IS NOT PRESENT IN THE  
3 EVALUATION OF THINGS LIKE DENSITY AND RURAL NATURE AND  
4 POVERTY AND THINGS LIKE THAT

5 AND THAT'S A CONCERN THAT I HAVE HAD FROM THE OUTSET  
6 TO KEEP THIS FROM BEING AN EQUAL PROTECTION LAWSUIT FOR  
7 OBVIOUS REASONS, NOT THE LEAST OF WHICH BECAUSE IT WAS  
8 BROUGHT UP RELATIVELY LATE, THE DEFENDANTS ARE NOT  
9 PREPARED TO DEFEND AGAINST IT

10 CLEARLY AS A MATTER OF FACT, THE DATA IS CLEAR THAT  
11 THERE IS A CORRELATION BETWEEN AFRICAN-AMERICAN  
12 PERFORMANCE WITHIN THE TEST DATA AND OBVIOUSLY THAT HAS  
13 TO BE ADDRESSED BY DR ANDERSON AND BY HER COLLEAGUES AND  
14 BY THE ENTIRE EDUCATION COMMUNITY WITHOUT A DOUBT

15 AND FRANKLY FOR SOME, FROM, FOR SOME MINIMAL  
16 REFERENCE TO BE MADE, EVEN IN THE COMPILATION OF DATA AND  
17 IT HAS COME UP ON OTHER EXHIBITS BEFORE, AND I HAVE  
18 ALLOWED IT, OBJECTIONS HAVE BEEN PRESERVED THROUGHOUT  
19 THAT, SIMPLY BECAUSE THERE HAS BEEN THAT CORRELATION  
20 BETWEEN POVERTY AND RACE THAT ONE OF THE EARLIER  
21 STATISTICIANS IN THIS TRIAL WHEN WE BEGAN IT BACK IN THE  
22 SUMMER TESTIFIED TO, I THINK THE WORDS THAT HE USED WAS  
23 COLINEAR AND SO WE HAVE ALLOWED IT AND INDEED IN THE UPPER  
24 PART OF THIS DATA IT WOULD SEEM TO BE, I'M NOT SURE  
25 WHETHER THE WORD WOULD BE COLINEAR GIVEN THE DATA OR NOT

1 AND THAT'S NOT MY WORD BECAUSE IT'S THE STATISTICIAN,  
2 GOODNESS KNOWS I CAN'T TREAD INTO THAT, INTO THAT AREA  
3 BUT THERE APPEARS TO BE A MATCH, A SIGNIFICANT SIMILARITY  
4 BETWEEN THE PERCENTAGES OF FREE AND REDUCED LUNCH AND  
5 PERCENTAGE OF AFRICAN-AMERICANS AS I MENTIONED BEFORE THAT  
6 I FIND TO BE SO CLOSELY ALIGNED AS TO MAKE THE DISTINCTION  
7 INSIGNIFICANT

8 NOW, MY CONCERN NOW IS IF WE ARE GOING TO GO INTO A  
9 GREAT DEAL OF EVIDENTIARY PRESENTATION ABOUT THE RACIAL  
10 MAKEUP OF THE SCHOOLS AND THE STUDENTS AND PLAINTIFF  
11 DISTRICTS PARTICULARLY INVOLVED, IF THAT IS GOING TO  
12 BECOME A FOCUS OF THIS EVIDENTIARY PRESENTATION, AND THEN  
13 BECOME A FOCUS OF THIS COURT'S RULING, AND I SUPPOSE IT  
14 WOULD BE INTRODUCED FOR SOME PURPOSE LIKE THAT, DON'T  
15 GUESS YOU'D WANT ME TO LISTEN TO IT THEN IGNORE IT, THEN  
16 HOW DO I KEEP THAT FROM BECOMING AN EQUAL PROTECTION  
17 ATTACK ON THINGS, MR MORRISON?

18 MR MORRISON I WOULD SUGGEST, YOUR HONOR, THAT YOU  
19 FOCUS ON ADEQUACY AND THAT ADEQUACY CANNOT BE SEPARATED  
20 FROM THE NATURE OF THE STUDENT OR THE NATURE OF THE  
21 STUDENT'S COMMUNITY OR THE SCHOOL SYSTEM AND THAT AS WE  
22 TALK ABOUT ADEQUACY IF THERE IS AN AGGREGATION OF VERY  
23 POOR STUDENTS IN A PARTICULAR COMMUNITY AND THE COMMUNITY  
24 RESOURCES ARE NOT THERE TO TAKE CARE OF IT THAT THE STATE,  
25 WE WOULD ARGUE, IS THE RESPONSIBLE PARTY UNDER OUR STATE



1     CONSTITUTION

2             THE COURT     RIGHT     I UNDERSTAND THAT

3             MR MORRISON     AND THAT IF YOU WERE, IF YOU WERE TO  
4     MAINTAIN A FOCUS ON THE ADEQUACY SIDE OF IT IN DETERMINING  
5     WHETHER OR NOT THE NEEDS OF THE STUDENTS ARE BEING MET TO  
6     ACQUIRE A MINIMALLY ADEQUATE EDUCATION, WHETHER THAT  
7     OPPORTUNITY IS BEING PRESENTED, THAT THAT OPPORTUNITY OF,  
8     THE QUESTION OF THAT OPPORTUNITY AND THE ADEQUACY OF THE  
9     OPPORTUNITY AND THE STANDARD FOR THAT WOULD VERY MUCH  
10    RELATE TO ALL OF THE FACTORS

11            AND IF THERE WAS A SENTENCE IF YOUR ORDER,  
12    APPROPRIATELY WE WOULD SAY, THAT INDICATED THAT AS A  
13    MATTER OF FACT THEY, THE DISTRICTS PRESENTED TO YOU WERE  
14    88 PERCENT AFRICAN-AMERICAN, 86 POINT SOMETHING PERCENT  
15    FREE AND REDUCED LUNCH, AND THAT THOSE, THAT, THAT DATA  
16    INDICATED THAT THOSE CHILDREN WERE MOST AT-RISK AND NEEDED  
17    MORE EXPERIENCED TEACHERS AND SO FORTH, THAT IS A GREAT  
18    INDICATOR TO THE LEGISLATURE WHO WOULD BE THEN TRYING TO  
19    FOLLOW THE ORDER IN THE FUTURE TO SAY TO THE LEGISLATURE,  
20    HERE IS HOW TO FOCUS WITH YOUR, WITH YOUR OWN DATA, WITH  
21    THE STATE'S OWN DATA, AND TO FOCUS ON THE RESOURCES

22            AND WHEN YOU DEVELOP A NEW SYSTEM OF FUNDING WHICH IS  
23    MANDATED UNDER THE CONSTITUTION, THAT FUNDING SHOULD TAKE  
24    INTO ACCOUNT THE AGGREGATION OF STUDENTS AND THE NATURE OF  
25    THE POPULATION AND THE NATURE OF THE TAXPAYING BASE AND

1 THE, SO FORTH, THE ECONOMIES OF SCALE, ET CETERA IT  
2 WOULD BE ONE FACTOR AMONG MANY, NOT THE DETERMINING  
3 FACTOR, IN AN ADEQUACY CASE

4 THE COURT RIGHT SUPPOSE I WAS TO DO THAT  
5 SUPPOSE THAT THAT'S THE RESULT THAT I WOULD REACH WOULD  
6 I NOT BY THAT FINDING CREATE IN EVERY AFRICAN-AMERICAN  
7 STUDENT WHO IS SITUATED IN THAT SITUATION UNDER THOSE  
8 CIRCUMSTANCES GIVEN THE COURT'S FINDING, WOULD I NOT  
9 CREATE THEN A SEPARATE EQUAL PROTECTION LAWSUIT COULD BE  
10 BROUGHT BY EACH OF THEM AGAINST THE PLAINTIFF DISTRICTS  
11 ASIDE FROM WHAT WE ARE TRYING TODAY?

12 MR MORRISON I UNDERSTAND YOUR HONOR'S QUESTION AND  
13 I DON'T THINK I KNOW THE ANSWER I'D HAVE TO LOOK

14 THE COURT THAT'S MY CONCERN

15 MR MORRISON I UNDERSTAND IT'S SORT OF AN  
16 UNINTENDED CONSEQUENCE, UNINTENDED ON MY PART, ON OUR  
17 PART

18 THE COURT I UNDERSTAND

19 MR MORRISON AND I UNDERSTAND YOUR HONOR LOOKING  
20 AROUND THE CORNER IN TERMS OF GENERATING LITIGATION I  
21 THINK THE INDIVIDUAL'S CAUSE OF ACTION, I'M REALLY JUST  
22 RESPONDING VERY SPONTANEOUSLY TO YOUR HONOR WITHOUT THE  
23 RESEARCH AND SO FORTH BUT I THINK DEPENDING ON HOW YOUR  
24 HONOR LAID THIS OUT IN THE ORDER, THE INDIVIDUAL AND  
25 PARTICULARLY MAYBE EVEN ADDRESSING THE ISSUE THAT THIS

1 COURT IS NOT MAKING THAT FINDING THAT EACH INDIVIDUAL HAS  
2 A CAUSE OF ACTION, IF YOUR HONOR'S CONCERNED ABOUT IT

3 AND SPECIFICALLY SAYING WHAT I'M TALKING ABOUT IS  
4 AGGREGATIONS BECAUSE THAT'S WHAT I, WHAT I HAVE BEEN  
5 DEALING WITH AND THAT'S THE ONLY LEGAL ISSUE BEFORE ME  
6 AND SIMPLY STATING THAT MIGHT BE A WAY AROUND THAT

7 A SECOND PIECE MAY BE THAT IF YOUR HONOR WERE TO DEAL  
8 WITH IT IN THE, IN THE TOTAL SPECTRUM OR MAKE AN ANALYSIS  
9 THAT IS, I THINK I'VE FORGOTTEN NOW WHAT THE PROFESSORS  
10 TAUGHT ME, BUT IT WAS SOMETHING ABOUT THE TAKING INTO  
11 ACCOUNT THE WHOLE BODY OF THE EVIDENCE AND MADE IT CLEAR  
12 THAT IT'S THE WHOLE BODY OF THE EVIDENCE AND THAT IT, YOU  
13 KNOW, FOR AN INDIVIDUAL IT WOULD BE A PRETTY TOUGH BURDEN  
14 TO PROVE UNLESS IT WAS CREATED IN A SPECIFIC WAY

15 I WOULD NEED TO DO SOME FURTHER LOOKING WITH REGARD  
16 TO WHETHER OR NOT YOUR HONOR COULD BY VIRTUE OF DECIDING  
17 ADEQUACY CREATE AN INDIVIDUAL CAUSE OF ACTION IN AN  
18 INDIVIDUAL PERSON THAT HAD NOT OCCURRED TO US AT LEAST  
19 TO ME CARL MAY HAVE SOMETHING HE'D

20 THE COURT THE ABBEVILLE CASE SAID SPECIFICALLY THAT  
21 THERE WERE CERTAIN ASPECTS THAT DO NOT ALLOW THE CREATION  
22 OF OTHER CAUSE OF ACTIONS THE QUESTION IS WHETHER THIS  
23 COURT IN ITS RULING COULD THEN REGENERATE SOMETHING ELSE

24 MR EPPS COULD WE HAVE A SIDEBAR JUST FOR A SECOND,  
25 YOUR HONOR?

1 THE COURT Y'ALL CAN WHILE WE ARE DOING THIS, WHY  
2 DON'T WE LET DR ANDERSON STAND DOWN AND TAKE A BRIEF --  
3 THIS IS A GOOD TIME FOR THE AFTERNOON RECESS IN ANY EVENT  
4 I DON'T WANT TO TAKE A WHOLE LOT MORE TIME

5 MR BARNES YOUR HONOR, MIGHT I JUST, IN ADVANCE,  
6 ASK THAT MR STEPP BE ASKED TO HELP ME OUT? WE ARE A  
7 LITTLE FAR AWAY FROM MY EVIDENTIARY OBJECTION AND HE'S A  
8 LITTLE MORE ADEPT IN THIS AREA THAN I AM

9 MR STEPP NOT MORE ADEPT, I JUST HAVE SOMETHING I  
10 WANT TO SAY AFTER THE BREAK

11 THE COURT WE WILL DO THAT AND THEN I NEED TO GET  
12 BACK TO HEARING DR ANDERSON SHE'S THE ONE WHO REALLY  
13 CAME HERE THANK YOU YOU CAN STEP DOWN

14 THE WITNESS THANK YOU

15 (WHEREUPON THE WITNESS LEFT THE STAND )

16 (WHEREUPON A RECESS WAS TAKEN )

17 THE COURT MR MORRISON?

18 MR MORRISON YOUR HONOR, THANK YOU FOR THE BRIEF  
19 RECESS TO CONSULT WITH MY PARTNERS AND ALSO WE HAD THE  
20 OPPORTUNITY TO LOOK UP A COUPLE OF THINGS THAT FRANKLY I  
21 WAS A LITTLE FOGGY ON AT THE TIME

22 THE -- ON THE QUESTION OF THE INDIVIDUAL CAUSE OF  
23 ACTION THAT YOUR HONOR RAISED AND WHETHER OR NOT AN  
24 INDIVIDUAL CAUSE OF ACTION WOULD BE CREATED, THE EQUAL  
25 PROTECTION EDUCATION CASES THAT WE WERE ABLE TO LOOK AT

1 VERY QUICKLY AND I PARTICULARLY WOULD NOTE ONE CALLED  
2 AFRICAN-AMERICAN LEGAL DEFENSE FUNDS VERSUS NORTH, NEW  
3 YORK STATE DEPARTMENT OF EDUCATION EIGHT FED SUB-SECOND  
4 330, 1998 SOUTHERN DISTRICT OF NEW YORK

5 APPEARS TO PROVIDE A CAUSE OF ACTION TO AN INDIVIDUAL  
6 ON TWO GROUNDS POTENTIALLY, FROM AN EQUAL PROTECTION  
7 STANDPOINT ONE IS IF THERE IS INTENTIONAL  
8 DISCRIMINATION

9 THE COURT RIGHT

10 MR MORRISON AND THE SECOND IF THERE IS A DISPARATE  
11 IMPACT ON A RACIAL GROUP, RELIGIOUS GROUP OR OTHERWISE  
12 PROTECTED CATEGORY, WHAT I LEARNED IN THE CONSTITUTION  
13 LAW, PROBABLY HAVE BETTER WORDS FOR IT NOW

14 THE INDIVIDUAL I BELIEVE WOULD HAVE DIFFICULTY  
15 DEPENDING ON THE MANNER IN WHICH AN ULTIMATE DECISION WAS  
16 MADE PIGGY BACKING AN EQUAL PROTECTION CASE ON DISPARATE  
17 IMPACT ON TOP OF THESE, THESE DISTRICTS

18 THE FACT THAT THE DISTRICTS, THE DEMOGRAPHICS OF THE  
19 DISTRICTS ARE FACTS AND THEY ARE IN EVIDENCE AND SHOULD BE  
20 APPROPRIATELY IN EVIDENCE

21 THE COURT THAT'S RIGHT

22 MR MORRISON AND THE, IF THE COURT WERE TO FOCUS ON  
23 ADEQUACY AND I CONTINUE TO KIND OF STAY THERE AS THE WAY  
24 APPROPRIATELY OUT OF THE DILEMMA THAT YOU RAISED, FOCUS ON  
25 ADEQUACY AND WHAT THE STATE MUST DO TO MAINTAIN ITS

1 CONSTITUTIONAL MANDATE OF PROVIDING AN OPPORTUNITY TO  
2 ACQUIRE A MINIMALLY ADEQUATE EDUCATION TO EACH CHILD IN  
3 THE STATE OF SOUTH CAROLINA

4 AND IF THE COURT WERE TO MAKE A DETERMINATION THAT  
5 THE STATE HAD NOT PROVIDED ADEQUATE TEACHERS, FACILITIES  
6 OR ANY OTHER CATEGORY OF RESOURCE THAT WE HAVE BEEN  
7 DISCUSSING, AND THAT THAT HAD FALLEN BELOW THE OPPORTUNITY  
8 TO ACQUIRE MINIMALLY ADEQUATE STANDARDS AS ARTICULATED BY  
9 THE COURT AFTER ANALYZING THE LAW FROM AROUND THE COUNTRY,  
10 THAT WOULD NOT GIVE RISE, THAT ADEQUACY DECISION WOULD NOT  
11 GIVE RISE TO AN INDIVIDUAL CAUSE OF ACTION SIMPLY BY  
12 VIRTUE OF A FINDING OF FACT THAT THE POPULATION WAS SUCH  
13 AND SUCH A CHARACTERISTIC, AT LEAST IN OUR QUICK READING  
14 AND JUDGMENT THERE

15 SO THAT WHAT WE WOULD SAY TO YOUR HONOR IS AND AS WE  
16 HAVE BEEN SAYING ALL ALONG, THE POINT OF AN OPPORTUNITY TO  
17 ACQUIRE A MINIMALLY ADEQUATE EDUCATION YOU HAVE TO TAKE  
18 INTO ACCOUNT THE NEEDS OF THE CHILD

19 THE COURT RIGHT

20 MR MORRISON AND MEET THE NEEDS OF THE CHILD IT'S  
21 NOT SOME ABSTRACT OPEN A SCHOOL BUILDING, IT'S MORE  
22 QUALITATIVE THAN THAT AS THE SUPREME COURT SAID IN  
23 ABBEVILLE AND AS WE SAID IN OUR OPENING NOT GOING TO ASK  
24 THE COURT TO STRETCH THE TERMS OF ABBEVILLE, JUST GOING TO  
25 TRY TO STAY RIGHT DOWN THE MIDDLE OF THOSE DEFINITIONS

1           AND WHAT WE HAVE SET ABOUT TO PROVING IS AS IT  
2       RELATES TO THE CHILDREN IN OUR DISTRICTS, THAT MINIMALLY  
3       ADEQUATE OPPORTUNITY TO READ, WRITE, SPEAK THE ENGLISH  
4       LANGUAGE AND THE KNOWLEDGE OF SCIENCE AND MATHEMATICS AND  
5       GOVERNMENT PROCESSES, ECONOMIC SYSTEMS, POLITICAL SYSTEMS,  
6       SOCIAL SYSTEMS AND VOCATIONAL SKILLS AND ACADEMIC SKILLS  
7       IS JUST NOT BEING DELIVERED

8           AND IT'S NOT BEING DELIVERED TO THE CHILDREN IN THOSE  
9       DISTRICTS FOR LOTS OF REASONS    I THINK IF YOUR HONOR WERE  
10      TO MAKE THAT FINDING ALONG THE FINDINGS THAT THIS IS WHAT  
11      I HAVE SEEN IN THESE DISTRICTS THAT IT'S JUST THERE, IT  
12      WOULD NOT, THEY COULDN'T PICK UP YOUR HONOR'S RULING AND  
13      SAY BECAUSE OF THIS RULING HE'S FOUND A DISPARATE IMPACT  
14      OR AN INTENTIONAL DISCRIMINATION

15           CERTAINLY WE ARE NOT PROVING AN INTENTIONAL  
16      DISCRIMINATION    THAT COULDN'T BE DONE    SO THE ONLY ISSUE  
17      WOULD BE, WOULD BE DISPARATE IMPACT THAT WOULD BE THERE  
18      UNLESS YOUR HONOR FOUND AS A DISPARATE IMPACT, I DON'T  
19      THINK IT WOULD GIVE RISE TO ANY NEW CAUSE OF ACTION

20           NOW, THE FACTS THAT UNDERLIE THE CASE MAYBE SOMEBODY  
21      COULD TAKE IT AND MAKE A DISPARATE IMPACT CASE, BUT THE  
22      FACTS ARE THE FACTS ARE THE FACTS    I MEAN, THAT'S NOT  
23      BECAUSE OF ANYTHING YOU FOUND OR ANYTHING THAT YOU ALLOWED  
24      INTO EVIDENCE OR DIDN'T ALLOW INTO EVIDENCE

25           AND THEN FINALLY I WOULD JUST SUGGEST TO YOUR HONOR

1 RESPECTFULLY THAT THE ISSUE OF HOW TO WEIGH ALL OF THESE  
2 THINGS SHOULD PROBABLY IN A BENCH TRIAL BE JUST KIND OF  
3 EMBRACED AND AT THE END SORT OF LIKE BUBBA SMITH DID WITH  
4 BACK FIELDS THEY SAID HE GRABBED THE WHOLE BACK FIELD AND  
5 THREW THEM OUT UNTIL HE FOUND THE GUY WITH THE BALL,  
6 THAT'S PROBABLY THE WAY THE EVIDENCE OUGHT TO BE HANDLED  
7 AS OPPOSED TO EXCLUDING A BODY OF EVIDENCE THAT MIGHT THEN  
8 GIVE RISE TO ISSUES THAT WOULD OTHERWISE NOT BE, NOT BE  
9 RELEVANT FOR APPEAL

10 THE COURT I UNDERSTAND

11 MR MORRISON EXCUSE ME, JUST ONE SECOND TO CLOSE  
12 THAT I OPENED THAT

13 THE COURT THAT'S GOOD THANK YOU MR STEPP, I  
14 WILL WAIT TILL MR MORRISON GETS BACK SO THAT HE WILL BE  
15 ABLE TO HEAR YOU MR STEPP?

16 MR STEPP THANK YOU, YOUR HONOR I APPRECIATE YOUR  
17 LETTING ME ADDRESS THE COURT ON THIS ISSUE BECAUSE AS MR  
18 BARNES SAID, I THINK WE HAVE MOVED SOMEWHAT AWAY FROM THE  
19 NARROWER OBJECTION TO THIS EXHIBIT INTO A MORE  
20 PHILOSOPHICAL DISCUSSION OF THE ROLE OF RACIAL INFORMATION  
21 THAT, THE ROLE THAT IT PLAYS IN THIS CASE

22 AND THERE ARE THREE THINGS THAT I JUST WANT TO  
23 MENTION TO THE COURT FIRST IS THE HISTORY OF THE  
24 PLEADINGS IN THIS CASE BECAUSE WE'VE KIND OF GOTTEN AWAY  
25 FROM THAT



1 THE COURT NO I ALLUDED TO THAT EARLIER IN MY  
2 PRELIMINARY REMARKS, I THINK, THAT IT CAME A LITTLE LATE  
3 FOR YOU ALL TO DEFEND

4 MR STEPP WHAT I WANT TO REMIND THE COURT OF IS  
5 THIS, WHAT, OF COURSE THE CASE STARTED OUT AS AN EQUAL  
6 PROTECTION CASE, NOT A RACIAL DISCRIMINATION CASE, BUT AN  
7 EQUAL PROTECTION CLAIM BASED UPON ECONOMIC STATUS OF THE  
8 DISTRICTS MORE OR LESS

9 THE COURT RIGHT

10 MR STEPP THAT GOT THROWN OUT AND THROUGHOUT THAT  
11 HISTORY OF COURSE I WASN'T INVOLVED THE WHOLE TIME BUT I  
12 HAVE LOOKED BACK AT THOSE PLEADINGS, RACE NEVER PLAYED ANY  
13 FACTOR IN THE PLEADINGS

14 JUST BEFORE TRIAL THE PLAINTIFFS SOUGHT TO AMEND  
15 THEIR COMPLAINT ONCE AGAIN AND AT THAT POINT THEY DID  
16 NOT SEEK TO PLEAD A CASE OF RACIAL DISCRIMINATION OR EVEN  
17 A CLAIM FOR EQUAL PROTECTION BASED UPON RACE

18 THEY SIMPLY HAD IN THEIR PROPOSED AMENDED COMPLAINT  
19 VARIOUS ALLUSIONS TO RACE WHICH WE THOUGHT WERE THE FIRST  
20 STEP ON THE SLIPPERY SLOPE, YOU KNOW, TOWARD A CLAIM OF  
21 THAT TYPE

22 AND SO YOUR HONOR AGREED WITH US AND REQUIRED THAT  
23 PLAINTIFFS REVISE THE FOURTH AMENDED COMPLAINT TO REMOVE  
24 THOSE REFERENCES BUT I BRING THAT TO YOUR HONOR'S  
25 ATTENTION JUST TO, SO WE WILL ALL REMEMBER THAT IT'S NOT

1 THAT EVEN THEN THEY WERE SEEKING TO PLEAD AND TRY A CASE  
2 THAT WOULD BE A RACIAL DISCRIMINATION CASE PER SE THAT  
3 HAS NEVER BEEN PRESENTED ALL RIGHT

4 NOW, WITH RESPECT TO MR MORRISON'S DESCRIPTION OF  
5 THE SORT OF FINDING THAT HE HOPES YOU MIGHT MAKE THAT  
6 WOULD INVOLVE RACE, THAT IS EXACTLY WHAT THAT FINDING  
7 WOULD, WOULD IMPORT

8 HE'S ASKING THE COURT OR WOULD ASK THE COURT AT THE  
9 APPROPRIATE MOMENT TO FIND THAT THERE HAS BEEN INADEQUACY  
10 BASED UPON A DISPARATE IMPACT OF THE CURRENT EDUCATIONAL  
11 SYSTEM TO MEMBERS OF THE AFRICAN-AMERICAN COMMUNITY, AND  
12 WOULD THEREFORE INVITE THE COURT TO FASHION A REMEDY BASED  
13 UPON THAT THAT WOULD BE AT LEAST IN PART PERHAPS SPECIFIC  
14 TO AFRICAN-AMERICAN STUDENTS.

15 NOW, THAT IS SIMPLY A RACIAL DISCRIMINATION EQUAL  
16 PROTECTION CLAIM WHETHER COUCHED IN ADEQUACY, EQUITY,  
17 EQUAL PROTECTION OR WHATEVER RHETORIC YOU MIGHT APPLY TO  
18 IT THE FINDING OF DISPARATE IMPACT AND THEREFORE THE  
19 POSSIBILITY OF REMEDY BASED UPON RACE IS PRECISELY WHAT IS  
20 NOT BEFORE THE COURT

21 FINALLY, YOUR HONOR, JUST, YOU KNOW, BECAUSE THERE IS  
22 RACIAL DATA AND YOU HAVE BEEN, I THINK, VERY GENEROUS IN  
23 PERMITTING THE PLAINTIFFS TO ADDUCE SOME OF THAT AND I  
24 JUST WANT TO TALK ABOUT WHAT WE SEE THE ROLE OF THAT AS  
25 BEING OF COURSE, MOST OF THAT AS YOU KNOW HAS BEEN OVER

1 OUR OBJECTION

2 THE COURT RIGHT

3 MR STEPP THERE IS THIS COLINEARITY THAT'S IN THE  
4 RECORD, IT'S THE PLAINTIFFS OWN EVIDENCE, COLINEAR BETWEEN  
5 POVERTY AND RACE AND ALL THE EVIDENCE WE THINK SO FAR  
6 HAS BEEN THAT IT'S THE POVERTY FACTOR THAT HAS AN AFFECT  
7 UPON EDUCATIONAL OUTCOMES AND WE WILL ARGUE ABOUT WHAT THE  
8 IMPLICATION OF THAT EFFECT IS AT THE END OF THE CASE

9 SO THAT IS REALLY WHAT IS BEFORE THE COURT, NOT  
10 MATTERS RELATING TO RACE SO WHERE WE HAVE DATA ON  
11 POVERTY, WE WOULD SUGGEST IT'S COMPLETELY INAPPROPRIATE TO  
12 THEN LOOK DOWN TO DATA ON RACE IT'S NOT NECESSARY IT'S  
13 NOT RELEVANT IT'S THE POVERTY THAT IT IS

14 IF WE WERE NOT TO HAVE DATA ON POVERTY, THEN IN THOSE  
15 LIMITED CIRCUMSTANCES IT MIGHT BE APPROPRIATE TO LOOK TO  
16 RACIAL DATA AS SOME SORT OF PROXY FOR THAT, BUT WHERE ON  
17 THE VERY SAME EXHIBIT YOU HAVE GOT THE POVERTY DATA  
18 CLEARLY PRESENTED, IT'S INAPPROPRIATE FOR THE PLAINTIFFS  
19 TO FOCUS ON OR FOR IN OUR VIEW FOR THE COURT REALLY TO  
20 TAKE ANY, ANY NOTICE OF THE SUBGROUP OF DATA RELATING TO  
21 RACE SO THAT'S MORE ABOUT THE EXHIBIT

22 BUT IN PART WHERE THIS RACIAL INFORMATION HAS COME  
23 IN, IT DOESN'T STAND FOR ANY ANYTHING INDEPENDENT OF THE  
24 EVIDENCE THAT'S BEFORE THE COURT ABOUT POVERTY

25 AND THEN FINALLY THAT THERE IS JUST IF WE ARE NOW

1 GOING TO TRY TO SHOW THAT THE POVERTY EFFECT VARIES  
2 ACCORDING TO RACE OR THAT AS A GENERAL RULE  
3 AFRICAN-AMERICANS ARE AT A LOWER POVERTY LEVEL, WELL, WE  
4 WOULD -- THAT'S NEVER BEEN IN THE CASE AND I THINK IT'S  
5 KIND OF LATE TO TRY TO START PROVING THAT NOW TO JUSTIFY  
6 SOME SEPARATE EXAMINATION OF RACIAL DATA

7 SO FOR ALL OF THOSE REASONS I THINK IT WOULD BE  
8 APPROPRIATE TO, TO NOT NECESSARILY TO EXCLUDE ANY  
9 REFERENCE TO RACE, WE ARE NOT REALLY ASKING THAT BUT TO  
10 RESTRICT THE SCOPE OF THE EVIDENCE TO THE PLEADINGS AND  
11 THE ISSUES THAT ARE PROPERLY IN THE CASE AND TO LIMIT THE  
12 USE OR ARGUMENT THAT CAN BE MADE FROM DEMOGRAPHIC DATA  
13 INCLUDING RACIAL NUMBERS IN TERMS OF THE ISSUES OF THIS  
14 CASE

15 AND SO I CONTINUE TO BE CONCERNED THAT AS EACH STEP  
16 WE GO DOWN THE ROAD THE FURTHER AWAY WE GET FROM A NO  
17 RACIAL EVIDENCE POSITION THAT, YOU KNOW, WE ARE LOSING  
18 GROUND

19 I MEAN, YOU KNOW, FRANKLY I DON'T WANT TO BE  
20 CONFRONTED SOMETIME DOWN THE ROAD WITH A MOTION TO AMEND  
21 BASED UPON THE EVIDENCE ON THE THEORY THAT, WELL, WE DID  
22 HAVEN'T IT IN THE PLEADINGS BUT IT WAS SOMEHOW TRIED BY  
23 CONSENT AND THEREFORE, YOU KNOW, WE WILL AMEND AFTER THE  
24 EVIDENCE TO CONFORM TO THE EVIDENCE

25 AND SO THAT'S WHY WE TRY TO BE VERY VIGILANT ABOUT

1 THAT AND ABOUT COMPARATIVE ANALYSIS AND ABOUT ALL KINDS OF  
2 THINGS WE KEEP POPPING UP ABOUT BUT I JUST THINK THIS IS  
3 OPENING A DOOR THAT GOES INTO A COMPLETELY DIFFERENT AREA  
4 AND WE'D ASK YOUR HONOR TO LEAVE IT CLOSED, PLEASE

5 THE COURT THANK YOU MR MORRISON, YOU HAVE THE  
6 LAST WORD

7 MR MORRISON YOUR HONOR, IN LISTENING, LOOKING AT  
8 THE OBSERVATIONS THAT WE HAVE MADE, I THINK THE ISSUE OF  
9 THE ADEQUACY OF RESOURCES THAT ARE DELIVERED TO THE  
10 DISTRICTS IS ULTIMATELY WHAT THE OPINION THAT WE WOULD ASK  
11 FOR WOULD COME OUT

12 AND IT IS, IT IS GOING TO BE WITH REGARD TO THESE  
13 PLAINTIFFS, THESE PLAINTIFF SCHOOL DISTRICTS AND IT  
14 SEEMS TO ME THAT WE ARE WELL DOWN THE PATH WE ALL  
15 UNDERSTAND THAT THE DEMOGRAPHIC AND THE POVERTY THAT IS  
16 AGGREGATED IN THOSE DISTRICTS IS VERY MUCH AT ISSUE IN THE  
17 CASE

18 AND THAT UNLESS THE COURT WERE TO FIND THAT THERE IS  
19 A DISPARATE IMPACT ON A PARTICULAR CLASS OF PEOPLE IN THE  
20 COURSE OF YOUR, OF YOUR FINDING BUT RATHER WERE TO FIND  
21 THAT THE ADEQUACY OF EDUCATION DELIVERED DID NOT MEET THE  
22 CONSTITUTIONAL STANDARD, THEN THE STATE WOULD HAVE TO  
23 REACT TO THAT AS IT RELATES TO THE INDIVIDUAL DISTRICTS

24 IF THOSE DISTRICTS HAVE 88 PERCENT BLACK CHILDREN IN  
25 THEM, THAT'S JUST A FACT IT'S AN ARTIFACT OF THE CASE

1 IT'S AN ARTIFACT OF POOR RURAL SCHOOL DISTRICTS IT'S AN  
2 ARTIFACT OF HISTORY THAT WE HAVE TO DEAL WITH

3 I THINK YOUR HONOR'S CONCERN WAS WOULD YOU BE,  
4 INDIVIDUALLY, PERSONALLY, BY VIRTUE OF DECIDING THIS CASE,  
5 CREATING A BODY OF LITIGATION FOR THE STATE OF SOUTH  
6 CAROLINA IN THE FUTURE THAT YOU WOULDN'T WANT TO DO  
7 UNINTENTIONALLY

8 AND I THINK, I THINK THE ANSWER TO THAT IS NOT AS  
9 LONG AS WE STAY FOCUSED ON THE ISSUE OF ADEQUACY AND DON'T  
10 GO OVER INTO THE ISSUE OF DISPARATE IMPACT AND EQUAL  
11 PROTECTION

12 THE COURT ALL RIGHT THANK YOU THE SUPREME COURT  
13 INITIALLY IN ABBEVILLE DEALT WITH THE EQUAL PROTECTION  
14 ARGUMENT THAT WAS MADE IN THE INITIAL PLEADINGS IN THE  
15 CONTEXT OF THE EDUCATION FINANCING ACT AND THE EDUCATION  
16 IMPROVEMENT ACT AND THEN OUTSIDE OF THAT STATUTORY SCHEME  
17 THE EQUAL PROTECTION ARGUMENT THAT AROSE OUT OF, OUT OF  
18 INEQUITABLE FUNDING OF A GENERAL NATURE BECAUSE OF THE  
19 DISPARATE WEALTH OF THE VARIOUS DISTRICTS INVOLVED

20 AND IT AFFIRMED THE COURT'S, THE TRIAL COURT'S  
21 DISMISSAL OF ALL OF THOSE EQUAL PROTECTION CLAIMS, OF  
22 COURSE ALSO FOUND THAT THOSE STATUTES DID NOT CREATE  
23 INDIVIDUAL CAUSES OF ACTION

24 BUT THEN WHEN IT DEFINED THE CONSTITUTIONAL MEANING  
25 OF THE EDUCATION CLAUSE AS IT DID AS WE ALL KNOW WITHIN

1 THIS PERIOD OF TIME, AND THEN SENT IT BACK FOR THIS COURT  
2 TO DEAL WITH ON THAT PARTICULAR LEVEL

3 AND AS MR MORRISON SAID, AS I STATED EARLIER, MY  
4 CONCERN, AT LEAST ONE OF THE CONCERNS WOULD BE THE  
5 POSSIBILITY OF CREATING OTHER CAUSES OF ACTION WHICH  
6 SPECIFICALLY HAVE NOT BEEN RULED OUT BY THE ABBEVILLE  
7 COURT AND WHICH COULD BE EITHER CREATED OR SUGGESTED BY A  
8 COURT'S RULING IN THIS PARTICULAR CASE DEPENDING UPON OF  
9 COURSE WHAT THE RULING HAPPENS TO BE

10 AND THAT IS A MATTER OF SOME CONCERN BUT EVEN  
11 PERHAPS, WON'T SAY EQUAL CONCERN, WON'T CHARACTERIZE IT OR  
12 QUANTIFY IT IN ANY WAY OTHER THAN TO SAY THAT I TRIED TO  
13 KEEP THE EVIDENTIARY TRAINING ALONG THE LINES THAT WE  
14 TALKED ABOUT EARLIER AND THAT IS THE CORRELATION BETWEEN  
15 POVERTY AND RACE

16 NOW I HAVE BEEN GIVEN, I THINK, AS MR STEPP  
17 INDICATED IN ALLOWING THOSE MATTERS TO BE INTRODUCED EVEN  
18 REFERENCE TO THEM AND EVIDENTIARY MATTERS GENERALLY AS FOR  
19 REASONS I HAVE ALREADY STATED I THINK I MENTIONED TO YOU  
20 ONE OF MY COLLEAGUES ON THE BENCH READ IN THE PAPER WHERE  
21 I HAD SUSPENDED THE RULES OF EVIDENCE

22 I CONSIDERED THE SOURCE AND FORGOT ABOUT IT BUT I  
23 HAVE DONE THAT FOR THE REASONS THAT I HAVE TOLD YOU AND I  
24 REPEAT AGAIN NOW, WHILE I THINK I KNOW WHAT THE ISSUES ARE  
25 IN THIS CASE, I THOUGHT I KNEW WHAT THEY WERE WHEN I RULED

1 ON THIS CASE THE FIRST TIME AND I WAS CORRECTED AND I  
2 COULD BE CORRECTED AGAIN AND I, AND SO I HAVE ALLOWED THE  
3 RECORD TO BE BUILT IN SUCH A WAY TO ALLOW THE ENTITY WHO  
4 EVENTUALLY WILL LOOK AT THIS RECORD TO HAVE ENOUGH  
5 INFORMATION BEFORE IT TO DETERMINE FULLY THE ISSUES AND  
6 WHETHER OR NOT THEY HAVE BEEN PROPERLY RULED UPON RATHER  
7 THAN HAVE TO SEND SOMETHING BACK, HEAVEN FORBID, FOR  
8 ADDITIONAL TESTIMONY OR DIFFERENT FINDINGS, ADDITIONAL  
9 FINDINGS

10 NOW, TO THAT END I WILL ACCEPT THE MATTER OF THE  
11 AFRICAN-AMERICAN FREE AND REDUCED LUNCH AND THINGS OF THAT  
12 NATURE AS A SEPARATE, ONLY AS A PROFFER AND I WILL NOT  
13 CONSIDER IT IN MY RULING OF AS A SEPARATE FACTOR

14 I WILL NOT COMMENT UPON IT IN MY RULING AS A SEPARATE  
15 FACTOR IT WILL BE A, I MEAN OBVIOUSLY THE DEMOGRAPHICS  
16 ARE WHAT THEY ARE AND THE RECORD IS REplete IN THAT  
17 REGARD

18 BUT MY RULING, WHATEVER IT IS, WILL NOT TREAT RACE AS  
19 A SEPARATE FACTOR BUT WILL TREAT IT ONLY AS A COLINEAR TO  
20 POVERTY, FREE AND REDUCED LUNCH AND THINGS OF THAT NATURE  
21 NOT TO SUGGEST AT ALL WHAT MY RULING MIGHT BE BUT THAT'S  
22 HOW I WOULD TREAT IT

23 SINCE I AM NOT GOING TO CONSIDER THAT AS A SEPARATE  
24 FACTOR IT'S NOT NECESSARY THEN FOR THE DEFENDANT TO  
25 RESPOND TO IT, IT WILL SIMPLY BE A PROFFER AND WILL NOT BE



1 RELEVANT FOR ANY CONSIDERATION AT ALL UNLESS THE, THERE  
2 WOULD BE AN ADVERSE FINDING TOWARD THE PLAINTIFF AND IT  
3 WOULD BE REVERSED ON AND SENT BACK ON THAT BASIS THAT I  
4 HAVE IMPROPERLY EXCLUDED THAT, AND THEN YOU ALL WOULD HAVE  
5 TO ADDRESS IT AT A SUBSEQUENT TRIAL WHICH BEFORE SOME  
6 OTHER JUDGE I BY THAT TIME WILL HAVE COMMITTED SUICIDE

7 AND SO I WILL ALLOW THE RECORD TO BE BUILT UNDER THE  
8 BUBBA SMITH THEORY, MR MORRISON, BUT ONLY AS A PROFFER AS  
9 IT RELATES TO THOSE MATTERS AND FINDINGS ALL RIGHT

10 MR MORRISON THANK YOU, YOUR HONOR

11 THE COURT GOOD THANK YOU NOW, DR ANDERSON, WE  
12 WILL LET YOU TALK AGAIN

13 (WITNESS BACK ON STAND )

14 BY MR MORRISON

15 Q THANK YOU, DR ANDERSON IF I COULD DRAW YOUR  
16 ATTENTION BACK TO TABLE EIGHT, THE STATEWIDE ANALYSIS OF  
17 THREE-YEAR LONGITUDINAL DATA BY STUDENT DEMOGRAPHIC GROUP

18 AND ONE OF THE THINGS THAT I WOULD ASK YOU TO MAKE AN  
19 OBSERVATION ABOUT IS IF YOU WOULD LOOK AT THE LINE FREE  
20 AND REDUCED LUNCH AND AT THE LINE AFRICAN-AMERICAN AND  
21 JUST MAKE A QUICK COMPARISON OF THOSE NUMBERS  
22 ARE THEY SUBSTANTIALLY SIMILAR?

23 A YES, SIR

24 Q OKAY NOW, BY WAY OF PROFFER, YOUR HONOR, WE WOULD  
25 LIKE JUST TO ASK A COUPLE OF QUESTIONS ABOUT THOSE OTHER

1 STANDARDS THE LEVEL OF INSTRUCTION MUST BE, THAT THESE  
2 STUDENTS ARE RECEIVING SUCH A NEGATIVE MESSAGE

3 Q OKAY WHAT, IF ANYTHING, DOES THIS TELL YOU ABOUT  
4 WHETHER THE CHILDREN IN THE PLAINTIFF DISTRICTS THAT ARE  
5 IN B B 1 FOR THE LAST THREE YEARS HAVE BEEN RECEIVING THE  
6 OPPORTUNITY, WHETHER THEY HAVE OR HAVE NOT BEEN RECEIVING  
7 THE OPPORTUNITY TO ACQUIRE A MINIMALLY ADEQUATE EDUCATION?

8 A THEY HAVE NOT

9 Q OKAY LET'S LOOK AT 6364-Z 6364-Z IS ON MATH  
10 THAT FIRST ONE WAS E L A AND AGAIN THIS IS B B 1 TO BASIC  
11 AND THE STATE AVERAGE MOVING OUT OF THAT CATEGORY B B 1  
12 INTO BASIC IS 19 4 PERCENT AND YOU CAN SEE ON THIS EXHIBIT  
13 THE ALLENDALE, DILLON, ET CETERA, NUMBERS FOR THE EIGHT  
14 DISTRICTS DO ANY OF THEM REACH THE STATE AVERAGE?

15 A NO, THEY DO NOT THE STATE AVERAGE ISN'T AS HIGH IN  
16 MATH AS IT IS IN ENGLISH, LANGUAGE ARTS

17 Q OKAY AND IN TERMS OF MATHEMATICS, LOOKING AT THAT  
18 OVER THE LAST THREE-YEAR PERIOD, WHAT DOES THAT TELL YOU  
19 AS TO WHETHER OR NOT THE CHILDREN IN THOSE DISTRICTS ARE  
20 RECEIVING THE OPPORTUNITY TO ACQUIRE A MINIMALLY ADEQUATE  
21 EDUCATION?

22 A THEY ARE NOT RECEIVING THAT OPPORTUNITY

23 Q LET'S LOOK AT 6364-A A 6364-A A IS THE NEXT  
24 CATEGORY OF B B 2 TO BASIC AND HERE WE HAVE AGAIN THE  
25 DOTTED LINE AT STATE AVERAGE 46 2 PERCENT AND TAKE A

1 RECEIVING THE OPPORTUNITY TO ACQUIRE A MINIMALLY ADEQUATE  
2 EDUCATION IN THE AREA OF SOCIAL STUDIES?

3 A NO, SIR

4 Q OKAY IN TERMS OF LOOKING AT THE UNDER-PERFORMING  
5 STUDENTS IN THESE TWO AREAS, ARE THE SCIENCE AND SOCIAL  
6 STUDIES STANDARDS THAT WE ARE MEASURING THE KIDS AGAINST,  
7 ARE THEY UNUSUALLY RIGOROUS? I MEAN, IS IT AN UNFAIR KIND  
8 OF THING TO ASK THEM TO STEP UP TO PASSING THESE TESTS AND  
9 MOVING TO THE PROFICIENT AND ADVANCED LEVELS?

10 A THE CONTENT STANDARDS WERE DEVELOPED BY SOUTH  
11 CAROLINA EDUCATORS WHO LOOKED AT AND WORKED WITH THE KINDS  
12 OF CONTENT THAT STUDENTS WERE BEING TAUGHT AROUND THE  
13 COUNTRY AND AROUND THE WORLD AND SO, NO, I DON'T BELIEVE  
14 THAT OUR STANDARDS ARE TOO RIGOROUS IN TERMS OF WHAT OUR  
15 STUDENTS NEED TO KNOW

16 Q ARE THEY OUT OF LINE WITH THE NATIONAL TESTING  
17 RUBRICS OR CONTENT AND STANDARDS?

18 A THEY ARE PROJECTED TO BE IN LINE WITH THE NATIONAL  
19 ASSESSMENT THE NATIONAL ASSESSMENT FOR SCIENCE IS NOT  
20 DONE AS FREQUENTLY AS ENGLISH, LANGUAGE ARTS AND  
21 MATHEMATICS AND SO ONE OF THE THINGS WE WILL HAVE TO DO IS  
22 COMPARE OUR TEST SCORES TO THAT, BUT THEY WERE PROJECTED  
23 TO BE AT THAT LEVEL

24 Q OKAY IN TERMS OF, IN TERMS OF JUST LOOKING AT THE,  
25 AT THE SOUTH CAROLINA EDUCATION OVERSIGHT COMMITTEE LOOK

1 A THE TOP HALF ONE IS, THE 2010 WAS SET BY THE  
2 EDUCATION OVERSIGHT COMMITTEE

3 Q RIGHT

4 A THAT 100 PERCENT OF THE STUDENTS WILL SCORE  
5 PROFICIENT WAS SET BY FEDERAL LEGISLATION

6 Q OKAY IN YOUR JUDGMENT, DR ANDERSON, WHAT PROGRESS  
7 ARE YOU SEEING BASED ON THE SOCIAL STUDIES TESTS, THE  
8 SCIENCE TEST, THE MATH TEST AND THE E L A DATA THAT WE  
9 HAVE JUST BEEN THROUGH, WHAT PROGRESS ARE THE STUDENTS IN  
10 THE PLAINTIFFS' DISTRICTS, CHILDREN IN THE PLAINTIFFS'  
11 DISTRICTS MAKING TOWARD THESE TWO GOALS?

12 A LET ME START GENERALLY AND THEN I WILL GET THERE

13 Q RIGHT

14 A WHAT WE SEE IS, WHAT WE SEE ACROSS SOUTH CAROLINA IS  
15 THAT WE ARE MAKING MUCH MORE PROGRESS IN THE ELEMENTARY  
16 GRADES THAN WE ARE IN THE MIDDLE GRADES AND HIGH SCHOOL,  
17 THAT OUR, PARTICULARLY OUR THIRD GRADE SCORES ARE THE  
18 HIGHEST ACROSS ALL OF THE, THE CONTENT FIELDS AND THAT'S,  
19 THAT'S ENCOURAGING THOSE YOUNG PEOPLE WHO HAVE BEEN IN THE  
20 STANDARDS-BASED PROGRAM THROUGHOUT

21 WE ALSO SEE THAT SOUTH CAROLINA'S PERFORMANCE TENDS  
22 TO BE STRONGER IN MATHEMATICS THAN IN ENGLISH, LANGUAGE  
23 ARTS

24 Q RIGHT

25 A THE GRADE BY GRADE PATTERN AND THE -- I DON'T KNOW

1 THAT WE HAD A GRADE-BY-GRADE SLIDE OF THE PLAINTIFFS'  
2 DISTRICT BUT I THINK WHEN YOU LOOK AT, WHEN YOU LOOK AT  
3 SOME OF THE EARLIER SLIDES WHAT YOU DO SEE IS THAT THE  
4 CHILDREN IN THE PLAINTIFFS' DISTRICTS PERFORM LESS WELL  
5 OVER TIME I KNOW THAT THERE HAS BEEN EVIDENCE THAT  
6 LOOKED AT THAT DECLINE ACROSS GRADE LEVELS

7 AND SO ESSENTIALLY WHAT WE SEE IS THAT THE SCHOOLS  
8 ARE NOT NECESSARILY ADDING VALUE STUDENTS ARE NOT  
9 BECOMING STRONGER THE LONGER THEY ARE IN THE SYSTEM AND  
10 THAT'S OF GREAT CONCERN IN THE PLAINTIFFS' DISTRICTS AND  
11 IN THE STATE AS A WHOLE

12 Q ALL RIGHT NOW, WHEN WE TOOK, TAKE A LOOK AT THIS, I  
13 WANT TO FOCUS ON THIS, THIS ISSUE OF PROFICIENT AS IT  
14 RELATES TO OUR, OUR KIDS IN THE DISTRICTS THAT WE HAVE  
15 FIRST LET'S TALK ABOUT THAT, THAT PROFICIENCY PIECE IS  
16 THAT PROFICIENCY STANDARD, HOW DID THAT COME ABOUT?

17 IS IT IN THE LEGISLATION OR IS IT IN THE, IS IT IN  
18 THE REGULATIONS AFTER THE LEGISLATION OR WHERE IS THAT?

19 A WELL, FOR US IN SOUTH CAROLINA THAT WAS THE TERMS  
20 BELOW BASIC, BASIC, PROFICIENT AND ADVANCED WERE SET UP IN  
21 THE DEVELOPMENT OF THE PACT ASSESSMENT PROGRAM SO REALLY  
22 IT COMES ABOUT IN THE DEVELOPMENT OF THE TESTING PROGRAM

23 Q OKAY

24 A THE STUDENT PERFORMANCE LEVEL THAT'S ASSOCIATED WITH  
25 PROFICIENT IS SET THROUGH SOMETHING WE CALL IN EDUCATION A

1 Q OKAY IN TERMS OF THE PLAINTIFFS' DISTRICTS, LET'S  
2 LOOK AT THE PLAINTIFF DISTRICTS AND HOW MUCH THEY HAVE  
3 CHANGED RELATIVE TO OVER THOSE THREE YEARS LET'S PULL UP  
4 6352-A IN TERMS OF UNSATISFACTORY AND BELOW-AVERAGE  
5 SCHOOLS, PLAINTIFF DISTRICTS VERSUS THE STATE, AND THIS  
6 WAS AN EXHIBIT THAT WAS PUT IN DURING THE JOHN SUBER  
7 TESTIMONY, YOUR HONOR

8 THIS IS THE NUMBER OF UNSATISFACTORY AND  
9 BELOW-AVERAGE SCHOOLS, PLAINTIFF DISTRICTS VERSUS STATE  
10 AND IN THE PLAINTIFF DISTRICTS WE HAD 31 UNSATISFACTORY  
11 AND BELOW-AVERAGE SCHOOLS, 29 AND 27 AND THE STATE HAD  
12 247, 206 AND 181

13 COULD YOU -- WHAT DO YOU OBSERVE WITH REGARD TO THE  
14 TWO TRAJECTORIES THAT YOU SEE ON THOSE LINES AND WHAT'S  
15 HAPPENING IN THE PLAINTIFF DISTRICTS VERSUS THE STATEWIDE?

16 A WELL, I THINK THE STATEWIDE DATA ARE OPTIMISTIC I  
17 THINK WHAT WE ARE, YOU KNOW, PLEASED TO SEE THE NUMBER OF  
18 THOSE SCHOOLS SCORING UNSATISFACTORY AND BELOW AVERAGE  
19 WITHIN YOUR DISTRICTS ALTHOUGH, ALTHOUGH THIS CHART SHOWS  
20 A POOR SCHOOL DIFFERENCE, I DO BELIEVE THAT AT LEAST TWO  
21 OR THREE OF THOSE SCHOOLS HAVE EITHER CLOSED OR MERGED SO  
22 I DON'T THINK THERE IS ANY CHANGE IN YOUR DISTRICTS

23 Q OKAY IN TERMS OF IMPROVEMENT, DO THE SCHOOL RATINGS  
24 CHANGES IN THE PAST THREE YEARS IN THE, WHERE WE HAVE THE  
25 LONGITUDINAL DATA, I'M TALKING ABOUT SCHOOL RATINGS, IN

1 THE PLAINTIFF DISTRICTS INDICATE TO YOU WHETHER OR NOT THE  
2 CHILDREN IN THE PLAINTIFF DISTRICTS ARE RECEIVING THE  
3 OPPORTUNITY TO ACQUIRE A MINIMALLY ADEQUATE EDUCATION?

4 A THEY ARE NOT

5 Q OKAY AND WHY DOES THAT DATA SUPPORT THAT OPINION  
6 THAT YOU JUST GAVE?

7 A WELL, I THINK, FIRST, YOU HAVE TO REMEMBER HOW THE  
8 RATINGS ARE CALCULATED THESE ARE USING THE ABSOLUTE  
9 RATINGS SO THEY ARE LOOKING AT STUDENT PERFORMANCE ON  
10 STATE ASSESSMENTS THAT MEASURE THE STUDENT'S KNOWLEDGE OF  
11 THE CONTENT STANDARDS

12 AND SO WHAT YOU CONTINUE TO SEE IS, IS THE PATTERN  
13 WHERE THOSE STUDENTS ARE NOT PERFORMING AS WELL AS THEIR  
14 PEERS IN OTHER SCHOOLS AND THAT, YOU KNOW, THE SCHOOL  
15 RATING DOES NOT COME FROM ANYTHING AT THE ELEMENTARY AND  
16 MIDDLE LEVEL OTHER THAN THOSE PACT SCORES AND SO THIS IS  
17 PURELY HOW WELL THE STUDENTS PERFORM

18 Q OKAY NOW, DR ANDERSON, WE HAVE HEARD IN THE  
19 TESTIMONY ABOUT SEVERAL DIFFERENT SCHOOLS THAT HAVE BEEN  
20 MERGED AND CLOSED DOWN WHEN A SCHOOL IS MERGED OR CLOSED  
21 DOWN IN A BELOW AVERAGE OR UNSATISFACTORY AREA THEY DROP  
22 OFF THE BELOW AVERAGE AND UNSATISFACTORY STATISTICS  
23 RIGHT?

24 A THAT'S RIGHT

25 Q THAT'S STATEWIDE AND PLAINTIFFS?

1 A YES, SIR THEY WOULD SHOW UP IN YOUR PERCENTAGES BUT  
2 NOT IN THE ACTUAL NUMBERS

3 Q ALL RIGHT LET'S SEE I'D LIKE TO ASK YOU HOW DO  
4 YOU REPORT THIS INFORMATION THAT YOU, THAT YOU GET? WHEN  
5 YOU ARE, WHEN YOU REPORT TO THE STATE, DO YOU REPORT THIS  
6 IN A -- WELL, JUST TALK TO US ABOUT HOW YOU REPORT THIS TO  
7 THE PUBLIC AND HOW YOU REPORT IT TO THE LEGISLATURE AND  
8 ANY, ANY INTERESTED PARTY

9 A ANY INTERESTED PARTY E-MAIL? ALL RIGHT

10 Q I'M BEING TOO BROAD

11 A THE REPORT CARDS ARE PUBLISHED EACH NOVEMBER

12 Q RIGHT

13 A THE -- AT THE PUBLICATION OF THE REPORT CARDS WE MAKE  
14 A CONCERTED EFFORT TO MAKE CERTAIN THAT THE NEWS MEDIA  
15 AROUND THE STATES ARE READY TO RECEIVE THEM THROUGH A  
16 SERIES OF EITHER WORKSHOPS OR EDITORIAL VISITS THE --  
17 AND THERE ARE A LOT OF NEWSPAPERS TO VISIT IN ALL THESE  
18 DIFFERENT COMMUNITIES ANYWAY

19 SO THAT'S ONE, ONE WAY IS TO MAKE CERTAIN THAT THE  
20 PUBLIC IS READY TO RECEIVE THOSE DATA AND WE WORK THROUGH  
21 THAT WE ALSO WORK THROUGH TRAINING THE LOCAL  
22 ADMINISTRATORS HOW TO GO OUT AND TALK ABOUT THE  
23 STATISTICAL DATA, HOW TO COMMUNICATE WHAT'S HAPPENING  
24 WITH RESPECT TO THE GENERAL ASSEMBLY, WE PROVIDE THEM  
25 ANNUAL REPORTS AS WELL AS PERIODIC REPORTS ON CERTAIN



1           AND SO TO TALK ABOUT 666 BOOKS FOR AN ELEMENTARY  
2 SCHOOL IS, IS -- PITIFUL IS THE WORD THAT COMES TO MIND  
3 Q       SO IN TERMS OF, IN TERMS OF PROVIDING AN AGGREGATION  
4 OF AT-RISK KIDS THAT WE HAVE IN THE PLAINTIFFS' DISTRICTS,  
5 IN TERMS OF PROVIDING THEM WITH THE OPPORTUNITY TO ACQUIRE  
6 A MINIMALLY ADEQUATE EDUCATION, WHAT DOES THAT HAVE TO DO  
7 WITH PROVIDING THEM WITH MATERIALS, INSTRUCTIONAL  
8 MATERIALS, FACILITIES AND TEACHERS, DO THEY NEED MORE OR  
9 LESS?

10 A       WELL, THEY ARE GOING TO NEED MORE BECAUSE THEY ARE  
11 GOING TO, YOU ARE GOING TO HAVE TO APPEAL TO A VARIETY OF  
12 INTERESTS, YOU'RE GOING TO HAVE TO APPEAL TO A VARIETY OF  
13 LEVELS   WHAT YOU HAVE GOT TO UNDERSTAND IS THAT THEY ARE  
14 NOT BEING, THIS IS THEIR ONLY SOURCE

15           IT'S NOT HAPPENING AT HOME   BECAUSE OF DIFFICULTIES  
16 WITH TRANSPORTATION THEY MAY NOT BE ABLE TO, TO GET TO THE  
17 COUNTY LIBRARY AND IN A LOT OF THESE RURAL COUNTIES THE  
18 COUNTY LIBRARY MAY NOT BE OPEN VERY OFTEN EITHER

19 Q       DR ANDERSON, IN THE PLAINTIFF DISTRICTS, NINE OUT OF  
20 TEN STUDENTS WILL SCORE AT OR ABOVE GRADE LEVEL ON PACT  
21 IF WE CONTINUE TO PROVIDE THE PLAINTIFF DISTRICTS WITH THE  
22 SAME QUALITY OF EDUCATION THAT WE ARE PROVIDING TODAY,  
23 WILL NINE OUT OF TEN STUDENTS IN THE PLAINTIFF DISTRICTS  
24 REACH THIS ABOVE GRADE LEVEL, AT OR ABOVE GRADE LEVEL ON  
25 PACT BY 2010?

1 A I DON'T SEE HOW THEY CAN

2 Q WHY NOT?

3 A WELL, IT'S ONLY SIX YEARS AWAY IF YOU RECALL  
4 LOOKING AT THE SCIENCE AND SOCIAL STUDIES DATA WE WERE  
5 TALKING ABOUT, LESS THAN 20 PERCENT OF THE STUDENTS  
6 SCORING AT THAT LEVEL SO YOU HAVE GOT TO SOMEHOW, YOU  
7 HAVE GOT TO RADICALLY CHANGE WHAT'S HAPPENING IF YOU  
8 EXPECT A RADICALLY DIFFERENT RESULT

9 Q DR ANDERSON, LET'S LOOK TOGETHER AT GOAL NUMBER,  
10 GOAL NUMBER THREE AGAIN THIS IS A PERFORMANCE GOAL AND  
11 IT SAYS THAT SOUTH CAROLINA WILL RANK IN THE TOP HALF OF  
12 STATES ON THE S A T AND THE A C T NOW, WHY IS THAT GOAL  
13 IMPORTANT TO THE STATE OF SOUTH CAROLINA?

14 A PARTICULARLY WHY IT IS IMPORTANT IS, IS FOR ECONOMIC  
15 DEVELOPMENT, THAT IT IS USED NATIONALLY AS SUCH A MEASURE  
16 OF THE, THE CAPACITY OF THE SYSTEM WE HAVE ALWAYS BEEN  
17 IN THE MODE OF BEING AT THE BOTTOM OR VERY, VERY NEAR THE  
18 BOTTOM IN THE S A T AND THAT'S, YOU KNOW, I MEAN, I MEAN  
19 IT'S A MEASURE THAT TO WHICH THE PUBLIC PAYS ATTENTION

20 Q IT SAYS HERE FOR SOUTH CAROLINA, THAT 2003 STATE  
21 RANKING IS 49 IF YOU JUST HIGHLIGHT THAT THAT'S 49 OUT  
22 OF THE 50 STATES, RIGHT?

23 A THAT'S CORRECT GEORGIA SCORED LOWER

24 Q OKAY NOW, LET'S TALK ABOUT THE, THIS ISSUE OF THE,  
25 SOUTH CAROLINA WILL RANK IN THE TOP HALF OF THE STATES ON

1 LEADING UP TO THAT, I'M LIKELY NOT TO RECOMMEND THAT YOU  
2 GO INTO THOSE COURSES OR EVEN ATTEMPT THE S A T BECAUSE I  
3 THINK IT'S JUST GOING TO BE ANOTHER FAILURE FOR YOU

4 Q OKAY AND SO WHAT DOES IT TELL US, IF ANYTHING, THE  
5 DATA TELL US WITH REGARD TO THE PEOPLE WHO DO ATTEMPT THE  
6 S A T AND THE A P AND HAVE THE RESULTS THAT WE HAVE BEEN  
7 OVER?

8 A IT PROBABLY TELLS US THAT THEY HAVE SOME INDIVIDUAL  
9 ASPIRATION AND THAT THEY SEE THAT IT IS IMPORTANT BUT THEY  
10 JUST DON'T HAVE THE SKILLS OR KNOWLEDGE TO SUCCEED

11 Q IN THAT, IN THAT LEVEL?

12 A YES, SIR

13 Q NOW, I WANTED TO, I WANT TO TAKE THAT AS A JUMPING  
14 OFF POINT AND TALK TO YOU ABOUT THE EXIT EXAM AND  
15 PARTICULARLY HERE I WANT TO TALK ABOUT, TALK WITH YOU  
16 ABOUT WHETHER OR NOT CHILDREN ARE BEING PUSHED OUT OF  
17 SCHOOL INSTEAD OF, INSTEAD OF PUSHED TO SUCCESS IN SCHOOL

18 NOW, ON THE EXIT EXAM DATA, THIS IS -- I'M GOING TO  
19 ASK YOU TO LOOK WITH ME AT EXHIBIT 6445 AND, YOUR HONOR,  
20 THIS IS AGAIN NEW DATA WE ARE TRYING TO KEEP MOVING INTO  
21 NEW DATA WITH OUR WITNESSES WHEN WE CAN THIS IS DATED  
22 FEBRUARY 11TH, 2004

23 AND IT'S ENTITLED A REVIEW OF THE HIGH SCHOOL  
24 ASSESSMENT PROGRAM ENGLISH, LANGUAGE ARTS AND MATHEMATICS  
25 FIELD TEST I GUESS THE FIRST QUESTION I SHOULD ASK IS I

1 INTRODUCED THIS BY TALKING ABOUT A SO-CALLED EXIT EXAM  
2 WHAT IS THIS DOCUMENT AND HOW DOES IT RELATE TO AN EXIT  
3 EXAM IF AT ALL?

4 A OKAY SOUTH CAROLINA HAS HAD AN EXIT EXAM SINCE THE  
5 LATE 80'S, EARLY 90'S I THINK IT WAS EITHER THE CLASS OF  
6 '90 OR '91 THAT WAS THE FIRST CLASS THAT HAD TO PASS AN  
7 EXIT EXAM IN ORDER TO GRADUATE FROM HIGH SCHOOL AS WELL AS  
8 EARN THE NUMBER OF CREDITS

9 WE HAVE USED THE EXAM UNDER THE BASIC SKILLS  
10 ASSESSMENT PROGRAM THROUGH SPRING, 2003 BEGINNING WITH  
11 SPRING, 2004 STUDENTS WHO ARE IN THEIR SECOND SPRING IN  
12 HIGH SCHOOL WILL, THEY WILL BE THE FIRST CLASS TO TAKE  
13 THIS NEW TEST WHICH IS THE HIGH SCHOOL ASSESSMENT PROGRAM  
14 IT IS ALIGNED WITH OUR CONTENT STANDARD AND IT ALSO WILL  
15 BE USED FOR NO CHILD LEFT BEHIND PURPOSES

16 Q OKAY JUST TO BE CLEAR IN MY OWN MIND AS WE LOOK AT  
17 ALL THESE DIFFERENT DATA POINTS, BUT THE GRADES THREE  
18 THROUGH EIGHT PACT TEST ARE FOR THE ELEMENTARY AND MIDDLE  
19 SCHOOL STANDARDS THEY ARE ALIGNED WITH THOSE STANDARDS?

20 A THAT'S CORRECT

21 Q AND THIS NEW HIGH SCHOOL ASSESSMENT PROGRAM IN AT  
22 LEAST E L A AND MATH FOR NOW IS NOW ALIGNED WITH THE HIGH  
23 SCHOOL STANDARDS?

24 A ACTUALLY IT'S ALIGNED WITH, WITH CONTENT STANDARDS  
25 THAT MAY GO BACK AS FAR AS THE SEVENTH GRADE THERE ARE

1 SOME SEVENTH AND EIGHTH GRADE THERE ARE, I GUESS YOU  
2 CALL IT, CASE LAW THAT SAYS WE HAVE TO BE ABLE TO DOCUMENT  
3 NOT ONLY THAT THE STUDENTS WERE INITIALLY TAUGHT THE  
4 CONTENT BUT THAT THEY WERE TESTED AND THEN HAD AN  
5 OPPORTUNITY TO REMEDIATE

6 SO SOME OF THE, SOME OF THIS CONTENT GOES BELOW BUT  
7 GENERALLY IT'S THE NEW CONTENT STANDARDS

8 Q OKAY WHAT RELATIONSHIP DOES THIS, THIS TEST THAT  
9 I'M HOLDING IN MY HANDS, EXHIBIT 6445, THE FIELD TEST OF  
10 THE HIGH SCHOOL ASSESSMENT PROGRAM, WHAT RELATIONSHIP DOES  
11 THIS HAVE WITH THE ABILITY TO GRADUATE FROM HIGH SCHOOL,  
12 IF ANY?

13 A WELL, IF YOU DO NOT PASS IT BEGINNING WITH THIS  
14 SPRING, AFTER FOUR ATTEMPTS THEN YOU DO NOT EARN A HIGH  
15 SCHOOL DIPLOMA

16 Q AND IF YOU DO NOT EARN A HIGH SCHOOL DIPLOMA, DO YOU,  
17 DO YOU EARN SOMETHING LIKE A CERTIFICATE OF PARTICIPATION  
18 WHEN YOU SHOWED UP FOR FOUR YEARS BUT YOU DIDN'T?

19 A YOU CAN GET A CERTIFICATE OF ATTENDANCE

20 Q ATTENDANCE OKAY BUT THAT'S I MEAN WHAT'S THE  
21 VALUE OF A CERTIFICATE OF ATTENDANCE IN THE ECONOMIC  
22 WORLD?

23 A I DON'T THINK IT HAS ANY VALUE

24 Q OKAY LOOKING AT PLAINTIFFS' EXHIBIT 6445, LET'S  
25 JUST BEGIN TO WORK WITH THIS DOCUMENT TOGETHER AND LET

1 ATTRITION RATES AT MORE THAN 10 PERCENT IN THE MID 80'S

2 BUT MRS NORTHERN STATES, RIGHT?

3 A THAT'S CORRECT

4 Q SO THIS IS A, IT'S A NATIONAL PHENOMENON THAT WE ARE  
5 SEEING BUT WE ARE STILL IN THE, AT THE TOP OF THE WORST?

6 A WE ARE AT THE TOP OF THE WORST

7 Q OKAY IN TERMS OF THE BULGE IN GRADE NINE  
8 ENROLLMENTS THAT THAT DISCUSSION BEGINS AT PAGE 14, ROMAN  
9 NUMERAL NUMBER FIVE, WHAT IS THE SO-CALLED BULGE IN GRADE  
10 NINE ENROLLMENTS?

11 A WELL, THE BULGE IS THE FACT THAT YOU HAVE A GROUP OF  
12 STUDENTS AND THEY MOVE FROM EIGHTH GRADE INTO NINTH GRADE  
13 AND YOU, THEY, THE NINTH GRADE ENROLLMENT IS SIGNIFICANTLY  
14 LARGER OURS IS ABOUT 24 PERCENT LARGER THAN THAT THE  
15 PREVIOUS YEAR EIGHTH GRADE AND THAT'S BECAUSE OF  
16 RETAINEES, YOU KNOW, STUDENTS WHO HAVEN'T MADE IT OUT OF  
17 THE NINTH GRADE

18 AND THEN WHAT YOU SEE WHEN YOU LOOK AT THE DATA YOU  
19 JUST SAW IS THAT THOSE STUDENTS DON'T MOVE ON TO THE TENTH  
20 GRADE AND SO NINTH GRADE IS ALWAYS SIGNIFICANTLY LARGER  
21 THAN THE TWO GRADES AROUND IT

22 Q OKAY AND IS, IS IT -- IS IT OUT OF THAT BULGE THAT  
23 WE ARE PUSHING KIDS OUT OF SCHOOL?

24 A WELL, YES I THINK THEY CERTAINLY HAVE THE MESSAGE  
25 THAT THEY ARE NOT MOVING ALONG WITH THEIR PEERS

1 Q ON PAGE 14 IN THIS DESCRIPTION IT SAYS, STRIKINGLY  
2 DISCREPANT FROM THIS OVERALL PATTERN IS THE GRADE NINE  
3 ENROLLMENT FOR '99, 2000 WHICH IS 440,000 MORE THAN EIGHTH  
4 GRADE ENROLLMENT IN THE SAME YEAR AND 520,000 MORE THAN  
5 GRADE TEN ENROLLMENT

6 THIS SIMPLE GRAPH REFLECTS HOW GRADE NINE HAS BECOME  
7 AN INCREASINGLY IMPORTANT VALVE IN THE EDUCATION PIPELINE  
8 AS ENROLLMENTS ARE BULGING UP IN GRADES NINE AND AS  
9 DISCUSSED IN THE PREVIOUS SECTION ATTRITION OF STUDENTS  
10 BETWEEN GRADES NINE AND TEN IS INCREASING

11 AND IF WE TURN TO THE GRAPH THEY ARE REFERRING TO  
12 IT'S FIGURE NUMBER THREE ON PAGE 15 AND WE HAVE IN COLOR  
13 HERE ON THE GRAPH AND YOU CAN SEE THE NINTH GRADE, WHAT'S  
14 HAPPENING BETWEEN 1968, '69 AND '99, 2000 TO THE NINTH  
15 GRADE IN TERMS OF THE SIZE OF THE CLASS, RIGHT?

16 A THAT'S CORRECT

17 Q SO, DR ANDERSON, IF THE SUPERINTENDENTS AND HIGH  
18 SCHOOL PRINCIPALS WHO HAVE TESTIFIED IN THIS CASE HAVE  
19 DESCRIBED A PHENOMENON OF CHILDREN BEING RETAINED IN THE  
20 NINTH GRADE UNTIL THEY CAN DROP OUT, IS THAT CONSISTENT  
21 WITH THIS GRAPH AND THE DATA THAT WE HAVE GONE OVER SO  
22 FAR?

23 A YES, IT IS

24 Q OKAY LET'S TURN TO THE DISCUSSION OF WHAT HAPPENS  
25 TO THESE CHILDREN LOOK AT PAGE 16 AND PARTICULARLY AT

1 PAGE 16, I WANT TO REFERENCE IN THE FULL PARAGRAPH  
2 SENTENCE THAT TALKS ABOUT INDEED OR THIS PATTERN BODE  
3 AND IT'S THE SENTENCE THAT SAYS, THIS PATTERN BODE ILL FOR  
4 FUTURE GRADUATION RATES BECAUSE RESEARCH SUGGESTS THAT  
5 FLUNKING STUDENTS TO REPEAT A GRADE IS NOT A SOUND  
6 EDUCATIONAL STRATEGY, SHEPPARD AND SMITH 1989

7 INDEED RECENT EVIDENCE FROM TEXAS AND OTHER STATES  
8 INDICATES THAT 70 TO 80 PERCENT OF STUDENTS WHO ARE  
9 FLUNKED TO REPEAT GRADE NINE WILL NOT PERSIST IN SCHOOL,  
10 TO HIGH SCHOOL GRADUATION, 2001 IS THAT THE RESEARCH  
11 DATA YOU REFERRED TO EARLIER ABOUT CHILDREN WHO ARE  
12 FAILING TEND TO DROP OUT?

13 A YES, IT IS THERE ARE A LOT OF STUDIES THAT TALK  
14 ABOUT THAT THAT PARTICULARLY RETENTION IS A, JUST AN  
15 OVERWHELMING DEFEAT STUDENTS OFTEN AREN'T TAUGHT  
16 DIFFERENTLY, THEY JUST REPEAT THE MATERIAL, THERE'S A  
17 PSYCHOLOGICAL DAMAGE OF REPEATING A GRADE

18 Q LET'S THEN LOOK, IF THIS IS THE PHENOMENON, LET'S  
19 LOOK AT SOUTH CAROLINA AND LET'S LOOK AT TABLE THREE ON  
20 PAGE 17 WHICH IS THE TABLE OF THE STATES WITH THE LARGEST  
21 BULGES IN GRADE NINE ENROLLMENTS '01 -- '00, '01,  
22 RELATIVE TO GRADE EIGHT ENROLLMENT IN '00, '01

23 WOULD YOU FIND SOUTH CAROLINA ON THIS AND DESCRIBE  
24 WHERE SOUTH CAROLINA FITS AND WHAT THE DATA SHOWS?

25 A WE ARE SECOND HIGHEST IN THE, ON THE NEGATIVE SCALE,



1 AND FOR THE PAY KIDS IT'S 19 5 AT PROFICIENT?

2 A THAT'S CORRECT

3 Q OKAY AND THE, AND AS YOU GO ACROSS THIS SCALE FROM  
4 EXCELLENT, GOOD, AVERAGE, BELOW AVERAGE, UNSATISFACTORY,  
5 YOU END UP WITH A GREATER AND GREATER DISPARITY BETWEEN  
6 THE PERCENTAGE OF KIDS THAT ARE REACHING PROFICIENT AND  
7 ADVANCED RIGHT?

8 A YES AND, AND TO KEEP IN MIND THAT IT'S PROFICIENT  
9 AND ADVANCED IS THE GOAL OF THE SYSTEM

10 Q RIGHT AND IN THE CONTEXT OF WHAT WE ARE TALKING  
11 ABOUT, WHAT YOU ARE TRYING TO LEARN HERE IS HOW TO MOVE AN  
12 UNSATISFACTORY SCHOOL OVER TO AN EXCELLENT SCHOOL FOR BOTH  
13 GROUPS OF KIDS, RIGHT, THE PAY AND THE FREE AND REDUCED?

14 A THAT IS CORRECT

15 Q THEY ALL BENEFIT IF YOU CAN MOVE THE SCHOOL OVER  
16 THERE?

17 A IF WE CAN

18 Q OKAY LET'S LOOK AT, AT EXHIBITS TEN AND 11 AND  
19 THESE ARE THE SAME THINGS FOR MATHEMATICS AND IF WE LOOK  
20 AT THE ACHIEVEMENT GAP IN THE EXCELLENT SCHOOLS FOR  
21 MATHEMATICS BASIC AND ABOVE IS 74 3 AND 92 5, RIGHT?

22 A THAT'S CORRECT

23 Q OKAY AND THAT GAP IS ABOUT 18 POINTS?

24 A YES, SIR

25 Q OKAY AND IF WE GO OVER TO THE UNSATISFACTORY

1 RIGHT BRAIN AND LEARNING STYLES UNTIL IT IS A WONDER THAT  
2 WE FUNCTION

3 YOUR COMMENT THERE ABOUT ALL OF THESE DIRECTIONS BOTH  
4 AT THE LEGISLATIVE POLICY AND THEN DOWN AT THE  
5 PROGRAMMATIC LEVEL IT SEEMS TO ME YOU WENT FROM THE BIG  
6 DOWN TO THE SMALLER WHAT IS THE POINT OF THE COMMENTARY  
7 YOU HAD ABOUT SILVER BULLETS?

8 A WELL, AND I HAVE -- NO SURPRISE, I DON'T BELIEVE IN  
9 SILVER BULLETS I THINK THAT, I THINK THAT GOOD SOUND  
10 CORE TEACHING, STRONG EXPECTATIONS FOR YOUNG PEOPLE, ALL  
11 OF THESE ARE WHAT WE HAVE TO PERSIST AT OVER TIME

12 TOO OFTEN, AND IT BECOMES VERY EASY, IS TO, IS TO  
13 REACH OUT AND GRAB THAT, THAT MIRACLE PROGRAM THAT IS  
14 GOING TO FIX EVERYTHING AND WE, WE LOOK FOR THOSE  
15 PROGRAMS THERE ARE VENDORS WHO GET RICH SELLING THESE  
16 PROGRAMS

17 AND WE -- WHEN WE USE THE PROGRAMMATIC APPROACH OFTEN  
18 BECAUSE I THINK WE ARE JUST SO HUNGRY FOR ACHIEVEMENT, WE  
19 MAY NOT MAKE CERTAIN THAT WHAT WE ARE DOING IN READING  
20 COMPLEMENTS WHAT WE ARE DOING IN MATH OR THAT OUR TEACHER  
21 EVALUATION SYSTEM IS COORDINATED WITH OUR INSTRUCTIONAL  
22 DESIGN

23 AND SO WHAT HAPPENS IS SOMETHING SOME WRITERS TALK  
24 ABOUT AS, AS WE FAME TO ACHIEVE COHERENCE AMONG THE  
25 PROGRAMS AND I THINK WE HAVE DONE A LOT OF THAT IN SOUTH

1 RIGHT BRAIN AND LEARNING STYLES UNTIL IT IS A WONDER THAT  
2 WE FUNCTION

3 YOUR COMMENT THERE ABOUT ALL OF THESE DIRECTIONS BOTH  
4 AT THE LEGISLATIVE POLICY AND THEN DOWN AT THE  
5 PROGRAMMATIC LEVEL IT SEEMS TO ME YOU WENT FROM THE BIG  
6 DOWN TO THE SMALLER WHAT IS THE POINT OF THE COMMENTARY  
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20 COMPLEMENTS WHAT WE ARE DOING IN MATH OR THAT OUR TEACHER  
21 EVALUATION SYSTEM IS COORDINATED WITH OUR INSTRUCTIONAL  
22 DESIGN

23 AND SO WHAT HAPPENS IS SOMETHING SOME WRITERS TALK  
24 ABOUT AS, AS WE FAME TO ACHIEVE COHERENCE AMONG THE  
25 PROGRAMS AND I THINK WE HAVE DONE A LOT OF THAT IN SOUTH

1 ASSISTANCE MONEY, THAT MONEY WAS SPREAD ACROSS THE ENTIRE  
2 DISTRICT SO THAT'S ONE POINT OF THAT, IS THAT WE THINK  
3 TECHNICAL ASSISTANCE MONEY IS TARGETED TO SCHOOLS AND IT  
4 SHOULD NOT BE USED BY THE DISTRICT FOR GENERAL PURPOSES

5 THE OTHER POINT OF FLEXIBILITY IS RECOGNIZING THAT  
6 THERE ARE A LOT OF PROFESSIONAL DEVELOPMENT PROGRAMS GOING  
7 ON IN SOUTH CAROLINA AND WE HAVE DISCUSSED A LITTLE BIT  
8 YESTERDAY WHEN WE TALKED ABOUT PROGRAM COHERENCE THAT MANY  
9 FOLKS MAY HAVE MORE PROFESSIONAL DEVELOPMENT MONEY THAN  
10 THEY ACTUALLY CAN USE IN A REALISTIC FASHION

11 WE HAVE SEEN THAT THE RETRAINING GRANT MONEY TENDS TO  
12 BULK UP, IT'S -- IT'S NOT USED IN ONE YEAR AND IT'S  
13 CARRIED OVER TO THE NEXT YEAR AND SO WHAT WE WANTED TO  
14 SAY WAS, WAS LOOK AT YOUR SCHOOL, IF YOU HAVE NEEDS OF  
15 MASSIVE PROFESSIONAL DEVELOPMENT AND THAT NEED IS GREATER  
16 THAN THE NEED FOR A HOMEWORK CENTER, YOU CAN USE ALL OF  
17 THOSE FUNDS IN THAT REGARD OR VICE VERSA

18 IF YOU THINK A MUCH MORE EXPANDED HOMEWORK CENTER  
19 PROGRAM WOULD SERVE YOUR SCHOOLS' NEEDS, THEN DO THAT AS  
20 WELL

21 Q OKAY WE HAVE -- I'D LIKE TO CALL YOUR ATTENTION TO  
22 A DIFFERENT SUBJECT AND THAT IS THE SUBJECT OF LOCAL  
23 CONTROL, LOCAL MANAGEMENT OF THE SCHOOLS IS IT -- IN  
24 YOUR OPINION IS IT REASONABLE TO BLAME THE LOCAL MANAGERS  
25 FOR THE -- FOR THE OPPORTUNITY THE CHILDREN ARE PROVIDED

1 TO ACQUIRE A MINIMALLY ADEQUATE EDUCATION IN THE DISTRICT?  
2 A I THINK THAT WHEN YOU ARE ELECTED TO A POSITION OF  
3 THE SCHOOLBOARD OR WHEN YOU PARTICULARLY SERVE A DISTRICT  
4 AS SUPERINTENDENT, THEN YOU HAVE THE RESPONSIBILITY TO BE  
5 AGGRESSIVE AND UNRELENTING IN ADVOCATING FOR THOSE  
6 CHILDREN

7 Q AND LET'S LOOK AT NUMBER SEVEN IN THAT, IN THAT  
8 REGARD, WHAT YOU SAID THERE IN DISTRICTS WITH ONE THIRD,  
9 WHERE ONE THIRD OR MORE OF THE SCHOOLS DESIGNATED  
10 UNSATISFACTORY, THE SUPERINTENDENT AND BOARD MEMBERS MUST  
11 PARTICIPATE IN PROFESSIONAL DEVELOPMENT PROGRAMS APPROVED  
12 BY THE S D E TO ENHANCE THEIR CAPACITY TO IMPROVE  
13 PERFORMANCE AND THE DISTRICT MUST DESIGNATE A CONTACT TEAM  
14 TO INTEGRATE IMPROVEMENT EFFORTS WITH OTHER ACTIVITIES  
15 INCLUDING THOSE REQUIRED BY NO CHILD LEFT BEHIND

16 WHAT IS THE ISSUE THAT YOU ARE TRYING TO ADDRESS  
17 THERE WHERE THERE IS AN AGGREGATION OF POORLY PERFORMING  
18 SCHOOLS, AND PARTICULARLY INTERESTED IN WHAT THE STATE IS  
19 TRYING TO DO WITH THE BOARD AND THE SUPERINTENDENT?

20 A FROM ITS INCEPTION, MEMBERS OF THE E O C HAVE BEEN  
21 CONCERNED WITH SCHOOL GOVERNANCE THEY REALLY SAY THAT IF  
22 YOU'RE GOING TO CHANGE ANY OTHER KIND OF ORGANIZATION, IF  
23 YOU WANT TO CHANGE A BANK, YOU DON'T, YOU DON'T JUST LOOK  
24 AT WHAT THE, THE TELLER IS DOING, YOU LOOK AT THE WHOLE  
25 SYSTEM, THE FRAMEWORK FOR POLICIES, WHAT'S THE CULTURE,

1 HOW ITS IMPLEMENTED, AND SO THERE HAS BEEN A STRONG  
2 INTEREST IN GOVERNANCE

3 LOCAL SCHOOL BOARDS BEAR TREMENDOUS RESPONSIBILITIES  
4 THAT HAVE FIDUCIARY RESPONSIBILITIES FOR THE RESOURCES AS  
5 WELL AS FOR CHILDREN'S FUTURE THEY MAKE DECISIONS ON  
6 PERSONNEL, ON BUILDING QUALITY, ON JUST A RANGE OF THINGS,  
7 AND OFTEN MAY NOT HAVE EITHER THE INDIVIDUAL EXPERTISE OR  
8 JUST THE -- THE TIME AND ENERGY TO DEAL WITH THE  
9 COMPLEXITY OF ALL THESE ISSUES

10 SO, SO FIRST AND FOREMOST THE COMMITTEE FEELS REAL  
11 STRONGLY THAT ALL BOARD MEMBERS NEED A LOT MORE TRAINING  
12 THAN THEY HAVE I MEAN, JUST -- JUST TO UNDERSTAND THE,  
13 YOU KNOW, THE IMPLICATIONS OF OSHA FOR THE CONSTRUCTION OF  
14 A SCHOOL BUILDING IS, IS VERY COMPLEX AS YOU ALL KNOW

15 IN THESE DISTRICTS THAT ARE NOT ACHIEVING  
16 INSTRUCTIONALLY, THE QUESTION HAS TO BE RAISED WHERE ARE  
17 THE GOVERNANCE ENERGIES, WHERE ARE THE MANAGEMENT  
18 ENERGIES, WHAT ARE THE KINDS OF KNOWLEDGE THEY NEED, THE  
19 EXPERTISE THEY NEED TO BRING THEM THERE

20 AND SO THIS IS WHAT THIS IS INTENDED TO DO, THAT IF  
21 YOU ARE GOING TO CURE AN ORGANIZATION THAT'S NOT  
22 FUNCTIONING WELL, YOU HAVE TO WORK SYSTEMICALLY WITH  
23 RESPECT TO THE DISTRICT DESIGNATING A CONTACT PERSON, THE,  
24 THE JOB OF A SCHOOL PRINCIPAL IS, IS AMAZING

25 I MEAN, I HAVE SEEN STUDIES THAT SAY YOU MAKE A

1 DECISION EVERY EIGHT SECONDS, WHETHER IT'S, YOU KNOW, TO  
2 SEND A CHILD BACK TO A CLASSROOM OR, YOU KNOW, WHAT TIME  
3 TO DO THE LUNCH SCHEDULE OR WHEN THE BOOKS ARE GOING TO BE  
4 DELIVERED

5 I MEAN, THAT SCHEDULE, IF YOU EVER FOLLOWED A SCHOOL  
6 PRINCIPAL AROUND TODAY, IS VERY DYNAMIC AND INSTANTANEOUS  
7 THE NOTION OF THEN TRYING TO ADD ANOTHER WHOLE LAYER OF  
8 INTEGRATING WHAT WE ARE DOING FOR NO CHILD LEFT BEHIND AND  
9 INTEGRATING WHAT WE ARE DOING FOR THE EDUCATION  
10 ACCOUNTABILITY ACT, YOU ARE GOING TO FIND THAT MANY  
11 PRINCIPALS ARE GOING TO SAY, I JUST CAN'T MANAGE IT ALL,  
12 YOU KNOW, IT'S JUST SORT OF, OUT OF CONTROL OR -- NOT  
13 REALLY OUT OF CONTROL BUT, BUT NOT A TIME THAT YOU HAVE TO  
14 REFLECT, YOU KNOW, NOT THE LUXURY OF, OF HAVING LONG  
15 CONVERSATIONS

16 AND SO WHAT WE FEEL LIKE IS THAT IN THOSE DISTRICTS  
17 THAT HAVE A NUMBER OF THESE SCHOOLS, SOMEBODY NEEDS TO  
18 MAKE CERTAIN THAT IF YOU HAVE THREE SCHOOLS, THAT YOU ARE  
19 NOT HIRING THE SAME CONSULTANT THREE TIMES TO DO THE SAME  
20 PROFESSIONAL DEVELOPMENT TO SMALL GROUPS THAT COULD BE  
21 DONE AT ONE TIME OR THAT IT MATCHES WHAT THE SCHOOL IS  
22 DOING IN TERMS OF OTHER KINDS OF SERVICES

23 Q DR ANDERSON, IF THE LOCAL MANAGEMENT HAS BEEN  
24 INEFFECTIVE AT DELIVERING THE OPPORTUNITY TO ACQUIRE A  
25 MINIMALLY ADEQUATE EDUCATION TO THE CHILDREN OF THE SCHOOL

1 SUCCEEDING THERE HAS BEEN SUCH A DRAMATIC SHIFT IN  
2 REPRESENTATION, IN POWER IN THE LAST 20 YEARS, AWAY FROM,  
3 FROM RURAL POPULATION, AND SOME OF THAT IS BECAUSE  
4 MOVEMENT OF POPULATION AND SOME OF IT IS BECAUSE WE HAVE  
5 GONE TO SINGLE MOVEMENT DISTRICTS

6 BUT, BUT WE DO HAVE SOME SPOTS IN SOUTH CAROLINA THAT  
7 ARE VERY, VERY PROSPEROUS, THE UPSTATE AROUND GREENVILLE  
8 AND SPARTANBURG, CHARLESTON, SOME -- HORRY COUNTY THAT ARE  
9 GROWING AND ARE SEEING THEMSELVES BECOME STRONGER  
10 ECONOMICALLY

11 UNTIL THE LAST TWO OR THREE YEARS I PROBABLY WOULD  
12 HAVE INCLUDED METROPOLITAN COLUMBIA IN THAT, BUT I THINK I  
13 READ RECENTLY THAT WE HAVE THE HIGHEST UNEMPLOYMENT OR JOB  
14 LOSS SINCE THE 1930'S BECAUSE OF THE CUTBACKS IN STATE  
15 GOVERNMENT

16 SO, SO WHAT YOU SEE IS THAT, THAT WE ARE ALWAYS GOING  
17 TO BE SUPPORTING, WE CAN EITHER SUPPORT INDIVIDUALS AND  
18 SYSTEMS AND SCHOOLS SO THAT THEY ACHIEVE OR WE ARE GOING  
19 TO HAVE TO SUPPORT THEM BECAUSE THEY DON'T ACHIEVE, AND I  
20 THINK THE FORMER IS THE BETTER OPTION

21 Q OKAY LET ME DROP DOWN WITHIN THAT AND ASK YOU ABOUT  
22 TIME ON TASK, AND THAT -- PARTICULARLY THAT AFTER SCHOOL,  
23 BEFORE SCHOOL, SUMMER SCHOOL KIND OF PROGRAM IN YOUR  
24 OPINION ARE THE AFTER SCHOOL OR -- WELL, GIVE US YOUR  
25 OPINION REGARDING TIME ON TASK AS IT RELATES TO BEFORE



1 SCHOOL, AFTER SCHOOL, AND SUMMER SCHOOL IN TERMS OF WHAT  
2 IT -- IN TERMS OF MOVING CHILDREN UP TO STANDARDS, UP TO  
3 THAT AREA OF MEETING BASIC OR GIVING THEM THE OPPORTUNITY  
4 TO ACQUIRE A MINIMALLY ADEQUATE EDUCATION  
5 A OKAY THE EASIEST WAY TO TALK ABOUT IT IS TO THINK  
6 IN TERMS OF THAT ALL CHILDREN HAVE APPROXIMATELY, YOU  
7 KNOW, GIVEN THEIR BEHAVIOR PATTERNS, THE SAME AMOUNT OF  
8 TIME ON TASK OR AT LEAST WITHIN THE SCHOOL DAY THAT THAT'S  
9 GOING TO BE STRUCTURED

10 SO THEN WHAT HAPPENS OUTSIDE THE SCHOOL DAY THAT  
11 REINFORCES WHAT'S HAPPENING IN -- AND WHAT'S SUPPOSED TO  
12 BE HAPPENING WITHIN THE SCHOOL DAY CHILDREN FROM HOMES  
13 IN WHICH READING IS, ISN'T AT LEAST SOMETHING WE DO, YOU  
14 KNOW, WHETHER YOU DO IT FOR PLEASURE OR FOR WORK, CHILDREN  
15 FROM HOMES THAT HAVE EXPERIENCE, THEY GO TO THE BEACH,  
16 THEY HAVE ALL SORTS OF WONDERFUL KINDS OF THINGS THAT  
17 ENRICH WHAT THEY HAVE IN SCHOOL, ESSENTIALLY HAVE JUST BY  
18 DEFINITION MORE TIME ON TASK

19 THEY MAY NOT THINK OF THEMSELVES IN A LEARNING  
20 SITUATION, BUT THEY -- THAT IN FACT IS, IS HAPPENING WITH  
21 THEM A LOT OF US NEED EXTRA HELP A LOT OF US MAY NOT  
22 LEARN THINGS INITIALLY DURING THAT FIRST PRESENTATION AND,  
23 AND NEED MORE, MORE TIME IN ORDER TO DO THAT

24 WHAT SCHOOLS HAVE ATTEMPTED TO DO EITHER WITH BEFORE  
25 SCHOOL PROGRAMS OR AFTER SCHOOL PROGRAMS, HOMEWORK CENTERS

1 OR BOYS AND GIRLS CLUBS OR OTHER KINDS OF AFTER SCHOOL IS  
2 TO MAKE CERTAIN THAT THOSE CHILDREN HAVE THOSE EXTENDING  
3 AND ENRICHING ACTIVITIES THAT MAXIMIZE WHAT HAPPENS IN THE  
4 SCHOOL DAY

5 DO WE ALL GET TIRED AND ARE SUFFICIENT AT THE END OF  
6 THE DAY? ABSOLUTELY ONE OF THE CONFOUNDING VARIABLES  
7 FOR THIS IS THAT IF YOU THINK IN TERMS OF A CHILD IN A  
8 RURAL DISTRICT AND A SCHOOL DAY OF EIGHT TO THREE, THAT  
9 CHILD MAY BE ON -- IS PROBABLY ON A SCHOOL BUS BEFORE  
10 7 00 A M , YOU KNOW

11 THEY STAY AFTER SCHOOL FOR AN HOUR AND A HALF IN A  
12 HOMEWORK CENTER OR AN AFTER SCHOOL PROGRAM AND THEN THEY  
13 ARE ON THE BUS ANOTHER HOUR IN THE AFTERNOON, SO -- SO  
14 WHAT WE ARE TALKING ABOUT FOR MANY OF OUR VERY, VERY  
15 YOUNGEST CHILDREN IN MOST RURAL SETTINGS IS THEY MAY IN  
16 FACT HAVE A SCHOOL DAY THAT GOES FROM SEVEN TO SIX BY THE  
17 TIME YOU ADD THAT TRANSPORTATION, AND YOU HAVE TO KIND OF  
18 IN SOME WAY BALANCE ALL OF THAT

19 IT'S VERY, VERY IMPORTANT THE STUDIES THAT HAVE  
20 COME OUT OF JOHNS HOPKINS UNIVERSITY SHOW THAT WE CAN  
21 ACCOMPLISH ABOUT THE SAME THING WITH CHILDREN WITHIN THE  
22 COURSE OF THE SCHOOL DAY BUT THAT CHILDREN FROM POVERTY  
23 TEND TO LOSE MORE OVER THE SUMMER OR LOSE -- DON'T HAVE  
24 THOSE EXPERIENCES THAT EXTEND IT, AND SO THAT'S WHERE THEY  
25 FIND THEMSELVES FALLING BEHIND

1 RESULT IS NOT GOING TO BE AN ADEQUATE EDUCATION

2 Q IS THE, IS THE -- IS IT APPROPRIATE IN YOUR  
3 PROFESSIONAL JUDGMENT TO CONSIDER AMONG ALL THE FACTORS OF  
4 INPUTS THAT ARE CONSIDERED IN DETERMINING WHETHER THERE'S  
5 A MINIMALLY ADEQUATE EDUCATION THE OFFERINGS THAT THE  
6 DISTRICT IS ABLE TO MAKE FOR SUMMER OFFERINGS AND FOR  
7 EXTENDED DAY OFFERINGS?

8 A OH, ABSOLUTELY THOSE SHOULD BE CONSIDERED

9 Q OKAY AND THE ABSENCE OF THOSE WOULD BE ONE FACTOR  
10 TO CONSIDER IN WHETHER OR NOT THE DISTRICT IS PROVIDING  
11 THE OPPORTUNITY TO ACQUIRE A MINIMALLY ADEQUATE EDUCATION?

12 A YES, SIR

13 Q OKAY IN THE CONTEXT OF UNDERPERFORMING SCHOOLS,  
14 JUST TO BE CLEAR AT THIS POINT IN THE RECORD, IN THE  
15 CONTEXT OF CHRONICALLY UNDERPERFORMING SCHOOLS, IS THE  
16 EXTENDED TIME ON TASK AN IMPORTANT FACTOR IN MAKING  
17 IMPROVEMENTS IN STUDENT ACHIEVEMENT?

18 A YES, IT IS, AND I THINK -- I THINK THE WORD THAT,  
19 THAT YOU USED CHRONIC

20 Q UH-HUH

21 A IS, IS VERY, VERY IMPORTANT BECAUSE FOR SOME CHILDREN  
22 AND FOR SOME SCHOOLS I -- I LIKEN IT TO A CHRONIC VERSUS  
23 AN ACUTE HEALTH PROBLEM YOU KNOW, WE KNOW THAT, THAT  
24 CHILDREN THAT ARE ISOLATED, WHETHER THEY ARE ISOLATED  
25 GEOGRAPHICALLY OR ECONOMICALLY, ARE ALWAYS GOING TO NEED

1 Q AND WHAT -- WELL, LET'S LOOK AT PAGE ONE AND  
2 INTRODUCE IT THAT WAY, OR PAGE TWO, I'M SORRY, AFTER THE  
3 TITLE PAGE IT NOTES THAT ON AUGUST 15<sup>th</sup>, 2002, THE  
4 E O C ADOPTED AS ITS OBJECTIVES, ONE OF ITS OBJECTIVES,  
5 WHICH WAS NUMBER TWO, DEFINE SUFFICIENT FUNDING FOR  
6 SCHOOLS AND DEVELOP MODELS FOR SHARED RESPONSIBILITY  
7 BETWEEN STATE AND LOCAL GOVERNMENTS

8 AND YOU WERE TO REVIEW PROFESSIONAL RECOMMENDATIONS  
9 FOR BASE STUDENT COSTS AND DEVELOP A MODEL BASED ON  
10 STUDENT SERVICES AND TWO, MONITOR STUDY COMMITTEES AND  
11 LEGISLATION PROPOSING, PROPOSING TO AMEND THE CURRENT  
12 SCHOOL FUNDING SYSTEM AND ADVOCATE E O C CRITICAL  
13 POSITIONS THAT WAS THE MANDATE FOR THESE STUDIES?

14 A YES, SIR

15 Q OKAY IN -- WOULD YOU JUST PUT INTO THE RECORD THE  
16 ITEMS ONE, TWO, AND THREE ON THE STATE REQUIREMENTS MODEL,  
17 THE STANDARDS BASED MODEL AND THE NATIONAL MEDIAN MODEL?

18 A YOU MEAN YOU JUST WANT ME TO READ THE

19 Q YES

20 A ALL RIGHT WE LOOKED AT INDIVIDUAL MODELS THE  
21 FIRST MODEL WAS TO PROVIDE A LEVEL OF SERVICES IN PUBLIC  
22 SCHOOLS AS REQUIRED BY STATE STATUTES, REGULATIONS AND  
23 PROVISOS USING REASONABLE COST ESTIMATES, AND THAT WAS THE  
24 STATE REQUIREMENTS MODEL

25 THE SECOND MODEL WAS TO ENSURE THAT A SCHOOL DISTRICT

1 AND ITS STUDENTS CAN ACHIEVE STATE EDUCATION STANDARDS OR  
2 THE STANDARDS BASED MODEL I THINK WE ALLUDED TO IT AS  
3 THE HIGH PERFORMANCE MODEL HERE

4 AND THEN THIRD, TO PROVIDE PER PUPIL FUNDING AT THE  
5 NATIONAL MEDIAN FOR PER PUPIL EXPENDITURE, AND THAT'S THE  
6 NATIONAL MEDIAN MODEL

7 Q OKAY LET'S BEGIN WITH THE STATE REQUIREMENTS MODEL  
8 AND TAKE A LOOK AT IT, AND THIS IS JUST THREE DIFFERENT  
9 WAYS OF LOOKING AT SUFFICIENCY OF FUNDING, RIGHT?

10 A THAT'S CORRECT

11 Q IT'S NOT THE ONLY THREE WAYS, BUT IT'S THE THREE--

12 A NO

13 Q -- THE E O C WENT THROUGH, RIGHT?

14 A YES, SIR

15 Q OKAY AND IN LOOKING AT THE MODEL FOR THE STATE  
16 REQUIREMENTS MODEL, I NOTE ON PAGE THREE THE STATEMENT,  
17 THE BASE STUDENT COST INCORPORATED INTO THE CALCULATIONS  
18 IS \$2,201 PROJECTED FOR FISCAL YEAR '04?

19 A YES, SIR

20 Q NOW, THAT WAS -- THAT NUMBER HAD TO BE CUT, AND THE  
21 ACTUAL NUMBER NOW IS WHAT?

22 A 1777

23 Q 1777 AND THE DIFFERENCE IN THOSE NUMBERS IS 434?

24 A PER WEIGHTED PUPIL UNIT

25 Q \$434 PER WEIGHTED PUPIL UNIT, SO THE GAP THAT YOU

1 A 500 IN THE SCHOOL  
2 Q TO GIVE US \$3,123 53 PER STUDENT?  
3 A FOR TEACHERS  
4 Q FOR TEACHERS IN THIS IN THIS -- FOLLOWING THIS  
5 REGULATION WITH THESE SIZE CLASSES?  
6 A THAT'S CORRECT  
7 Q OKAY NOW DR ANDERSON, LET'S JUST LOOK AT THIS FROM  
8 A LITTLE DIFFERENT PERSPECTIVE IF WE HAD A GROUP OF KIDS  
9 WHO NEEDED SMALLER CLASSES IT WOULD CHANGE, IT WOULD  
10 CHANGE THE NUMBER OF TEACHERS RIGHT?  
11 A YES, SIR  
12 Q OKAY IF WE HAD A GROUP OF KIDS WHO WERE AGGREGATED  
13 IN A SMALL DISTRICT LIKE THE PLAINTIFFS' DISTRICTS AND WE  
14 DIDN'T HAVE THE NUMBER OF STUDENTS, BUT WE WANTED TO KEEP  
15 THE CLASS SIZE SMALLER, YOU COULD STILL END UP WITH THE  
16 SAME, THE SAME TOTAL AMOUNT BUT A LARGER PER PUPIL COST,  
17 RIGHT?  
18 A THAT'S CORRECT THAT'S CORRECT SOMETIMES WE TALK  
19 ABOUT IT IN TERMS OF, OF -- UM -- IF YOU ARE USING THE  
20 CLASS SIZE REDUCTION AT ONE 15TH, THE 16<sup>th</sup> CHILD -- THE  
21 16<sup>th</sup> CHILD BECOMES VERY EXPENSIVE BECAUSE IF YOU ARE --  
22 IF YOU ARE TRYING TO RUN ONE, 15 IT'S THE 16<sup>th</sup> CHILD  
23 THAT REQUIRES YOU TO HIRE THAT SECOND TEACHER, AND UNTIL  
24 YOU GET TO 30, YOU ARE BEARING A DISPROPORTIONATE COST  
25 Q IF YOU ARE IN A DISTRICT WHICH COSTS YOU MORE TO

1 ATTRACT AND RETAIN EXCELLENT TEACHERS THAN THE STATE  
2 AVERAGE, THAT WOULD ALSO COST YOU MORE, RIGHT?

3 A YES, SIR

4 Q AND IF YOU WERE IN A SCHOOL DISTRICT -- JUST USING  
5 THIS ONE ASSUMPTION -- THAT HAD GREATER THAN THE AVERAGE  
6 NUMBER OF CHILDREN LISTED OR DESIGNATED AS DISABLED, THAT  
7 WOULD COST YOU MORE?

8 A THAT WOULD BE -- YES, IT WOULD

9 Q SO WHILE THIS IS A TEMPLET TO USE IN -- KIND OF IN  
10 THE AGGREGATE -- IF YOU WANTED TO APPLY THESE REGULATIONS  
11 TO THE INDIVIDUAL PLAINTIFF DISTRICTS AND THE  
12 CHARACTERISTICS OF THE INDIVIDUAL PLAINTIFFS' DISTRICTS,  
13 YOU COULD, BUT IT WOULD NOT NECESSARILY HAVE ALL THESE  
14 SAME AVERAGES AND ASSUMPTIONS, RIGHT?

15 A THAT'S CORRECT

16 Q OKAY ON A STATEWIDE BASIS USING THE STATE  
17 REQUIREMENTS AS A BASELINE AND USING THE ASSUMPTIONS THAT  
18 YOU MADE ON THE AVERAGE, FROM THE CURRENT BASE STUDENT  
19 COST OF \$17,777, WE ARE ABOUT THREE-QUARTERS OF A BILLION  
20 DOLLARS OFF MEETING THE STATE REQUIREMENTS AT THE PRESENT  
21 TIME STATEWIDE?

22 A THAT IS CORRECT

23 Q IN YOUR OPINION, DR ANDERSON, IS THAT GAP BETWEEN  
24 WHAT THE STATE REQUIRES AND WHAT THE STATE IS ACTUALLY  
25 FUNDING, DOES THAT BURDEN FALL MORE OR LESS HEAVILY ON THE

1 Q DOES THE ADEQUACY OF FUNDING AFFECT THE PLAINTIFF  
2 DISTRICTS DIFFERENTLY?

3 A I THINK WE KNOW THAT THEY HAVE, THEY HAVE STUDENT  
4 POPULATIONS GENERALLY THAT, THAT ARE DIFFERENT FROM THE  
5 STATE POPULATIONS OF STUDENTS THEY HAVE THOSE AREAS  
6 WHERE STUDENTS ARE MORE CHALLENGING TO TEACH, CHILDREN  
7 WITH DISABILITIES, CHILDREN FROM POVERTY, THEY HAVE A  
8 HIGHER PROPORTION OF THOSE ASPECTS

9 THEY HAVE LOWER PROPORTIONS OF CHILDREN WHO  
10 HISTORICALLY HAVE SUCCEEDED AT HIGH LEVELS WITHOUT  
11 SPECIFIC FOR ADDITIONAL INTERVENTION SO, SO THEIR  
12 CIRCUMSTANCES ARE CERTAINLY MORE EXTREME AND THEY ARE MORE  
13 EXTREME ON THE CHALLENGING END OF THE CONTINUUM THAN ON  
14 THE, THE HIGH PERFORMANCE END

15 Q SO DR ANDERSON, DOES THE DOES -- IS THERE A  
16 CORRELATION BETWEEN STUDENT PERFORMANCE AND THE AMOUNT OF  
17 MONEY SPENT ON THEIR EDUCATION?

18 A IF THE MONEY IS SPENT APPROPRIATELY, IF, YOU KNOW,  
19 A -- QUALITY TEACHERS, YOU KNOW, I MEAN WE KNOW THAT THAT,  
20 THAT INVESTMENT, THE INVESTMENT IN TEACHER EXPERIENCE, IS  
21 IT JUST BLANKET DOLLARS, NO IT'S HOW THOSE DOLLARS ARE  
22 SPENT

23 Q OKAY SO MONEY MATTERS IF IT'S SPENT APPROPRIATELY?

24 A THAT'S CORRECT

25 Q IF WE LOOK AT JUST PURE PER PUPIL SPENDING, IS PER



1 PUPIL SPENDING NECESSARILY A GOOD INDICATION OF THE  
2 ADEQUACY OF THE EDUCATIONAL -- OF THE OPPORTUNITY TO  
3 ACQUIRE A MINIMALLY ADEQUATE EDUCATION THAT'S BEING  
4 PROVIDED?

5 A NO, SIR, AND THAT'S BECAUSE -- FIRST OF ALL BECAUSE  
6 WE ALL ARGUE ABOUT WHAT IS PER PUPIL SPENDING, AND SO, SO  
7 THERE'S THIS WHOLE DEFINITIONAL ISSUE ONE OF THE THINGS  
8 THAT'S INTERESTING TO NOTE IN PER PUPIL SPENDING IS THAT  
9 THERE ARE SOME DISTRICTS THAT MAY BE SPENDING MORE IN  
10 TERMS OF, IN TERMS OF WHAT'S HAPPENING IN CLASSROOMS, BUT  
11 SPENDING A LOT MORE ON FACILITY, YOU KNOW, AND THAT COULD  
12 EVEN BE WITHIN OPERATIONAL COSTS, NOT JUST IN CAPITAL  
13 COSTS

14 IT'S MORE EXPENSIVE TO RUN AN OLDER FACILITY IT'S  
15 MORE EXPENSIVE TO HEAT IT AND TO COOL IT AND TO RUN WIRING  
16 FOR COMPUTERS THAN IT IS A NEW FACILITY, SO, SO I THINK  
17 YOU HAVE TO BE VERY CAUTIOUS WHEN YOU LOOK AT PER PUPIL  
18 EXPENDING TO SORT THROUGH THE NUMBERS AND DETERMINE WHAT  
19 ARE THE GOODS AND SERVICES THEY ARE BUYING

20 Q IF WE, IF WE GO BACK FOR A MOMENT TO DR ODDEN S  
21 COMMENT ABOUT THE SOUTH AND THE WEST AND THAT THE NATIONAL  
22 MEDIAN MODEL IS THE ONE TO USE FOR ADEQUACY, IN SOUTH  
23 CAROLINA THAT MODEL SHOWED HOW MUCH OF A DEFICIT?

24 A ABOUT A BILLION DOLLARS

25 Q I WANT TO GO TO ONE COMMENT THAT YOU MADE ABOUT THE

1 46 PERCENT THAT IT COSTS TO OPEN THE DOORS OF A CLASSROOM  
2 AND THE 54 PERCENT ON AVERAGE THAT GOES INTO THE ACTUAL  
3 CLASSROOM THAT YOU FOUND

4 THAT 46 PERCENT, CAN YOU TALK ABOUT THAT 46 PERCENT  
5 THAT GOES TO JUST OPENING THE CLASSROOM DOOR AS IT RELATES  
6 TO SMALL, POOR, RURAL SCHOOL DISTRICTS PARTICULARLY, NOT  
7 IN TERMS OF NUMBERS BUT IN TERMS OF WHAT THAT MEANS TO  
8 THOSE SMALL, POOR, RURAL SCHOOL DISTRICTS SUCH AS THE  
9 PLAINTIFF DISTRICTS

10 A THE 46 PERCENT INCLUDED THINGS LIKE SCHOOL  
11 ADMINISTRATION, LIBRARY MEDIA SPECIALISTS, WHAT IT COSTS  
12 TO GET THE DATA IN FOR THE REPORT CARD, PARENTAL  
13 INVOLVEMENT, SOME OF THE SCHOOL-WIDE IMPROVEMENT EFFORTS  
14 THAT THE STATE HAS FUNDED AS WELL AS THOSE DISTRICT COSTS

15 THOSE -- THE STUDY THAT HARRY MILEY DID FOR THE  
16 E O C ON DISTRICT ORGANIZATION INDICATED THAT WHEN A  
17 SCHOOL DISTRICT HAS LESS THAN 2500 STUDENTS THEY ARE  
18 SPENDING MUCH MORE IN A COMPARATIVE SENSE, A HIGHER  
19 PROPORTION FOR BASIC OPERATION AND FOR SCHOOL AND DISTRICT  
20 LEADERSHIP THAN DISTRICTS WITH MORE THAN 2500 STUDENTS

21 AT THE OTHER END YOU ALSO SEE A LAYERING ON OF COSTS  
22 AND EFFICIENCY OF SCALE WITH DISTRICTS MORE THAN 25,000  
23 STUDENTS BUT HIS DATA CLEARLY SHOWED THAT THOSE SCHOOL  
24 DISTRICTS ARE HAVING TO SPEND A LOT MORE, THEY ARE -- THE  
25 SUPERINTENDENT BECOMES MUCH MORE EXPENSIVE PER PUPIL

1 BECAUSE YOU HAVE FEWER PER PUPIL, FEWER PUPILS

2 Q AND IS, IS THAT ANOTHER REASON WHY PER PUPIL SPENDING  
3 IS NOT NECESSARILY A GOOD INDICATION OF THE OPPORTUNITY TO  
4 ACQUIRE A MINIMALLY ADEQUATE EDUCATION THAT'S BEING  
5 PROVIDED BY A DISTRICT?

6 A CERTAINLY BECAUSE WHAT'S ACTUALLY BEING SPENT ON  
7 INSTRUCTION IS SOMEWHAT MASKED IN THOSE, IN THOSE FIGURES

8 Q IT IS POSSIBLE, I SUPPOSE, TO SPEND A LOT OF MONEY  
9 WITHOUT MEETING THE NEEDS OF THE STUDENT TO ALLOW THE  
10 STUDENT TO ACHIEVE?

11 A ABSOLUTELY

12 Q IN TERMS OF, IN TERMS OF THE UNDERPERFORMING SCHOOLS,  
13 WHERE THERE IS A RURAL SETTING AN AGGREGATION OF POOR  
14 CHILDREN, ARE THERE THINGS THAT TEACHERS NEED OUTSIDE THE  
15 CLASSROOM THAT SUPPORT THEIR CLASSROOM ACTIVITIES, THAT  
16 THEY NEED MORE THAN OTHERS TO PROVIDE THE OPPORTUNITY TO  
17 ACQUIRE A MINIMALLY ADEQUATE EDUCATION?

18 A I THINK ONE OF THE FIRST THINGS I WOULD THINK OF IN  
19 TERMS OF TEACHERS WORKING WITH YOUNG PEOPLE IN RURAL  
20 COMMUNITIES OR IN COMMUNITIES WHERE THERE IS A HIGH  
21 AGGREGATION OF POVERTY IS WE KEEP COMING BACK TO THAT  
22 TRUST RELATIONSHIP AND -- AND THE WAY YOU WE ACCOMPLISH  
23 THAT IS TO PROVIDE OPPORTUNITIES FOR TEACHERS TO INTERACT  
24 WITH THOSE FAMILIES

25 AND THAT MAY BE, THAT MAY BE IN TERMS OF TEACHER

1 CONTRACT TIME, YOU KNOW, THAT WE PAY TEACHERS FOR, FOR THE  
2 EXTRA TIME THAT IT TAKES IN ORDER TO GO AND TO MEET WITH  
3 FAMILIES AND TIMES OUTSIDE THEIR REGULAR WORKDAY, SO I  
4 WOULD SAY TO YOU THAT IT'S MORE IMPORTANT THAT THOSE  
5 TEACHERS AND FAMILIES FORM THE RELATIONSHIPS AND SO THEY  
6 DO NEED MORE TIME

7 I ALSO THINK THAT IN THOSE SITUATIONS TEACHERS ARE  
8 GOING TO NEED ACCESS TO A LOT MORE DIVERSE MATERIALS,  
9 PARTICULARLY FOR CHILDREN WHO COME TO OUR SCHOOLS EITHER  
10 WITH, WITH INADEQUATE LANGUAGE DEVELOPMENT IN ENGLISH OR  
11 STUDENTS IN OTHER LANGUAGES

12 WE HAVE GOT TO MAKE THAT TRANSITION INTO STANDARD  
13 ENGLISH OR THE ENGLISH THAT WE ARE USING IN OUR SCHOOLS,  
14 AND SO THE TEACHERS ARE GOING TO HAVE TO, HAVE TO WORK  
15 WITH THOSE CHILDREN MORE, SO THEY ARE GOING TO NEED MORE  
16 TIME

17 I THINK FOR MANY CHILDREN THEY CAN ACHIEVE AT HIGH  
18 LEVELS, BUT SUMMER SCHOOL IS ALWAYS GOING TO BE NEEDED  
19 IT'S GOING TO BE NEEDED IN ORDER TO GET THEM THERE THERE  
20 IS A RESFARCHER WHOSE WORK I RESPECT GREATLY, JOHN CAROL,  
21 WHO IN -- PUBLISHED IN THE 60'S AND 70'S AND HE TALKED  
22 ABOUT APTITUDE AS A FUNCTION OF TIME, THAT WE ALL CAN  
23 LEARN, BUT WE TAKE DIFFERING AMOUNTS OF TIME IN ORDER TO  
24 LEARN THAT

25 NOW, MOST OF US GRAVITATE TOWARDS THOSE AREAS THAT WE

1 LEARN QUICKLY WE SAY WE ARE INTERESTED IN IT OR IT'S  
2 EASIER FOR US, YOU KNOW I MEAN, FOLKS THAT STRUGGLE WITH  
3 READING ARE NOT GOING TO GO INTO LAW SCHOOL, THOSE KINDS  
4 OF THINGS

5 AND SO I THINK WE HAVE GOT TO, WE HAVE GOT TO LOOK AT  
6 TEACHER TIME AND STUDENT TIME AND THE WAYS THAT WE CAN  
7 MANIPULATE THAT, PARTICULARLY CHILDREN WHO COME TO SCHOOL  
8 DISADVANTAGED AND PARTICULARLY TEACHERS WHO ARE WORKING  
9 WITH HIGH CONCENTRATIONS OF DISADVANTAGED YOUNG PEOPLE

10 Q IN THOSE SETTINGS DO WE ALSO NEED -- COULD YOU  
11 COMMENT ON NURSES, COUNSELORS, MENTAL HEALTH COUNSELORS,  
12 TO SUPPORT THE CLASSROOM TEACHER?

13 A WELL, I THINK VERY, VERY QUICKLY WHAT YOU BEGIN TO  
14 REALIZE IS THAT TOO MANY CHILDREN FROM POVERTY ENTER OUR  
15 SCHOOLS AND MAY NOT HAVE HAD ADEQUATE HEALTHCARE ALONG THE  
16 WAY THEY MAY HAVE UNTREATED EAR INFECTIONS OR LACK OF  
17 VISION CARE

18 I THINK WE CITED SOMETHING IN ONE OF THE REMARKS I  
19 MADE ABOUT THAT WHILE, WHILE THE VISION SCREENINGS GO ON  
20 IN SCHOOLS, LESS THAN HALF OF THOSE CHILDREN ACTUALLY GET  
21 TO THE OPTICIAN OR THE OPHTHALMOLOGIST TO GET THE EYE  
22 GLASSES

23 THAT'S THE KIND OF ADDITIONAL SERVICES THAT SCHOOLS  
24 THAT WORK WITH HIGH CONCENTRATIONS OF POVERTY ARE GOING TO  
25 HAVE TO PROVIDE SO THAT THOSE CHILDREN CAN SEE THE

1 BLACKBOARD, OR THE WHITE BOARD AS WE HAVE NOW, AND BE ABLE  
2 TO, YOU KNOW, TO READ WHAT IT IS THAT YOU ARE ASKING  
3 STUDENTS TO READ

4 Q DR ANDERSON, IN YOUR OPINION IS THE EXISTING FUNDING  
5 SYSTEM ADEQUATE TO PROVIDE THE OPPORTUNITY TO EACH CHILD  
6 IN SOUTH CAROLINA TO ACQUIRE A MINIMALLY ADEQUATE  
7 EDUCATION?

8 A NO, SIR, IT'S NOT

9 Q IN PARTICULAR, IS THE FUNDING SYSTEM IN PLACE NOW FOR  
10 DISTRIBUTING AND FUNDING SUPPORT AND SUPPORTING DISTRICTS  
11 AND SCHOOLS WHERE THERE IS A RURAL SETTING WITH AN  
12 AGGREGATION OF AT-RISK KIDS, IS THAT FUNDING SYSTEM  
13 ADEQUATE TO PROVIDE THE STUDENTS WITH THE OPPORTUNITY TO  
14 ACQUIRE A MINIMALLY ADEQUATE EDUCATION?

15 MR BARNES YOUR HONOR, I -- THAT'S A LITTLE BIT OF  
16 A DIFFERENT QUESTION THAN WHAT I THINK YOUR HONOR  
17 SUSTAINED MY OBJECTION TO BEFORE I THINK THERE IS STILL  
18 SUFFICIENT -- INSUFFICIENT RATHER FOUNDATION TO ANSWER THE  
19 QUESTION, AND SO I WOULD OBJECT

20 THE COURT THE QUESTION BEFORE DEALT SPECIFICALLY  
21 WITH PLAINTIFFS' DISTRICTS AS I RECALL, IS THAT RIGHT?

22 MR BARNES YES, SIR

23 THE COURT THIS IS MORE GENERAL TO THE DISTRICTS  
24 THAT HAVE THE CHARACTERISTICS OF THE PLAINTIFF AND THE --  
25 AND SHE STUDIED ALL OF THESE DISTRICTS FOR MONTHS FROM THE

1 PERSPECTIVE OF OUTPUTS AS WELL AS INPUTS, AND IF SHE FEELS  
2 COMFORTABLE WITH ANSWERING THAT, THAT -- ONE THING  
3 ABOUT -- DR ANDERSON HAS BEEN VERY CIRCUMSPECT IN HER  
4 ANSWER

5 IF SHE DOESN'T FEEL COMFORTABLE IN ANSWERING, SHE IS  
6 NOT AND SO IF SHE HAS THE BACKGROUND TO RENDER AN  
7 OPINION IN THAT REGARD, I WILL ALLOW HER TO DO IT,  
8 RECOGNIZING SHE'S NOT TALKING ABOUT THE PLAINTIFFS'  
9 DISTRICTS IN PARTICULAR, BUT ABOUT THOSE CLASSES OF  
10 DISTRICTS THAT MR MORRISON IS ALUDED TO AND I DO THAT  
11 OVER YOUR OBJECTION

12 MR BARNES THANK YOU

13 THE WITNESS I DON'T THINK THE CURRENT FUNDING  
14 SYSTEM RESPONDS TO THE NEEDS THAT WE HAVE TALKED ABOUT  
15 REGARDLESS OF WHERE THOSE CHILDREN ARE I THINK THAT THE  
16 CURRENT FUNDING SYSTEM WAS DESIGNED IN 1977, AMENDED IN  
17 1984 AND IT HAS BEEN 20 YEARS AND WE HAVE SHARPLY  
18 DIFFERENT DEMOGRAPHICS TODAY, WE HAVE A, A GREAT DEAL MORE  
19 EVIDENCE OF HOW WE SHOULD DIRECT THE CURRENT DOLLARS AS  
20 WHERE THERE ARE GAPS IN THE DOLLARS, SO NO, I DON'T THINK  
21 THE SYSTEM IS ADEQUATE

22 BY MR MORRISON

23 Q AND IS IT SUFFICIENT TO PROVIDE THE OPPORTUNITY TO  
24 ACQUIRE A MINIMALLY ADEQUATE EDUCATION TO LARGE  
25 AGGREGATIONS OF AT-RISK CHILDREN IN POOR, RURAL SCHOOL

1 DOESN'T IT?

2 A THE STUDENTS THAT CAME INTO SCHOOL AS KINDERGARTNERS  
3 WITH THE ACCOUNTABILITY LEGISLATION WOULD BE IN THE FOURTH  
4 GRADE NOW SO THEY HAVE NOT YET, WE DON'T HAVE -- THEY  
5 HAVE NOT PARTICIPATED IN N A E P YET BUT THEY WOULD BE --  
6 BUT I THINK, YOU KNOW -- I THINK WE ARE HOPEFUL THAT THE  
7 ACCOUNTABILITY SYSTEM WOULD HAVE A STRONG IMPACT ON THOSE  
8 STUDENTS

9 Q LOOKING DOWN NOW INTO THE -- THE DISTRICTS AND  
10 FACILITIES CATEGORIES UNDER A COUPLE OF THESE BECAUSE IT  
11 APPEARS TO ME THAT, THAT SOUTH CAROLINA APPEARS TO FARE  
12 VERY WELL IN SOME OF THESE CATEGORIES AVERAGE SIZE OF  
13 PUBLIC HIGH SCHOOLS IN 2001, WE RANKED 12TH THERE

14 IS THERE SOME ANALYSIS THAT GOES INTO THE RANKING TO  
15 DETERMINE SORT OF AN OPTIMAL SIZE AND THAT'S HOW THEY ARE  
16 RANKED?

17 A NO THIS IS JUST PURELY AVERAGE SIZE AND WHAT YOU  
18 TEND TO FIND IN THE MIDWEST AND THE WEST ARE VERY, VERY  
19 SMALL SCHOOLS IF -- YOU ALSO WILL FIND SOME, YOU KNOW, I  
20 MEAN -- THE MORE RURAL THE AREA THE SMALLER THE SCHOOL  
21 ENROLLMENT IS LIKELY TO BE

22 SO THIS IS JUST, JUST RANKING THE AVERAGE ENROLLMENT  
23 OF OUR SCHOOLS

24 Q OKAY PERCENT OF PUBLIC ELEMENTARY AND SECONDARY  
25 SCHOOL LIBRARY MEDIA CENTERS WITH AN INTERNET CONNECTION



1 IN 2000, WE RANKED SECOND THERE?

2 A YES, WE DO A MAJOR EFFORT BY THE STATE IN THE, I  
3 WANT TO SAY EARLY 90'S I DO BELIEVE IT WAS THE BEASLEY  
4 ADMINISTRATION, AND THAT ALL SOUTH CAROLINA PUBLIC SCHOOLS  
5 ARE CONNECTED TO THE INTERNET

6 NOW, ALL SOUTH CAROLINA PUBLIC SCHOOLS DON'T  
7 NECESSARILY HAVE THE ELECTRICAL POWER TO OPERATE A LOT OF  
8 COMPUTERS, BUT THEY DO HAVE THE INFRASTRUCTURE, WIRING AND  
9 THAT'S AN AREA THAT THE STATE HAS -- HAS ALWAYS BEEN A --  
10 VERY AGGRESSIVE IN WHETHER IT'S E T V OR THE WIRING OF  
11 THE SCHOOLS OR CONNECTION, THAT'S MANAGED BY THE BUDGET  
12 AND CONTROL BOARD

13 Q OKAY AND THE SAME THING FOR PERCENT OF PUBLIC  
14 SCHOOL FOURTH GRADERS WITH ACCESS COMPUTERS ALL THE TIME  
15 IN CLASSROOMS IN 2000 WE RANKED FIFTH PERCENT OF  
16 PUBLIC SCHOOL EIGHTH GRADERS WITHIN THE SAME CATEGORY, WE  
17 RANKED FIFTH PERCENT OF PUBLIC ELEMENTARY SCHOOLS  
18 OFFERING TALENTED GIFTED PROGRAMS IN 2000, WE RANKED  
19 TENTH

20 A YES, WE DO THAT'S -- ON APPROPRIATION UNDER THE  
21 EDUCATION IMPROVEMENT ACT AND IT IS A STATE -- THERE ARE  
22 STATEWIDE IDENTIFICATION CRITERIA IT SEEMS TO ME  
23 CURRENTLY WE FUND STUDENTS IN GRADES THREE THROUGH EIGHT  
24 FOR THAT PROGRAM

25 Q OKAY PERCENT OF PUBLIC ELEMENTARY SCHOOLS OFFERING

1 ADDITIONAL FUNDING, ADDITIONAL RESOURCES?

2 A YES, IT WOULD

3 Q OKAY IF YOU WERE TO IMPLEMENT, REQUIRED MORE --  
4 REQUIRED SUMMER SCHOOL FOR KIDS WHO NEED MORE TIME ON TASK  
5 WHO SEEM TO BE LOSING GROUND IN THE SUMMERS, DOES THAT  
6 REQUIRE ADDITIONAL RESOURCES?

7 A YES, SIR

8 Q DO ALL OF THOSE -- SHOULD ALL OF THOSE THINGS BE  
9 CONSIDERED IN DETERMINING WHETHER OR NOT AT-RISK CHILDREN  
10 IN THE PLAINTIFFS' DISTRICTS ARE BEING PROVIDED THE  
11 OPPORTUNITY TO ACQUIRE A MINIMALLY ADEQUATE EDUCATION?

12 A I THINK THEY SHOULD

13 Q OKAY IN THAT CONTEXT, KIDS THAT ARE BEHIND AND THAT  
14 ARE AT RISK FOR FALLING BEHIND, CAN THEY USE EACH OF THOSE  
15 INTERVENTIONS, SCHOOL, SUMMER SCHOOL, EXTRA TIME IN THE  
16 SCHOOL DAY AND EXTRA DAYS OF REGULAR SCHOOL?

17 A YES, SIR THEY NEED IT

18 Q OKAY AND DO THEY NEED IT TO ACQUIRE A MINIMALLY  
19 ADEQUATE EDUCATION?

20 A YES, SIR

21 Q DO THEY NEED IT TO EVEN HAVE THE OPPORTUNITY TO  
22 ACQUIRE THAT?

23 A YES, SIR

24 Q OKAY IN TERMS OF, OF BUDGET CUTS YOU MENTIONED, YOU  
25 MENTIONED THAT BUDGET CUTS IMPACT THE AGENCIES LIKE YOUR

1 ASKING TEACHER TO EXTEND HER WORKDAY YOU ARE EXTENDING  
2 SOME FACILITIES COST YOU ARE CHANGING YOUR  
3 TRANSPORTATION SYSTEM AND THAT MIGHT IMPACT ON JUST THE  
4 SCHEDULING OF THE DAY AND HOW MANY BUSES YOU NEED  
5 Q ANOTHER RECOMMENDATION IS, ANY UNSATISFACTORY SCHOOL  
6 WILL HAVE THE ABILITY TO EXTEND THE SCHOOL YEAR BY TEN  
7 INSTRUCTIONAL DAYS BY INSTRUCTIONAL DAYS WE ARE TALKING  
8 ABOUT STUDENT DAYS IN THE CLASSROOM RIGHT?  
9 A STUDENT DAYS IN THE CLASSROOM  
10 Q OKAY AND THAT DID NOT HAPPEN?  
11 A NO, SIR  
12 Q FOR STUDENTS NOT MEETING THE STANDARDS, SUMMER SCHOOL  
13 SHOULD BE PROVIDED AND THAT'S A UNIVERSAL?  
14 A THAT IS A UNIVERSAL THERE IS SOME FUNDING FOR  
15 SUMMER SCHOOL OR FOR SCHOOLS TO USE IN WHAT'S REFERRED TO  
16 AS COMPREHENSIVE REMEDIATION PROGRAM WHAT WE HAVE, HAVE  
17 SEEN THROUGH THE BUDGET CUTS IS THAT -- AND BECAUSE,  
18 BECAUSE MOST FOLKS WOULD SAY THE TRANSPORTATION ASPECT OF  
19 SUMMER SCHOOL IS NOT FULLY FUNDED, IS THAT SCHOOLS HAVE  
20 TRIED TO ADD 15 OR 20 MINUTES TO THE DAY AS OPPOSED TO  
21 INSTITUTING A SUMMER SCHOOL PROGRAM  
22 AND I THINK THE RECENT BUDGET CUTS HAVE PRETTY MUCH  
23 ELIMINATED SUMMER SCHOOL IN MOST COMMUNITIES  
24 Q DR ANDERSON, WHAT DOES THE -- THE RESEARCH SHOW IN  
25 YOUR PROFESSION HAPPENS TO POOR KIDS DURING THE SUMMERTIME

1 WHEN THEIR EDUCATIONAL EXPERIENCE IS NOT ENRICHED?

2 A THAT IS PRETTY SIGNIFICANT GROUND THEY CAN REGRESS  
3 AS MUCH AS THREE TO FOUR MONTHS OF WHAT THEY LEARNED THE  
4 PREVIOUS YEAR

5 Q AND WHAT DOES THAT MEAN FOR THE TIME, THE TIME PERIOD  
6 SPENT WHEN YOU COME RIGHT BACK TO SCHOOL IN THE FALL?

7 A WELL, I THINK THE FIRST THING YOU WILL SEE IS A LOT  
8 OF TEACHERS TRYING TO GO BACK AND RE-TEACH WHAT WAS TAUGHT  
9 THE PREVIOUS YEAR, SO WHAT YOU HAVE IS THIS KIND OF  
10 GROWING CUMULATIVE DEFICIT

11 IF YOU ARE SUPPOSED TO BE TEACHING FIFTH GRADE  
12 MATERIAL AND YOU ARE SPENDING THE FIRST TWO MONTHS  
13 REVIEWING FOURTH GRADE THEN YOU HAVE SEVEN MONTHS TO TEACH  
14 NINE MONTHS OF MATERIAL AND IT'S -- IT SPIRALS OUT OF,  
15 OUT OF CONTROL

16 Q DR ANDERSON, IS THAT ONE EXPLANATION FOR THE DATA  
17 THAT WE SEE OF TEST SCORES GOING DOWN THIRD THROUGH EIGHTH  
18 GRADE?

19 A THE IMPACT OF SUMMER LOSS, I THINK, IS, IS ONE  
20 EXPLANATION YES, SIR

21 Q AND THE NEED TO RE-TEACH THE PRIOR YEAR, THAT'S A  
22 CUMULATIVE DEFICIT?

23 A THE CUMULATIVE DEFICIT BECAUSE THEN YOU ARE  
24 CONSTANTLY FOCUSING ON THE LOWER GRADE LEVEL AND IN MANY  
25 SITUATIONS OUR TEACHERS DON'T HAVE THE -- THE SKILLS, THE

1 SPECIALIZED SKILLS IN ORDER TO -- TO RECOVER WHAT STUDENTS  
2 MAY HAVE LOST OVER SUMMER AND SO THAT THEY CAN MOVE VERY  
3 QUICKLY INTO THE CURRENT YEAR'S CURRICULUM

4 Q DR ANDERSON, IS SUMMER SCHOOL, IN YOUR OPINION, A  
5 CRITICAL NEED FOR THE PLAINTIFF DISTRICTS WITH THE  
6 AGGRAVATION OF KIDS --

7 A ABSOLUTELY ABSOLUTELY ALMOST YEAR ROUND SCHOOL  
8 YEAR ROUND SCHOOL FOR STUDENTS WHO ARE COMING, COMING INTO  
9 THE SCHOOL SETTING WITHOUT THOSE, THOSE FOUNDATION KINDS  
10 OF SKILLS AND EXPERIENCES

11 Q THE NEXT BULLET OF RECOMMENDATION SAYS FOR STUDENTS  
12 NOT MEETING THE STANDARDS HOMEWORK CENTERS SHOULD BE  
13 PROVIDED IS THAT ANOTHER WAY OF EXTENDING THE DAY, MORE  
14 TIME ON TASK, SUPERVISED TIME?

15 A IT IS A WAY TO EXTEND THE DAY IT ALSO IS A WAY TO  
16 ENSURE THAT STUDENTS HAVE AN OPPORTUNITY TO DO THAT  
17 HOMEWORK IN A PROPER SETTING, IF THEY HAVE SOMEONE TO CALL  
18 UPON WHEN, WHEN THEY DON'T NECESSARILY UNDERSTAND WHAT'S  
19 BEING TAUGHT

20 HOMEWORK CENTERS ARE FUNDED, I THINK, GENERALLY  
21 GENERALLY AS EDUCATORS AND IN OUR OWN LEGISLATION WE  
22 UNDERESTIMATE THE AMOUNT OF SUPPORT AND THE AMOUNT OF TIME  
23 THAT HOMEWORK CENTERS NEED, I THINK THEY ARE, FOR  
24 PRACTICAL TERMS, PROBABLY UNDER FUNDED

25 Q WHAT, WHAT KIND OF ADDITIONAL SUPPORT DO HOMEWORK

1 TO, YOU KNOW -- WITH REGARD TO THE DISCUSSION OF THE LAST  
2 DOCUMENT

3 I DON'T KNOW THAT ANYTHING THAT WASN'T ALREADY ASKED  
4 AND ANSWERED, WAS ELIMINATED OR THERE WERE ANY  
5 CONTRADICTIONS THAT WERE BROUGHT TO BEAR, SO TO THE EXTENT  
6 THAT WE ARE JUST GOING THROUGH THESE DOCUMENTS AGAIN AND  
7 YET HIGHLIGHTING THE SAME POINTS THAT DR ANDERSON HAS  
8 MADE BEFORE, I WOULD CONTINUE TO OBJECT

9 THE COURT WELL, AND -- AND I TRUST MR  
10 MORRISON IS GOING TO BRING OUT MANY POINTS AS HE GOES OVER  
11 THESE ALTHOUGH QUITE FRANKLY UNTIL I READ THE TRANSCRIPT  
12 AND SEE WHAT YOU ASKED AND WHAT THE ANSWERS WERE AND WHAT  
13 HE ASKED AND WHAT THE ANSWERS WERE, SOME NUANCES MIGHT  
14 ESCAPE ME

15 BUT THE GLARING POINTS THAT ARE BEING MADE HAVE NOT  
16 ESCAPED ME I HAVE PICKED UP ON MOST OF THEM, SECOND OR  
17 THIRD TIME I HEARD THEM SO I CONTINUE TO ALLOW HIM TO  
18 DEVELOP THOSE POINTS ASSUMING THAT, YOU KNOW, HE'S  
19 BRINGING OUT SOMETHING DIFFERENT

20 MR MORRISON THANK YOU, YOUR HONOR  
21 BY MR MORRISON

22 Q LET'S TURN TO PAGE 992 WHICH IS THE EFFECTS OF  
23 SOCIOECONOMIC STATUS ON PARENT INVOLVEMENT AND I WOULD  
24 JUST POINT OUT TO YOU THAT PARENT INVOLVEMENT FROM  
25 LOW-INCOME PARENTS SUGGESTS THAT SOCIOECONOMIC STATUS IS

1 MORE LIKELY TO AFFECT SCHOOL BASED RATHER THAN HOME-BASED  
2 PARENT INVOLVEMENT

3 THAT'S THE POINT THAT YOU MADE PREVIOUSLY THAT YOU  
4 NEED TO GET OUT OF THE SCHOOL TO HAVE A RELATIONSHIP WITH  
5 THE PARENT IN THE LOW SOCIOECONOMIC STATUS?

6 A YES, SIR

7 Q AND THAT REQUIRES MORE RESOURCES?

8 A YES, SIR

9 Q AND THEN LOW-INCOME PARENTS WANT TO BE MORE INVOLVED  
10 IN THEIR CHILDREN'S EDUCATION LOW-INCOME PARENTS MAY  
11 HAVE MORE INFLEXIBLE WORK SCHEDULES AND MAY HAVE DOUBTS  
12 ABOUT THEIR ABILITIES TO HELP THEIR CHILDREN AND SCHOOL  
13 STAFF AND TEACHERS MAY FEEL THAT LOWER INCOME PARENTS HAVE  
14 LESS TO CONTRIBUTE TO A CHILD'S EDUCATION ALL OF THOSE  
15 FINDINGS ARE CONSISTENT WITH YOUR PREVIOUS OPINIONS ON  
16 THIS SUBJECT, RIGHT?

17 A YES, SIR THEY ARE

18 Q ALL LEAD TO THE CONCLUSION THAT FOR EFFECTIVE PARENT  
19 INVOLVEMENT IN A DISTRICT WHERE WE HAVE AGGREGATED POOR  
20 CHILDREN, THAT YOU NEED TO PROVIDE MORE RESOURCES AND MORE  
21 TIME FOR THOSE RELATIONSHIPS TO BE DEVELOPED?

22 A YES, SIR

23 Q IN EXHIBIT NUMBER 528 IS THE BATCH OF MATERIALS FOR  
24 THE RETREAT AT THE MADDEN CENTER, JULY OF 2002, THAT THE  
25 E O C WENT TO AND JUST IN LINE WITH OUR EARLIER

1           SO IT'S IMPORTANT THAT ALL CHILDREN HAVE GOOD  
2 ENRICHED EXPERIENCES AS THEY ARE GROWING UP IT DOESN'T  
3 NECESSARILY HAVE TO BE PROVIDED BY THE PUBLIC SCHOOL BUT  
4 THEY NEED THOSE KINDS OF EXPERIENCES AND I THINK  
5 CHILDREN OF WORKING PARENTS ARE VERY VULNERABLE

6           THE PARENT MIGHT NOT BE THERE DOING THOSE KINDS OF  
7 THINGS THE HALF-DAY PROGRAM IS A VERY SHORT PROGRAM WE  
8 TEND, YOU KNOW -- PARENTS ARE ALSO LOOKING FOR  
9 CONVENIENCE, HOW YOU CAN MANAGE YOUR LIFE

10          SO THEY ARE LOOKING FOR FULL-DAY CARE WHAT HAPPENS  
11 WITH THE HALF-DAY PROGRAM IS THE BUS PICKS THE CHILD UP,  
12 THE CHILD IS AT SCHOOL FOR TWO AND A HALF HOURS, THEN THE  
13 BUS TAKES THE CHILD HOME

14          SO THERE'S A LOT OF TRAVEL TIME THERE FOR A YOUNG  
15 CHILD THAT COULD BE USED WITH GREATER EFFICIENCY IN A  
16 FULL-DAY SETTING AND THEN YOU HAVE TO -- AGAIN, WE  
17 QUESTION WHAT HAPPENS TO THOSE CHILDREN AFTERWARDS BUT  
18 TWO AND A HALF HOURS WITH A GROUP OF 20 OR 24 FOUR YEAR  
19 OLDS ISN'T A LOT OF TIME

20       Q     DR ANDERSON, IS EARLY CHILDHOOD INTERVENTION MORE  
21 IMPORTANT IN THE POOR RURAL SCHOOL DISTRICTS WITH  
22 AGGREGATION OF HIGH POVERTY CHILDREN?

23       A     I THINK IT IS -- I THINK IT'S MORE IMPORTANT IF WE  
24 JUST GO BACK TO THOSE CIRCUMSTANCES, THAT THOSE CHILDREN  
25 ARE NOT GOING TO BE AS EXPOSED TO AS MANY EXPERIENCES THAT



1     HELP THEM DEVELOP     WE KNOW THAT THE HIGH POVERTY FAMILIES  
2     DO LESS WITH LANGUAGE DEVELOPMENT     AND SO IT'S IMPORTANT  
3     TO, YOU KNOW, TO SUPPLEMENT WHAT'S HAPPENING AT HOME

4             IF WE WANT, YOU KNOW -- IF WE WANT THE RESULTS THAT  
5     SOUTH CAROLINA WANTS IN ORDER TO BE ECONOMICALLY  
6     COMPETITIVE, THEN WE HAVE TO FOLLOW THAT CHILD ALL THE WAY  
7     THROUGH THE SYSTEM

8     Q     IF THE EVIDENCE IN THIS CASE, DR ANDERSON, PROVED  
9     THAT -- SHOWED THAT THERE WAS INSUFFICIENT SPACE TO  
10    ACCOMMODATE ALL OF THE FOUR YEAR OLDS THAT NEED TO BE  
11    SERVED AND THERE WERE NOT ENOUGH TEACHERS, ARE THOSE  
12    CHILDREN, THOSE AT-RISK CHILDREN BEING PROVIDED THE  
13    OPPORTUNITY IN THOSE DISTRICTS TO ACQUIRE A MINIMALLY  
14    ADEQUATE EDUCATION?

15    A     NO, SIR, THEY ARE NOT

16    Q     IN THE -- EVEN IF A THIRD OF THE KIDS CAN GET INTO  
17    TWO AND A HALF HOURS A DAY, DOES THAT MEAN THAT THOSE  
18    CHILDREN ARE BEING PROVIDED WITH THE OPPORTUNITY TO  
19    ACQUIRE A MINIMALLY ADEQUATE EDUCATION IF THEY ARE  
20    AGGREGATED IN GROUPS OF HIGH POVERTY?

21    A     NO, SIR

22    Q     OKAY     AND SO WHAT WE NEED IS FULL DAY?

23    A     I THINK CHILDREN NEED RICH FULL-DAY EXPERIENCES     I  
24    THINK THE GREATER THE CHILD'S NEED, THE LOWER THE CLASS  
25    SIZE SHOULD BE JUST SO THAT THEY CAN GET MORE TEACHER

1 STROKE, PLEASE

2 A THE CHILDREN IN LEE COUNTY ARE CHILDREN JUST LIKE  
3 CHILDREN FROM ANY OTHER COUNTY THEY COME TO SCHOOL, THEY  
4 WANT TO LEARN THEY DON'T -- THEY DON'T COME READY TO  
5 LEARN QUITE A BIT IS MISSING WHEN THEY ENTER SCHOOL AS A  
6 RESULT OF NOT HAVING BEEN EXPOSED MANY OF THEM LACK THE  
7 SOCIAL DEVELOPMENT

8 MANY OF THEM LACK PRINTED MATERIALS IN THE HOME  
9 MANY OF OUR STUDENTS DON'T COME TO SCHOOL ABLE TO SOUND  
10 WORDS, IDENTIFY COLORS, SPEAK IN SIMPLE SENTENCES WITH THE  
11 SOCIAL DEVELOPMENT OR ABLE TO INTERACT AND SHARE WITH  
12 OTHER STUDENTS

13 AND THIS IS AS A RESULT OF NOT HAVING BEEN EXPOSED IN  
14 THE HOME OR -- OR SOME OF IT HAS TO DO WITH PARENTING  
15 SKILLS SOME OF IT IS JUST A LACK OF -- POVERTY, NOT  
16 HAVING THE NECESSARY RESOURCES IN THE SCHOOL AND -- I  
17 MEAN NOT -- NECESSARY RESOURCES IN THE HOME

18 AND THE SCHOOL NOT BEING ABLE -- BECAUSE -- BECAUSE  
19 OF A LACK OF RESOURCES NOT BEING ABLE TO PROVIDE EARLY  
20 INTERVENTION PROGRAMS FOR ALL OF THOSE STUDENTS WHO HAVE  
21 BEEN IN -- IDENTIFIED AS IN NEED OF EARLY INTERVENTION TO  
22 GET THEM READY TO ENTER FIRST GRADE OR KINDERGARTEN

23 Q WE ARE GOING TO TALK A LITTLE BIT MORE IN DETAIL  
24 ABOUT THAT A LITTLE BIT LATER BUT AS THEY GO THROUGH  
25 SCHOOL, HOW MANY OF THEM ARE GOING TO -- OF YOUR STUDENTS

1 TO -- TO GO OUT INTO SOCIETY INTO THIS WIDE, WIDE WORLD  
2 AND EMBRACE ALL OF THE OBSTACLES AND CHALLENGES THAT LIFE  
3 IS GOING TO THROW AFTER THEM THEY ARE NOT EQUIPPED TO DO  
4 IT

5 Q IN GENERAL, WHAT COULD YOU DO IN THE SCHOOL TO  
6 ADDRESS THE NEEDS OF THOSE CHILDREN TO LESSEN THE RISK  
7 FACTORS THAT THEY HAVE FOR LEARNING OR NOT LEARNING?

8 A I THINK THAT THERE ARE MANY THINGS THAT WE CAN DO,  
9 BUT IN ORDER TO DO IT YOU ARE GOING TO HAVE THE NECESSARY,  
10 HAVE THE NECESSARY AND APPROPRIATE RESOURCES TO DO IT  
11 WITH

12 Q GIVE US AN IDEA OF THE KIND OF RESOURCES THAT YOU USE  
13 OR WOULD LIKE TO USE IN LEE COUNTY SCHOOL DISTRICT TO  
14 ADDRESS THE NEEDS OF THOSE CHILDREN THAT ARE ENROLLED  
15 THERE

16 A FIRST OF ALL, I WOULD LIKE TO HAVE A HIGHLY QUALIFIED  
17 AND COMPETENT TEACHER IN EACH CLASSROOM FOR EACH STUDENT

18 Q OKAY

19 A I WOULD LIKE TO SEE EARLY INTERVENTION PROGRAMS PUT  
20 IN PLACE

21 Q HOW MANY CHILDREN WOULD YOU NEED TO SERVE WITH EARLY  
22 INTERVENTION PROGRAMS?

23 A OH, WE WOULD NEED TO SERVE IN EXCESS OF 200 STUDENTS,  
24 YOU KNOW, TO ENSURE THAT ALL STUDENTS ARE ENTERING  
25 KINDERGARTEN, FIRST GRADE READY TO LEARN

1 Q OKAY WHAT ELSE?

2 A I --

3 Q GO AHEAD

4 A I WOULD LIKE TO SEE THE NECESSARY FUNDING IN PLACE TO  
5 ATTRACT AND RETAIN HIGHLY-QUALIFIED TEACHERS,  
6 HIGHLY-QUALIFIED ADMINISTRATORS I WOULD LIKE TO SEE THE  
7 NECESSARY RESOURCES AND FUNDING IN PLACE SO THAT WE COULD  
8 HAVE A SUSTAINED PROGRAM OF PROFESSIONAL DEVELOPMENT OR  
9 IN-SERVICE DEVELOPMENT FOR OUR TEACHERS AND NOT JUST HIT  
10 AND MISS HERE AND THERE, GETTING A LITTLE BIT OF THIS AND  
11 A LITTLE BIT OF THAT AND NOTHING THAT'S GOING TO SUSTAIN  
12 THEM FOR THE LONG RUN IN TERMS OF BRINGING ABOUT OR -- OR  
13 OR -- PROVIDING THE KIND OF SKILLS THAT OUR TEACHERS NEED  
14 TO INSTRUCT EACH CHILD

15 Q WHAT ABOUT TIME IN SCHOOL?

16 A I WOULD LIKE TO SEE MORE TIME IN SCHOOL AND GOD  
17 KNOWS, THE STUDENTS IN LEE COUNTY NEED MORE TIME IN  
18 SCHOOL I MEAN, I'M AN ADVOCATE OF YEAR ROUND SCHOOL AND  
19 I CERTAINLY WOULD LIKE TO SEE THE GENERAL ASSEMBLY OR THE  
20 STATE OF SOUTH CAROLINA, IF NOT GOING WHOLEHEARTEDLY WITH  
21 IT ACROSS THE STATE OF SOUTH CAROLINA, PILOT SOME YEAR  
22 ROUND SCHOOLS TO SEE IF IT'S GOING TO MAKE A DIFFERENCE IN  
23 SCHOOL DISTRICTS THAT HAVE BEEN IDENTIFIED AS IMPAIRED OR  
24 UNSATISFACTORY

25 OUR KIDS LOSE SO MUCH IF THEY ARE OUT OF SCHOOL FOR

1 THREE MONTHS THE RETENTION RATE IS JUST NOT THERE AND  
2 WHEN YOU ARE IN A COMMUNITY SUCH AS LEE COUNTY WHERE YOU  
3 HAVE NO SOCIAL ACTIVITIES, NO CULTURAL EVENTS, IT'S AN  
4 OPPORTUNITY FOR THE STUDENTS TO BE ON THE STREET

5 MANY OF THEM GET IN TROUBLE THEY ARE JUST -- THE  
6 QUALITY OF LIFE IS BAD THERE IS JUST NOTHING FOR THEM TO  
7 DO SO WE NEED TO BE ABOUT THE BUSINESS OF COMING UP WITH  
8 SOMETHING THAT'S GOING TO SERVE OUR STUDENTS IN A  
9 WHOLESOME WAY

10 AND IF IT'S YEAR ROUND SCHOOLING, IF THERE ARE  
11 AFTER-SCHOOL ACTIVITIES, IF THERE ARE SATURDAY ACTIVITIES  
12 WE NEED TO DO SOMETHING FOR OUR CHILDREN IF NOT, THEN WE  
13 ARE JUST PERPETUATING THE CYCLE OF ILLITERACY AMONG OUR  
14 PEOPLE

15 THEY ARE GOING TO BE INCARCERATED THEY ARE GOING TO  
16 BECOME WELFARE RECIPIENTS AND THERE AGAIN, THEY ARE  
17 GOING TO FALL AS BURDENS TO SOCIETY FOR US

18 Q OKAY WOULD -- WOULD SMALL CLASS SIZES HELP THE  
19 CHILDREN IN YOUR SCHOOL? SMALLER CLASS SIZES THAN WHAT  
20 YOU HAVE I SHOULD SAY

21 A SMALLER CLASS SIZES WOULD HELP THAT'S ONE VARIABLE

22 Q ARE YOU --

23 A IT'S -- IT'S -- I'M SORRY I APOLOGIZE

24 Q I INTERRUPTED YOU, BUT I---

25 MR STEPP YOUR HONOR, LET HIM FINISH HIS

1 ANSWER, PLEASE I'M CONSTANTLY ADMONISHED FOR  
2 INTERRUPTING AND I WILL DO THE SAME

3 THE COURT ALL RIGHT DR TOWNES, YOU HAD  
4 STOPPED YOU SAID SMALLER CLASS SIZES WOULD HELP, THAT'S  
5 ONE VARIABLE

6 THE WITNESS THAT'S ONE VARIABLE

7 THE COURT AT THAT POINT YOU WERE INTERRUPTED

8 THE WITNESS THE HIGHLY QUALIFIED TEACHER IS  
9 GOING TO MAKE THE DIFFERENCE IN A CLASSROOM THE HIGHLY  
10 QUALIFIED TEACHER IS GOING TO MAKE A DIFFERENCE  
11 BY MRS HART

12 Q ALL RIGHT WELL, I THINK YOU TALKED ABOUT THAT YOU  
13 HAVE TALKED ABOUT EARLY INTERVENTION YOU HAVE TALKED  
14 ABOUT LONGER TIME IN SCHOOL, WHETHER -- AND I THINK YOU  
15 TALKED ABOUT IN TERMS OF EXTENDED YEAR?

16 A YES

17 Q WHAT ABOUT EXTENDED DAY, WOULD THAT HELP?

18 A EXTENDED DAY?

19 Q OKAY

20 A IF -- EXTENDED DAY IS GOOD IF YOU CAN CHANGE  
21 TEACHERS

22 Q OKAY

23 A I DO NOT EXPECT TO SEE GOOD RESULTS FROM AN EXTENDED  
24 DAY IF YOU ARE GOING TO HAVE A TEACHER IN A CLASSROOM AND  
25 THEN YOU ARE GOING TO HAVE THE TEACHER TO EXTEND THE DAY

1 CHILDREN'S BELONGING, CHARACTER DEVELOPMENT SO IT MAKES  
2 A DIFFERENCE, YES I CAN SEE A DIFFERENCE  
3 Q ARE THE PARENTS IN LEE COUNTY RECEPTIVE TO OR DO THEY  
4 TAKE ADVANTAGE OF THE EARLY CHILDHOOD PROGRAMS THAT ARE  
5 PROVIDED?

6 A YES, THEY DO AS A MATTER OF FACT, THERE IS A  
7 WAITING LIST WE CAN'T SERVE THEM WE HAVE TO DO SOME  
8 KIND OF SCALE BASED ON, YOU KNOW, POVERTY AND SO FORTH  
9 AND MANY PARENTS WANT THEIR CHILDREN IN BUT SOME OF THEM  
10 DON'T MEET THE QUALIFICATION AS ESTABLISHED AS TO LOCAL  
11 CRITERIA FOR SELECTION

12 Q OKAY DR LEE (SIC ) I WANT YOU TO TELL US SOMETHING  
13 ABOUT THE MENTAL HEALTH SERVICES THAT YOU ARE ABLE TO  
14 PROVIDE FOR YOUR STUDENTS THROUGH THE SCHOOL DISTRICT  
15 AND WHY THAT IS IMPORTANT?

16 A I THINK THAT ALL PLAYS INTO WHETHER OR NOT A STUDENT  
17 COMES TO SCHOOL READY TO LEARN IF A CHILD COMES TO  
18 SCHOOL WITH MEDICAL PROBLEMS, PHYSICAL DEFECTS SUCH AS  
19 HEARING, SIGHT, THEY ARE GOING TO HAVE PROBLEMS IF A  
20 CHILD COMES TO SCHOOL MALNOURISHED, NOT HAVING THE PROPER  
21 FOOD NUTRITION IT'S GOING TO AFFECT LEARNING

22 WE HAVE BEEN FORTUNATE IN LEE COUNTY TO SERVE A  
23 SIZABLE NUMBER OF OUR STUDENTS NEEDING THAT ATTENTION  
24 THROUGH A HEALTH OUTREACH PROGRAM WHICH IS A GRANT AND  
25 WHILE THE GRANT IS NOT IN THE SAME FORM, IT HAS BEEN

1 A WHEN YOU SAY SPECIAL PROGRAMS, ARE YOU TALKING  
2 SPECIAL GRANTS TO SUPPORT THE ACADEMIC PROGRAM?

3 Q SURE SURE YOU HAD MENTIONED -- I WILL  
4 SPECIFICALLY SAY YOU HAD MENTIONED ONE SCHOOL --

5 A YES I HAVE WEST LEE ELEMENTARY SCHOOL WAS FORTUNATE  
6 IN GETTING THE SOUTH CAROLINA READS GRANT OVER A  
7 THREE-YEAR PERIOD FOR \$650,000 THAT PARTICULAR GRANT  
8 COMPONENTS CALL FOR A LOT OF PROFESSIONAL DEVELOPMENT AND  
9 IN-SERVICE TRAINING

10 Q UH-HUH

11 A THE ADMINISTRATION AND THE FACULTY AT THAT PARTICULAR  
12 SCHOOL HAVE BOUGHT INTO THE PROGRAM, HAVE COMMITTED  
13 THEMSELVES TO IT, INVOLVED THE PARENTS AND BECAUSE THERE  
14 IS A LITERACY COMPONENT OF IT AS WELL, THEY ATTEND  
15 PROFESSIONAL DEVELOPMENTS, NOT ONLY ACROSS THE STATE BUT  
16 ACROSS THE NATION

17 I WAS FORTUNATE TO GO WITH THEM NOT LONG AGO TO SAN  
18 FRANCISCO TO A NATIONAL TECHNOLOGY AND READING CONFERENCE  
19 IT'S REALLY, REALLY MAKING A DIFFERENCE HERE BECAUSE THEY  
20 ARE COMING BACK AND THEY ARE SHARING AND THEY ARE  
21 IMPLEMENTING IN THE CLASSROOMS THOSE BEST PRACTICES

22 Q IS THAT THE KIND --

23 A AND THAT'S BECAUSE OF THE SUSTAINED, SUSTAINED  
24 IN-SERVICE DEVELOPMENT AND THE FACULTY HAVING BOUGHT INTO  
25 IT, THEY SEE IT'S MAKING A DIFFERENCE AND SO IT JUST



1 FURTHER MOTIVATES THEM TO WANT TO DO MORE

2 Q ALL RIGHT

3 A THEIR RESOURCES ARE THERE FOR IT

4 Q ALL RIGHT SO YOU -- ALL RIGHT WE ARE GOING TO GET  
5 TO WEST LEE IN SPECIFIC SCORES BUT LET'S GO THROUGH THE  
6 OTHER SCHOOLS INDIVIDUALLY, DR TOWNES IF WE CAN GO BACK  
7 TO THE MATRIX ALL RIGHT, OKAY

8 THE COLUMN I WANT TO LOOK AT NOW IS THE ONE NEXT TO  
9 THE DISTRICT WHICH IS LOWER LEE AND THOSE -- THAT I  
10 THINK YOU SAID WAS 4-K THROUGH SIX?

11 A YES

12 Q ALL RIGHT THE ABSOLUTE RATINGS ON THE TOP THREE  
13 LINES FOR 2001 WHAT WAS THE ABSOLUTE RATING?

14 A BELOW AVERAGE

15 Q IN 2002, WHAT WAS IT?

16 A UNSATISFACTORY

17 Q AND IN 2003, WHAT WAS THE ABSOLUTE?

18 A UNSATISFACTORY

19 Q ALL RIGHT IN IMPROVEMENT FOR LOWER LEE ELEMENTARY,  
20 IN 2001, WHAT WAS THE IMPROVEMENT RATING?

21 A AVERAGE

22 Q AND IN 2002, WHAT WAS IT?

23 A UNSATISFACTORY

24 Q AND IN 2003?

25 A UNSATISFACTORY

1 Q DO YOU HAVE 10 4 DAYS TO PROVIDE ACTUAL PROFESSIONAL  
2 DEVELOPMENT TO YOUR STUDENTS?

3 A BY NO STRETCH OF THE IMAGINATION

4 Q WHY NOT?

5 A IF YOU HAVE A DAY, IF YOU HAVE A PROFESSIONAL DAY AND  
6 LOOK AT PROFESSIONAL DAYS AS BEING BUILT INTO THE  
7 CALENDAR, THE MOST THAT YOU CAN GET OUT OF A PROFESSIONAL  
8 DAY WOULD BE A GOOD THREE TO THREE AND A HALF OR FOUR  
9 HOURS

10 Q ALL RIGHT

11 A AND THEN THAT'S, THAT'S USUALLY A ONE-TIME SHOT SO  
12 YOU REALLY DON'T GET ANYTHING OUT OF AN IN-SERVICE DAY TO  
13 REALLY DO ANY GOOD IN ORDER FOR IN-SERVICE TRAINING TO  
14 BE EFFECTIVE, YOU NEED TO HAVE AN INTENSIFIED PROGRAM,  
15 STATED COURSE OVER A PERIOD OF TIME SO THAT TEACHERS CAN  
16 BRING SOMETHING BACK TO THE CLASSROOM, PUT IT INTO  
17 PRACTICE AND MAKE A DETERMINATION WHETHER OR NOT IT'S  
18 BEING EFFECTIVE OR NOT

19 BUT WHAT WE CALL IN-SERVICE TRAINING OR IN-SERVICE  
20 DEVELOPMENT IS REALLY NOT YOU MAY GET AN INTRODUCTION TO  
21 THIS ENOUGH TO MAKE YOU FRUSTRATED BUT NOT ENOUGH TO BRING  
22 BACK INTO THE CLASS AND ACTUALLY AFFECT INSTRUCTION

23 Q OKAY DO YOU HAVE ANY NATIONALLY BOARD CERTIFIED  
24 TEACHERS ON YOUR STAFF?

25 A YES, WE HAVE FIVE

1 ARE MANY, MANY DEVELOPMENTAL NEEDS OF OUR TEACHERS, MANY  
2 OF OUR TEACHERS IN LEE COUNTY

3 LET ME PREFERENCE THIS ALSO BY SAYING THAT WE DO HAVE  
4 HIGHLY-QUALIFIED TEACHERS IN LEE COUNTY SO I WANT THE  
5 RECORD TO REFLECT THAT ALL OF OUR TEACHERS ARE NOT BAD,  
6 BUT IN SIZE OF THE NUMBER OF OUR TEACHERS ARE LACKING THE  
7 NECESSARY SKILLS AND TRAINING TO DELIVER A QUALITY  
8 INSTRUCTION TO EACH CHILD IN THE CLASSROOM  
9 BY MRS HART

10 Q WELL, LET'S TALK ABOUT TEACHING EXPERIENCE AND HOW  
11 THAT CONTRIBUTES TO EFFECTIVENESS IN THE CLASSROOM DO  
12 YOU THINK THAT TEACHING EXPERIENCE IS IMPORTANT IN MAKING  
13 AN EFFECTIVE TEACHER?

14 A I THINK IT IS, YES

15 Q HOW LONG DOES IT TAKE FOR A TEACHER IN YOUR VIEW TO  
16 GAIN ENOUGH EXPERIENCE TO BECOME EFFECTIVE IN THE  
17 CLASSROOM?

18 A IF I CAN GET FIRST-YEAR TEACHER AND IF THAT TEACHER  
19 CAN STAY WITH ME AND AVAIL HIM OR HERSELF OF THE  
20 PROFESSIONAL OPPORTUNITIES, COME BACK, PUT INTO PLACE GOOD  
21 CLASSROOM PRACTICES, I BELIEVE IN ONE IN TWO TO THREE  
22 YEARS THAT TEACHER CAN BE VERY, VERY EFFECTIVE

23 Q OKAY

24 A AND IF WE CAN HOLD THAT TEACHER IT CERTAINLY WOULD  
25 ENHANCE THE INSTRUCTIONAL PROGRAM BECAUSE YOU ARE BRINGING

1 THAT LEE COUNTY CANNOT OFFER THE KIND OF IN-SERVICE THAT'S  
2 REALLY NEEDED TO ACTUALLY IMPACT TO THE DEGREE THAT WE  
3 WOULD LIKE TO IMPACT TO BRING ABOUT AN EFFECTIVE TEACHING  
4 PROGRAM

5 IF YOU LOOK AT YOUR TEN DAYS OF IN-SERVICE AS  
6 OUTLINED IN THE DISTRICT'S CALENDAR, YOU ARE REALLY NOT  
7 TALKING TEN DAYS OF IN-SERVICE FIRST OF ALL, YOU ARE NOT  
8 TALKING ABOUT AN INTENSIFIED PROGRAM AND IN-SERVICE ON A  
9 CONSISTENT BASIS

10 YOU MAY HAVE AN IN-SERVICE DAY AND I WILL JUST USE  
11 THE MONTH AND I'M -- DURING THE MONTH OF MARCH WE ARE  
12 GOING TO DO SOME IN-SERVICE WITH RESPECT TO CLASSROOM  
13 MANAGEMENT AND YOU HAVE TEACHERS WHO REALLY, REALLY NEED  
14 HELP WITH CLASSROOM MANAGEMENT

15 HOW MUCH HELP CAN THEY GET WITH TWO, THREE OR MAYBE  
16 THE MOST THAT YOU WANT TO GET OUT OF ANY PARTICULAR DAY  
17 FOR IN-SERVICE WOULD BE FOUR HOURS THAT'S A ONE-TIME  
18 SHOT DURING THAT YEAR, NO MORE THAN TWICE DURING THAT YEAR  
19 THAT YOU WOULD DO AN IN-SERVICE FOR CLASSROOM MANAGEMENT  
20 BECAUSE THERE ARE SO MANY PROFESSIONAL DEVELOPMENT NEEDS  
21 AMONG THE TEACHERS IF YOU LOOK ACROSS THE BOARD

22 SO YOU ARE GETTING A LITTLE BIT OF THIS AND A LITTLE  
23 BIT OF THAT IT'S A HIT AND MISS THING AND YOU ARE  
24 ACTUALLY NOT GETTING ENOUGH WHEREBY TEACHERS CAN COME BACK  
25 INTO THE CLASSROOM, PUT INTO PRACTICE OR IMPLEMENT

1 ANYTHING THAT THEY HAVE LEARNED TO BE EFFECTIVE BECAUSE  
2 THE TIME IS NOT THERE TO STAY THE COURSE, TO -- FOR A  
3 SUSTAINED PROGRAM OF IN-SERVICE DEVELOPMENT IN ANY  
4 PARTICULAR IDENTIFIED NEED

5 Q WELL, GIVEN THOSE LIMITATIONS THAT YOU JUST DESCRIBED  
6 ARE THE -- ARE ALL THE TEACHERS IN YOUR DISTRICT ABLE ON  
7 THEIR OWN TO IMPLEMENT THE STRATEGIES THAT ARE -- THAT  
8 THEY LEARN ABOUT IN THE IN-SERVICE THAT YOU DO OFFER?

9 A NO TEACHERS NEED COACHING TEACHERS NEED CLOSE  
10 MONITORING AND SUPERVISION IN ORDER FOR GROWTH TO TAKE  
11 PLACE, YOU GOT TO STAY THE COURSE YOU GOT TO BE  
12 CONSTANTLY INVOLVED IN PROFESSIONAL GROWTH AND DEVELOPMENT  
13 TO REALLY BECOME A GOOD TEACHER AND -- AND -- AND EFFECT  
14 CHANGE

15 Q WELL, WHAT RESOURCES DO YOU NEED THAT YOU DON'T HAVE  
16 IN ORDER TO MAKE THAT HAPPEN?

17 A I NEED PERSONNEL TO MONITOR AND TO SUPERVISE AND TO  
18 COACH I NEED THE FUNDING TO BE ABLE TO PUT THE PROGRAMS  
19 IN PLACE SO THAT I CAN HAVE NOT JUST ONE PROGRAM BUT  
20 IDENTIFYING SEVERAL NEEDS FOR PROFESSIONAL DEVELOPMENT AT  
21 THAT PARTICULAR TIME

22 AND THOSE -- BECAUSE TEACHERS FIT INTO DIFFERENT  
23 CATEGORIES THEY DON'T ALL NEED -- THEY DON'T ALL HAVE  
24 THE SAME NEEDS SOME NEED DEVELOPING IN THIS AREA, SOME  
25 NEED DEVELOPING IN THAT AREA, MORE SO IN ONE AREA THAN

1 ANOTHER

2 IF I CAN HAVE INTENSIFIED PROGRAMS OF TRAINING GOING  
3 ON SIMULTANEOUSLY AND STAY THE COURSE FOR A PERIOD OF  
4 TIME, I THINK IT WOULD MAKE A DIFFERENCE AND -- AND  
5 PERSONNEL IN PLACE TO WORK WITH, TO MONITOR AND TO MAKE  
6 SURE THAT WE FOLLOW THROUGH WITH THE PRACTICES THAT WE  
7 HAVE GAINED

8 Q DO YOU HAVE AVAILABLE TO YOU IN YOUR DISTRICT THE  
9 TIME AND THE PERSONNEL NECESSARY TO MAKE THAT HAPPEN?

10 A NOT IN A SMALL RURAL DISTRICT YOU CERTAINLY NEED  
11 THE PERSONNEL TO TRY TO BRING ABOUT THE TIME NEEDED

12 Q ALL RIGHT WELL, LET'S TALK BRIEFLY ABOUT THE  
13 PRINCIPALS OF YOUR SCHOOLS HOW MANY PRINCIPALS DO YOU  
14 HAVE?

15 A I HAVE SIX, SEVEN PRINCIPAL

16 Q SEVEN PRINCIPALS BECAUSE YOU HAVE -- YOU HAVE SIX  
17 SCHOOLS PLUS A TECH --

18 A TECHNOLOGY CENTER

19 Q SO THERE'S A SEPARATE?

20 A WELL, I USED TO REFER -- WE SOMETIMES WE USE THE TERM  
21 DIRECTOR OF VOCATIONAL EDUCATION AND THE PRINCIPAL OF THAT  
22 VOCATIONAL SCHOOL

23 Q THAT'S THE HEAD OF THE CAREER AND TECHNOLOGY CENTER?

24 A THAT IS CORRECT

25 Q OKAY AND HOW MANY ASSISTANT PRINCIPALS DO YOU HAVE?

1 WOULD, OF WHAT FACILITIES ISSUES YOU HAVE

2 A WE HAVE A REAL CONCERN WITH BISHOPVILLE PRIMARY  
3 SCHOOL WE HAVE MOBILE FACILITIES THAT ARE NOT CONDUCIVE  
4 AT ALL FOR TEACHING AND LEARNING MOUNT PLEASANT POSES A  
5 LOT OF PROBLEMS TO US AT THIS PARTICULAR TIME THERE IS  
6 MOLD THROUGHOUT THE BUILDINGS WE HAVE THE ROOFING LEAKS,  
7 LEAKING ROOFS -- I'M SORRY

8 WE HAVE THE GROUNDS ARE IN VERY NEED OF REPLACEMENT,  
9 GREAT BIG POT HOLES STRUCTURALLY WE HAVE DAMAGE AT MOUNT  
10 PLEASANT DENNIS INTERMEDIATE SCHOOL, THERE IS A WING AT  
11 DENNIS INTERMEDIATE SCHOOL THAT HAS ALSO BEEN CONDEMNED  
12 BECAUSE OF ELECTRICAL, OLD WIRING AND SO FORTH

13 THAT PART HAS BEEN CONDEMNED AND THAT WAS ONE OF THE  
14 REASONS THAT WE HAD TO MOVE THE STUDENTS OUT WE HAD ONE  
15 PARTICULAR TIME WE HAD GRADES FOUR THROUGH EIGHT THERE

16 Q WHAT ABOUT THE LIGHTING IN THESE BUILDINGS?

17 A THE LIGHTING IS VERY POOR AT MOUNT PLEASANT AND AT  
18 DENNIS INTERMEDIATE SCHOOL, ALSO AT LOWER LEE ELEMENTARY  
19 SCHOOL WE HAVE BEEN ABLE TO PERHAPS CORRECT THE  
20 DEFICIENCIES ESPECIALLY WITH THE BUILDING AT MOUNT  
21 PLEASANT AND WEST LEE AS A RESULT OF A STATEWIDE BOND THAT  
22 WAS FLOATED APPROXIMATELY FOUR YEARS AGO

23 Q THAT WAS THE STATE BOND ISSUE THAT EVERYBODY GOT A  
24 PIECE OF?

25 A YES, EVERYBODY GOT A PIECE OF THE PIE WITH THAT LEE

1 COUNTY'S PORTION WAS \$3 9 MILLION YOU CAN'T BUILD A  
2 STRUCTURE FOR \$3 9 MILLION SO YOU LOOK TO PATCH HERE,  
3 YOU LOOK TO PATCH HERE AND YOU LOOK TO PATCH THERE  
4 LOOKING AT PRIORITIES OF INDIVIDUAL BUILDINGS

5 AND SO WE HAVE BEEN ABLE TO ADD ON CLASSROOMS AT  
6 MOUNT PLEASANT I'M SORRY -- AT WEST LEE AND LOWER LEE AND  
7 GO INSIDE AND WE ARE GOING TO TRY AND DO SOME -- RETROFIT  
8 THE LIGHTING AND SO FORTH THERE

9 Q ALL RIGHT

10 A BUT PRIMARY IN MOUNT PLEASANT AND THE VOCATIONAL  
11 SCHOOL, I HAVEN'T TALKED ABOUT THE VOCATIONAL SCHOOL  
12 THERE'S A LOT OF STRUCTURAL DAMAGE THERE WE ALSO HAVE  
13 LEAKS IN THAT PARTICULAR BUILDING AND MOLD IN THE CEILING

14 Q YOU MENTIONED LEAKS AT THAT FACILITY AS WELL AS I  
15 THINK EARLIER MOUNT PLEASANT DO YOU HAVE LEAKS IN ANY OF  
16 THE OTHER BUILDINGS?

17 A BISHOPVILLE PRIMARY, MOUNT PLEASANT, DENNIS IMMEDIATE  
18 AND THE ADULT CENTER AND ALSO THE HIGH SCHOOL

19 Q THE NEW HIGH SCHOOL?

20 A THE HIGH SCHOOL, IT'S A PROBLEM THAT WE HAVE NOT BEEN  
21 ABLE TO CORRECT WE HAVE BEEN GOING BACK AND FORTH, YOU  
22 KNOW, WITH THE SUBCONTRACTORS, WITH THE ENGINEERS I  
23 THINK THE WARRANTIES NOW HAVE JUST ABOUT RUN OUT BUT IT'S  
24 BEEN A CONSTANT BATTLE OF WHOSE FAULT IT IS, BUT WE STILL  
25 HAVE LEAKS



1 THE COURT ALL RIGHT

2 MRS HART -- IN SOME OF THESE BUILDINGS

3 BY MRS HART

4 Q THIS IS DENNIS INTERMEDIATE SCHOOL, DR TOWNES, AND  
5 THERE IS A NOTATION ON THERE MOISTURE DAMAGE

6 A YES

7 Q AND THIS FOR THE RECORDS IS 1574-B V ?

8 A YES

9 Q DID YOU MAKE THAT NOTATION?

10 A I MOST ASSUREDLY DID THAT'S --

11 Q TALK INTO THE MICROPHONE, PLEASE

12 A I MOST ASSUREDLY DID IF YOU LOOK AT THE CEILINGS  
13 THERE YOU WILL SEE ALL OF THE PEELINGS IS DANGEROUS NOT  
14 SURE THAT THE PEELING DOESN'T CONTAIN LEAD PAINT AND ALSO  
15 THERE'S A LOT OF MOISTURE IN THAT PARTICULAR CEILING

16 Q ALL RIGHT LET'S LOOK AT THE NEXT SLIDE, PLEASE  
17 THIS IS ALSO DENNIS INTERMEDIATE SCHOOL DID YOU MAKE  
18 THAT NOTATION?

19 A YES, I DID THAT'S TILE IN ONE OF THE HALLWAYS OR  
20 ONE OF THE CLASSROOMS WE HAVE AN ASBESTOS PROBLEM WITH  
21 OUR OLD -- WITH OUR SCHOOLS AND OF COURSE, YOU KNOW, YOU  
22 HAVE TO HAVE A MANAGEMENT PLACE -- A MANAGEMENT PLAN IN  
23 PLACE TO CONTROL THAT

24 WE ARE VERY RELUCTANT TO GO IN AND TO PULL UP THOSE  
25 OLD TILES BECAUSE OF THE ASBESTOS PROBLEMS THAT WE HAVE

1 AND IT'S VERY, VERY COSTLY TO GET SOMEONE TO COME IN AND,  
2 AND REMOVE IT SO WE JUST HAVE TO LET IT GO AS IT IS

3 Q ALL RIGHT LET'S LOOK AT THE NEXT -- OR THAT, BY THE  
4 WAY, IS 1574-B Y NEXT SLIDE IS 1567-S ?

5 A YES THAT'S THE SINK THAT YOU'RE GOING TO FIND IN  
6 ONE OF THE LABORATORIES YOU CAN SEE THE KNOB IS OFF BUT  
7 YOU ALSO, DON'T HAVE A HOT WATER FIXTURE YOU ONLY HAVE  
8 COLD WATER IN THAT PARTICULAR CLASSROOM OR THAT PARTICULAR  
9 AREA OF THE SCHOOL

10 Q WHY IS THAT? YOU ONLY HAVE COLD WATER?

11 A IN MANY INSTANCES WE DO, JUST COLD WATER, WHICH  
12 CAUSES A PROBLEM

13 Q OKAY WHAT KIND OF PROBLEMS?

14 A IT COULD CAUSE A HEALTH PROBLEM, STUDENTS WASHING  
15 THEIR HANDS BECAUSE THEY ARE NOT GOING TO WASH THEIR HANDS  
16 IN COLD WATER IT CAN CAUSE PROBLEMS WITH WANTING TO DO  
17 SOMETHING IN THE CLASSROOM

18 Q OKAY ALL RIGHT

19 A YOU JUST SHOULD HAVE HOT WATER IN A SCHOOL

20 Q IS THIS A SITUATION --

21 A IF THERE IS A CHOICE OF HOT AND COLD WATER YOU SHOULD  
22 HAVE A CHOICE

23 Q OKAY

24 A DEPENDING ON THE NEEDS OF THE STUDENTS AND DEPENDING  
25 ON THE NEEDS OF A TEACHER OR A PARTICULAR CLASSROOM

1 Q IS THAT A CIRCUMSTANCE THAT EXISTS IN MANY OF YOUR  
2 BUILDINGS?

3 A YES

4 Q THE ONLY -- THERE IS ONLY COLD WATER?

5 A YES, ESPECIALLY THE OLD SCHOOLS, YES

6 Q ALL RIGHT LET'S GO TO THE NEXT SLIDE, PLEASE ALL  
7 RIGHT THE NUMBER IS 1567-S ON THE ONE THAT WE WERE  
8 JUST DISCUSSING THE NEXT SLIDE IS 1567-A B TELL US  
9 ABOUT THAT, DR TOWNES THIS IS STILL DENNIS  
10 INTERMEDIATE?

11 A LOOK AT THE WATER FOUNTAIN YOU SEE SO MUCH EVIDENCE  
12 OF WEAR AND TEAR IT'S JUST NOT PLEASING IF YOU LOOK  
13 RIGHT BELOW YOU WILL SEE THE TILES AND, YOU KNOW, THAT'S  
14 ALSO AN ASBESTOS FLOOR DOWN THERE

15 Q OKAY

16 A BUT THAT'S VERY DANGEROUS

17 Q ARE THOSE PHOTOGRAPHS THAT WE JUST LOOKED AT  
18 REPRESENTATIVE OF DENNIS INTERMEDIATE SCHOOL?

19 A YES, THROUGHOUT

20 Q ALL RIGHT LET'S GO TO THE NEXT SCHOOL, BISHOPVILLE  
21 PRIMARY SCHOOL NOW BOTH OF THESE ARE IN THE TOWN OF  
22 BISHOPVILLE THE FIRST PHOTOGRAPH FROM BISHOPVILLE  
23 PRIMARY IS 1574-G TELL US ABOUT THAT, DR TOWNES,  
24 PLEASE

25 A THERE IS A -- AS A RESULT OF THE AIR QUALITY IN MANY

1 OF THESE CLASSROOMS, LOOK AT ALL OF THE MOLD THAT'S ON THE  
2 CEILING TILE WHICH IS VERY, VERY DANGEROUS AND HAZARDOUS  
3 ESPECIALLY WITH SOMEONE WHO HAS RESPIRATORY PROBLEMS AND  
4 SO THAT'S A CONCERN THROUGHOUT MANY OF THE CLASSROOMS, THE  
5 MOLD

6 Q THE NEXT SLIDE IS PLAINTIFFS' 1574-O

7 A EXPOSED ELECTRICAL WIRING WHICH IS SOMEWHAT COMMON  
8 THROUGHOUT MANY OF OUR SCHOOLS VERY -- PRESENTS A DANGER  
9 FOR STUDENTS, YOU KNOW

10 Q ALL RIGHT

11 A GOING THROUGH, PUTTING THEIR HANDS ON, PULLING, WET  
12 CLOTHING, VERY DANGEROUS

13 Q ALL RIGHT NEXT SLIDE IS PLAINTIFFS' 1574-X, AGAIN  
14 AT BISHOPVILLE PRIMARY WHAT IS THIS, DR TOWNES?

15 A THIS IS A READING FACILITY

16 Q IS THIS A PORTABLE?

17 A THIS IS A PORTABLE

18 Q DO YOU USE THIS?

19 A WE USE THIS WE HAVE NO OTHER CHOICE BECAUSE OF THE  
20 NUMBER OF STUDENTS AT THAT SCHOOL IT'S, YOU CAN SEE, NOT  
21 AESTHETICALLY PLEASING AT ALL KILLS MORALE A PERSON --  
22 THE FACULTY AND THEN THE YOUNG TEACHERS BECAUSE ATTITUDE  
23 IN ONE AREA IS A SPIN OFF IN ANOTHER AREA SO IT'S NOT  
24 CONDUCIVE TO GOOD TEACHING AND LEARNING AT ALL

25 Q IS IT CONNECTED IN ANY PROTECTED WAY WITH THE MAIN

1 BUILDING OF BISHOPVILLE PRIMARY?

2 A NO, IT'S AWAY FROM THE MAIN BUILDING AND THERE IS  
3 NO CANOPY TO PROTECT STUDENTS DURING INCLEMENT WEATHER  
4 YOU DON'T SEE SIDEWALKS TO IT AS WELL

5 Q DO YOU KNOW HOW OLD THIS PARTICULAR PORTABLE IS?

6 A NO, IT PREDATES ME I MEAN, MY TENURE IN LEE COUNTY

7 Q SO YOU DON'T KNOW WHEN IT WAS BROUGHT IN?

8 A THAT'S CORRECT

9 Q THE NEXT SLIDE FROM BISHOPVILLE PRIMARY IS 1574-A S  
10 IS THIS THE MAIN BUILDING?

11 A YES, MA'AM STRUCTURAL DAMAGE, YOU CAN SEE THE  
12 CORROSION AND SO FORTH

13 Q OKAY

14 A JUST OLD WEAR AND TEAR, CORROSION

15 Q NOW THE NEXT THREE SLIDES, I DON'T THINK HAVE  
16 CAPTIONS THEY ARE 1574-B A NOW WHAT IS THAT?

17 A THAT'S THE FRONT OF BISHOPVILLE PRIMARY SCHOOL

18 Q ALL RIGHT

19 A AND LOOKS AS THOUGH -- WELL, THE CARS ARE PARKED  
20 ALMOST IN THE STREET

21 Q YEAH IS THIS -- THE STREET IS RIGHT BEHIND THE --  
22 WHERE THESE CARS ARE PARKED?

23 A THAT IS CORRECT

24 Q NOW, AND THE SCHOOL IS OF COURSE ON THE OTHER SIDE OF  
25 THE CARS?

1 A THAT'S CORRECT

2 Q SO WE ARE RIGHT ON THE STREET?

3 A YES YOU ARE RIGHT ON THE STREET

4 Q IS THIS THE PARKING AREA FOR THE SCHOOL?

5 A THIS IS THE PARKING AREA

6 Q WHERE ARE THE CHILDREN DROPPED OFF AND PICKED UP BY  
7 THE BUSES AND BY CARS?

8 A IN FRONT

9 Q RIGHT HERE?

10 A IN FRONT IT CREATES A REAL HAZARD AROUND 2 45 IN  
11 THE AFTERNOON AND FROM 7 30 -- BEGINNING 7 15 OR 7 30 IN  
12 THE MORNING I MEAN, TRAFFIC IS JUST LINED ALL UP KIDS  
13 ARE TRYING TO CROSS THE STREET, PARENTS BRINGING STUDENTS  
14 IN BY CAR

15 AND THEN THE BUSES THERE AND THEN, YOU KNOW,  
16 VEHICLE TRAFFIC, YOU KNOW, THE PUBLIC TRYING TO GET  
17 THROUGH IT'S A REAL, REAL PROBLEM AND A REAL DANGER

18 Q LET'S LOOK AT THE NEXT PICTURE AND THEN THE NEXT ONE  
19 IS THIS THE -- TO THE RIGHT OF THE PHOTOGRAPH WE WERE JUST  
20 LOOKING AT?

21 A THAT IS CORRECT

22 Q ALL RIGHT SO ACROSS THE BOTTOM OF THIS PHOTO, IS  
23 THAT THE STREET YOU WERE LOOKING DOWN IN THE PREVIOUS  
24 PICTURE?

25 A THAT IS CORRECT

1 Q NOR THE RECORD, THE ONE WE ARE LOOKING AT NOW IS  
2 1574-BB NOW, THIS ROAD THAT GOES THROUGH THE CENTER OF  
3 THIS PHOTOGRAPH, IS THAT A PUBLIC STREET?  
4 A THAT'S A PUBLIC STREET YES, IT IS  
5 Q AND IS THIS AT THE BOTTOM OF THE PHOTOGRAPH, IS THAT  
6 THE PICK UP AND DROP OFF?  
7 A THAT IS CORRECT  
8 Q ALL RIGHT LET'S LOOK AT THE NEXT PHOTOGRAPH THIS  
9 IS 1574-B C WHAT PERSPECTIVE ARE WE GETTING HERE?  
10 A THAT'S WHERE THE STUDENTS HAVE TO COME ACROSS  
11 Q ALL RIGHT  
12 A TO YOUR RIGHT -- TO YOUR RIGHT IS THE SCHOOL  
13 Q ALL RIGHT SO --  
14 A THAT'S THE SUPERINTENDENT STANDING RIGHT THERE AND  
15 THE SUPERINTENDENT IS STANDING IN THE STREET AND THE  
16 SCHOOL IS RIGHT BEHIND HIM  
17 Q THAT'S YOU WITH THE HAT?  
18 A YES, THAT'S ME IT WAS HOT THAT DAY  
19 Q OKAY SO THIS IS LOOKING IN THE OPPOSITE DIRECTION  
20 FROM THE, FROM 1574-B A IS THAT RIGHT?  
21 A YES  
22 Q JUST LOOKING THE OTHER WAY? IS THAT -- IS IT STILL  
23 THE DROP OFF AND PICK UP?  
24 A THIS IS THE DROP OFF AND PICK UP, YES  
25 Q AND THE PUBLIC STREET?

1 A THAT IS CORRECT

2 Q ALL RIGHT LET'S GO TO THE NEXT GROUP OF PHOTOS  
3 THIS IS OF THE DISTRICT OFFICE, DR TOWNES THE FIRST  
4 SLIDE IS 1574-C T TELL US ABOUT THAT

5 A THAT'S THE REPRO ROOM

6 Q THAT'S THE WHAT?

7 A REPROGRAPHICS AND ALSO STORAGE AND YOU CAN SEE  
8 EVIDENCE THAT WE DON'T HAVE ENOUGH STORAGE SPACE, BUT  
9 THAT'S WHERE WE REPRODUCE COPIES AND SO FORTH, BUT IT'S  
10 ACTUALLY LIKE, IT'S THE WORKROOM

11 Q THIS IS YOUR COPY AREA?

12 A YES, MA'AM

13 Q WHERE -- OKAY REPRO YOU WERE TALKING ABOUT  
14 REPRODUCING COPIES?

15 A THAT'S CORRECT

16 Q OKAY AND THIS IS YOUR STORAGE AS WELL?

17 A YES

18 Q OKAY THE NEXT PHOTOGRAPH OR THE NEXT SET IS OF LEE  
19 COUNTY CAREER AND TECHNOLOGY CENTER IN THE TOWN OF  
20 BISHOPVILLE, CORRECT?

21 A THAT IS CORRECT

22 Q ALL RIGHT SLIDE 1574-D S WHAT IS THAT?

23 A AGAIN, THAT'S EVIDENCE OF MOLD, YOU KNOW, THROUGHOUT  
24 THE BUILDING AND THIS IS ONE OF THE ROOMS, YOU KNOW,  
25 INDICATING THAT



1 Q DO YOU HAVE ROOF LEAKS IN THIS FACILITY?

2 A YES WE HAVE ROOF LEAKS IN THIS FACILITY

3 Q GO TO THE NEXT SCHOOL IT'S LOWER LEE PRIMARY AND  
4 THE FIRST SLIDE THERE IS PLAINTIFFS' 1574-E F

5 A IT'S JUST -- THAT'S A SIGN THERE TO INFORM THE PUBLIC  
6 THAT WE DO HAVE ASBESTOS IN THE BUILDING AND IT'S A  
7 DANGER IT'S A WARNING SIGN TO LET THEM KNOW THAT,  
8 CANCER, A LOT OF DISEASE, YOU KNOW WE ONLY HAVE  
9 AUTHORIZED PERSONNEL TO GO INTO THIS PARTICULAR AREA  
10 IT'S LIKE A BOILER ROOM OR STORAGE ROOM AND THAT'S,  
11 THAT'S -- THE AUTHORIZED PERSONNEL WOULD ONLY BE THE  
12 MAINTENANCE PERSONNEL

13 Q ALL RIGHT IS THIS REPRESENTATIVE OF CONDITIONS IN,  
14 THROUGHOUT YOUR BUILDING?

15 A YES, MA'AM

16 Q IS THAT FOR, I GUESS, LEE CENTRAL HIGH SCHOOL?

17 A THAT IS CORRECT

18 Q ALL RIGHT THE NEXT SLIDE IS 1567-C D AGAIN THIS  
19 IS STILL LOWER LEE PRIMARY?

20 A YES AND AGAIN EVIDENCE OF THE MOLD THROUGHOUT THE  
21 BUILDING

22 Q ALL RIGHT DO YOU HAVE ROOF LEAKS THERE?

23 A YES

24 Q THE NEXT PICTURE IS FOR MOUNT PLEASANT MIDDLE SCHOOL  
25 AND THE SLIDE IS LABELED PLAINTIFFS' 1574-E W TELL US

1 ABOUT THAT, PLEASE

2 A AGAIN, MRS HART, THIS PARTICULAR SCHOOL IS OF GREAT  
3 CONCERN TO THE LEE COUNTY BOARD OF EDUCATION HERE YOU  
4 HAVE GOT MOLD, AIR QUALITY PROBLEMS THAT PREVAILS  
5 THROUGHOUT THIS BUILDING ALONG WITH STRUCTURAL DAMAGE, YOU  
6 KNOW, FROM THE CEILINGS, CEILING AND FLOORS IN NEED OF  
7 PAINTING, IN DIRE NEED OF MORE SPACE BECAUSE OF THE NUMBER  
8 OF STUDENTS THAT THAT SCHOOL WAS BUILT FOR THE NUMBER OF  
9 STUDENTS WE ARE CURRENTLY SERVING

10 Q TELL US ABOUT THAT HOW MANY WAS IT BUILT FOR?

11 A THAT SCHOOL WAS BUILT FOR APPROXIMATELY 250 TO 80  
12 STUDENTS

13 Q AND IT USED TO BE?

14 A AT THAT PARTICULAR TIME IT USED TO BE A HIGH SCHOOL  
15 AT THE PARTICULAR COMMUNITY TODAY WE HAVE IN EXCESS OF  
16 450 STUDENTS THERE

17 Q ALL RIGHT AND THE HIGH SCHOOL STUDENTS WHO ARE HERE  
18 ARE NOW AT LEE CENTRAL HIGH SCHOOL?

19 A THAT'S CORRECT

20 Q THIS WAS THE SCHOOL THAT WAS CONSOLIDATED WITH  
21 BISHOPVILLE HIGH SCHOOL?

22 A THAT'S CORRECT

23 Q IT'S NOW A MIDDLE SCHOOL?

24 A IT'S NOW A COUNTY-WIDE MIDDLE SCHOOL

25 Q COUNTY-WIDE?

1 A YES

2 Q NOW, I THINK WE ONLY HAVE ONE MORE PICTURE THAT'S  
3 FROM WEST LEE ELEMENTARY AND IT'S LABELED 1574-G O ?

4 A YES

5 Q TELL US ABOUT THAT, PLEASE

6 A IF YOU LOOK AT THE JAGGED EDGES ALONG THE  
7 UNDERPINNING OF THIS PARTICULAR MOBILE UNIT, IT PRESENTS A  
8 SAFETY HAZARD TO STUDENTS IT'S ADJACENT TO THE  
9 PLAYGROUND OR EITHER STUDENTS RUNNING DOWN THAT PARTICULAR  
10 SIDEWALK

11 AND YOU KNOW HOW YOUNG CHILDREN PLAY IN THAT  
12 PARTICULAR, IN THOSE PARTICULAR GRADES THEY COULD EASILY  
13 RUN INTO THIS AND THEY COULD BE SERIOUSLY INJURED

14 Q ALL RIGHT DR TOWNES, WHAT IS YOUR MAINTENANCE  
15 BUDGET TO TAKE CARE OF ALL OF THESE BUILDINGS?

16 A IN THE SCHOOL BOARD'S GENERAL OPERATING ACCOUNT WE  
17 DON'T HAVE A MAINTENANCE BUDGET PRIOR TO MY BECOMING  
18 SUPERINTENDENT IN 1996, I THINK THE COUNTY COUNCIL AND THE  
19 SCHOOL BOARD WORKED TOGETHER TO GET PASSED AN OPTIONAL  
20 SALES TAX THERE IN LEE COUNTY, AND WITH THE UNDERSTANDING  
21 THAT THE SCHOOL DISTRICT WOULD RECEIVE SOME OF THAT MONEY

22 SO THE SCHOOL DISTRICT RECEIVES 29 CENTS ON THE  
23 DOLLAR FOR THE ONE CENT OPTIONAL SALES TAX AND THAT  
24 MONEY HAS BEEN EARMARKED FOR MAINTENANCE, WHICH EQUATES TO  
25 ABOUT \$200,000 A YEAR TO THE SCHOOL DISTRICT THAT'S 29

1 A THAT'S TIME LOST IN TRAVEL

2 Q DID THE STATE CONTRIBUTE ANY MONEY TOWARD THE  
3 CONSTRUCTION OF LEE CENTRAL HIGH SCHOOL?

4 A NO

5 Q BUT WHERE DID THE MONEY COME FROM?

6 A LOCAL TAXPAYERS

7 Q ALL RIGHT I WANT TO TALK JUST FOR A LITTLE BIT  
8 ABOUT THE REMEDIAL PROGRAMS THAT YOU HAVE IN PLACE FOR  
9 THOSE STUDENTS IN YOUR SCHOOL DISTRICT WHO NEED SOME EXTRA  
10 INSTRUCTION TIME TO MAKE UP THE GAPS THAT YOU TALKED ABOUT  
11 YESTERDAY IN THEIR LEARNING, OKAY?

12 A YES

13 Q DO YOU HAVE ANY AFTER-SCHOOL PROGRAMS?

14 A WE HAVE -- THIS YEAR WE HAVE THE AFTER-SCHOOL  
15 HOMEWORK CENTER THAT'S ABOUT THE ONLY PROGRAM THAT WE  
16 ARE ABLE TO OFFER AT THIS PARTICULAR TIME IN THE PAST WE  
17 HAVE HAD AFTER-SCHOOL PROGRAMS WHEN TIMES WERE BETTER AND  
18 WHEN WE WERE ABLE TO GET PARTNERSHIPS, YOU KNOW, GRANTS  
19 AND SO FORTH WE HAD THE COMMUNITIES AND SCHOOLS PROGRAM

20 Q WHAT GRANT WAS THAT?

21 A THAT WAS COMMUNITIES AND SCHOOLS, THAT'S A SEPARATE  
22 ORGANIZATION

23 Q LET ME REPHRASE THAT'S NOT WHAT I MEANT TO ASK  
24 WHAT I MEANT TO ASK WAS WHAT -- WHAT -- WHERE DID THOSE  
25 FUNDS COME FROM, WAS IT LOCAL, STATE OR FEDERAL?

1 A THIS WAS -- THEY DID NOT COME THROUGH THE LEE COUNTY  
2 SCHOOL DISTRICT I THINK SCHOOLS AND COMMUNITIES MAY BE  
3 AN ARM OF THE STATE THIS WAS A STATE ORGANIZATION

4 Q ALL RIGHT

5 A SO I THINK THEY HAD SOME FUNDS, BUT THEY DID NOT HAVE  
6 THE PARTNER WITH THE SCHOOL DISTRICT TO USE THEM

7 Q ALL RIGHT BUT THAT --

8 A IT JUST SO HAPPENED THAT WE IDENTIFIED AT-RISK  
9 STUDENTS FOR AN AFTER-SCHOOL PROGRAM

10 Q WAS THAT A -- THAT WAS A GRANT?

11 A YES

12 Q DO YOU STILL HAVE THAT GRANT?

13 A NO

14 Q IT RAN OUT?

15 A THAT IS CORRECT

16 Q OKAY DID YOU HAVE ANY OTHER GRANTS FOR AFTER-SCHOOL  
17 PROGRAMS?

18 A LEE COUNTY, I WOULD SAY APPROXIMATELY FIVE YEARS AGO,  
19 SIX YEARS AGO, FIVE OR SIX YEARS AGO, WAS AMONG THE FIRST  
20 WAVE OF RECIPIENTS FOR THE 21ST CENTURY COMMUNITY LEARNING  
21 GRANT THAT WAS UNDER PRESIDENT CLINTON'S ADMINISTRATION

22 Q THAT WAS A FEDERAL GRANT?

23 A THAT WAS A FEDERAL GRANT THAT WAS, I WOULD SAY, A  
24 VERY GOOD GRANT BUT HERE AGAIN WE WERE NOT FORTUNATE  
25 WHEN WE REAPPLIED FOR THE GRANT AFTER THE THREE-YEAR

1 PERIOD WAS UP, WE WERE NOT FORTUNATE ENOUGH TO GET IT  
2 AGAIN SO WE DON'T HAVE THAT  
3 Q WELL, YOU SAID YOU HAD SOME HOMEWORK CENTERS WHERE  
4 ARE THE HOMEWORK CENTERS?  
5 A WE HAVE A HOMEWORK CENTER AT DENNIS INTERMEDIATE  
6 SCHOOL WE HAVE HOMEWORK CENTER AT --  
7 Q DO YOU HAVE ONE --  
8 A -- LOWER LEE ELEMENTARY SCHOOL  
9 Q OKAY  
10 A AND, MRS HART, IN LOOKING BACK ON IT, WE HAVE A  
11 HOMEWORK CENTER ALSO AT DENNIS BECAUSE OF THE  
12 UNSATISFACTORY STATUS THERE  
13 Q SO ALL THOSE THREE SCHOOLS HAVE HOMEWORK CENTERS  
14 BECAUSE THEY WERE RATED UNSATISFACTORY?  
15 A THAT IS CORRECT  
16 Q DO ANY OF THOSE SCHOOLS HAVE ABSOLUTE HOMEWORK  
17 CENTERS?  
18 A NO, MA'AM  
19 Q HOW MANY DAYS A WEEK ARE THOSE HOMEWORK CENTERS  
20 OPERATIONAL?  
21 A WE'RE IN OPERATION THREE DAYS A WEEK  
22 Q THREE DAYS A WEEK?  
23 A YES, MA'AM  
24 Q DO YOU OFFER ANY SUMMER SCHOOL?  
25 A THE PAST YEAR WE OFFERED SUMMER SCHOOL AT THE HIGH

1 SCHOOL LEVEL ONLY BECAUSE IT WAS FOR TUITION AND IT WAS  
2 FOR CREDIT FOR -- TO -- CREDIT OR REMEDIATION

3 Q DID THE STUDENTS PAY FOR --

4 A THEY PAID THEY PAID THEIR WAY THAT  
5 WAS SELF-SUPPORTING

6 Q WOULD YOU PROVIDE EXTENDED SUMMER SCHOOL IN ALL OF  
7 YOUR SCHOOLS IF YOU HAD THE RESOURCES?

8 A YES, I WOULD I THINK IT -- SUMMER PROGRAMS ARE  
9 BADLY NEEDED IN LEE COUNTY FOR THE REASONS THAT I'VE  
10 PREVIOUSLY GIVEN

11 Q RIGHT WOULD YOU ALSO PROVIDE ADDITIONAL  
12 AFTER-SCHOOL PROGRAMS IN YOUR SCHOOLS IF YOU HAD THE  
13 FUNDING?

14 A YES, MA'AM, FOR REASONS PREVIOUSLY GIVEN

15 Q OKAY DR LEE -- I MEAN, DR TOWNES, OF LEE, WHAT  
16 IS -- WHAT DO YOU VIEW AS THE SUPERINTENDENT OF LEE COUNTY  
17 SCHOOLS AND AS A LONG-TIME EDUCATOR AS THE PURPOSE OF  
18 PUBLIC EDUCATION IN SOUTH CAROLINA?

19 A I THINK THE PURPOSE OF EDUCATION FOR STUDENTS IN  
20 SOUTH CAROLINA IS TO ENSURE THAT THEY ARE WELL EQUIPPED TO  
21 EMBRACE -- WELL EQUIPPED ONCE THEY LEAVE THE PUBLIC  
22 SCHOOLS TO EMBRACE WHATEVER LIFE HAS TO, WHATEVER LIFE  
23 THROWS AFTER THEM

24 I BELIEVE THAT THEY SHOULD HAVE THE NECESSARY SKILLS  
25 AND TRAINING TO COMPETE AND TO MAKE A CONTRIBUTION TO

1 THE COURT MR STEPP, YOU READY TO CONTINUE?  
2 MR STEPP WE ARE READY, YOUR HONOR  
3 THE COURT THANK YOU DR. MILEY  
4 MRS HART WHILE DR MILEY IS TAKING THE STAND,  
5 IF I MAY REQUEST PERMISSION FROM THE COURT TO BE EXCUSED  
6 FOR A SHORT WHILE THIS MORNING I NEED TO ATTEND TO A  
7 MATTER AWAY FROM THE COURTROOM  
8 THE COURT SURELY GOOD MORNING STILL UNDER  
9 OATH

10 CROSS-EXAMINATION

11 BY MR STEPP

12 Q MORNING, DR MILEY

13 A GOOD MORNING

14 Q WELCOME BACK

15 A THANK YOU

16 Q WHEN WE BROKE YESTERDAY WE WERE CONSIDERING THE  
17 ANALYSIS THAT YOU HAD DONE ABOUT HOW COSTS PER PUPIL  
18 VARIED ACCORDING TO DISTRICT SIZE, CORRECT?

19 A CORRECT

20 Q AND I THINK WE HAD JUST BEGUN TO TALK ABOUT YOUR  
21 ANALYSIS OF TEACHING COSTS VERSUS NON-TEACHING COSTS AND  
22 HOW THEY MIGHT DIFFER, IS THAT RIGHT?

23 A CORRECT

24 Q AND ESSENTIALLY YOUR CONSIDERATION OF THAT WAS THAT  
25 TEACHING COSTS WERE NON-FIXED AND NON-TEACHING COSTS WERE



1 FIXED, CORRECT?

2 A CORRECT

3 Q AND--

4 A IN GENERAL, YES, SIR

5 Q AND IT IS THOSE FIXED COSTS THAT WOULD BE SUBJECT TO  
6 THE DISECONOMIES OF SCALE IN SMALL DISTRICTS, CORRECT?

7 A CORRECT, THAT'S THE GENERAL HYPOTHESIS

8 Q GENERAL PROPOSITION NOW, IN THE COURSE OF DOING THE  
9 ANALYSIS THAT YOU DID THAT'S REFLECTED IN YOUR REPORT, DID  
10 YOU ACTUALLY LOOK AT THE AMOUNT THAT WAS BEING EXPENDED IN  
11 SCHOOL DISTRICTS IN THE TEACHING VERSUS NON-TEACHING  
12 CATEGORIES?

13 A WE -- IN TERMS OF HOW WE DISAGGREGATED COSTS, THE  
14 ANALYSIS, I THINK THE BEST DESCRIPTION WOULD BE THAT WE  
15 ALLOCATED THEM ACCORDING TO THOSE MAJOR FUNCTIONAL AREAS  
16 ON PAGE 48 OF THE REPORT--

17 Q OKAY

18 A -- IN TERMS OF THOSE CATEGORIES OF EXPENDITURES IS  
19 THAT WHAT YOU ARE ASKING?

20 Q YES, SIR WELL, I'M ASKING TWO THINGS, BUT YOU  
21 ARE -- YOU'RE ANSWERING A QUESTION THAT I DID WANT TO ASK  
22 AND LET'S, AGAIN, I THINK WE ARE GOING TO HAVE MAYBE A  
23 PAGE NUMBER ISSUE

24 A I'M LOOKING AT TABLE 19

25 Q YEAH

1 Q OKAY SO FOR -- SO THESE NUMBERS HERE ON INSTRUCTION  
2 WOULD HAVE BEEN IN YOUR TEACHING CATEGORY IN YOUR REPORT,  
3 CORRECT?

4 A CORRECT

5 Q AS A VARIABLE, NOT A FIXED COST?

6 A WE WOULD -- INCLUDED THIS AS, YES, AS A VARIABLE  
7 TEACHING COST

8 Q RIGHT OKAY NOW LET'S LOOK AT SLIDE 58, PLEASE  
9 AND WE ARE NOW INTO THE SUBCATEGORIES OF INSTRUCTION  
10 THIS IS INSTRUCTIONAL TEACHERS WHICH IS SUBCATEGORY ON  
11 IN-SITE DO YOU RECALL THAT?

12 A YES

13 Q OKAY AND SO THAT'S A SUBSET OF THE LARGER  
14 INSTRUCTIONAL DATA, RIGHT?

15 A YES

16 Q OKAY AND THIS -- IS IT YOUR UNDERSTANDING THAT THIS  
17 CATEGORY OF INSTRUCTIONAL TEACHERS IS WHAT IS ACTUALLY  
18 PAID TO PUT TEACHERS IN THE CLASSROOMS?

19 A THAT'S MY UNDERSTANDING, YES

20 Q OKAY AND SO AGAIN WE SEE THAT WITH THE EXCEPTION OF  
21 DILLON AND JASPER, ALL THE PLAINTIFF DISTRICTS ARE  
22 SPENDING MORE THAN THE STATE AVERAGE ON INSTRUCTIONAL  
23 TEACHERS RIGHT?

24 A I SEE THAT, YES

25 Q AND IN YOUR ANALYSIS AGAIN THAT WOULD BE A VARIABLE,

1 NOT A FIXED COST, CORRECT?

2 A THAT WAS -- WE ASSUMED WAS ONE OF OUR TEACHING COSTS

3 Q OKAY LET'S LOOK AT 59, PLEASE AND I BELIEVE YOU

4 MENTIONED THAT THE OTHER THING YOU INCLUDED IN THE

5 TEACHING COST WAS INSTRUCTIONAL SUPPORT?

6 A I'M 99 PERCENT SURE I MEAN--

7 Q OKAY

8 A -- NOT ABSOLUTELY SURE, BUT I'M PRETTY -- AGAIN, THIS

9 WAS 18, 24 MONTHS AGO I BELIEVE WE INCLUDED THOSE TWO

10 VARIABLES I APOLOGIZE FOR IT NOT BEING FOOTNOTED

11 Q THAT'S OKAY BUT I MEAN, INSTRUCTIONAL SUPPORT

12 CERTAINLY WOULD BE A VARIABLE COST, WOULD IT NOT?

13 A I THINK SO

14 Q IT WOULD NOT BE IN THAT FIXED COST CATEGORY

15 A I DON'T THINK SO

16 Q SO WHEN WE LOOK AT SLIDE 59 AGAIN AND SEE IN THIS

17 CASE ALL OF THE PLAINTIFFS' DISTRICTS WITH THE EXCEPTION

18 OF DILLON SPENDING MORE THAN THE STATE AVERAGE, AGAIN

19 THOSE ARE VARIABLE COST NUMBERS, NOT FIXED COST NUMBERS,

20 CORRECT?

21 A CORRECT

22 Q ALL RIGHT WHAT ABOUT -- THE NEXT ONE I HAVE GOT IS

23 60 THAT'S PUPIL SUPPORT WHICH IS A SUBSET OF

24 INSTRUCTIONAL SUPPORT ON IN-SITE YOU SEE THAT?

25 A I WILL -- YES, I WILL TAKE YOUR WORD FOR IT I DON'T

1 Q OKAY AND SO PUPIL SUPPORT IS ONE OF THE -- ONE OF  
2 THE SUBFUNCTION GROUPS OF INSTRUCTIONAL SUPPORT, RIGHT?

3 A CORRECT

4 Q AND INSTRUCTIONAL SUPPORT IS ONE OF THE THINGS THAT  
5 YOU LOOKED AT AS A VARIABLE, NOT--

6 A AS A TEACHING COST, YES

7 Q -- A FIXED COST AND AGAIN WE SEE HERE WE HAVE THREE  
8 DISTRICTS, MARION THREE -- THAT'S SORT OF HALF A  
9 DISTRICT -- BUT JASPER, MARION THREE AND DILLON TWO  
10 FALLING BELOW THE STATE AVERAGE AND THEN THE REST OF THE  
11 PLAINTIFF DISTRICTS SPENDING MORE PER PUPIL THAN THE STATE  
12 AVERAGE?

13 A YES

14 Q AND THAT'S PART OF A VARIABLE COST STRUCTURE,  
15 CORRECT?

16 A THAT'S WHAT WE WOULD HAVE INCLUDED AS A TEACHING  
17 COST

18 Q OKAY NOW, THE NEXT -- IF I COULD HAVE 61, PLEASE  
19 THE NEXT ANALYSIS IS THE NEXT SUBFUNCTION UNDER  
20 INSTRUCTIONAL SUPPORT AND THAT'S TEACHER SUPPORT AND THEN  
21 THE DETAIL FUNCTION THAT'S DESCRIBED ON IN-SITE IS  
22 CURRICULUM DEVELOPMENT AND IN-SERVICE AND STAFF TRAINING  
23 YOU SEE THAT?

24 A YES

25 Q AND AGAIN, THIS WOULD BE PART OF WHAT YOU -- A

1 COMPONENT OF WHAT YOU INCLUDED IN YOUR ANALYSIS?

2 A CORRECT

3 Q AS A PART OF TEACHING COST?

4 A AS A TEACHING COST, YES

5 Q AND AGAIN WE SEE WITH THE EXCEPTION IN THIS CASE OF  
6 ORANGEBURG THREE AND DILLON TWO, ALL OF THE PLAINTIFF  
7 DISTRICTS PER PUPIL ARE SPENDING MORE THAN THE STATE  
8 AVERAGE IN THAT SUBFUNCTION, CORRECT?

9 A CORRECT

10 Q AND THAT WOULD BE A VARIABLE, NOT A FIXED COST ALL  
11 RIGHT LET'S LOOK NOW AT 62, AND THIS IS PROGRAM SUPPORT  
12 THIS IS THE THIRD SUBFUNCTION UNDER INSTRUCTIONAL SUPPORT  
13 SO AGAIN, THIS WOULD BE PART OF WHAT YOU CONSIDERED IN  
14 YOUR TEACHING COSTS ANALYSIS, RIGHT?

15 A CORRECT

16 Q NOW HERE IT'S A LITTLE BIT DIFFERENT. FOR PROGRAM  
17 SUPPORT MOST OF THE PLAINTIFF DISTRICTS WITH THE EXCEPTION  
18 OF ALLENDALE, HAMPTON AND FLORENCE ARE FALLING BELOW THE  
19 STATE AVERAGE ON A PER PUPIL BASIS THERE DO YOU SEE  
20 THAT?

21 A YES, I DO

22 Q NOW, IS THAT THE RESULT OF ANY ECONOMY OF SCALE THAT  
23 THEY ENJOY?

24 A I CANNOT, I DON'T KNOW ANYTHING ABOUT THOSE  
25 DISTRICTS

1 Q OKAY NOW, ONE THING THAT YOU MENTIONED IN YOUR  
2 REPORT AS A -- AS A COST THAT IS SUBJECT TO A DISECONOMY  
3 OF SCALE BASED ON DENSITY IS TRANSPORTATION, CORRECT?

4 A CORRECT

5 Q AND LET'S LOOK AT THE NEXT SLIDE, PLEASE NOW,  
6 TRANSPORTATION ACTUALLY IS A VARIABLE COST AS OPPOSED TO A  
7 FIXED COST, ISN'T IT?

8 A WITHIN LIMITS, YES

9 Q BUT DEPENDING UPON HOW GEOGRAPHICALLY BIG YOUR  
10 DISTRICT IS AND HOW DENSELY OR SPARSELY POPULATED, THERE  
11 MAY BE MORE MILES ON THE BUS ROUTES?

12 A THAT'S RIGHT TRANSPORTATION IS ONE OF THOSE THAT  
13 PROBABLY HAVE -- HAS STEP-WISE COST FUNCTION IN THAT YOU  
14 REACH A CERTAIN LEVEL OF PHYSICAL PLAN, YOU HAVE ONE BUS  
15 AND THEN IT'S FULL AND THEN YOU HAVE A -- MORE THAN ONE  
16 BUS, SO YOU ADD A SECOND BUS, AND THEN YOU DON'T HAVE ANY  
17 MARGINAL COSTS EXCEPT FOR GASOLINE FOR ADDING STUDENTS AND  
18 SO FORTH

19 Q OKAY

20 A I DON'T KNOW THAT EXACTLY FOR EVERY DISTRICT, BUT I  
21 WOULD IMAGINE THAT'S SOMEWHAT LIKE THAT

22 Q WELL, I THINK -- I MEAN, CORRECT ME IF I'M WRONG, BUT  
23 I THINK IN YOUR REPORT YOU IDENTIFY TRANSPORTATION AS ONE  
24 OF THE AREAS FOR WHICH THERE IS A DISECONOMY OF SCALE FOR  
25 SMALL DISTRICTS IS THAT RIGHT?

1 A I'M JUST NOT SURE

2 Q WELL, THE DETAIL FUNCTION DESCRIBED ON IN-SITE FOR  
3 SCHOOL MANAGEMENT IS PRINCIPALS AND ASSISTANT PRINCIPALS  
4 AND SCHOOL OFFICE DO YOU SEE THAT?

5 A YES

6 Q SO THAT S GOING TO BE DRIVEN BY THE NUMBER OF SCHOOLS  
7 IN THE DISTRICT, CORRECT?

8 A CORRECT

9 Q OKAY SO DOES THIS -- WOULD YOU CONSIDER THIS A  
10 VARIABLE COST OR A FIXED COST?

11 A AGAIN, I WOULD -- I'M HESITANT TO SAY ABOUT THESE --  
12 THESE -- THESE DISTRICTS, BUT IT -- AGAIN, IT WOULD  
13 PROBABLY BE LIKE ANY -- LIKE SOME OF THESE OTHER COST  
14 FUNCTIONS SCHOOL COSTS GO IN STEPS SCHOOL MANAGEMENT  
15 COSTS PROBABLY GO IN STEPS

16 Q EVERY TIME YOU ADD A SCHOOL--

17 A AND THEN -- AND IT WOULD -- IT WOULD APPEAR AS A HIGH  
18 COST PER PUPIL INITIALLY WHEN THE SCHOOL WAS NOT AT  
19 CAPACITY, AND THEN AS IT INCREASES IN CAPACITY, IF IT DOES  
20 THAT, THE PER PUPIL COST OF THAT SCHOOL MANAGEMENT WOULD  
21 FALL, SO

22 Q AND FOR THE DISTRICTS WITH ONE HIGH SCHOOL THAT YOU  
23 TALK ABOUT, OF COURSE, THEY -- THEY MIGHT ENJOY SOME  
24 EFFICIENCY?

25 A THEY MIGHT, YES

1 A WE DID NOT

2 Q AND YOU DIDN'T DO ANY CAUSATION ANALYSIS ON SPENDING  
3 AND STUDENT ACHIEVEMENT EITHER, CORRECT?

4 A CORRECT

5 Q OKAY YOU HAVE FOUND THAT THERE ARE SOME  
6 DISECONOMIES OF SCALE APPLICABLE TO SMALL DISTRICTS,  
7 CORRECT?

8 A CORRECT

9 Q BUT THAT THOSE DISECONOMIES ARE MOSTLY MANIFESTED IN  
10 THE FIXED COSTS OF THOSE DISTRICTS CORRECT?

11 A CORRECT

12 Q AND THE TEACHING COSTS IN THOSE DISTRICTS WOULD NOT  
13 GENERALLY BE SUBJECT TO THOSE DISECONOMIES OF SCALE?

14 A THEY WERE THE LEAST CORRELATED TO SIZE

15 Q THANK YOU, DR MILEY THAT'S ALL I HAVE FOR YOU

16 THE COURT THANK YOU MR SMITH?

17 MR SMITH IF I MAY HAVE JUST A MINUTE WITH MR  
18 STEPP, PLEASE

19 THE COURT YES, SIR

20 (MR SMITH AND MR STEPP CONFERRING)

21 CROSS-EXAMINATION

22 BY MR SMITH

23 Q GOOD MORNING, DR MILEY I'M EMORY SMITH

24 A HELLO

25 Q I HAVE JUST A FEW QUESTIONS OF YOU -- IF I CAN KEEP



1 Q OKAY WERE YOU LOOKING FOR THE MOST EXPERIENCED,  
2 LEAST EXPERIENCED, HIGHEST QUALITY, LOWEST QUALITY, TO  
3 TEACH THE KIDS THAT WERE BEHIND OR HOW DID YOU GO ABOUT  
4 ASSESSING QUALITATIVELY THE TEACHERS YOU WANTED?

5 A LOOK FOR THE TEACHER WITH THE MOST EXPERIENCE AND WE  
6 WOULD LOOK FOR THE TEACHER WHO HAD THE TRACK RECORD OF  
7 MAKING IMPROVEMENT AND GAINS WITH THE STUDENTS

8 Q OKAY NOW, WHY WAS IT IMPORTANT FOR YOU TO LOOK FOR  
9 A TEACHER -- AS A PRINCIPAL TO LOOK FOR THE TEACHER WITH  
10 THE MOST EXPERIENCE AND A TRACK RECORD OF ACTUAL SUCCESS  
11 WITH THE STUDENTS?

12 A BECAUSE WE WANTED THE BEST FOR OUR STUDENTS WE  
13 REALLY WANTED THEM TO -- TO MOVE FORWARD

14 Q DOES IT TAKE THE BEST TO MOVE THE KIDS WHO ARE  
15 FURTHEST BEHIND FORWARD?

16 A YES

17 Q DID YOU -- DID YOU DO ANYTHING WITH REGARD TO  
18 HOMEWORK AND HOMEWORK CENTERS OR HELPING KIDS WITH  
19 HOMEWORK?

20 A INITIALLY WE DID NOT HAVE A HOMEWORK CENTER, BUT WE  
21 ASKED TEACHERS TO STAY AFTER SCHOOL TO BE THERE TO ASSIST  
22 STUDENTS, BUT IT DIDN'T PAN IT DIDN'T WORK AS IF WE  
23 PLANNED IT SIMPLY BECAUSE WE ARE OUT IN THE COUNTRY, AND A  
24 LOT OF THE KIDS HAD DIFFICULTIES, PARENTS PICKING THEM UP,  
25 BRINGING THEM BACK AND FORTH, SO THAT HOMEWORK CENTER,

1 JUST ASKING TEACHERS TO VOLUNTEER, STAY AFTER SCHOOL, DID  
2 NOT WORK VERY WELL FOR US

3 Q NOW, IS IT IMPORTANT IN YOUR EXPERIENCE, MRS  
4 MCCLARY, FOR KIDS THAT ARE AT-RISK FOR FAILURE TO HAVE  
5 MORE TIME ON THEIR SCHOOLWORK, ON THEIR TASKS, TO ACHIEVE?

6 A YES

7 Q AND TO DO THAT, YOU NEED THE SCHOOL TO EXTEND ITS DAY  
8 TO HAVE HOMEWORK CENTERS OR SOME OTHER EXTENSION?

9 A YES, IT'S IN OUR E R T REPORT THAT IT MUST BE DONE

10 Q OKAY NOW, YOU SAID E R G REPORT?

11 A E R T

12 Q E R T THAT'S THE REVIEW TEAM?

13 A YES, SIR

14 Q OKAY YOU STARTED SOMETHING CALLED SUPER WRITING  
15 TUESDAY ALSO AT MOUNT PLEASANT, DIDN'T YOU?

16 A THAT WAS DISTRICT-WIDE, YES WE IMPLEMENTED THAT AT  
17 MOUNT PLEASANT

18 Q WHY DID YOU IMPLEMENT THAT?

19 A WE WERE TRYING TO IMPROVE OUR WRITING SCORES ON THE  
20 EXIT EXAM

21 Q EXIT EXAM MEANING THE HIGH SCHOOL EXIT EXAM?

22 A CORRECT

23 Q OKAY DID YOU EXTEND THE SCHOOL DAY A LITTLE BIT TO  
24 TRY TO -- TO DO WRITING AT THAT TIME?

25 A IT WAS A DISTRICT INITIATIVE WHEN WE EXTENDED

1 Q OKAY WHAT ABOUT -- YOU MENTIONED TRANSPORTATION AS

2 A PROBLEM WHERE DID YOUR KIDS COME FROM?

3 A LEE COUNTY IS A RURAL AREA AND THEY COME FROM ALL  
4 CORNERS OF LEE COUNTY WE ARE JUST ONE CENTRAL HIGH  
5 SCHOOL NOW IN LEE COUNTY, SO THE STUDENTS ARE BUSSED IN  
6 FROM THE ALL -- ALL THE OTHER PARTS OF LEE COUNTY INTO LEE  
7 CENTRAL HIGH SCHOOL

8 Q OKAY SO AT THE PRESENT TIME THEY COME FROM ALL OVER  
9 LEE COUNTY?

10 A EXACTLY

11 Q IF YOU -- IF YOU PUT TOGETHER A HOMEWORK CENTER AT  
12 LEE COUNTY CENTRAL HIGH SCHOOL, HOW WOULD YOU GET THE KIDS  
13 HOME?

14 A BUSES IN THE AFTERNOON

15 Q SO -- AND DO YOU HAVE THE BUSES NECESSARY TO GET KIDS  
16 HOME AT TWO DIFFERENT TIMES A DAY?

17 A NO, SIR, WE DO NOT

18 Q DO YOU HAVE THE FUNDS NECESSARY TO DO THAT EVEN IF  
19 YOU COULD GET THE BUSES?

20 A WE DO NOT

21 Q IF THE KIDS CAN'T GET HOME OR CAN'T GET TO THE  
22 HOMEWORK, I GUESS IT'S SELF-EVIDENT, BUT I MEAN, CAN  
23 THEY -- TO THE HOMEWORK CENTER -- CAN THEY TAKE ADVANTAGE  
24 OF THE EXTRA HELP?

25 A THEY CANNOT

1 Q CAN THEY TAKE ADVANTAGE OF HAVING MORE TIME ON TASK  
2 WITHOUT THE TRANSPORTATION NEEDS BEING FILLED?

3 A THEY CANNOT

4 Q WHEN YOU -- YOU STOPPED BEING PRINCIPAL AT MOUNT  
5 PLEASANT WHEN THE TWO HIGH SCHOOLS WERE CONSOLIDATED,  
6 RIGHT?

7 A THAT'S CORRECT

8 Q AND AFTER THAT YOU BECAME FIRST A CO-PRINCIPAL OF  
9 LEE, OF LEE CENTRAL, RIGHT?

10 A THAT'S CORRECT

11 Q NOW, WHAT'S A CO-PRINCIPAL? WE HAVEN'T HEARD THAT  
12 BEFORE

13 A JUST HAD TWO PRINCIPALS OF A HIGH SCHOOL

14 Q OKAY AND WHAT -- YOU AND MR BRYANT, RIGHT?

15 A CORRECT

16 Q MR BRYANT WAS THE OLD PRINCIPAL OF BISHOPVILLE HIGH?

17 A THAT'S CORRECT

18 Q ALL RIGHT WHAT WERE YOUR DUTIES AND WHAT WERE  
19 MR BRYANT'S DUTIES?

20 A MR BRYANT DID BASICALLY FACILITIES AND I DID THE  
21 CURRICULUM PART OF IT

22 Q OKAY YOU DID THE ACADEMICS, HE DID THE FACILITIES?

23 A THAT'S CORRECT

24 Q OKAY ABOUT HOW LONG DID THAT ARRANGEMENT LAST?

25 A ONE YEAR