

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

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM LEE COUNTY
Court of Common Pleas

Thomas W Cooper, Jr , Circuit Court Judge

Case No 93-CP-31-169

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

**RECORD ON APPEAL (CONDENSED),
VOL V 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 AGGREGATE IN THE NINTH GRADE?

2 A WELL, I THINK THAT IT'S -- JUST COULDN'T PINPOINT
3 JUST ONE FACTOR WHEN THEY COMING TO US FROM THE --
4 EIGHTH GRADERS ARE TRANSITIONED FROM THE 8TH GRADE TO THE
5 9TH GRADE AND THEN THERE THEY HAVE TO EARN CARNEGIE UNITS,
6 AND SO THEREFORE THEY WILL HAVE TO WORK HARDER, AND
7 THAT -- AND IF YOU ARE ALREADY BEHIND, HAVING TO WORK
8 HARDER, IT'S NOT GOING TO HELP YOU

9 Q IF KIDS GET IN THAT AGGREGATION, WHAT AGE ARE THEY
10 WHEN THEY ARE IN THE NINTH GRADE APPROXIMATELY?

11 A FIFTEEN, 14, 15

12 Q OKAY AND SOME 16?

13 A SOME 16

14 Q OKAY AND WHAT AGE DO YOU BY LAW HAVE TO KEEP GOING
15 TO SCHOOL TILL?

16 A YOU GO UNTIL YOU ARE 21

17 Q YOU HAVE TO KEEP GOING TILL YOU ARE 21 OR--

18 A NO, YOU CAN GO

19 Q YOU CAN GO

20 A RIGHT

21 Q HOW LONG DO YOU HAVE TO KEEP GOING?

22 A SEVENTEEN

23 Q SEVENTEEN WHAT DO YOU OBSERVE ABOUT KIDS TURNING 17
24 IN THE NINTH GRADE?

25 A THEY TRANSFER TO ADULT EDUCATION, AND EVENTUALLY IF

1 Q RIGHT

2 A THERE WERE SOME THINGS THAT WE DID NOT -- WAS NOT
3 ADDED IN BECAUSE OF -- DUE TO FUNDS, THEY HAVE CUT SOME
4 THINGS THAT THEY PLANNED--

5 Q OKAY

6 A -- INITIALLY WASN'T ABLE TO IMPLEMENT

7 Q OKAY YOU COULDN'T BUILD A BIGGER GYM AND YOU HAD TO
8 CUT SOME CLASSROOMS FROM THE PLAN?

9 A THAT'S CORRECT

10 Q DID YOU HAVE -- NOW THAT YOU HAVE THAT NICE FACILITY
11 OF THE NEW FACILITY, THE THREE YEARS, DO YOU -- DO YOU
12 HAVE A -- THE INSTRUCTIONAL MATERIALS AND AIDS THAT YOU
13 NEED TO STOCK THOSE ROOMS AND THAT FACILITY?

14 A WE DO NOT

15 Q TELL US ABOUT THAT WHAT DON'T YOU HAVE?

16 A WELL, WE HAVE NICE SIZE LABS, BUT WE LACK THE
17 EQUIPMENT THAT WE NEED IN THERE FOR THE MATERIALS FOR THE
18 STUDENTS TO GET THE HANDS-ON EXPERIENCE WITH THAT WE
19 HAVE CLASSROOMS, BUT WE ARE LACKING COMPUTERS IN -- IN OUR
20 CLASSROOMS

21 WE ALSO HAVE CLASSROOMS -- WE LIKE NOVELS, WE WOULD
22 LIKE TO HAVE NOVELS IN THE CLASSROOMS SO OUR STUDENTS
23 COULD READ, MATH MANIPULATIVES, HANDS-ON FOR OUR STUDENTS,
24 SOME OF THE MATERIALS

25 Q HOW ABOUT CALCULATORS?

1 A DEFINITELY

2 Q DO YOU -- YOU LACK CALCULATORS?

3 A WE DO

4 Q YOU MENTIONED COMPUTERS WERE YOU LEASING COMPUTERS?

5 A WE WERE

6 Q WERE YOU ABLE TO KEEP THEM?

7 A WE WERE NOT ABLE TO KEEP ALL THE COMPUTERS THAT WE

8 LEASED

9 Q WHY NOT?

10 A DIDN'T HAVE THE FUNDING

11 Q WHAT ABOUT YOUR LIBRARY? ARE YOU LACKING AT ALL

12 THERE?

13 A YES, SIR WE DO NOT HAVE THE REQUIRED NUMBER OF

14 BOOKS PER PUPIL

15 Q WHY DO YOU NEED THESE INSTRUCTIONAL MATERIALS FOR

16 YOUR STUDENTS?

17 A BECAUSE OUR STUDENTS ARE ALREADY BEHIND, SO WE NEED

18 THE INSTRUCTIONAL MATERIAL IN ORDER TO HELP US BRIDGE THE

19 GAP

20 Q DO THE KIDS HAVE ACCESS TO THESE KIND OF MATERIALS

21 SOMEPLACE OUTSIDE THE SCHOOL?

22 A ONLY THE LOCAL LIBRARY, THAT'S IT

23 Q OKAY ONLY THE LOCAL LIBRARY WOULD HAVE MATERIALS

24 LIKE THIS?

25 A THE ONLY -- LIBRARY HAVE READING BOOKS FOR THEM TO

1 A THAT WOULD BE INDEPENDENT OF THE MONEY WE ARE TALKING
2 ABOUT IN THIS BUDGET, YES THEY HAVE A SEPARATE BUDGET
3 FOR PROFESSIONAL DEVELOPMENT, YES

4 Q AND I UNDERSTAND I MEAN THEY ARE NOT TREATED ANY --
5 THEY GET -- THEY GET MONEY OR MONEY AND RESOURCES OVER AND
6 ABOVE WHAT ALL THE OTHER SCHOOLS IN THE STATE GET THEY
7 GET THE SAME AMOUNT THAT OTHER SCHOOLS GET PLUS, RIGHT?

8 A I'M NOT CERTAIN OF HOW THOSE OTHER PROFESSIONAL
9 DEVELOPMENT DOLLARS ARE DISTRIBUTED BUT I -- MY
10 UNDERSTANDING IS THEY ARE -- EVERYONE IS TREATED ALIKE
11 SO, FOR EXAMPLE, I DO NOT KNOW FIRSTHAND IF THOSE OTHER
12 PROFESSIONAL DEVELOPMENT DOLLARS ARE ADJUSTED FOR SCHOOL
13 SIZE WHEREBY A LARGER SCHOOL MIGHT GET MORE MONIES THAN
14 A -- THAN A SMALL SCHOOL OR IF IT'S SIMPLY AN ALLOCATION
15 PER SCHOOL OR PER DISTRICT

16 Q BUT WHATEVER -- HOWEVER ALL THE SCHOOLS ARE TREATED
17 THROUGHOUT THE STATE, THESE SCHOOLS THAT ARE IN THESE
18 UNDER PERFORMING DISTRICTS START AT THAT LEVEL, RIGHT, AND
19 THEN YOU ADD ONTO THAT ADDITIONAL RESOURCES?

20 A THAT'S CORRECT

21 Q AND ONE OF THOSE ADDITIONAL RESOURCES IS THIS
22 PROFESSIONAL DEVELOPMENT THAT YOUR OFFICE ACTUALLY PUTS
23 ON, CORRECT?

24 A THAT'S CORRECT

25 Q AND THAT'S THE SUMMER PROGRAM WHERE YOU INVITE ALL

1 IN THE SCHOOL DISTRICTS OR IN THE INDIVIDUAL SCHOOL,
2 RIGHT?

3 A YES

4 Q AND SO ONE SCHOOL IN A DISTRICT THAT IS CONSIDERED
5 UNDER PERFORMING MAY GET THAT RETRAINING GRANT BUT ANOTHER
6 SCHOOL IN THE DISTRICT MAY NOT, CORRECT?

7 A THAT'S CORRECT

8 Q OKAY NOW, YOUR OFFICE IS RESPONSIBLE FOR
9 SUPERVISING THAT RETRAINING GRANT?

10 A FOR THE DISTRIBUTION OF THE FUNDS AND PROVIDING THE
11 GUIDELINES FOR APPROPRIATE USE OF THOSE FUNDS, YES

12 Q RIGHT ARE YOU SUPPOSED TO APPROVE THE PROGRAMS THAT
13 THE RETRAINING GRANT IS USED FOR?

14 A WE PROVIDE GUIDELINES ON HOW THOSE PROGRAMS SHOULD BE
15 USED OR HOW THOSE MONIES SHOULD BE USED WE DO NOT
16 INDIVIDUALLY APPROVE INDIVIDUAL ACTIVITIES THAT A SCHOOL
17 MIGHT HAVE

18 THE RETRAINING GRANT FUNDS ARE TO BE USED TO
19 IMPLEMENT THOSE THINGS THAT ARE PART OF THE SCHOOL RENEWAL
20 PLAN WHICH ARE -- WHICH IS A PLAN THAT THE SCHOOL IS
21 REQUIRED TO WRITE THAT DOCUMENTS THE FLOOR PLAN, IF YOU
22 WILL, OF WHERE THEY WANT TO GO

23 Q AND SO WHAT THEY ARE SUPPOSED TO DO IS TO PLAN
24 THROUGH THEIR SCHOOL RENEWAL PLAN HOW THEY ARE GOING TO
25 IMPROVE STUDENT PERFORMANCE, CORRECT?

1 BY MRS GRAY

2 Q SINCE THAT'S YOUR HANDWRITING AND THEY TYPED IT FROM
3 YOUR HANDWRITING, I WILL LET YOU WORK WITH YOUR
4 HANDWRITING IF YOU WILL HAND THAT TO THE JUDGE YOUR
5 NUMBER 453 FOR THE 2002, 2003 NEEDED TEACHER SPECIALISTS,
6 HOW DID YOU GET THAT NUMBER?

7 A 435?

8 Q I'M SORRY YES, 435

9 A OKAY THAT WOULD HAVE BEEN A MULTIPLICATION OF THE
10 NUMBER OF SCHOOLS THAT WERE RATED AS UNSATISFACTORY AND
11 BELOW AVERAGE TIMES AN AVERAGE NUMBER OF TEACHER
12 SPECIALISTS THAT MIGHT BE PLACED IN THOSE SCHOOLS

13 Q ALL RIGHT SO THAT WAS NOT A REAL NUMBER EVEN THOUGH
14 YOU HAD A REAL NUMBER BASED ON THE EXTERNAL REVIEW TEAM
15 RECOMMENDATIONS CORRECT?

16 A THAT WAS AN AVERAGE NUMBER PER SCHOOL ESTIMATED,
17 THAT'S CORRECT, AND --

18 Q BUT HAD YOU GONE TO THE --

19 MRS HART OBJECTION, YOUR HONOR

20 THE COURT YES, SIR GO AHEAD FINISH

21 MRS GRAY I'M SORRY

22 THE COURT SAID IT WAS AN AVERAGE NUMBER

23 ESTIMATED AND THEN YOU STOPPED AT THAT POINT

24 THE WITNESS AVERAGE NUMBER ESTIMATED AND
25 MULTIPLIED BY THE NUMBER OF SCHOOLS THAT WOULD HAVE BEEN

1 A YES

2 Q SO IF WE SUMMARIZE DILLON TWO, WE HAVE GOT THERE ONE
3 PRINCIPAL SPECIALIST, ONE CURRICULUM SPECIALIST, FOUR
4 TEACHER SPECIALISTS, 45,000 IN MATERIAL AND SUPPLIES,
5 50,000 FOR RETRAINING GRANTS AND THE VALUE OF 60,000 FOR
6 TWO HOMEWORK CENTERS, CORRECT?

7 A I BELIEVE THAT'S CORRECT

8 Q ALL RIGHT AND I WILL TELL YOU AND FOR THE RECORD
9 SAY THAT I DID NOT EXTEND THE HOMEWORK CENTER DOLLARS
10 BECAUSE I WAS NOT SURE WHETHER YOU WERE -- WHETHER ALL OF
11 THEM WERE AVAILABLE TO ALL SCHOOLS AND THEN I THINK YOUR
12 TESTIMONY IS NOW THAT IT IS, SO?

13 A I BELIEVE THAT'S ACCURATE, RIGHT I'M -- AGAIN, I
14 DID NOT SUMMARIZE THAT PROGRAM BUT I DO HAVE SOME
15 KNOWLEDGE OF IT

16 Q WELL, THAT WAS CERTAINLY PART OF THE EXTENSION WHEN
17 YOU WERE TALKING ABOUT A FULL COMPLEMENT OF SERVICES TO
18 THESE SCHOOLS YOU INCLUDED A HOMEWORK CENTER IN ALL OF
19 THEM, RIGHT, SO THE INTENT IS TO PROVIDE THEM?

20 A RIGHT YES

21 Q OKAY LET'S -- MOVING ON TO FLORENCE FOUR JOHNSON
22 MIDDLE SCHOOL, AN UNSATISFACTORY SCHOOL I THINK IT'S
23 OVER ON THE FOLLOWING PAGE ON YOUR SPREADSHEET YOU HAVE
24 A CURRICULUM SPECIALIST AND THREE TEACHER SPECIALISTS, ONE
25 BEING VACANT IN SPECIAL NEEDS, RIGHT?

1 Q 20,000 FOR ADDITIONAL MATERIAL AND SUPPLIES?

2 A YES

3 Q 25,000 FOR THE RETRAINING GRANT AND A HOMEWORK
4 CENTER, RIGHT?

5 A YES

6 Q SUMMING UP MARION SEVEN, WE HAVE ONE CURRICULUM
7 SPECIALIST, FOUR TEACHER SPECIALISTS, FOUR PART-TIME
8 CURRICULUM INSTRUCTION FACILITATORS I GUESS WE COULD GO
9 BACK AND SAY ONE OF THOSE TEACHER SPECIALISTS IS HALF-TIME
10 OR PART-TIME?

11 A YES

12 Q MATERIAL AND SUPPLIES OF \$65,000 TO THOSE SCHOOLS,
13 RETRAINING GRANTS OF 75,000 BECAUSE WE -- I HAD -- DID NOT
14 ADD THE 25 FOR THE HIGH SCHOOL WHICH WE SHOULD PUT BACK
15 IN, AND HOMEWORK CENTERS, CORRECT?

16 A YES

17 Q DO YOU KNOW WHETHER THE HIGH SCHOOL WHICH HAS THE
18 GOOD RATING HAS A -- THE HOMEWORK CENTER FUNDING?

19 A I DO NOT KNOW

20 Q OKAY LET'S MOVE ON TO ORANGEBURG THREE AND WE ARE
21 GETTING TO THE END WE HAVE ELLOREE ELEMENTARY, A
22 BELOW-AVERAGE SCHOOL?

23 A YES

24 Q WHICH HAS A CURRICULUM INSTRUCTION FACILITATOR?

25 A YES

1 Q AND SIX HOMEWORK CENTERS WHICH WOULD BE ON A \$30,000
2 EACH BASIS, \$180,000, RIGHT?

3 A RIGHT

4 Q OKAY LET'S GO TO THE OVERALL SUMMARY I REALIZE
5 SOME OF THESE WILL NEED TO BE CHANGED BASED ON YOUR
6 TESTIMONY BUT IN ESSENCE I DON'T THINK WE HAVE CHANGED
7 PEOPLE WE MIGHT HAVE CHANGED THE DIFFERENCE BETWEEN
8 PRINCIPAL SPECIALISTS AND PRINCIPAL LEADER WE HAVE NINE
9 OF THOSE INDIVIDUALS IN THESE COUNTIES, CORRECT?

10 A YES

11 Q ON THESE DISTRICTS 12 CURRICULUM SPECIALISTS, 72
12 TEACHER SPECIALISTS, 15 PART-TIME CURRICULUM INSTRUCTION
13 FACILITATORS, MORE THAN \$660,000 IN -- FOR MATERIALS AND
14 SUPPLIES AND THAT CAN BE USED FOR BOOKS, RIGHT, IT CAN
15 BE USED FOR BENCHMARK TESTING CORRECT?

16 A YES

17 Q ANYTHING THAT THAT SCHOOL NEEDS THAT THEY THINK CAN
18 BE USED TO HELP IMPROVE THE PERFORMANCE OF THEIR STUDENTS
19 AT THE LOCAL LEVEL WHERE THEY KNOW WHERE THE NEED IS MOST,
20 CORRECT?

21 A THAT'S CORRECT

22 Q OKAY AND THAT'S -- 700,000 IN THESE DISTRICTS FOR
23 ADDITIONAL PROFESSIONAL TRAINING ANNUALLY RIGHT?

24 A YES WELL, ANNUALLY FOR THE LIFE OF THE THREE-YEAR
25 RETRAINING GRANT PERIOD

1 Q RIGHT SO THEY'D ACTUALLY GET -- SEVEN TIMES THREE
2 IS, WHAT, 2,100,000 THAT THEY HAD AVAILABLE FOR
3 PROFESSIONAL DEVELOPMENT TRAINING?

4 A THE DOLLARS FOR RETRAINING GRANTS MAY VARY FROM YEAR
5 TO YEAR, BUT NOT SIGNIFICANTLY

6 Q SO ABOUT \$2 MILLION OVER THREE YEARS TO IMPROVE THE
7 QUALITY OF TEACHERS IN THOSE DISTRICTS?

8 A YES

9 Q AND THEN 28 HOMEWORK CENTERS?

10 A YES

11 Q I ATTEMPTED TO -- AND THIS IS GOING TO REQUIRE SOME
12 MODIFICATION BASED ON YOUR TESTIMONY AND, YOUR HONOR, I
13 WILL ATTEMPT TO SUBSTITUTE THE CORRECTIONS NOW THAT WE
14 HAVE THIS TESTIMONY

15 BUT THE FOLLOWING INTERVENTION DOLLARS IS PRINCIPAL
16 SPECIALISTS AND LEADERS, BASED UPON YOUR NUMBER THAT YOU
17 OFFERED IN YOUR DIRECT TESTIMONY --

18 A RIGHT

19 Q -- OF 159,810 EXTENDS OUT TO A \$1,438,290, RIGHT?

20 A YES

21 Q CURRICULUM SPECIALISTS, I BELIEVE YOU TESTIFIED COST
22 108,985, RIGHT?

23 A YES

24 Q WE HAVE 12 OF THOSE IN THESE DISTRICTS FOR A
25 1,387,820, RIGHT?

1 A YES

2 Q WE HAVE 72 TEACHER SPECIALISTS IN THESE EIGHT
3 DISTRICTS, RIGHT?

4 A YES

5 Q AND YOU SAID THAT THEY COST A \$100,183 PER TEACHER
6 SPECIALIST?

7 A RIGHT

8 Q THAT EXTENDS OUT TO 7,213,176?

9 A RIGHT

10 Q CORRECT? THE CURRICULUM INSTRUCTION FACILITATORS
11 WHICH YOU HAVE NOW TOLD ME I NEED TO PUT IN THIS NUMBER
12 6,000?

13 A YES

14 Q WOULD EXTEND OUT -- I CAN'T DO THE MATH IN MY HEAD,
15 BUT, MAKE THAT CHANGE MATERIAL AND SUPPLIES, EITHER 25
16 OR 20 AND AN ADDITIONAL 25 IF WE HAVE A PRINCIPAL LEADER
17 I THINK WE RAN INTO TWO OF THOSE DURING THIS PROCESS
18 660,000 PLUS THE ADDITIONAL ADD-ONS FOR THOSE PRINCIPAL
19 LEADERS, CORRECT?

20 A YES

21 Q 28 OPPORTUNITIES FOR RETRAINING GRANTS IN THESE
22 DISTRICTS FOR 25,000 EACH 700,000 FOR THAT?

23 A UH-HUH

24 Q 28 HOMEWORK CENTERS AT 30,000 EACH FOR 840,000 FOR
25 THESE DISTRICTS, RIGHT?

1 A YES

2 Q AND THAT TOTALS UP -- SOMEBODY CHECK MY MATH -- AT
3 \$12,159,286 IN INTERVENTION DOLLARS FOR THESE EIGHT
4 DISTRICTS, RIGHT?

5 A YOU -- WELL, I'M NOT DOING THE MATH BUT

6 Q NO

7 A I UNDERSTAND HOW IT'S LAID OUT, YES

8 Q RIGHT AND I WILL DOUBLE CHECK IT ONE MORE TIME FOR
9 THE MATH BEFORE WE MARK IT AND I WILL GIVE THE PLAINTIFFS
10 AN OPPORTUNITY TO SHOOT AT MY MATH LIKE WE SHOOT AT
11 THEIRS

12 AND, BUT THE BOTTOM LINE IS THAT THIS IS ALL
13 ASSISTANCE TO THESE DISTRICTS OVER AND ABOVE WHAT THEY GET
14 FOR -- AS ANY OTHER SCHOOL DISTRICT WOULD?

15 A YES

16 Q THROUGH THE FUNDING OF THE STATE, THROUGH YOUR
17 OFFICE?

18 A YES

19 Q IN ADDITION TO THE PROFESSIONAL DEVELOPMENT THAT YOU
20 PROVIDE CORRECT?

21 A YES

22 Q THE LIAISONS THAT YOU PROVIDE?

23 A YES

24 Q ANY OTHER ASSISTANCE THAT YOU PROVIDE TO THESE
25 DISTRICTS?

1 A I CANNOT RECALL ANY MAJOR EFFORTS BEYOND THE ONES YOU
2 HAVE SUMMARIZED

3 Q OKAY THAT'S ALL THE QUESTIONS I HAVE AND I THANK
4 YOU FOR COMING BACK THANK YOU

5 THE COURT THIS IS A GOOD TIME FOR US TO STOP
6 FOR THE MID-MORNING RECESS WE WILL BE IN RECESS FOR 15
7 MINUTES DR SUBER, OF COURSE YOU CAN STAND DOWN YOU
8 CAN'T TALK ABOUT YOUR TESTIMONY, OKAY? THANK YOU BE IN
9 RECESS FOR 15 MINUTES

10 (WITNESS LEFT THE STAND)

11 (WHEREUPON COURT WAS IN RECESS)

12 MRS GRAY 3113, I WILL SUBSTITUTE THE
13 CORRECTED INFORMATION BASED ON HIS TESTIMONY AND I WILL
14 PROVIDE THAT TO EVERYBODY I WILL DO IT TONIGHT

15 MRS HART YOUR HONOR, I HAD NOT --

16 THE COURT I WAS GOING TO RECOGNIZE MS MCMAHON
17 FIRST WE'LL GET BACK TO YOU, MRS HART MS MCMAHON,
18 CROSS-EXAMINATION?

19 MS MCMAHON NO QUESTIONS, YOUR HONOR

20 THE COURT NOW, MRS HART

21 MRS HART WELL, YOUR HONOR, I HADN'T HEARD THE
22 POWERPOINT OFFERED INTO EVIDENCE UNTIL JUST NOW, WHICH I
23 PRESUME IS WHAT THAT WAS

24 THE COURT RIGHT

25 MRS HART WE WOULD OBJECT TO THAT EXHIBIT

1 TEACHER QUALITY PLAY IN THE EDUCATION OF THE GIFTED AND
2 TALENTED STUDENT?

3 A TEACHER QUALITY IS NO DIFFERENT IN OUR AREA THAN IN
4 ANY OTHER AREA THE TEACHER IS THE ONE OF THE CRITICAL
5 FACTORS IN THE CLASSROOM IN WORKING WITH GIFTED AND
6 TALENTED LEARNERS JUST LIKE YOU ARE WORKING ON THE OTHER
7 END OF THE SPECTRUM, THE SPECIAL LEARNERS, YOU NEED TO
8 KNOW THE UNIQUE ATTRIBUTES AND CHARACTERISTICS OF THOSE
9 CHILDREN, AND THEN HOW TO MODIFY CURRICULUM INSTRUCTION IN
10 ORDER TO BEST MEET THEIR NEEDS

11 SO IT TAKES TRAINING BEYOND JUST WHAT WE GET IN
12 GENERAL EDUCATION PROGRAM TO WORK WITH THIS POPULATION

13 Q WELL, WHAT KIND OF CHARACTERISTICS AND THEN WHAT KIND
14 OF TRAINING DO EFFECTIVE GIFTED AND TALENTED TEACHERS
15 NEED?

16 A SURE TEACHERS WHO WORK WITH THIS POPULATION NEED TO
17 HAVE A STRONG CONTENT BACKGROUND THEY NEED TO, AGAIN,
18 KNOW A LOT ABOUT HOW TO DIFFERENTIATE INSTRUCTION, HOW TO
19 DESIGN CURRICULUM BASED ON THE NEEDS OF THE LEARNERS
20 THEY ALSO NEED TO BE COMFORTABLE NOT ALWAYS BEING THE
21 DISPENSER OF INFORMATION

22 VERY OFTEN THEIR ROLE IS THAT OF A FACILITATOR IN
23 LEARNING OR OF A COLLABORATOR IN LEARNING VERSUS BEING THE
24 PERSON WHO HAS ALL THE INFORMATION, HERE IT IS, AND JUST
25 ACCEPT IT, THAT SORT OF APPROACH TO INSTRUCTION

1 Q DO YOU THINK EARLY CHILDHOOD DEVELOPMENT PROGRAMS ARE
2 PARTICULARLY IMPORTANT WHEN YOU ARE DEALING WITH CHILDREN
3 SUCH AS THOSE THAT COME INTO YOUR DISTRICT?

4 A IT IS OF THE UTMOST IMPORTANCE.

5 Q OKAY

6 A IF YOU FIX A PROBLEM AND -- I'M GOING TO PUT IT THIS
7 WAY IF YOU FIX THE PROBLEM DOWN THERE AT THE EARLY AGE,
8 AT THE EARLY GRADES, YOU DON'T HAVE THE PROBLEMS AS YOU
9 MOVE THROUGH THE SYSTEM THE PROBLEM MULTIPLIES AS YOU
10 START GETTING IN THE MIDDLE GRADES, INTO THE HIGH SCHOOL
11 IT'S ALMOST BEYOND REPAIR AT THAT POINT

12 Q WE'VE TALKED ABOUT TEACHERS AND TEACHER
13 QUALIFICATIONS DOES A TEACHER WHO TEACHES CHILDREN THAT
14 COME FROM BACKGROUNDS THAT DON'T HAVE A LOT OF PRINTED
15 MATERIAL IN THE HOUSEHOLD AND ARE NOT EXPOSED TO BOOKS AND
16 THAT SORT OF THING, DO THEY NEED QUALITY TEACHERS THAT CAN
17 DIAGNOSE AND ADDRESS DIFFERENT LEARNING STYLES OF
18 CHILDREN?

19 A THEY -- THEY NEED A SPECIAL TEACHER THEY NEED A
20 TEACHER WHO CAN COME IN AND FIRST ASSESS WHERE THEY ARE,
21 IDENTIFY THEIR LEARNING STYLE AND TEACH TO THAT PARTICULAR
22 CHILD'S STYLE THEY NEED A TEACHER WHO CAN DO HANDS-ON
23 ACTIVITIES WITH THEM

24 THEY NEED A TEACHER WHO CAN DO GROUP -- SMALL GROUP
25 INSTRUCTION THEY NEED A SPECIAL TEACHER I CALL THEM A

1 DISTRICTS I WANT TO TALK TO YOU ABOUT THAT WITH RESPECT
2 TO JASPER COUNTY

3 AND TELL ME WHAT LIFE EXPERIENCES THESE CHILDREN HAVE
4 BEEN ABLE TO OBTAIN PRIOR TO COMING TO SCHOOL, WHAT
5 EXPOSURES

6 A VERY LITTLE EXPOSURE TO CULTURAL EVENTS THEY COME
7 WITHOUT READING PROPER READING, OR READING MATERIALS IN
8 THE HOME THEY'RE OFTEN IN A CHILDCARE FACILITY THAT --
9 OR A CHILDCARE PROVIDER IS USUALLY THEIR GRANDMOTHER, NOT
10 IN A STRUCTURED CHILDCARE PROGRAM THEY ARE IN DAYCARE
11 CENTERS THAT IS RUN BY FAMILIES AND THINGS LIKE THAT

12 SO THEY DON'T HAVE THE LUXURY OF ENTERING AND GETTING
13 THOSE SOCIAL SKILLS AND CULTURAL EXPERIENCES THAT MANY
14 OTHER STUDENTS HAVE THE OPPORTUNITY TO GO THROUGH

15 Q LET'S MOVE AWAY FROM THE CULTURAL ISSUES A MINUTE AND
16 TALK ABOUT EXPOSURES TO DIFFERENT PARTS OF THE STATE OR
17 DIFFERENT THINGS, THE OCEAN, FOR EXAMPLE, OR SAVANNAH OR
18 CHARLESTON OR WHATEVER DO THE CHILDREN GET TO WITNESS
19 THOSE THINGS AS THEY ARE VERY YOUNG CHILDREN PRIOR TO
20 COMING TO SCHOOL?

21 A MANY OF THEM DO NOT IT'S -- IT'S -- IT'S IRONIC
22 WE TAKE STUDENTS SOMETIMES ON FIELD TRIPS AND MANY OF THEM
23 SAYING THIS IS THE FIRST TIME, THEY HAVE BEEN TO THE OCEAN
24 THE OCEAN IS 15 MILES AWAY FROM US AND/OR THE BEACH
25 SO -- SO THEY DON'T HAVE THAT -- THAT EXPERIENCE

1 THE COURT YES, SIR AND IT HAS BEEN IN LARGE
2 MEASURE OVER YOUR OBJECTION THE SECOND PART OF HIS
3 ANSWER I WILL ALLOW AS TO HIS ANALYSIS THE STATE IS NOT
4 LIVING UP TO ITS BARGAIN, I THINK THAT'S A CONCLUSION I'M
5 GOING TO HAVE TO REACH IF I GET TO THAT

6 THE SECOND PART OF THE ANSWER IS FINE I CAN'T PAY
7 WHAT OTHER TEACHERS, WHAT OTHER DISTRICTS PAY, OVER
8 OBJECTION OF DEFENSE COUNSEL

9 MR EPPS WELL, LET ME SEE IF I CAN REPHRASE
10 THE QUESTION, YOUR HONOR --

11 THE COURT WELL --

12 MR EPPS -- ON THE FIRST PART THE SECOND
13 PART IS IN BUT I'D LIKE THE FIRST PART TO BE IN THE
14 RECORD ALSO WITHOUT BEING STRICKEN

15 THE COURT WELL, ALL RIGHT THERE'S ANOTHER
16 WAY TO SAY IT, I SUPPOSE, YOU KNOW

17 MR EPPS SURE

18 THE COURT BUT GO AHEAD

19 BY MR EPPS

20 Q CAN YOU COMPETE WITH YOUR NEIGHBORING COUNTIES, DR
21 SINGLETON, IN YOUR EFFORTS TO ATTRACT AND RETAIN QUALIFIED
22 TEACHERS?

23 A NO, I CANNOT

24 Q AND IS THE STATE OFFERING YOU THE SUPPORT THAT YOU
25 NEED TO ENABLE YOUR DISTRICT TO DO THAT?

1 A NO, THEY ARE NOT

2 Q ALL RIGHT LET'S SWITCH GEARS AGAIN AND I WANT TO
3 TALK TO YOU ABOUT YOUR FACILITIES, OKAY?

4 A YES, SIR

5 Q AND, YOUR HONOR, I HAVE SOME, WE HAVE A NOTEBOOK
6 (CONFERRING WITH STAFF)

7 MR EPPS YOUR HONOR, THE NOTEBOOK HAS EACH
8 PAGE MARKED, I'M INFORMED, AND I THINK IT WILL BE -- BE
9 CUMBERSOME TO TRY TO READ ALL THOSE PAGES IN THE RECORD

10 THE COURT I AGREE

11 MR EPPS YOUR HONOR, THE COVER TO THE EXHIBIT
12 SAYS JASPER COUNTY SCHOOL DISTRICT SCHOOL PHOTOGRAPHS

13 THE COURT RIGHT

14 MR EPPS SO I THINK THAT'S HOW WE WOULD KEEP
15 UP WITH THE NOTEBOOK AND THE -- THERE'S SOME PICTURES,
16 DR SINGLETON, AND I'M NOT GOING TO --

17 MR BARNES YOUR HONOR, I'D JUST LIKE TO -- I'M
18 OBJECTING TO THE NOTEBOOK UNTIL I HAVE A CHANCE TO LOOK AT
19 IT I HAVE JUST BEEN HANDED IT IT'S FAIRLY THICK
20 MR EPPS HAS ASSURED ME THE PICTURES HE'S GETTING READY TO
21 GO THROUGH WITH DR SINGLETON ARE THE ONLY ONES THAT ARE
22 ANNOTATED, BUT BEFORE I LET IT GO IN WITHOUT MY OBJECTION,
23 I WANT TO LOOK AT IT

24 THE COURT ALL RIGHT I WILL NOTE YOUR
25 RESERVATION OF YOUR RIGHT TO OBJECT DEPENDING UPON WHAT

1 YOUR REVIEW OF THE EXHIBIT REVEALS AND --

2 MR BARNES THANK YOU

3 MR EPPS LET ME JUST SAY THIS IN RESPONSE TO
4 THAT OBJECTION, YOUR HONOR THEY HAVE COPIES OF ALL OF
5 OUR PHOTOGRAPHS AND SO THEY SHOULD HAVE COPIES OF ALL OF
6 THESE AND SHOULD HAVE HAD COPIES OF ALL OF THESE FOR
7 SOMETIME IS THAT CORRECT?

8 MR BARNES WELL, THEY HAVE, YOUR HONOR, BUT
9 THEIR -- THEIR EXHIBIT LIST IS SUCH A MOVING TARGET I HAVE
10 NO IDEA I MEAN, IF I GOT IT BACK IN JUNE OF LAST YEAR,
11 THERE IS ABSOLUTELY NO GUARANTEE IT'S THE SAME THING I AM
12 BEING HANDED NOW

13 FROM WHAT I CAN TELL, THEY COMPLETELY ABANDONED THAT
14 LIST THESE ARE NEW EXHIBIT NUMBERS I HAVE NO WAY TO
15 CROSS-REFERENCE IT, SO I RESERVE MY RIGHT

16 THE COURT I UNDERSTAND AND I WILL ALLOW YOU
17 NOW TO GO FORWARD WITH THAT RESERVATION I THUMBED
18 THROUGH THE NOTEBOOK ITSELF A QUICK REVIEW DOESN'T
19 INDICATE ANY ANNOTATIONS OR EXPLANATIONS ON IT, SO

20 MR EPPS THERE ARE NONE, YOUR HONOR, BUT JUST
21 AGAIN TO MAKE SURE THE COMPLETE IS RECORD ON THIS, THESE
22 PHOTOGRAPHS ARE IN OUR ORIGINAL EXHIBIT LIST SUBMITTED FOR
23 TRIAL IT'S THE 1500 SERIES

24 THE COURT OKAY

25 MR EPPS SO I THINK IF MR BARNES LOOKS AT THE

1 JUST ASK A COUPLE OF QUESTIONS ABOUT THEM AS ISSUES THAT
2 DREW MY INTEREST AND THE FIRST I WANT TO ASK YOU ABOUT
3 IS 1573-A O ?

4 A YES, SIR

5 Q AND YOU HAVE SEWAGE OVERFLOW WRITTEN DOWN THERE AND
6 YOU NEED TO EXPLAIN THAT US TO, PLEASE

7 A AND THESE BUILDINGS -- THESE ARE THE OLD BURNS
8 BUILDING AND THE BUILDING, THE SEWAGE CLEAN OUT IS IN THE
9 MIDDLE OF THE HALLWAY IN THIS PARTICULAR PICTURE IT'S
10 RIGHT NEXT TO THE WATER FOUNTAIN IT'S NEAR -- IT'S RIGHT
11 IN THE MIDDLE OF THE HALLWAY AND

12 THE CLASSROOM -- THERE'S ABOUT SIX OR SEVEN
13 CLASSROOMS ON THIS HALLWAY, SO WHEN THE SEWAGE BACKS UP,
14 IT'S -- AND IT'S PRETTY FREQUENT THAT WE HAVE TO ABANDON
15 THAT BUILDING, CLEAN IT OUT AND MAKE SURE IT'S SANITIZED
16 BEFORE OUR STUDENTS ARE ALLOWED BACK IN THE BUILDING

17 Q ALL RIGHT THIS IS RIDGELAND ELEMENTARY?

18 A THIS IS RIDGELAND ELEMENTARY SCHOOL

19 Q ALL RIGHT NOW, YOU SAY IT'S PRETTY FREQUENT CAN
20 YOU QUANTIFY THAT FOR US IN ANY -- ANY MANNER?

21 A CLOSE TO EVERY SIX WEEKS, EVERY OTHER MONTH,
22 SOMEWHERE IN THAT NEIGHBORHOOD WE HAVE TO GO IN AND TRY TO
23 CLEAN IT UP

24 Q NOW, HOW LONG HAS THIS BEEN A PROBLEM?

25 A IT'S BEEN A PROBLEM FOR ABOUT -- ABOUT FOUR OR FIVE

1 YEARS NOW AND -- AND WHAT WE -- WHAT WE SUSPECT IS THAT
2 THE -- THESE -- THESE -- MY MAINTENANCE PEOPLE SAID TO ME
3 IS THE SEWER LINE IS MADE OUT OF THIS -- THIS CLAY TYPE
4 MATERIAL, THOSE PIPES AND THE PIPES ARE BEGINNING TO
5 CRUMBLE KEEP IN MIND THAT THESE BUILDINGS ARE MORE THAN
6 45 YEARS, 40, 45 YEARS OLD

7 Q WHY HAVE YOU NOT REPLACED THE SEWER LINES?

8 A WELL, IN THIS CASE YOU HAVE TO TEAR OUT THE WHOLE
9 FLOORING OF THE BUILDING

10 Q ALL RIGHT I'M GOING TO TALK TO YOU ABOUT THE
11 BUILDINGS AND THE LOCATIONS AS WE GO THROUGH THIS BUT
12 THE NEXT PHOTOGRAPH I WANT TO TALK TO YOU ABOUT WAS
13 1573-C F C F

14 AND IT JUST SHOWS ELECTRICAL CONDUIT WITH SOME WIRES
15 APPARENTLY ON THE FLOOR THAT'S WHAT YOUR ANNOTATION
16 SAYS AND JUST, WHY IS THIS IN HERE?

17 A THIS IS ONE OF OUR LABS AND WE WERE TRYING TO BRING
18 ELECTRICITY TO THE -- TO WORK OUR TECHNOLOGY AND THIS WAS
19 ON THE FLOOR IN THAT PARTICULAR LAB

20 Q IT'S A TECHNOLOGY LAB?

21 A YES

22 Q OKAY I THINK 1573-C I IS SELF-EXPLANATORY
23 1573-D H , IT'S SELF-EXPLANATORY BUT ONE THAT REALLY HAS
24 MY INTEREST IS 1573-D T AND YOU HAVE SNAKE ENTRY TELL
25 ME ABOUT THAT

1 A WELL, WE HAVE CAUGHT AT LEAST THREE SNAKES IN THIS
2 PARTICULAR SCHOOL THIS IS WEST HARDEEVILLE SCHOOL
3 THERE IS A -- THERE WAS A HUGE POND RIGHT NEXT TO THE
4 SCHOOL, A LOT OF WETLAND AND FOREST AND WOOD, WOODED AREA,
5 AND THE SNAKES BECAUSE OF THE -- THE CRACK UNDER THE DOOR
6 THERE, THE SNAKES WERE ABLE TO COME INTO THE BUILDING

7 Q ALL RIGHT, SIR NOW, THE LAST PHOTOGRAPH I'M GOING
8 TO TALK TO YOU ABOUT IS 1573-F O AND YOU HAVE GOT MOLD
9 AND MILDEW NOW WHICH BUILDING IS THIS, PLEASE?

10 A THIS IS ONE OF OUR MOBILE UNITS IN THE HARDEEVILLE
11 SCHOOL AND AS YOU CAN SEE, THE -- THE SIDE OF THE PANEL
12 THERE HAS BEGAN TO GROW THINGS ON IT AND MOLD AND MILDEW
13 HARDEEVILLE IS -- THE SCHOOL WAS BUILT BASICALLY ON A VERY
14 LOW AREA

15 MY UNDERSTANDING IT'S BELOW SEA LEVEL AND WHEN IT
16 RAINS, THE WATER SEEPS IN THE BUILDING SO WE HAVE ALWAYS
17 HAD PROBLEMS OUT OF THIS PARTICULAR SCHOOL

18 Q ALL RIGHT LET'S TALK ABOUT YOUR BUILDINGS KIND OF
19 GENERICALLY NOW, OKAY AND WE WILL START WITH THEIR
20 LOCATION ARE THE BUILDINGS LOCATED ON HIGH GROUND, LOW
21 GROUND, OR IS THERE ANY CHARACTERISTIC THAT YOU CAN
22 ASCRIBE TO THEM?

23 A THE HIGH SCHOOL IS BUILT ON PRETTY HIGH GROUND THE
24 ELEMENTARY AND MIDDLE SCHOOL ARE BASICALLY ON THE SAME
25 COMPLEX IT'S IN THE SAME AREA OR SAME COMPLEX THE LAND

1 IS A LITTLE LOWER THERE WE HAVE SOME WATER PROBLEMS WITH
2 THOSE BUILDINGS, BUT HARDEEVILLE IS BUILT IN A SWAMP

3 Q IN A SWAMP?

4 A IN A SWAMP

5 Q ALL RIGHT NOW, WHAT TYPE OF PROBLEMS DOES THAT
6 CREATE OTHER THAN WHAT YOU JUST DESCRIBED TO US?

7 A IT EVEN PLAY HAVOC ON OUR ELECTRICAL SYSTEM THE
8 SYSTEM GOES OUT AND WE DON'T KNOW FOR WHAT REASON
9 SOMETIMES WE HAVE SEWAGE PROBLEMS MOLD AND MILDEW ALL
10 THROUGHOUT THE BUILDING, LEAKY ROOF THROUGHOUT THE
11 BUILDINGS AND THE KIND

12 Q ALL RIGHT LET'S GO THROUGH BUILDINGS GENERALLY NOW
13 AND WE HAVE ALREADY ESTABLISHED THAT ALL OF THE BUILDINGS
14 ARE BURNS BUILDINGS BUILT IN THE 50S, CORRECT?

15 A YES, THAT'S CORRECT

16 Q ALL RIGHT JUST TELL ME ABOUT YOUR BUILDINGS AS A
17 GROUP, JUST IN TERMS OF THEIR ATTRACTIVENESS, THEIR
18 MAINTENANCE, YOUR ABILITY TO MAINTAIN THEM, IMPEDIMENTS
19 THAT YOU HAVE IN DELIVERING INSTRUCTION WITHIN THE
20 BUILDING, AND POTENTIALLY RECRUITMENT ISSUES

21 A AS A GROUP THE BUILDING IS OLD AND DILAPIDATED IT'S
22 NOT A GOOD PLACE TO TRY TO INSTRUCT STUDENTS OUR SCIENCE
23 LABS ARE NONEXISTENCE AND -- NONEXISTENT OUR -- THE
24 BUILDING CANNOT SUPPORT THE TECHNOLOGY THAT WE HAVE PUT
25 IN LEAKY ROOFS

1 IT'S NOT ATTRACTIVE IT'S NOT ATTRACTIVE ISSUE WHEN
2 WE ARE TRYING TO RECRUIT TEACHERS AND PRINCIPALS WE HAVE
3 A HARD TIME TALKING ABOUT OUR FACILITIES AND TRYING TO
4 BRING PEOPLE INTO THAT

5 Q ALL RIGHT I'M GOING TO TALK TO YOU ABOUT YOUR
6 SCIENCE LABS IN JUST A MOMENT BUT IN TERMS OF LIBRARIES,
7 MEDIA CENTERS, LIBRARY SPACE, THAT SORT OF THING, DO YOU
8 HAVE ANY SHORTCOMINGS THERE?

9 A WE HAVE OUR MEDIA CENTER AT THE HIGH SCHOOL, WE HAD
10 TO EXPAND THAT WE HAVE TAKEN A CLASSROOM, KNOCKED OUT
11 THE WALLS AND EXPAND THE MEDIA CENTER THERE IN '86, '87,
12 I BELIEVE, WE EXPAND THE RIDGELAND MIDDLE SCHOOL, BUILT
13 ANOTHER MEDIA CENTER THERE BETWEEN THE RIDGELAND MIDDLE
14 SCHOOL AND THE RIDGELAND ELEMENTARY SCHOOL

15 AND HARDEEVILLE AT THAT SAME TIME WE BUILT A NEW
16 MEDIA CENTER THERE BECAUSE THE -- THE OTHER ABOUT THE SIZE
17 OF A CLASSROOM

18 Q DO YOU HAVE ENOUGH INSTRUCTIONAL MATERIALS, LIBRARY
19 BOOKS, ARE THEY KEPT UP-TO-DATE, WHERE DO YOU STAND THERE?

20 A NO, SIR WE DO NOT HAVE ENOUGH WE DID AN
21 ASSESSMENT OF OUR MEDIA CENTER JUST ABOUT THREE OR FOUR
22 WEEKS AGO BECAUSE WE ARE EXPECTING A S A C S VISITATION
23 AND WE NEEDED MORE THAN A \$80,000 IN BOOKS AND MATERIALS
24 FOR OUR MEDIA CENTER

25 ONE MEDIA CENTER WE DID NOT HAVE THE REFERENCE BOOKS,

1 REFERENCE MATERIALS THAT WE NEEDED

2 Q HOW ABOUT THE AGE OF THE BOOKS, ARE THEY CURRENT?

3 A THE AGE OF THE BOOKS ARE -- MANY OF THEM ARE OUT,
4 DUE -- OUTDATED WE HAVE PURGED A LOT, BUT THOSE THAT WE
5 HAVE TO HAVE SOMETHING THERE SO MANY OF OUR BOOKS AND
6 MATERIALS ARE NOT MEDIA CENTER THEY ARE OUTDATED,
7 ESPECIALLY OUR SCIENCE AREA

8 Q YOU MENTIONED A NUMBER OF TIMES AS WE WENT THROUGH
9 THIS DISCUSSION TECHNOLOGY ISSUES

10 A YES

11 Q AND TELL US ABOUT THAT WHAT TYPE OF TECHNOLOGY
12 ISSUES DO YOU HAVE WITH YOUR CURRENT FACILITIES?

13 A THREE -- ABOUT THREE YEARS AGO WE GOT A LARGE E-RATE
14 GRANT AND WE PUT IN A LOT OF -- OF WIRING AND BROUGHT IN
15 SOME COMPUTERS PUT AT LEAST TWO TO THREE COMPUTERS IN
16 EACH CLASSROOM

17 WHAT WE FOUND WAS THAT THERE IS BASICALLY TWO WIRES
18 OR TWO PLUGS IN EVERY CLASSROOM THE TECHNOLOGY WE PUT IN
19 IS OFTEN DOWN TEACHERS SAY -- WELL, THEY ARE DOWN
20 PROBABLY 25, 30 PERCENT OF THE TIME THE INFRASTRUCTURE,
21 THE ELECTRICAL SYSTEM CANNOT SUPPORT THE TECHNOLOGY THAT
22 WE HAVE PUT IN

23 SO TEACHERS GET FRUSTRATED BECAUSE WHEN THEY WANT TO
24 USE THE TECHNOLOGY THEY CANNOT USE IT BECAUSE OF SOME
25 REASON, IT CONTINUES TO GO DOWN

1 Q OKAY AND THAT'S PRIMARILY BECAUSE YOU ONLY HAVE TWO
2 ELECTRICAL OUTLETS IN EACH ROOM, IS THAT WHAT?

3 A WELL, THE ELECTRICAL SYSTEM IN THERE CANNOT SUPPORT
4 THE TECHNOLOGY

5 Q SO IT'S MORE THAN JUST TWO OUTLETS?

6 A YES, WAY MORE THAN TWO OUTLETS

7 Q AND YOU ALREADY MENTIONED THAT WEST HARDEEVILLE
8 ELEMENTARY'S IN THE LITTLE SWAMPY AREA?

9 A YES

10 Q AS FAR AS YOUR ELECTRICAL PROBLEMS ARE CONCERNED --
11 WELL, WITH THE PROBLEMS THAT YOU ARE HAVING WITH YOUR
12 TECHNOLOGY, BY THAT I ASSUME WE MEAN COMPUTERS?

13 A YES

14 Q WITH THE PROBLEMS THAT YOU ARE HAVING IN MAINTAINING
15 AND RUNNING THEM AND THE STUDENTS -- EXCUSE ME -- THE
16 TEACHERS' FRUSTRATION IN DEALING WITH THEM, ARE YOU ABLE
17 TO EFFECTIVELY USE TECHNOLOGY WITHIN YOUR SCHOOL SYSTEM?

18 A NO, SIR WE ARE NOT ABLE TO EFFECTIVELY USE
19 TECHNOLOGY ALL OF THE RESEARCH IS SAYING NOW THAT YOU
20 HAVE TO MAKE TECHNOLOGY A PART OF YOUR INSTRUCTIONAL
21 PROGRAM AND WE ARE NOT ABLE TO DO THAT WITH THIS -- WITH
22 THIS BEING DOWN

23 Q NOW, BEFORE I TURN TO THE SCIENCE LABS I WANT TO ASK
24 YOU ABOUT TWO MORE QUESTIONS ON JUST THE FACILITIES IN
25 GENERAL YOUR ROOF CONDITION WHAT ARE YOUR ROOFS LIKE?

1 A WE HAVE DONE MOST OF THE REPAIRS TO OUR ROOF WE
2 HAVE MAYBE A COUPLE MORE THAT NEEDS TO BE REPAIRED, BUT WE
3 HAVE DONE THAT WITH SOME BOND FUNDS FROM THE STATE

4 Q HAS THAT BEEN A CONTINUING PROBLEM SINCE YOU HAVE
5 BEEN IN THE DISTRICT?

6 A YES, SIR THAT HAS BEEN A CONTINUING PROBLEM IF
7 YOU LOOK AT SOME OF THESE PICTURES YOU WILL SEE A LOT OF
8 DAMAGED CEILING TILE

9 Q HOW ABOUT YOUR SPACE REQUIREMENTS, DO YOU HAVE
10 SUFFICIENT SPACE IN YOUR BUILDINGS?

11 A NO, SIR WE DO NOT HAVE SUFFICIENT SPACE AT ALL WE
12 HAVE BEEN -- SOME CASES CUT A CLASSROOM IN TWO WE HAVE
13 TAKEN -- AT THE MIDDLE SCHOOL WE HAVE PUT ONE, TWO, THREE,
14 THREE CLASSROOMS, BUILT THREE CLASSROOMS OUT IN THE
15 COMMONS AREA, WE HAD A REAL NICE COMMONS AREA WE HAD TO
16 TAKE THAT SPACE AND TURN IT INTO CLASSROOM SPACE

17 Q DO YOU FIND THAT TEACHERS IN YOUR SCHOOL ARE HAVING
18 TO TEACH STUDENTS IN THE HALLS?

19 A WE HAVE THE SOME CITY VOLUNTEERS WHO COME INTO OUR
20 SCHOOL AND RATHER THAN HAVING SPACE IN THE SCHOOL WHERE
21 THEY CAN GO AND TUTOR AND WORK WITH THE STUDENTS, THEY
22 WILL GO IN THE CLASSROOM, GET A CHAIR BECAUSE THERE IS NO
23 SPACE AND SIT IN THE HALLWAY AND WORK WITH THEM

24 Q ALL RIGHT WOULD YOU DESCRIBE YOUR OVERCROWDING
25 CONDITIONS AS BEING SEVERE OR OKAY?

1 A VERY SEVERE

2 Q VERY SEVERE HOW LONG HAS THIS BEEN A PROBLEM FOR
3 THE DISTRICT?

4 A IT'S -- IT'S BEEN A PROBLEM IT'S, YOU KNOW, FOR THE
5 LAST TEN YEARS AS I CAN RECALL IT'S BEGINNING TO BE MORE
6 OF A PROBLEM NOW BECAUSE OUR STUDENT POPULATION HAS
7 INCREASED

8 Q THE LAST SUBJECT GENERICALLY ABOUT THE BUILDINGS I
9 WANT TO TALK TO YOU ABOUT, GENERALLY, IS THAT OF SAFETY
10 ARE THERE ANY SAFETY PROBLEMS THAT YOU SEE WITHIN YOUR
11 EXISTING FACILITIES?

12 A YES, THERE ARE SAFETY PROBLEMS AS YOU NOTICE, THE
13 ELECTRICAL PROBLEMS IN ONE OF THE PICTURES HERE

14 Q ANYTHING ELSE?

15 A WELL, LEAKING ROOFS COULD BE A PROBLEM

16 Q IS MOLD A PROBLEM?

17 A MOLD IS DEFINITELY -- THIS YEAR WE HAVE SEVERAL
18 TEACHERS WHO HAVE ADDRESSED THAT PROBLEM AND HAS GOTTEN
19 SICK FROM IT

20 Q ARE SNAKES A POTENTIAL SAFETY HAZARD?

21 A YES, SIR I'M SCARED TO DEATH OF THEM

22 Q SO WHETHER THEY ARE POISONOUS OR NOT SOMEBODY MIGHT
23 HAVE A HEART ATTACK, IS THAT WHAT YOU ARE SUGGESTING?

24 A YES, SIR I WOULD IMAGE SOMEBODY COULD OR EVEN GET
25 BIT

1 Q OR EVEN GET BITTEN OUT OF CURIOSITY, WHO REMOVES
2 THE SNAKES WHEN THEY COME INTO THE SCHOOL BUILDING?

3 A THE CUSTODIAL STAFF, YOU KNOW IF WE CAN LOCATE THEM
4 IT'S THE CUSTODIAL STAFF

5 Q DO YOU GET VOLUNTEERS TO DO THAT?

6 A NO, SIR EVERYBODY IS RUNNING AWAY FROM THEM

7 Q OKAY ALL RIGHT LET'S TURN NOW -- HAVE I
8 ADEQUATELY COVERED, DR SINGLETON, WITH YOU, THE GENERAL
9 SCHOOL FACILITY ISSUES, DO YOU THINK?

10 A I THINK WE HAVE

11 Q ALL RIGHT I WANT TO TURN NOW TO THE SCIENCE, THE
12 SCIENCE PART OF THE CURRICULUM AND YOUR ABILITY TO DELIVER
13 SCIENCE CURRICULUM TO YOUR STUDENTS

14 A YES, SIR

15 Q AND I WANT TO FOCUS, FIRST OF ALL, ON THE
16 LABORATORIES AND THE FIRST QUESTION I WILL ASK YOU IS
17 WHETHER YOU HAVE SCIENCE LABS IN YOUR MIDDLE SCHOOLS?

18 A NO, SIR WE DO NOT HAVE SCIENCE LABS IN OUR MIDDLE
19 SCHOOL

20 Q DO YOU HAVE SCIENCE LABS IN YOUR ELEMENTARY SCHOOLS?

21 A NO, SIR WE DO NOT HAVE SCIENCE LABS IN OUR
22 ELEMENTARY

23 Q DO YOU NEED SCIENCE LABS IN EITHER OF THOSE TWO
24 LEVELS OF EDUCATION?

25 A YOU NEED TO IN THE MIDDLE SCHOOL DEFINITELY NEED IT

1 IN THE MIDDLE SCHOOL

2 Q AND WHY IS THAT, PLEASE?

3 A BECAUSE TEACHERS ARE INSTRUCTING AND DOING LAB
4 EXPERIMENTS, WORKING WITH STUDENTS AND WE NEED THAT

5 Q IS SCIENCE -- OF COURSE IT'S ONE OF THE CORE SUBJECTS
6 NOW BEING TESTED ON PACT?

7 A THAT'S CORRECT

8 Q WHAT TYPE OF -- WHAT CONSTRAINTS DOES A TEACHER WHO
9 IS TRYING TO TEACH SCIENCE IN THE MIDDLE GRADES HAVE IF
10 THEY DON'T HAVE A LAB?

11 A WELL, IF THEY DON'T HAVE A LAB THEY CANNOT PROVIDE
12 THE EXPERIENCE OR EXPERIMENTAL -- THEY MAY BE TRYING TO
13 WORK ON AN EXPERIMENT OR DOING TESTING OR LOOKING AT WATER
14 OR LOOKING AT SOME OF THE -- THE PLANT LIFE, ET CETERA,
15 AROUND US THEY -- THEY CANNOT DO THAT UNLESS THEY HAVE A
16 LAB

17 Q ANY MICROSCOPES THERE? ANY DISSECTION TABLES THERE
18 OR ANYTHING LIKE THAT?

19 A NO, SIR NONE

20 Q I'M GOING TO INTERJECT SOMETHING PERSONAL, DR
21 SINGLETON, AT THIS POINT I REMEMBER, I THINK, IN THE
22 EIGHTH GRADE HAVING TO DISSECT A FROG ARE YOU ABLE TO DO
23 THAT IN YOUR MIDDLE GRADES IN THE JASPER COUNTY SCHOOL
24 DISTRICT?

25 A NO, SIR WE ARE NOT ABLE TO DO THAT

1 Q OR WORM? OR ANYTHING LIKE THAT?

2 A NO, SIR

3 Q DO YOU HAVE MICROSCOPES WHERE YOU CAN TAKE AND SHOW
4 THE STUDENTS, YOU KNOW, WHAT A MICROBE LOOKS LIKE IN YOUR
5 MIDDLE SCHOOLS?

6 A NO, SIR

7 Q AND CERTAINLY YOU DON'T HAVE THAT IN YOUR ELEMENTARY
8 SCHOOLS?

9 A NO, SIR

10 Q DO YOU HAVE ANYTHING IN YOUR MIDDLE SCHOOLS THAT
11 WOULD GIVE THE STUDENTS SOME HANDS-ON CONNECTIONS SO THAT
12 THEY WOULD NOT BE JUST USING THEORETICALLY WHAT A MICROBE
13 MIGHT LOOK LIKE AND LETTING THEM APPLY THAT TO WHAT THEY
14 CAN ACTUALLY SEE?

15 A NO, SIR WE DON'T HAVE ANYTHING IN THE MIDDLE SCHOOL
16 TO DO THAT

17 Q DO YOU THINK IT'S IMPORTANT FOR STUDENTS IN GENERAL
18 AND PARTICULARLY STUDENTS IN YOUR DISTRICTS TO BE ABLE TO
19 SEE AND RELATE TO THE THINGS SUCH AS THAT, IF SOMEBODY
20 SAYS A PARAMECIUM, TO BE ABLE TO SEE ONE?

21 A YES, SIR I THINK THAT'S VERY IMPORTANT TO GET THE
22 HANDS-ON KIND OF EXPERIENCE THAT NEEDS TO BE DONE THEY
23 LIVE IN THAT ENVIRONMENT AND WE SURE LIKE TO SEE THEM KNOW
24 MORE ABOUT THE NATURE OF THAT ENVIRONMENT THAT THEY LIVE
25 IN

1 Q WOULD THAT INCLUDE ALL OF THE SCIENCES, THE PHYSICAL
2 SCIENCES, THE BIOLOGY, THE CHEMISTRY, ALL THE SCIENCES
3 THAT ARE TAUGHT IN PUBLIC SCHOOLS? WOULD YOUR ANSWER BE
4 THE SAME, THAT YOU REALLY NEED TO BE ABLE TO SEE, TOUCH
5 AND FEEL?

6 A YES, YES HANDS-ON EXPERIENCE

7 Q AND --

8 A DISSECTING A FROG

9 Q IS IT ONE OF THE ISSUES IN YOUR DISTRICT THAT YOU
10 HAVE TO BE ABLE TO RELATE TEACHING TO SOMETHING THAT THE
11 STUDENT IS FAMILIAR WITH?

12 A YES, SIR THAT'S -- THAT'S VERY IMPORTANT YOU
13 KNOW, I CALL IT MAKING LEARNING REAL AND BY DOING THAT
14 STUDENTS CAN RELATE TO THAT THEY CAN SEE IT THEY CAN
15 FEEL IT THEY CAN TOUCH IT SO I THINK THAT'S VERY
16 IMPORTANT

17 Q ONE OF THE WITNESSES AT THE -- VERY EARLY IN THE
18 TRIAL TALKED ABOUT DRAWING POND WATER FROM A NEIGHBORING
19 POND AND SHOWING IT TO THE STUDENTS SO THAT THEY COULD SEE
20 WHAT WAS ACTUALLY IN GRANDDADDY'S POND, I THINK IT WAS
21 IS THAT SORT OF THING IMPORTANT TO STUDENTS IN YOUR
22 DISTRICT?

23 A YES, SIR VERY IMPORTANT TO THEM YOU KNOW, WE ARE
24 SURROUNDED OUT OF WATER, FRESH WATER, SALT WATER ON BOTH
25 SIDES OF US AND TO KNOW THE PLANT LIFE IN AND ANIMAL

1 LIFE THAT'S GOING ON, I THINK IS MOST IMPORTANT

2 Q IS THE ABILITY TO TURN THEORY INTO REAL WORLD FOR
3 THESE STUDENTS CRITICAL TO THEIR SUCCESS AS STUDENTS?

4 A IT'S CRITICAL TO THEIR SUCCESS

5 Q AND DOES THE LACK OF THE ABILITY TO DO THAT AS YOU
6 DESCRIBE, IS THAT AN INHIBITION OR A CONSTRAINT ON THE
7 LEVEL OF EDUCATION THAT YOU ARE ABLE TO DELIVER IN YOUR
8 SYSTEM?

9 A THAT IS AN INHIBITION SOME STUDENTS LEARN VERY
10 DIFFERENTLY AND SOME YOU CAN TEACH WITH A TEXTBOOK, OTHERS
11 YOU HAVE TO SHOW, THEY HAVE TO FEEL AND TOUCH AND THAT'S
12 NOT HAPPENING

13 Q WELL, HOW DO YOU -- HOW DO YOU COMMUNICATE SCIENCE IN
14 YOUR MIDDLE SCHOOLS AND ELEMENTARY SCHOOLS TODAY? IN
15 OTHER WORDS, IF YOU WANT TO TALK ABOUT A MICROBE, HOW DO
16 YOU DO THAT? HOW DOES A STUDENT GET THE -- GET SOME
17 UNDERSTANDING OF WHAT A MICROBE IS?

18 A WE HAVE TO DO IT BASICALLY IN THEORY, TEXTBOOK, MAYBE
19 SOME COMPUTER PROGRAM SHOWING HOW THAT IS DONE BUT NEVER
20 THE HANDS-ON SHOWING THEM

21 Q ALL RIGHT LET'S TURN NOW, DR SINGLETON, TO YOUR
22 SCIENCE TAUGHT IN YOUR HIGH SCHOOLS AND TELL ME ABOUT
23 YOUR SCIENCE LABS IN THE JASPER COUNTY HIGH SCHOOL

24 A WE HAVE SCIENCE LABS IN THE HIGH SCHOOL THEY ARE
25 MOST -- AT THE MOST NOT FUNCTIONING I CAN'T RECALL ANY

1 GAS BURNERS, BUNSEN BURNERS, WATER IN THE LAB -- THE --
2 THE DESK -- THE DEMONSTRATION DESK, THEY ARE THERE BUT
3 FUNCTIONING -- THEY ARE NOT FUNCTIONAL

4 Q SO YOU HAVE A LAB HOW MANY LABS DO YOU HAVE IN YOUR
5 SCIENCE SCHOOL -- EXCUSE ME -- IN YOUR HIGH SCHOOL?

6 A WE HAVE TWO

7 Q TWO?

8 A YES, SIR

9 Q ALL RIGHT LET'S TALK ABOUT THAT NOW AND MAKE SURE
10 WE UNDERSTAND SO YOU HAVE TWO SPACE FOR LABORATORIES?

11 A THAT'S CORRECT

12 Q TWO SPACES AND STUDENTS CAN GO INTO THE
13 LABORATORIES?

14 A WE HAVE -- BECAUSE OF THE SHORTAGE OF CLASSROOM WE
15 HAVE A TEACHER IN THAT CLASSROOM AND IF ANOTHER SCIENCE
16 TEACHER WANTS TO USE THE LAB, THEN THEY CAN COME IN, BUT
17 YOU KNOW, IT'S -- THE MATERIAL IS NOT THERE FOR THEM TO
18 USE

19 Q ALL RIGHT SO TO GET IN THE LAB IN THE FIRST PLACE
20 IF YOU ARE ANOTHER SCIENCE TEACHER, YOU HAVE TO ASK THE
21 OTHER CLASS TO EXIT?

22 A THAT'S CORRECT

23 Q ALL RIGHT AND ONCE THEY -- THIS OTHER CLASS COMES
24 IN THERE OR ANY CLASS IN THE SCIENCE LAB, WHAT DO THEY SEE
25 IN TERMS OF OPPORTUNITIES TO, SAY, CONDUCT THE SAME TYPE

1 OF EXPERIMENTS THAT WE HAVE DISCUSSED EARLIER? SOUNDS
2 LIKE YOU GOT A DISSECTING TABLE IN ANY EVENT?

3 A IF IT DOESN'T REQUIRE THE BUNSEN BURNER OR MAYBE SOME
4 OF THE MAJOR CHEMICALS THAT THEY USE IN THERE, THEY MAY BE
5 ABLE TO PROVIDE BASIC EXPERIENCE -- EXPERIMENTS IN THAT

6 Q ALL RIGHT NOW, IN TERMS OF HANDS-ON EXPERIMENTS,
7 ARE YOU ABLE TO SUPPLY THE STUDENTS IN HIGH SCHOOL WITH
8 THE SAME TYPE OF THINGS WE TALKED ABOUT EARLIER? FOR
9 EXAMPLE, DO YOU HAVE THE RESOURCES TO BUY THE FROGS THAT
10 YOU NEED TO TEACH YOUR STUDENTS ANATOMY?

11 A NO, SIR WE DO NOT HAVE THE RESOURCES TO PURCHASE
12 THE RESOURCES WE NEED

13 Q ALL RIGHT HOW DO YOU -- HOW DO YOU DO HANDS-ON
14 THINGS IN YOUR SCIENCE LABS THEN?

15 A THE -- THE ONLY THINGS THAT WE CAN DO IS WHATEVER WE
16 CAN SCRAPE UP FROM, YOU KNOW, THE OUTSIDE SOURCES OR
17 TEACHER MAY BRING IN A ROADKILL OR SOMETHING TO SHOW SOME
18 PARTS OF WHAT'S GOING ON, BUT NOTHING -- PURCHASED
19 MATERIALS LIKE THE -- THE BUCKETS OF FROGS AND SCAFFOLDS
20 AND OTHER THINGS LIKE THAT, ALMOST NONEXISTENT

21 Q YOU SAID ROADKILL?

22 A YES

23 Q ALL RIGHT YOU SAID THE -- YOU HAVE BUNSEN BURNERS?

24 A NO, SIR

25 Q YOU DON'T HAVE BUNSEN BURNERS?

1 A NO, SIR

2 Q ALL RIGHT BUT YOU HAVE WATER?

3 A WE HAVE SOME WATER, YES

4 Q COLD AND HOT?

5 A I REALLY DON'T KNOW WHETHER IT'S COLD OR HOT, BUT WE
6 DO HAVE WATER

7 Q YOU HAVE WATER BUT YOU ARE NOT SURE WHETHER IT'S COLD
8 AND HOT OR ONE OR THE OTHER? HOW ABOUT VENTILATION? IF I
9 WANTED TO DO A CHEMICAL EXPERIMENT, FOR EXAMPLE, IF I
10 WANTED TO DO THE OLD ROTTEN EGG TEST, HYDROGEN SULFIDE AS
11 I REMEMBER DO YOU REMEMBER THAT?

12 A YES, SIR

13 Q SMELLS LIKE ROTTEN EGGS HOW DO YOU DO THAT IN YOUR
14 SCIENCE LAB?

15 A A LOT OF EXPERIENCE -- EXPERIMENTS WE DO NOT DO
16 BECAUSE OF THE VENTILATION THEY ARE NOT PROPERLY
17 VENTILATED THE LABS ARE NOT PROPERLY VENTILATED

18 Q ALL RIGHT WITHOUT VENTILATION CAN YOU DO, FOR
19 EXAMPLE, GAS EXPERIMENTS? CAN YOU USE TWO -- MIX TWO
20 CHEMICALS AND EXAMINE THE GAS, LET THE STUDENTS EXPERIENCE
21 THAT?

22 A TEACHERS ARE VERY CAREFUL WITH WHAT THEY MIX IN THOSE
23 LABS BECAUSE, YOU KNOW, BECAUSE OF THE VENTILATION

24 Q DR SINGLETON, YOU KNOW, FIRST OF ALL I THINK WE'VE
25 REACHED THE POINT WHERE WE NEED -- I NEED TO ASK YOU THE

1 Q ALL RIGHT NOW, LET'S TALK ABOUT THE -- YOU KNOW,
2 THE GEOGRAPHICAL AREA THAT YOU SAID WAS 600-SOME ODD
3 SQUARE MILES AND WHAT THIS MEANS TO A CHILD WHO USES BUS
4 TRANSPORTATION GOING TO AND FROM SCHOOL

5 AND TELL ME WHAT -- WHAT YOU SEE IN THE WAY OF -- IN
6 THE WAY OF THE HOURS A CHILD HAS TO SPEND ON THE BUS -- ON
7 THE BUS AND EXPLAIN TO THE COURT, IF YOU WILL, HOW THIS
8 WORKS AS A PRACTICAL MATTER

9 A MANY OF OUR STUDENTS SPEND TWO HOURS OR MORE ON THE
10 BUS OUR HIGH SCHOOL STUDENTS COMING FROM HARDEEVILLE
11 PROBABLY SPEND TWO AND A HALF HOURS ON THE BUS THEY --

12 Q IS THAT ONE WAY OR EACH WAY, TWO WAYS?

13 A ONE WAY ONE WAY TWO HOURS IN THE MORNING, TWO
14 HOURS IN THE EVENING SO YOU ARE TALKING ABOUT FOUR HOURS
15 OR MORE ON THE BUS

16 Q GO AHEAD I'M SORRY

17 A WE HAVE STUDENTS RIGHT -- WE SAY YOU CAN -- WHERE
18 THEY LIVE YOU CAN STAND AT THE RIVER AND LOOK OVER INTO
19 SAVANNAH THOSE STUDENTS COMING OUT OF BELLINGER HILL IS
20 APPROXIMATELY 18, 19 MILES FROM HARDEEVILLE HARDEEVILLE
21 IS ANOTHER 17, 18 MILES FROM JASPER, THE HIGH SCHOOL

22 SO PICKING UP STUDENTS ALONG THE WAY AND THEN
23 BRINGING THOSE STUDENTS ON TO THE HIGH SCHOOL REQUIRES AT
24 LEAST TWO, TWO AND A HALF HOURS AND IT'S NOT MUCH
25 DIFFERENT FOR MANY OF OUR ELEMENTARY STUDENTS

1 IN THE HARDEEVILLE AREA WE HAVE STUDENTS ON THE BUS
2 OR IN THE RIDGELAND AREA, AS A MATTER OF FACT, ON THE BUS
3 FOR TWO HOURS

4 Q EACH WAY?

5 A EACH WAY

6 Q ALL RIGHT NOW WHEN YOU SAY YOU HAVE STUDENTS ON THE
7 BUS FOR TWO HOURS EACH WAY, ARE WE TALKING ABOUT HIGH
8 SCHOOL STUDENTS OR ARE WE TALKING ABOUT THE STUDENT
9 POPULATION?

10 A WE ARE TALKING ABOUT THE STUDENT POPULATION THAT'S
11 PRE-K THROUGH THE HIGH SCHOOL

12 Q ALL RIGHT LET'S TALK, DR SINGLETON, ABOUT YOUR
13 FIVE YEAR OLDS AND PERHAPS THIS IS APPLICABLE TO FOUR
14 YEAR OLDS AND PERHAPS NOT YOU TELL ME IF IT IS IF I'M
15 A FIVE YEAR OLD STUDENT AND I'M ON ONE OF THESE BUSES,
16 WHAT TYPE OF DAY MIGHT I EXPERIENCE IN GOING TO AND FROM
17 SCHOOL?

18 HOW MUCH TIME WOULD I SPEND ON THE BUSES? WHAT TIME
19 WOULD I CATCH THE BUS AND WHAT TIME WOULD I GET HOME?

20 A STUDENTS CATCH THE BUS AROUND 6 00, MOST OF THEM,
21 MAYBE A LITTLE EARLIER, 5 45, 6 00 THEY -- THEY SPEND
22 TWO HOURS ON THE BUS, ARRIVE AT SCHOOL, SPEND SIX AND A
23 HALF, SEVEN HOURS THERE IF WE HAVE AN AFTER-SCHOOL
24 PROGRAM THEY MAY STAY FOR THE AFTER-SCHOOL PROGRAM

25 AND, YOU KNOW -- AS YOU KNOW WE HAVE A LARGE

1 POPULATION OF STUDENTS WHO ARE ON THE ACADEMIC PLAN SO
2 THOSE STUDENTS STAY FOR AFTER-SCHOOL PROGRAMS THAT'S
3 ANOTHER TWO HOURS SO THEY LEAVE AT SIX IN THE MORNING
4 AND GET BACK AT SIX IN THE EVENING

5 Q NOW, WOULD THIS BE ACROSS THE ENTIRE STUDENT
6 POPULATION OR IS THIS JUST OLDER STUDENTS?

7 A THAT'S ACROSS THE POPULATION, BUT WE DO HAVE SOME
8 STUDENTS WITH SHORT ROUTES

9 Q I UNDERSTAND

10 A YES

11 Q BUT YOU MIGHT HAVE A FOUR YEAR OLD THAT HAS A 12-HOUR
12 DAY OR A FIVE YEAR OLD?

13 A FOUR YEAR OLD AND FIVE YEAR OLD, WE DO NOT
14 NECESSARILY HAVE THE AFTER-SCHOOL PROGRAM FOR THEM IT'S
15 USUALLY FIRST THROUGH THE HIGH SCHOOL THAT MAY BE -- MAY
16 FALL IN THAT CATEGORY

17 Q ALL RIGHT SO SIX YEAR OLDS THROUGH 18 YEAR OLDS?

18 A YES

19 Q OR 19 YEAR OLDS?

20 A YES

21 Q WOULD HAVE A 12-HOUR SCHOOL DAY?

22 A 12 -- COULD VERY EASILY HAVE A 12-HOUR SCHOOL DAY

23 Q AND UNDER YOUR EXPLANATION -- BY YOUR EXPLANATION
24 FOUR OF THOSE HOURS ARE SPENT RIDING A BUS BACK AND FORTH?

25 A FOUR OF THOSE HOURS ARE SPENT RIDING THE BUS

1 Q ALL RIGHT NOW, WHEN YOU TALK ABOUT YOUNG CHILDREN,
2 EVEN YOUNGER THAN SIX, LET'S SAY FOUR AND FIVE, WOULD THEY
3 ALSO HAVE LONG DAYS OR COULD THEY HAVE LONG DAYS?

4 A SOME OF THEM HAVE LONG DAYS, YOU KNOW THEY MAY STAY
5 FOR THE BOYS AND GIRLS CLUB OR SOME OTHER SCHOOL ACTIVITY,
6 MAKING A VERY LONG DAY ALSO

7 Q NOW, DOES YOUR DISTRICT HAVE ANY TYPE OF RULE IN
8 PLACE FOR A BUS DRIVER ONCE THE BUS DRIVER ENDS THE ROUTE,
9 FINISHES HIS ROUTE ABOUT CHECKING TO MAKE SURE THAT THERE
10 ARE NO CHILDREN ASLEEP ON THE BUS?

11 A YES, SIR THAT'S IN OUR BUS HANDBOOK THAT IS, THEY
12 MUST CHECK THE BUS WHEN THEY GET TO SCHOOL WHEN ALL OF
13 THE STUDENTS -- WE PARK OUR BUSES AT THE MIDDLE SCHOOL
14 WHEN ALL OF THE STUDENTS EXIT THE BUS THE DRIVER MUST WALK
15 BACK AND SEE AND WE ASK HIM TO DO THE SAME THING IN THE
16 AFTERNOON AFTER THEY PARK THE BUS AT THEIR HOME

17 Q WHY IS THAT?

18 A WELL, THE -- YOU KNOW -- IF YOU TAKE TWO HOURS ON A
19 BUS FOR A YOUNG FOUR OR FIVE YEAR OLD, THEY VERY EASILY GO
20 TO SLEEP YOU GOT TO CHECK IT

21 Q AND THAT'S A STANDARD OBLIGATION OF ALL BUS DRIVERS?

22 A THAT'S A STANDARD PROCEDURE FOR ALL OF OUR BUS
23 DRIVERS

24 Q NOW, WE TALKED ABOUT TRANSPORTATION YESTERDAY AND
25 FIELD TRIPS, SO I'M NOT GOING TO GO BACK INTO THAT BUT

1 THERE IS A COST ASSOCIATED -- TRANSPORTATION COST THAT THE
2 STATE DOES NOT PAY FOR THE FIELD TRIPS, IS THAT CORRECT?

3 A THAT IS CORRECT

4 Q AND IF THE STATE HAD A RULE, FOR EXAMPLE, THAT
5 ALLOWED YOU TO, YOU KNOW, TO PASS BY AN AREA MORE THAN
6 ONCE, COULD YOU REDUCE THE AMOUNT OF TRAVEL TIME THESE
7 KIDS HAVE TO EXPEND?

8 A I COULD REDUCE THE AMOUNT OF TRAVEL TIME I COULD
9 REDUCE HALF OF THE PROBLEMS WE HAVE WITH -- BETWEEN THE
10 YOUNG AND THE -- SOME OF THE OLDER STUDENTS YES, SIR
11 THAT WOULD BE AN EXCELLENT WAY TO DO IT

12 Q ALL RIGHT WHEN YOU SAY SOME OF THE PROBLEMS THAT
13 YOU HAVE BETWEEN YOUNG AND OLD, EXPLAIN THAT TO ME,
14 PLEASE

15 A SOME OF THE DISCIPLINE PROBLEMS YOU MAY HAVE WITH THE
16 OLDER, YOU KNOW, SOME OF THE BEHAVIORAL KINDS OF THINGS
17 THAT THE OLDER SIUDENIS MAY BE DOING THAI YOU DON'T WANT
18 THE YOUNGER CHILDREN TO SEE

19 Q DO YOU THINK, DR SINGLETON, THAT A CHILD WHO
20 SPENDS -- OR A STUDENT WHO SPENDS FOUR HOURS A DAY ON A
21 BUS OR WE COULD EVEN SAY MORE GENERALLY WITH THE BUS
22 ROUTES THAT YOU HAVE TO RUN IN YOUR DISTRICT, DO YOU THINK
23 THAT THE LOAD PLACED ON THE STUDENTS BY VIRTUE OF THE
24 TRANSPORTATION ALONE INHIBITS THEIR LEARNING?

25 A YES, SIR FOUR HOURS ON A BUS IS A LOT OF TIME

1 YOU SAID WHAT YOU NEED TO SAY ABOUT AFTER-SCHOOL PROGRAMS?

2 A YES

3 Q LET'S TALK ABOUT SUMMER SCHOOL DID YOU OFFER SUMMER
4 SCHOOL THIS PAST SUMMER?

5 A YES, WE DID

6 Q TELL THE COURT ABOUT THAT IF YOU WILL

7 A WE OFFERED THE SUMMER SCHOOL AGAIN CENTERED AROUND
8 THE ACADEMIC ASSISTANCE PLAN WE OFFERED A FOUR WEEKS
9 SUMMER PROGRAM AGAIN THAT IS THOSE TEACHERS WHO WOULD
10 LIKE TO WORK SUMMER SCHOOL WE HAVE A VERY DIFFICULT TIME
11 TRYING TO FIND TEACHERS TO WORK THE SUMMER SCHOOL PROGRAM

12 WE EVEN HAD TEACHERS COMING FROM DIFFERENT SCHOOLS
13 BECAUSE WE COULD NOT FIND ENOUGH TEACHERS IN THAT
14 PARTICULAR SCHOOL TO WORK THE SUMMER PROGRAM

15 Q ALL RIGHT HOW MANY STUDENTS WERE ABLE TO SERVE IN
16 THE SUMMER PROGRAM?

17 A PROBABLY AROUND 400 STUDENTS

18 Q HOW MANY NEEDED THE SERVICE?

19 A SIX -- 650, 700, PRETTY FULL

20 Q ALL RIGHT NOW THE SUMMER PROGRAM RAN FOR HOW MANY
21 WEEKS?

22 A FOUR WEEKS

23 Q IN YOUR VIEW, DR SINGLETON, IS THAT A SUFFICIENT
24 AMOUNT OF TIME TO GIVE THE CHILDREN THE REMEDIAL
25 INSTRUCTION THAT THEY NEED TO BE SUCCESSFUL IN SCHOOL?

1 A NO, SIR THAT'S NOT SUFFICIENT TIME

2 Q WHO PAID FOR THE SUMMER SCHOOL?

3 A STATE FUNDING GOT FUNDS FROM THE STATE

4 Q ALL RIGHT WHO PAID FOR THE 21ST CENTURY GRANT?

5 A ALL RIGHT STATE FUNDING AND 21ST CENTURY FUNDS WE
6 USE A COMPILATION OF FUNDING

7 Q I MISSPOKE I WAS LOOKING AT A NOTE WHO PAID --
8 YOU USED STATE FUNDING AND FEDERAL FUNDS FOR THE SUMMER
9 SCHOOL PROGRAM?

10 A THAT IS CORRECT

11 Q HOW ABOUT YOUR AFTER-SCHOOL PROGRAM?

12 A THAT'S THE -- ALSO A COMBINATION OF THOSE FUNDING
13 SOURCES

14 Q ALL RIGHT NOW, HOW MANY WEEKS DO YOU THINK THAT YOU
15 NEED TO HAVE AN EFFECTIVE SUMMER SCHOOL PROGRAM?

16 A WE NEED MORE THAN FOUR WEEKS WE HAVE HAD AS HIGH AS
17 EIGHT WEEKS OF SUMMER SCHOOL IN THE PAST EACH YEAR -- I
18 BELIEVE LAST YEAR WE HAD FIVE WEEKS THIS YEAR -- TWO
19 YEARS AGO WE HAD EIGHT WEEKS AND THEN FIVE WEEKS AND FOUR
20 WEEKS LAST YEAR AND WE ARE PROJECTING TO HAVE FOUR WEEKS
21 THIS YEAR BASED ON THE FUNDING THAT WE HAVE

22 Q WHY DID YOU CUT BACK FROM EIGHT WEEKS TO FIVE WEEKS
23 TO FOUR WEEKS?

24 A WE DID NOT HAVE THE DOLLARS

25 Q IS THERE -- IS THERE RESEARCH THAT YOU HAVE REVIEWED

1 AGAIN AND I WANT TO PULL UP FROM THE VELCRO INPUT FROM
2 THE -- ALREADY DONE THAT LET'S TALK ABOUT YOUR TEACHER
3 POPULATION FIRST OF ALL DO YOU KNOW WHAT YOUR AVERAGE
4 TEACHER SALARY WAS FROM 2003?

5 A ABOUT \$38,000

6 Q HOW MANY TEACHERS DO YOU HAVE?

7 A 201

8 Q TALK TO ME A LITTLE BIT ABOUT PROFESSIONAL
9 DEVELOPMENT DO YOU OFFER PROFESSIONAL DEVELOPMENT?

10 A YES, SIR, WE OFFER A LOT OF PROFESSIONAL DEVELOPMENT

11 Q ALL RIGHT LET'S TALK ABOUT THAT FOR A SECOND TELL
12 ME ABOUT PROFESSIONAL DEVELOPMENT THAT YOU OFFER AND WHAT
13 YOU HAVE BEEN ABLE TO EXPERIENCE SINCE YOU HAVE BECOME
14 SUPERINTENDENT OF THE SCHOOL DISTRICT

15 A WHAT WE -- WHEN I BECAME SUPERINTENDENT, WE WERE
16 DOING A LOT OF DIFFERENT PROGRAMS, A LOT OF DIFFERENT
17 INITIATIVES WE ADOPTED THREE COMPREHENSIVE SCHOOL REFORM
18 MODELS ONE OF THOSE REFORM MODELS HAVE A LOT OF THE
19 PROFESSIONAL DEVELOPMENT BUILT IN SO, AND THAT'S OUR
20 RIDGELAND ELEMENTARY SCHOOL MODEL WHICH IS MODERN SCHOOL

21 TEACHERS ARE ABLE TO RECEIVE PROFESSIONAL DEVELOPMENT
22 FOR THE MOST PART ON THAT CAMPUS SO WE DO NOT HAVE TO
23 SEND TEACHERS OUT OR TAKE THEM OUT OFTEN FOR THAT
24 PROFESSIONAL DEVELOPMENT WE PROVIDE BEYOND THE FIVE DAYS
25 THAT'S REQUIRED BY THE STATE FOR PROFESSIONAL DEVELOPMENT

1 WE DO A LOT OF PROFESSIONAL DEVELOPMENT BECAUSE OF
2 THE PERSONNEL THAT WE ARE ABLE TO RECRUIT SO WE DO A
3 LOT, A LOT WITH PROFESSIONAL DEVELOPMENT

4 Q YOU MAKE A BIG EFFORT IN THAT AREA?

5 A YES, SIR

6 Q NOW, WHAT HAS YOUR EXPERIENCE BEEN ABOUT THE SUCCESS
7 OF THE PROFESSIONAL DEVELOPMENT OFFERINGS THAT THE
8 DISTRICT MAKES AND WHAT ARE THE REPERCUSSIONS OF THAT, IF
9 ANY?

10 A WE -- PROFESSIONAL DEVELOPMENT MAKES A DIFFERENCE
11 THE PROBLEM THAT WE HAVE IS THE REVOLVING DOOR ONCE WE
12 HAVE THE PROFESSIONAL DEVELOPMENT WITH THESE TEACHERS,
13 THEY'RE OUT OF THE DISTRICT AND MOVING ONTO SOME OTHER
14 DISTRICTS BECAUSE WE CANNOT PAY THEM DECENT SALARY

15 Q DR SINGLETON, DO YOU THINK THAT -- THAT TODAY THAT
16 YOU HAVE SUFFICIENT PROFESSIONAL DEVELOPMENT PROGRAMS IN
17 PLACE TO MOVE THE STUDENT, EXCUSE ME, THE TEACHER
18 POPULATION -- AND YOU SAID YOU HAD 60 TO 65 THAT WERE THE
19 TOTAL PACKAGE

20 DO YOU HAVE ENOUGH PROFESSIONAL DEVELOPMENT TIME OR
21 MONEY TO MOVE THE REMAINING PERCENTAGE OF TEACHERS WHICH
22 IS OVER TWO-THIRDS INTO THAT CATEGORY OF TEACHERS THAT YOU
23 NEED TO EDUCATE THESE CHILDREN?

24 A NO, SIR I DO NOT HAVE THE MONEY OR THE TIME

25 Q ALL RIGHT LET'S GO BACK NOW AND JUST TALK ABOUT

1 Q ALL RIGHT NOW LET'S LOOK -- DOES THAT -- BEFORE I
2 ENTER ANOTHER AREA JUST IN GENERAL, DOES THE COMPETITION,
3 JUST THE SALARY COMPETITION THAT YOU HAVE IN BEAUFORT AND
4 SAVANNAH, DOES THAT INHIBIT YOUR ABILITY TO ATTRACT AND
5 RETAIN QUALIFIED TEACHERS?

6 A YES, IT DOES

7 Q AND THE ABILITY TO ATTRACT I THINK IS SELF-EVIDENT
8 NOW LET'S TALK JUST FOR A SECOND ABOUT RETAINING THESE
9 QUALIFIED TEACHERS HOW DOES IT IMPACT YOU ON THAT END?

10 A ONCE TEACHERS -- ONCE WE TRAIN THEM AND THEY GO TO
11 ONE OF THOSE COUNTIES BECAUSE THEY ARE LIVING THERE FOR
12 THE MOST PART MOST OF OUR TEACHERS LIVE IN EITHER
13 CHATHAM COUNTY, GEORGIA OR BEAUFORT COUNTY SO THEY CAN
14 MAKE THOSE \$2,000 OR \$8,000 MORE

15 SO RATHER THAN TRAVELING TO OUR SCHOOL DISTRICT, THEY
16 REMAIN WHERE THEY ARE, WHERE THEY ARE LIVING AND MAKE MORE
17 MONEY

18 Q ALL RIGHT WHAT DO YOU FIND -- WHAT IS YOUR
19 EXPERIENCE, I SHOULD SAY, WITH RESPECT TO TEACHERS THAT,
20 THAT HAVE TALENT THAT YOU ARE ABLE TO GET INTO YOUR
21 DISTRICT AND THEN YOU OFFER THEM PROFESSIONAL DEVELOPMENT
22 SUFFICIENT TO MOVE THEM TO THE NEXT LEVEL, WHAT DO YOU
23 FINDS HAPPENS TO THESE TEACHERS?

24 A COULD YOU REPEAT THAT, PLEASE?

25 Q I WILL TRY TO I WANT TO TALK ABOUT RETAINING

1 OF DR PODA'S EXHIBITS AND IT'S A THREE-YEAR AVERAGE
2 TEACHER TURNOVER RATE AND THE STATE AVERAGE IS
3 9 4 PERCENT COMPARED TO JASPER COUNTY'S RATE OF
4 23 73 PERCENT?

5 A THAT'S CORRECT

6 Q THAT'S CORRECT?

7 A YES, SIR

8 Q IS THAT STILL CORRECT TODAY?

9 A YES, SIR

10 Q NOW, WE TALKED ABOUT TEACHER TURNOVER, BUT IF YOU ARE
11 LOSING, LET'S SAY, 25 PERCENT OF YOUR TEACHERS A YEAR --
12 YOU ARE REALLY LOSING ABOUT 50 TEACHERS IF THIS GRAPH IS
13 CORRECT -- WHAT KIND OF LOAD DOES THAT PLACE ON THE
14 DISTRICT IN TRYING TO HIRE TEACHERS?

15 A IT PLACES A GREAT LOAD ON US WHAT WE END UP DOING
16 AND -- AND THERE HAS BEEN -- TRADITIONAL IN THE PAST IS
17 THAT WE WILL END UP LATE JULY, EARLY AUGUST TWO TO THREE
18 WEEKS BEFORE SCHOOL START WITH STILL 20, 25 VACANCIES
19 WE -- WE HAVE A FLOOD OF TEACHERS COMING IN AT THAT TIME,
20 TEACHERS THAT OTHER DISTRICTS HAS PICKED OVER OR TURNED
21 DOWN, AND THEY COME TO US AND MANY OF ALTERNATIVE
22 CERTIFICATION, SOME WITH OUT-OF-STATE CERTIFICATION AND WE
23 HIRE THEM

24 Q YOU SAID 20 OR 25 VACANCIES AS OF AUGUST OR
25 SEPTEMBER?

1 A AS OF TWO, THREE WEEKS BEFORE SCHOOL

2 Q THREE WEEKS BEFORE SCHOOL AT THAT POINT IN TIME YOU
3 CANNOT BE VERY CHOOSY ABOUT WHO YOU HIRE, I ASSUME?

4 A NO, SIR WE ARE TRYING TO GET A -- TEACHERS IN FRONT
5 OF THE STUDENTS WELL, YOU KNOW, THAT'S ALL WE HAVE TO
6 SELECT FROM

7 Q AND YOU SAID THAT THE TEACHING POOL AT THAT POINT IN
8 TIME HAD BEEN PRETTY WELL PICKED OVER --

9 A YES, SIR

10 Q -- BY OTHER DISTRICTS?

11 A YES, SIR

12 Q DOES THAT GIVE YOU THE OPTION OF HIRING THE
13 TOTAL-PACKAGE TEACHER THAT YOU MENTIONED THAT YOU WOULD
14 LIKE TO HIRE?

15 A NO, SIR, BECAUSE MANY OF THESE TEACHERS WE ARE HIRING
16 AT THAT POINT HAVE SOME CERTIFICATION ISSUES

17 Q ALL RIGHT I WANT TO SHOW YOU ANOTHER CHART, DR
18 SINGLETON, WHICH IS 6457-L AND IT'S SUBSTITUTE TEACHERS
19 AND I WANT YOU TO, IF YOU WILL, EXPLAIN TO THE COURT WHAT
20 THIS IS

21 A WHAT THIS IS IS WE -- WE SHARE VACANCY AT EACH ONE OF
22 OUR BOARD MEETINGS THIS IS OUR PRESENT VACANCIES AS WE
23 SPEAK TWO MATH TEACHERS AT THE MIDDLE SCHOOL, ONE OF
24 THOSE TEACHERS LEFT, I THINK AROUND DECEMBER, THE OTHER
25 HAS BEEN AN ONGOING VACANCY

1 A THAT IS NOT SUFFICIENT BECAUSE WE HAVE STUDENTS WITH
2 SPECIAL NEEDS, MANY STUDENTS

3 Q WHAT DO YOU MEAN BY THAT, DR SINGLETON?

4 A WHAT I MEAN IS THAT STUDENTS HAVE -- YOU HAVE TO
5 PROVIDE MATERIALS BASICALLY ON -- ON TWO LEVELS IF YOU
6 ARE A FIFTH GRADE TEACHER, YOU HAVE TO TRY TO PREPARE THAT
7 STUDENT ON ONE END FOR THE STATE ASSESSMENT BECAUSE YOU
8 HAVE TO TEST HIM ON THAT LEVEL, BUT THE STUDENT IS READING
9 ON A THIRD GRADE LEVEL SO YOU HAVE TO TRY TO TEACH HIM ON
10 THAT LEVEL

11 SO YOU -- IT'S A BALANCING ACT YOU ARE TRYING TO
12 REMEDIATE WHILE YOU ARE TRYING TO ACCELERATE AT THE SAME
13 TIME REQUIRES MORE MATERIALS

14 Q WELL, THE FINDING HERE WAS THAT YOU DEVELOP AND
15 REPLACE INSTRUCTIONAL MATERIAL SO THAT IT'S ALIGNED TO
16 STATE STANDARDS SO YOU ARE BUYING SOMETHING, CORRECT?

17 A YES, WE ARE BUYING MATERIALS THAT'S ALIGNED TO STATE
18 STANDARDS

19 Q OKAY SO ARE -- DO YOU NOT AGREE WITH THIS FINDING
20 THEN? I'M --

21 A TO MY KNOWLEDGE EVERYTHING WE PURCHASED IS ALIGNED TO
22 THE STATE STANDARDS

23 Q OKAY SO THEN YOU DISAGREE WITH THIS FINDING?

24 A IF IT SAYING THAT WE DO NOT -- IF WE ARE JUST
25 PURCHASING THINGS WHOLESALE, THEN I DISAGREE WITH IT

1 Q KIND OF OKAY WERE THERE ANY -- BEYOND THE KIND
2 OF DUAL TRACKS AND I DON'T -- I SAY THAT BECAUSE I DON'T
3 HAVE ANY OTHER WAY TO EXPRESS IT, BUT I'M NOT INTENDING TO
4 SAY Y'ALL WERE TRACKING STUDENTS, BUT THE -- THE
5 REMEDIATION CLASSES VERSUS THE OTHER CLASSES, BEYOND THAT
6 WAS THIS -- WERE THERE ANY OTHER REMEDIATION EFFORTS,
7 SPECIAL PROGRAMS OR READING INITIATIVES OR MATH CLASSES OR
8 ANYTHING LIKE THAT THAT YOU CAN THINK OF?

9 A I CAN'T THINK OF ANY AT THIS POINT

10 Q OKAY SO AROUND, WAS IT AROUND 1986 OR '87 WHEN YOU
11 GO BACK TO THE DISTRICT OFFICE TO BECOME TITLE ONE
12 DIRECTOR?

13 A YES, SOMEWHERE AROUND THAT TIME

14 Q OKAY AND TELL ME, DR SINGLETON, WHAT -- WHAT WERE
15 THE THINGS THAT JASPER COUNTY SCHOOL DISTRICT DID WITH ITS
16 TITLE ONE MONEY?

17 A AT THAT POINT WHEN I WENT BACK TO THE DISTRICT OFFICE
18 TITLE ONE HAD -- AND IT MAY HAVE EVEN CHANGED THE NAME TO
19 CHAPTER ONE AT THAT POINT BUT TITLE ONE, CHAPTER ONE, THE
20 SAME PROGRAM, IT SWITCHED TO SCHOOL-WIDE

21 THAT MEANT THE FUNDS THEN WERE IN THE INDIVIDUAL
22 SCHOOL AND WE ONLY HAD THE THREE SCHOOLS TO QUALIFY,
23 ELEMENTARY AND TWO MIDDLE SCHOOLS TO QUALIFY FOR THOSE
24 FUNDING

25 AND THE SCHOOL TOOK THE RESPONSIBILITY OF WRITING

1 THEIR SECTION OF THE TITLE ONE PROGRAM, THEY PUT IN THE
2 STAFF DEVELOPMENT, THE INITIATIVE AND STRATEGIES THAT THEY
3 FELT THEY NEEDED TO -- TO ADDRESS ISSUES AT THEIR
4 INDIVIDUAL SCHOOLS

5 Q SO PRIOR TO THAT BEING A SCHOOL-WIDE SITUATION, WAS
6 IT A PER PUPIL SITUATION? IS THAT WHAT IT WAS? I DON'T,
7 HOW WAS THE MONEY DISTRIBUTED PRIOR TO THAT BECAUSE I
8 DON'T KNOW?

9 A IT WAS BASED ON THE NEEDS OF THOSE STUDENTS IN THAT
10 PARTICULAR -- WHETHER THEY QUALIFIED AS I RECALL, TITLE
11 ONE HAD A CUTOFF WHERE YOU HAVE TO SERVE CERTAIN STUDENTS
12 WITH CERTAIN SCORES AND WE WOULD SERVE THOSE STUDENTS
13 FIRST DISTRICT-WIDE AND NOW YOU CAN SERVE ALL STUDENTS
14 IN THAT PARTICULAR SCHOOL

15 Q I GOT YA BUT IT WAS UP TO EACH OF THE INDIVIDUAL
16 SCHOOLS TO COME UP WITH THEIR STAFF DEVELOPMENT PROGRAMS
17 THEY WERE GOING TO USE WITH THEIR TITLE ONE FUNDING?

18 A RIGHT TITLE, THE TOTAL PLAN FOR TITLE ONE FUNDING

19 Q OKAY ALL RIGHT I'M GOING TO PUT STAFF DEVELOPMENT
20 AND TOTAL PLANS AND YOU APPROVED -- ARE YOU THE PERSON
21 THAT ACTUALLY APPROVED THOSE PLANS?

22 A I SAW THAT THEY MADE -- I MADE SURE THAT THEY MET THE
23 GUIDELINES

24 Q OKAY AND DID YOU MONITOR WHETHER THEY WERE ACTUALLY
25 IMPLEMENTING THE PLANS?

1 Q AND WHEN DID Y'ALL GET THAT MONEY?

2 A OH, I BELIEVE IT WAS 19 -- THIS IS ABOUT FOUR YEARS,
3 ABOUT 1990, '91, SOMETHING

4 Q OH 1990 OR '91?

5 A YES

6 Q SO THAT'S BEEN MORE THAN A DECADE AGO OR DO YOU MEAN
7 2001

8 A 2000 2000 AROUND 2000, 2001 I THINK IT WAS THE
9 FIFTH YEAR OF THAT E-RATE, YEAH IT'S ONLY BEEN ABOUT
10 FOUR TO FIVE YEARS

11 Q LET ME ASK YOU THIS, DR SINGLETON AND DID Y'ALL
12 SPEND \$10 4 MILLION UPGRADING YOUR TECHNOLOGY IN YOUR
13 SCHOOLS FOR COMPUTERS?

14 A BRINGING TECHNOLOGY INTO THE SCHOOLS

15 Q OKAY AND THAT INCLUDED WIRING AND THAT KIND OF
16 STUFF?

17 A ALL THE WIRING, T 1 LINES AND TELEPHONE SYSTEMS AND
18 COMPUTERS AND CAMERAS AND VIDEO EQUIPMENT I GUESS I
19 SHOULD SAY, VIDEO EQUIPMENT, T V 'S

20 Q OKAY AND HOW MUCH OF THAT WAS SPENT ON THINGS THAT
21 YOU CAN'T TAKE WITH YOU TO THE NEW SCHOOL -- SCHOOLS, DO
22 YOU KNOW? HOW MUCH OF IT ACTUALLY WENT FOR WIRING?

23 A I UNDERSTAND THE WIRING, SOME OF THAT, THESE T 1
24 LINES CAN BE TRANSFERRED TO THE NEW SCHOOL ALL OF THE
25 T V 'S AND VIDEO EQUIPMENT CAN BE -- CAN BE MOVED TO THE

1 THIS REALLY MIGHT MEAN FOR E F A FUNDING

2 Q OKAY AND DID YOU RAISE THAT WITH APPROPRIATE
3 LEADERSHIP AT THE GENERAL ASSEMBLY?

4 A YES, I DID

5 Q AND BY THAT POINT YOU WERE IN YOUR CURRENT POSITION?

6 A THAT'S CORRECT

7 Q OKAY AND THE -- AND THAT'S WHEN THE PROVISIO WAS PUT
8 IN PLACE TO -- TO AVOID THIS ISSUE?

9 A WELL, ACTUALLY THE PROVISIO WAS THERE, BUT I DON'T
10 BELIEVE THAT THE STATE HAD REALLY HAD AS GREAT AN IMPACT
11 ON THE STATE BECAUSE THE ECONOMY WAS STILL FAIRLY STRONG
12 AND WE WEREN'T AS CONCERNED ABOUT DEFICIT FUNDING FOR
13 E F A

14 IT WAS WHEN THE DEFICIT FUNDING ON BASE STUDENT COST
15 REALLY BECAME APPARENT THAT WE ALL REALIZED THAT -- THAT
16 THIS PROVISIO WAS GOING TO CAUSE US SOME TROUBLE WITH
17 PROPERTY TAX RELIEF FUNDING

18 Q OKAY LET'S LOOK TOGETHER AT EXHIBIT NUMBER 62 --
19 6462, PLAINTIFFS' EXHIBIT 6462 WHICH IS ENTITLED
20 STATUTES AT LARGE AND THIS IS ABOUT THE REMITTING OF THE
21 PROPERTY TAX RELIEF AND IF WE WILL LOOK IN THE CENTER OF
22 THE COLUMN ON THE LEFT-HAND SIDE, SECTION 69A DOT TWO DOT
23 PAREN A S C G PROPERTY TAX RELIEF REIMBURSEMENT

24 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, STATE
25 REIMBURSEMENTS FOR PROPERTY TAX RELIEF FUND SHALL BE

1 FUNDED IN THE SAME AMOUNT AS IN THE PRIOR FISCAL YEAR,
2 EXCEPT FOR THE ESTIMATED GROWTH IN THE SENIORS' HOMESTEAD
3 EXEMPTION AND MANUFACTURERS' DEPRECIATION

4 IS THAT THE PROVISIO THAT KEEPS THIS GOING FORWARD
5 YEAR AFTER YEAR AT THE SAME LEVEL?

6 A YES, IT IS

7 Q OKAY REGARDLESS OF E F A FUNDING?

8 A YES, THAT'S CORRECT

9 Q OKAY AND HAS THAT PROVISIO BEEN PASSED IN YEAR AFTER
10 YEAR? I THINK THIS IS -- I DON'T KNOW IF THIS HAS A DATE
11 ON IT BUT I THINK IT'S '01

12 A YES AND IT HAS BEEN IN FOR THE PAST SEVERAL YEARS
13 AND IS IN THE CURRENT BUDGET AS WELL

14 Q OKAY AND IT'S -- IT'S IN THE CURRENT BUDGET RIGHT
15 NOW?

16 A UH-HUH

17 Q DURING THOSE YEARS THAT THIS HAS BEEN PASSED, HAVE WE
18 FULLY FUNDED THE E F A ?

19 A NO, WE HAVE NOT

20 Q HAS THIS PROVISIO BEEN OBJECTED TO IN THE LEGISLATURE?

21 A YES MY BEST RECOLLECTION OF THIS IS DURING THE LAST
22 YEAR WHICH WOULD HAVE BEEN THE, '4 OR '5 CURRENTLY, SO IN
23 THE '3, '4 BUDGET DECISION MAKING, I WAS, AS LOBBYISTS
24 OFTEN DO, WE WERE OUT IN THE LOBBY LATE ONE NIGHT AND WE
25 WERE LOOKING AND LAMENTING ABOUT THE PROBLEMS OF FUNDING

1 AND THE PROPERTY TAX RELIEF HAS BEEN FUNDED AT THE
2 LEVEL THAT THIS PROVISIO STATES SO I WOULD SAY, YES, WE
3 ARE CURRENTLY -- UNDER THE PROVISION OF THIS PROVISIO WE
4 ARE NOT -- WE HAVE CHANGED OUR SHIFT IN WHAT'S THE NUMBER
5 ONE PRIORITY FOR THE STATE

6 Q OKAY MRS SPEARMAN, WAS -- WE HAVE TALKED ABOUT THE
7 HOUSE SIDE OF THE -- OF THE BUDGET DISCUSSION AND FULLY
8 FUNDING BASE STUDENT COST AND THE E F A WAS THERE ALSO A
9 DEBATE LAST YEAR ABOUT FULLY FUNDING THE BASE STUDENT COST
10 AND WHAT THAT MEANS TO THE STATE OF SOUTH CAROLINA ON THE
11 SENATE SIDE?

12 A YES A SIMILAR DEBATE WAS HELD ON THE SENATE SIDE
13 A VERY LONG DEBATE ABOUT FUNDING BASE STUDENT COSTS
14 THERE WAS ACTUALLY A MOVEMENT TO RAISE REVENUE THAT IN
15 ORDER TO FULLY FUND MAYBE THE -- THE IDEA SHOULD BE OR
16 THE -- THE PLAN OF ATTACK SHOULD BE TO LOOK AT
17 ADDITIONAL -- RAISING ADDITIONAL REVENUE

18 SO THERE WAS A VERY LONG LENGTHY DEBATE ON THE SENATE
19 FLOOR AND IT DID FINALLY -- THIS ACTUAL SAME DEBATE HERE
20 VERSUS THE -- THE STATUTE VERSUS THIS PROVISIO DID -- DID
21 COME BEFORE THE SENATE AND ACTUALLY WENT A LITTLE BIT
22 FURTHER TO WHERE THE DEBATE WAS, WELL, WHO SETS THE BASE
23 STUDENT COST? DOES THE BOARD OF ECONOMIC ADVISORS SET THE
24 BASE STUDENT COST OR DOES THE GENERAL ASSEMBLY SET THE
25 BASE STUDENT COST?

1 SO THAT DEBATE WENT ON AND IN FACT THE SENATE
2 ACTUALLY TOOK A RECESS WHILE THE MINDS AND THE LEADERSHIP
3 GOT TOGETHER AND LOOKED AT THE LANGUAGE OF THE STATUTE AS
4 TO HOW -- HOW THAT WOULD BE INTERPRETED

5 AND WHEN THEY CAME BACK INTO SESSION, THE PRESIDENT
6 OF THE SENATE SPOKE AND SAID THAT ACTUALLY THE GENERAL
7 ASSEMBLY SETS THE BASE STUDENT COST THEY SAY WHAT IT IS
8 RATHER THAN THE BOARD OF ECONOMIC ADVISORS STATING WHAT
9 THE BASE STUDENT COST IS

10 Q UH-HUH IN TERMS OF THE BOARD OF ECONOMIC ADVISORS
11 WE HAVE HEARD A LITTLE BIT ABOUT HOW THAT WORKS THE
12 BOARD OF ECONOMIC ADVISORS, WHAT IS THEIR ROLE IN SETTING
13 THE BASE STUDENT COST JUST TO PUT THAT IN THIS RECORD AT
14 THIS POINT?

15 A THE BOARD -- THE B E A ACTUALLY DOES THE OFFICIAL
16 CALCULATIONS ON THE FORMULA THAT WAS SET UP IN THE 1970'S
17 LAW E F A AS TO HOW THAT CALCULATION OF BASE STUDENT
18 COST SHOULD BE DONE THEY LOOK AT WHAT THE AVERAGE
19 TEACHER SALARY SHOULD BE, WHAT IT WOULD TAKE TO -- TO FUND
20 THAT

21 SO THEY ACTUALLY DO THE CALCULATIONS THAT IS NOT
22 DONE BY THE DEPARTMENT OF EDUCATION WE WRITE THEM FOR
23 THAT REQUEST THEY SEND A LETTER TO US STATING THAT THEIR
24 FORECAST AND THEN THAT IS WHAT WE USE AS WE DEVELOP THE
25 BUDGET

1 MR MORRISON THAT'S CORRECT

2 THE COURT AND I GUESS THEN WE HAVE THE
3 CONTENTION BETWEEN THE STATUTE AND THE PROVISIO AND THOSE
4 ARE IN CONFLICT AT LEAST NUMERICALLY THEY ARE IN
5 CONTACT

6 NOW LEGALLY, AS MRS SPEARMAN HAS SAID, PROVISIO
7 RULES BUT THE QUESTION IS WHETHER OR NOT THE PROVISIO IS
8 AS -- A PURELY POLITICAL DOCUMENT OR AN EXPEDIENCY TO --
9 TO ACKNOWLEDGE AVAILABLE FUNDING

10 IN THE FACE OF WHAT HAS BEEN A PRIOR LEGISLATIVE
11 FINDING AND APPARENT LEGISLATIVE INTENT TO FUND EDUCATION
12 AT A GIVEN LEVEL, IT WOULD SEEM LIKE TO ME ARGUMENTS ON
13 BOTH SIDE OF THAT ISSUE WOULD BE APPROPRIATE AND THIS IS
14 THE ARGUMENT ON THE E F A SIDE AND I WILL ALLOW IT TO
15 COME IN THANK YOU

16 MR MORRISON THANK YOU, YOUR HONOR
17 BY MR MORRISON

18 Q AND MRS SPEARMAN, LET'S LOOK TOGETHER AT THIS
19 SECTION THAT'S BLOWN UP THERE, THE FIRST PARAGRAPH SAYS,
20 WE HAVE VOTED FOR AMENDMENT NUMBER 268 THAT INCREASES
21 FUNDING FOR THE E F A BY \$210 MILLION FOR A BASE STUDENT
22 COST OF \$2,000 IN SPITE OF THE FACT THAT IT DOES NOT FUND
23 EDUCATION AT THE LEVEL NECESSARY TO PROVIDE FOR THE BASIC
24 EDUCATION OF OUR CHILDREN

25 A FAILURE TO PROVIDE AN INCREASE IN E F A FUNDING

1 WOULD RESULT IN THE FUNDING OF E F A AT THE 1994-'95
2 LEVEL WHICH WOULD RESULT IN A TAX INCREASE AT THE LOCAL
3 LEVEL WE PREVIOUSLY VOTED FOR AN AMENDMENT THAT FULLY
4 FUNDED E F A AND WILL CONTINUE TO SUPPORT ANY AMENDMENTS
5 THAT WILL INCREASE E F A FUNDING TO A TOTAL OF
6 \$329 MILLION

7 THAT SPECIFIC LEVEL -- AT THAT SPECIFIC LEVEL, THE
8 BASE STUDENT COST WILL BE FUNDED AT THE REQUIRED AMOUNT OF
9 \$2,201 NOW I'LL ASK YOU THIS LOOKING AT THAT DATA, THE
10 \$2,201, WAS THAT THE AMOUNT REQUIRED BY THE E F A AND THE
11 BOARD OF ECONOMIC ADVISORS?

12 A YES, IT WAS THAT WAS THE AMOUNT THAT WAS CALCULATED
13 BASED ON THE FORMULA AND PROJECTION OF WHAT IT WOULD TAKE
14 TO FULLY FUND E F A , BY THE B E A

15 Q AND DID THE STATE DEPARTMENT OF EDUCATION
16 PARTICULARLY THROUGH YOU AND YOUR OFFICE SUPPORT THE FULL
17 FUNDING OF THE E F A AT THE \$2,201?

18 A YES AND WE INCLUDED THAT AMOUNT AS OUR NUMBER ONE
19 PRIORITY REQUEST FROM THE DEPARTMENT OF EDUCATION

20 Q OKAY AND THIS AMENDMENT DROPS IT BACK TO A
21 COMPROMISE OF \$2,000?

22 A UH-HUH

23 Q DID YOU EVEN GET THE \$2,000?

24 A NO MY RECOLLECTION, I BELIEVE THIS IS THE YEAR WE
25 WERE FUNDED AT AROUND 1,740-SOMEWHERE, SEVERAL HUNDRED

1 DOLLARS BELOW THAT

2 Q AND THAT'S IN THE RECORD?

3 A YES

4 Q ALL RIGHT

5 A MR COOLEY IS THE EXPERT ON THOSE NUMBERS YOU HAVE
6 TO --

7 Q FROM A POLICY STANDPOINT IF WE GO DOWN TO THE SECOND
8 PARAGRAPH IT SAYS, WE WERE FORCED TO TABLE THIS AMENDMENT
9 THAT SOUGHT TO RAISE SPENDING FOR EDUCATION BY
10 210 MILLION WE DID SO FOR THREE REASONS

11 FIRST, THE AMENDMENT DID NOT PROVIDE ANY FUNDING
12 MECHANISM THAT WOULD RAISE THE 210 MILLION THIS WOULD
13 CREATE A HOLE IN THE BUDGET THAT WOULD REQUIRE SUBSTANTIAL
14 DRACONIAN ACTS TO OTHER AREAS OF GOVERNMENT, INCLUDING LAW
15 ENFORCEMENT, HEALTHCARE AND CORRECTIONS

16 SECOND, PASSING THIS UNFUNDED MANDATE WOULD
17 JEOPARDIZE THE HOMESTEAD EXEMPTION THAT PROVIDES AT LEAST
18 SOME RELIEF FOR THE HARD WORKING FAMILIES OF SOUTH
19 CAROLINA

20 FINALLY, WE HAVE TO LIVE WITHIN OUR MEANS WE WANT
21 TO DO AS MUCH AS WE CAN FOR EDUCATION, BUT ONLY SO MUCH AS
22 WE CAN AFFORD ULTIMATELY AT THIS TIME WE DO NOT HAVE THE
23 MONEY TO SUPPORT THIS PROPOSAL AND WE ARE UNWILLING TO
24 RISK NOT PROVIDING THE TAX RELIEF THAT WE PROMISED TO THE
25 PEOPLE OF SOUTH CAROLINA AND ON WHICH THEY DEPEND

1 WHAT IS THE LINKAGE BETWEEN NOT FUNDING THE E F A
2 AND FUNDING THE TAX RELIEF THAT WAS SUPPOSEDLY PROMISED TO
3 THE PEOPLE OF SOUTH CAROLINA?

4 A I WOULD HAVE TO SAY I BELIEVE THAT THIS IS SHOWING
5 CLEARLY THAT THE STATE HAS SHIFTED AWAY FROM ITS PRIOR
6 PRIORITY OF FULLY FUNDING EDUCATION FIRST THAT OUR
7 PRIORITY NOW IS THAT WE FUND TAX RELIEF PRIOR TO FUNDING
8 E F A

9 Q WE HAVE PUT UP EVIDENCE AND I'M NOT GOING TO GO INTO
10 THE DEPTH OF THE BASE STUDENT COST, BUT ALL OF THIS
11 ASSUMES THE BASE STUDENT COST ITSELF IS STILL AN
12 APPROPRIATE AND EFFECTIVE WAY TO BEGIN THE DISCUSSION
13 UNDER THE E F A , RIGHT?

14 A THAT'S TRUE E F A WAS ON -- THAT FORMULA WAS
15 ESTABLISHED BACK IN THE 70'S AND WE WOULD BE HAPPY TO GET
16 THAT AMOUNT NOW WE'D REALLY LIKE -- I SHOULDN'T SAY
17 HAPPY WE'D BE PLEASED TO GET THAT AMOUNT BUT THE TRUTH
18 IS THAT EVEN THAT AMOUNT IS -- IS A SUBSTANDARD, PROBABLY
19 NOT A FULLY FUNDING BASIC NEEDS IN THE CLASSROOM --

20 Q OKAY

21 A -- FORMULA

22 Q WHY DO YOU SAY THAT THAT OLD FORMULA IS NO LONGER
23 EFFECTIVE TO ACCOMPLISH THAT BASE FUNDING FOR CLASSROOMS?

24 A THE REQUIREMENT FOR HIGHER QUALITY TEACHERS, THE
25 REQUIREMENT FOR SMALLER CLASSROOM SIZE, THOSE TYPE OF

1 NEEDED INITIATIVES ARE NOT -- ARE NOT CALCULATED INTO THE
2 BASE STUDENT COST

3 Q OKAY SO WHILE FULLY FUNDING THE BASE STUDENT COST
4 OF THE E F A WOULD BE -- WOULD BE HELPFUL, IT MIGHT NOT,
5 IN YOUR JUDGMENT, DOESN'T REACH THE BASE NEEDS OF THE
6 CLASSROOM?

7 A THAT'S CORRECT

8 Q OKAY YOU HAVE SEEN EDUCATION BUDGETING NOW,
9 MRS SPEARMAN, FROM SOME UNIQUE PERSPECTIVES, AS A TEACHER
10 IN THE CLASSROOM, AS AN ADMINISTRATOR, AS A LEGISLATOR
11 NOW AS ONE OF THE TOP OFFICERS OF THE STATE DEPARTMENT OF
12 EDUCATION IN THE STATE

13 IS THERE -- WHAT IS THE CONNECTION OR WHAT DO YOU
14 OBSERVE REGARDING THE EDUCATIONAL NEEDS OF OUR CHILDREN
15 AND THE BUDGETING PROCESS?

16 MR STEPP YOUR HONOR, I OBJECT THAT CALLS
17 FOR AN OPINION MRS SPEARMAN IS A FACT WITNESS

18 MR MORRISON I'M ASKING HER FOR HER
19 OBSERVATIONS IN THAT REGARD, IN THAT CONNECTION

20 THE COURT ALL RIGHT IT'S AN OBSERVATION
21 RATHER THAN A CONCLUSION I WILL ALLOW THAT IF THAT'S
22 WHAT IT'S GOING TO BE

23 THE WITNESS COULD YOU STATE THAT AGAIN,
24 PLEASE?

25 BY MR MORRISON

1 MATH, AND THE RETENTION RATE THAT -- THAT THIRD ITEM,
2 RETENTION RATE THAT IS THE NUMBER OF KIDS BEING HELD
3 BACK IN A CLASS

4 HOW DO YOU USE THAT DATA TO INFORM FULFILLING THE
5 NEEDS OF CHILDREN FOR EDUCATION?

6 A THE OFFICES IN SPECIAL EDUCATION IN THOSE AREAS WHERE
7 THEY WOULD BE OFF GRADE LEVEL TESTING WOULD AGAIN NOTIFY
8 US AS TO ADDITIONAL PROFESSIONAL DEVELOPMENT SERVICES OR
9 ASSESSMENT NEEDS THAT THEY WOULD HAVE IN THEIR OFFICES AND
10 WE WOULD FORWARD THAT TO THE GENERAL ASSEMBLY IN OUR
11 BUDGET REQUEST

12 Q OKAY NOW, THE TEACHER INPUT DATA TEACHERS
13 RETURNING FROM THE PREVIOUS YEAR, WE CALLED THIS TEACHER
14 TURNOVER DATA, HOW DO YOU USE THAT TO INFORM THE NEEDS OF
15 -- THAT YOU'RE PRESENTING TO THE LEGISLATURE?

16 A THE OFFICE OF TEACHER CERTIFICATION GIVES US THAT
17 INFORMATION AS WELL AS THE TEACHER RECRUITMENT CENTER AT
18 WINTHROP UNIVERSITY OFTENTIMES LEGISLATORS WILL ASK US
19 SPECIFIC QUESTIONS ABOUT THE STATUS OF PROGRAMS, TEACHER
20 TURNOVER RATE, AND SO WE SEND THAT INFORMATION ALONG WITH
21 THE BUDGET REQUESTS

22 IT'S NOT JUST A NUMBER BUT WE WOULD SAY WHY TEACHER
23 RECRUITMENT PROGRAMS ARE NEEDED, WHY WE NEED TO CONTINUE
24 TO FUND THE RECRUITMENT CENTER AT THE UNIVERSITY, AT
25 WINTHROP UNIVERSITY SO A DESCRIPTION OF THE NEED IS ALSO

1 GIVEN TO THE GENERAL ASSEMBLY

2 Q OKAY ON THE ISSUE OF ADVANCED DEGREES, CONTINUING
3 CONTRACTS AND ADVANCED SALARIES, ARE THE ADVANCED DEGREES,
4 CONTINUING CONTRACTS AND BASE SALARIES ALL FUNDED OUT OF
5 THE E F A BASE STUDENT COST?

6 A THAT IS CALCULATED INTO THE BASE STUDENT COST, THAT
7 ADVANCED DEGREE FORMULA IS WORKED INTO THAT CAREER
8 STEPLADDER FOR TEACHERS OUT IN THE SCHOOL DISTRICTS AND WE
9 FORWARD THAT ON TO THE GENERAL ASSEMBLY

10 Q SO THAT DATA IS ALSO USED BY S D E IN TRYING TO --

11 A YES, IT IS

12 Q -- TRYING TO ANTICIPATE BUDGETS?

13 A YES, IT IS

14 Q OKAY WITH REGARD TO THE PERCENTAGE OF THE DISTRICT
15 BUDGETS SPENT ON TEACHER SALARIES, IS THAT PIECE OF DATA
16 OF INTEREST TO YOU IN TRYING TO DETERMINE THE NEEDS OF
17 THE -- FOR EDUCATION FUNDING?

18 A WE -- WE DON'T LOOK AT THAT AS IN DEPTH BECAUSE THAT
19 CALCULATION AS FAR AS THE HOW EACH DISTRICT DEPENDS AND
20 THE PIECE OF THE PIE THAT THEY GET OUT OF E F A IS
21 ALREADY A PART OF THAT FORMULA THAT'S CALCULATED SO THAT
22 PARTICULAR, WHILE WE ARE INTERESTED IN THAT AS A PIECE OF
23 HOW WELL THAT DISTRICT IS FUNCTIONING, THAT'S REALLY NOT
24 SOMETHING THAT WE WOULD USE AS A BASIS IN CALCULATING THE
25 BUDGET REQUIREMENT

1 A THEY WILL NEVER REACH PROFICIENCY ON PACT

2 Q ARE QUALIFIED TEACHERS ABLE TO MAKE THAT CONNECTION,
3 TO TALK TO THE CHILD LONG ENOUGH TO UNDERSTAND WHAT THAT
4 CHILD CAN CONNECT WITH AND PROGRESS THROUGH THE LEARNING
5 CONTINUUM?

6 A WELL PREPARED EFFECTIVE TEACHERS CAN

7 Q NOW, WE HAVE ALSO ESTABLISHED, I BELIEVE, HAVE WE
8 NOT, THAT CHILDREN LEARN DIFFERENTLY? IS THERE ANY ISSUE
9 ABOUT THAT?

10 A I'M SORRY, SIR?

11 Q SURE IS THERE ANY ISSUE THAT CHILDREN LEARN
12 DIFFERENTLY?

13 A THERE'S LOTS OF EVIDENCE THAT CHILDREN DO LEARN
14 DIFFERENTLY SOME CHILDREN OF THE -- MORE LIKELY TO
15 UNDERSTAND A POEM AND LOOK AND FIND ITS MEANING AND OTHER
16 CHILDREN ARE MORE LIKELY TO BE ABLE TO TAKE APART AND
17 REBUILD A COMPUTER BOTH THOSE CHILDREN HAVE ENORMOUS
18 STRENGTHS

19 AND EFFECTIVE TEACHERS KNOW HOW TO FIGURE OUT HOW TO
20 WORK WITH BOTH THOSE CHILDREN, HELPING ONE TO BE MORE
21 SUFFICIENT WITH -- PROFICIENT WITH COMPUTERS AND THE OTHER
22 TO BE MORE PROFICIENT WITH POETRY

23 Q DR BERRY, YOU KNOW, CONSIDERING YOUR TESTIMONY ABOUT
24 CHILDREN'S DIFFERENT LEARNING STYLES AND EFFECTIVE
25 TEACHERS AND THE NECESSITY OF CONNECTING THE INSTRUCTION

1 TO SOMETHING THE CHILD CAN PUT INTO CONTEXT, CONSIDERING
2 THIS TESTIMONY, IF TEACHERS IN THE PLAINTIFF SCHOOL
3 DISTRICTS ARE UNABLE BECAUSE OF LACK OF TRAINING, LACK OF
4 TIME OR LACK OF EXPERIENCE OR FOR WHATEVER REASON, IF THEY
5 ARE UNABLE TO MAKE THIS CONNECTION, DO THE CHILDREN WHO
6 ARE BEING TAUGHT BY THAT TEACHER HAVE THE OPPORTUNITY FOR
7 A MINIMALLY ADEQUATE EDUCATION?

8 A THEY DO NOT HAVE AN OPPORTUNITY TO HAVE A MINIMALLY
9 ADEQUATE EDUCATION THEY DO NOT -- THEY DO NOT HAVE
10 TEACHERS WHO CAN ADAPT INSTRUCTION, TO FIGURE OUT WHY
11 CHILDREN ARE LEARNING AND WHY THEY ARE NOT LEARNING

12 Q DR BERRY, AGAIN, GOING BACK TO THE DR PODA GRAPHS
13 WHEN YOU LOOK AT PERCENTAGES OF TEACHER ON SUBSTANDARD
14 CERTIFICATES OUT-OF-FIELD PERMITS IN THE PLAINTIFF
15 DISTRICTS

16 AND WHEN YOU LOOK AT THE TEACHER TURNOVER RATE WHICH
17 SHOWS TEACHERS COMING AND GOING, WHEN YOU LOOK AT THE
18 YEARS OF EXPERIENCE, ZERO TO FIVE YEARS, WHEN YOU LOOK AT
19 THE PERCENTAGE OF INDUCTION CONTRACT TEACHERS, AND THE
20 PERCENTAGE OF TEACHERS GRADUATING FROM -- GRADUATING FROM
21 NONCOMPETITIVE COLLEGE -- COLLEGES, IN YOUR VIEW DO THE
22 TEACHERS AS A GROUP WITHIN THE PLAINTIFF DISTRICTS HAVE
23 THE KNOWLEDGE, EXPERIENCE AND ABILITY TO OFFER CHILDREN IN
24 THE PLAINTIFF DISTRICTS THE OPPORTUNITY FOR A MINIMALLY
25 ADEQUATE EDUCATION?

1 PERFORMANCE OR IF THAT'S -- THAT'S A GENERALIZATION BUT
2 THAT WAS -- THAT WAS IN ESSENCE THE INFERENCE THAT HE WAS
3 SUGGESTING BY THE LINE OF QUESTIONING I DON'T THINK --

4 MR EPPS I WILL FOCUS ON THAT, YOUR HONOR
5 BY MR EPPS

6 Q IS THERE A RELATIONSHIP OR CORRELATION BETWEEN
7 TEACHER PREPARATION, TEACHER TRAINING, TEACHER EXPERIENCE
8 AND ACADEMIC PERFORMANCE?

9 A YES, SIR

10 Q THE LAST SUBJECT AND -- EXCUSE ME -- IS TEACHER
11 QUALITY IN YOUR VIEW THE GREATEST POINT OF EMPHASIS THAT
12 COULD AND SHOULD BE MADE IN SCHOOLS TO IMPROVE STUDENT
13 PERFORMANCE?

14 A YES IT'S WHAT WE CAN ACTUALLY CONTROL MORE THAN
15 ALMOST ANY OTHER VARIABLE THAT CAN INCREASE STUDENT
16 ACHIEVEMENT

17 Q HE ASKED YOU AT THE OUTSET WHAT YOU BASED YOUR
18 OPINIONS ON AND YOU MENTIONED TEACHER DATA, THE CHARTS
19 THAT WE WENT THROUGH WITH DR PODA, THE S R E B REPORT OF
20 JASPER COUNTY, THE DEPOSITION TESTIMONIES

21 HAVE YOU READ OTHER MATERIALS SUCH AS THE MATERIAL WE
22 DESCRIBED ON DIRECT EXAMINATION, THE TEST SCORES, EXIT
23 EXAM, PACT SCORES, GRADUATION RATES, S A T DATA, A C T
24 DATA?

25 A YES, SIR

1 THE STATE TO PAY FOR TRANSPORTATION IS INTENDED FOR DRIVER
2 SALARY REIMBURSEMENT?

3 A THAT'S CORRECT 40 MILLION OF THE APPROXIMATELY 41,
4 42 MILLION IS DRIVER SALARY MONEY, DRIVER SALARY AND
5 FRINGE

6 Q AND FRINGE ALL RIGHT HOW DOES THE STATE CALCULATE
7 THE REIMBURSEMENT AMOUNTS THAT GO TO THE DISTRICTS FOR
8 DRIVER SALARIES AND FRINGE?

9 A THE STATE DISTRIBUTES THESE -- THESE DRIVER SALARY
10 AND FRINGE DOLLARS TO THE DISTRICTS BASED UPON ACTUAL TIME
11 DELIVERING THE STATE-FUNDED SERVICE AND THAT CALCULATION
12 IS -- IS ONE IN WHICH THE DISTRICTS BY STATE LAW ON
13 OCTOBER THE 15TH MUST SUBMIT TO THE STATE DEPARTMENT OF
14 EDUCATION THEIR ROUTE PLANS FOR THE YEAR

15 AND THOSE ROUTE PLANS DELINEATE THE PRECISE ROUTES
16 AND HOW MANY ROUTE MINUTES OF SERVICE TIME THAT BUS WILL
17 ACTUALLY OPERATE DELIVERING THAT ROUTE THAT'S FROM THE
18 MOMENT IT'S CRANKED TO THE MOMENT IT'S TURNED OFF AT THE
19 PARKING LOT AT THE SCHOOL

20 WE TAKE ALL OF THOSE MINUTES FOR A GIVEN DISTRICT AND
21 WE ADD THEM UP, AND THEN WE ADD UP ALL OF THOSE MINUTES
22 FOR ALL OF THE DISTRICTS AND WE GET TOTAL MINUTES AT THE
23 STATE LEVEL FOR THE WHOLE STATE

24 AND WHATEVER PERCENT OF THOSE MINUTES THAT, FOR
25 INSTANCE, LEE COUNTY WOULD HAVE OF THAT TOTAL, THAT'S THE

1 PERCENT THEY GET OF THAT APPROXIMATELY \$40 MILLION IS THE
2 DRIVER SALARY MONEY SO THE FUNDING IS DIRECTLY RELATED
3 TO THE AMOUNT OF DRIVING SALARY TIME THAT A DRIVER
4 ACTUALLY PROVIDES

5 Q YOU MAY HAVE ANSWERED THIS BUT I JUST WANT TO MAKE
6 SURE HOW DOES THE STATE CALCULATE THE PER MINUTES
7 ALLOCATION? I THINK YOU SAID THAT THE ALLOCATIONS ARE
8 MADE ON A BASIS OF MINUTES OF TIME?

9 A RIGHT THE PER MINUTE ALLOCATION REALLY IS A -- IS
10 A -- EVEN A BROADER FORMULA THERE ARE MORE MINUTES THAT
11 ACTUALLY GO INTO THE CALCULATION WHEN YOU -- WHEN YOU
12 ARE PROVIDING A ROUTE SERVICE, IT IS THAT ACTUAL MINUTES
13 OF TIME WHEN THE BUS STARTS RUNNING TO THE END, BUT THERE
14 ARE ALSO MINUTES ADDED TO THE FORMULA FOR -- THAT ARE
15 CALLED BASE MINUTES THAT ARE FOR THE CLEANING OF THE BUS,
16 THE PRE-TRIP INSPECTION OF THE BUS BY THE DRIVER, THE
17 DRIVER MEETING WITH PARENTS, ET CETERA

18 AND SO EVERY VEHICLE -- EVERY ROUTE BUS IS GIVEN A
19 BASE NUMBER OF MINUTES AND THEN ON TOP OF THAT THE ACTUAL
20 ROUTE TIME MINUTES ARE ADDED TO IT AND IT'S ALL OF THOSE
21 MINUTES THAT GO TO CREATE THIS CALCULATION

22 Q OKAY SO IF THE STATE HAS -- WHEN YOU ADD ALL THAT
23 UP FOR ALL THE DISTRICTS, IT HAS TOTAL OF 200 MILLION
24 MINUTES AND ONE DISTRICT HAS A TOTAL OF 20 MILLION
25 MINUTES, IS THAT DISTRICT GOING TO GET A TENTH OF --

1 A CORRECT

2 Q -- THE STATE MONEY?

3 A CORRECT THEY'RE GOING TO GET WHATEVER IS THE SHARE
4 OF THEIR MINUTES ARE OF THE TOTAL STATE MINUTES IN THAT
5 CASE THAT WOULD BE 10 PERCENT

6 Q WELL, IS THE STATE REIMBURSEMENT FOR DRIVER SALARIES
7 BASED IN ANY WAY ON THE ACTUAL SALARY COSTS?

8 A NO, IT IS NOT

9 Q AND DOES THE STATE REIMBURSEMENT TO THE DISTRICTS
10 COVER THE DISTRICTS' COSTS OF PAYING DRIVER SALARIES TO
11 TRANSPORT THE CHILDREN?

12 A NO, IT DOES NOT

13 Q LET'S LOOK -- YOUR HONOR, AT THIS POINT I'D INTRODUCE
14 PLAINTIFFS' EXHIBIT 6373

15 THE COURT ALL RIGHT

16 BY MRS HART

17 Q OKAY MR TUDOR, DO YOU KNOW WHAT THIS IS? CAN YOU
18 TELL US WHAT THIS IS?

19 A YES THIS IS A TABLE OF FINANCIAL AND SERVICE DATA
20 THAT REFLECTS THE FISCAL '02 -- '01, '02 YEAR FOR THE
21 STATE OF SOUTH CAROLINA IT IS BASED UPON AUDITED
22 FINANCIAL INFORMATION PROVIDED BY THE SCHOOL DISTRICTS TO
23 THE DEPARTMENT OF EDUCATION WHICH IS KNOWN AT THE
24 DEPARTMENT OF EDUCATION AS OUR IN-SITE DATA PROGRAM

25 Q OKAY IS THIS A DOCUMENT THAT YOUR OFFICE PUT

1 Q OKAY

2 A NEXT COLUMN IS THE -- WHAT THE DISTRICTS ACTUALLY
3 EXPENDED WHICH WOULD INCLUDE THE 43 MILLION THEY
4 EXPENDED \$107,376,290

5 Q ALL RIGHT

6 A AND THEN -- AND THEN WHEN YOU -- WHEN YOU ADD BACK ON
7 TOP OF THAT 207 MILLION, THE WORKERS COMP PIECE WHICH THEY
8 DON'T ACTUALLY EXPEND, THE STATE DEPARTMENT EXPENDS THAT
9 WE DON'T WE -- CAN'T GIVE IT TO THEM BECAUSE STATE LAW
10 WON'T ALLOW US TO, WE HAVE TO PAY WHATEVER THE BILL IS,
11 THE -- WITH THE WORKERS COMP TOP ON PART OF TOP OF THAT IT
12 GOES TO 109 MILLION

13 Q ALL RIGHT

14 A THEN THE NEXT COLUMN IS THE AMOUNT THAT THE DISTRICTS
15 SPEND THAT HAS NO STATE REIMBURSEMENT IN IT ALL THIS IS
16 THE MONEY THEY SPEND ON THEIR OWN WITHOUT ANY STATE
17 FUNDING AND IT IS PART OF THE 107 MILLION AND IT'S
18 PART OF THE 109 MILLION, TOO, OF COURSE AND THAT NUMBER
19 IS \$65,524,799 ESSENTIALLY

20 Q ALL RIGHT IF WE WANTED TO MAKE A COMPARISON,
21 MR TUDOR, OF THE DISTRICTS' COSTS THAT ARE PAID BY THE
22 STATE AND THE DISTRICTS' COSTS THAT ARE PAID BY THE
23 DISTRICTS, WOULD IT BE APPROPRIATE TO COMPARE THE TOTAL
24 STATE PAYMENTS COLUMN, THE 43 MILLION TOTAL FIGURE, TO THE
25 TOTAL DISTRICT VALUES COLUMN WITH THE 109 MILLION FIGURE?

1 A YES THAT WOULD BE -- THAT WOULD BE THE
2 RELATIONSHIP

3 Q OKAY ALL RIGHT WELL, LET'S DO THAT AND LET'S
4 PULL UP, PLEASE, SLIDE NUMBER -- THIS IS PLAINTIFFS'
5 EXHIBIT 6374-A

6 A LET ME JUST EXPLAIN FOR THE RECORD THE REASON WHY YOU
7 ARE SEEING F Y '02 DATA AND NOT MORE RECENT DATA IS THAT
8 WE HAVE TO WAIT FOR ALL THE DISTRICTS TO REPORT THEIR
9 AUDITS TO US AND WE ARE JUST NOW FINALIZING THE AUDITS
10 FROM THE -- FROM THE FISCAL YEAR 2003 AND SO THAT'S WHY
11 THIS TABLE IS A YEAR AND A HALF BEHIND

12 Q I THINK WE HAVE -- I DO -- I DON'T KNOW IF IT'S BEEN
13 EXPRESSED IN THIS TRIAL BUT I THINK IT MAY HAVE OVER THE
14 COURSE OF THESE MONTHS, BUT THE DISTRICTS SUBMITTED
15 AUDITED FINANCE STATEMENTS BY NOVEMBER OR DECEMBER TO THE
16 STATE DEPARTMENT FOLLOWING THE YEAR THAT THEY HAVE JUST
17 COMPLETED THAT'S THE DATA FOR '03 THAT YOU ARE REFERRING
18 TO THAT YOU HAVEN'T GOT?

19 A THAT'S CORRECT

20 Q THAT'S THE MOST RECENT DATA BUT YOU JUST HAVEN'T
21 GOTTEN IT PLUGGED IN YET?

22 A AND THEN WE HAVE TO MAKE SURE THAT WE DO OUR OWN
23 INTERNAL AUDIT CHECK TO MAKE SURE THE DATA LOOKS CORRECT,
24 IS IN THE RIGHT, CORRECT FORMAT BEFORE IT CAN BE LOADED IN
25 THE IN-SITE SYSTEM AND WE ARE NOW JUST BEGINNING TO --

1 BEGINNING TO SEE THE -- THE '03 DATA

2 Q ALL RIGHT UP ON THE SCREEN, MR TUDOR, WE HAVE GOT
3 PLAINTIFFS 6374-A AND, YOUR HONOR, I'M GOING TO GO AHEAD
4 AND PUT IN THE WHOLE POWERPOINT PRESENTATION BECAUSE IT'S
5 STAPLED TOGETHER, FRANKLY

6 THE COURT THAT WILL BE FINE

7 MRS HART BUT AT THIS POINT WE ARE JUST
8 LOOKING AT THIS ONE

9 THE COURT OKAY

10 BY MRS HART

11 Q NOW MR TUDOR, WHEN YOU COMPARE THE TOTAL STATE
12 PAYMENTS TO THE TOTAL DISTRICT VALUES COLUMNS THAT WE JUST
13 TALKED ABOUT, IS THIS A GRAPHIC REPRESENTATION OF WHAT YOU
14 GET ON THE STATEWIDE BASIS?

15 A YES, IT IS

16 Q OKAY SO WHAT PERCENTAGE OF THE STATE DISTRICTS'
17 COSTS DOES THE STATE REIMBURSE ACCORDING TO THAT?

18 A 39 3 PERCENT

19 Q AND THE DISTRICTS PAY HOW MUCH?

20 A 60 6

21 Q WELL, CAN WE LOOK BACK AT THE STATUTE THAT WE -- WE
22 HAD ON THE SCREEN A FEW MINUTES AGO, 59-67-420? AND THE
23 STATEMENT IN THAT STATUTE THAT SAYS THE COSTS OF
24 TRANSPORTATION TO AND FROM SCHOOL IS TO BE BORNE BY THE
25 STATE DOES THE STATE BEAR THE FULL COST OF THAT

1 TRANSPORTATION?

2 A NO IT'S VERY OBVIOUS FROM THIS DATA THAT THE STATE
3 IS NOT COVERING THE FULL COST OF TRANSPORTATION SERVICES
4 BY THE DISTRICTS

5 Q HAS IT ALWAYS BEEN THAT WAY?

6 A IT HAS NOT ALWAYS BEEN THAT WAY WE HAVE SEEN A
7 CHANGE LITERALLY IN THE LAST 20 YEARS THAT IS
8 PROGRESSIVELY FROM BUDGET YEAR TO BUDGET YEAR OR
9 APPROPRIATION TO APPROPRIATION YEAR GETTING WORSE THE
10 DISPARITY BETWEEN WHAT THE STATE PAYS AND WHAT THE
11 DISTRICTS PAY IS GETTING WIDER AND WIDER

12 IF YOU WERE TO GO BACK IN HISTORY AND LOOK AT THE
13 EARLY 80'S YOU WOULD SEE THAT -- THAT ALMOST 100 PERCENT
14 OF THE COSTS WAS FUNDED BY THE STATE I DON'T HAVE
15 THIS -- WE DIDN'T HAVE AN IN-SITE DATA SYSTEM THEN SO IT'S
16 DIFFICULT TO FIND EXACT NUMBERS, BUT HISTORY TELLS US THAT
17 DURING THAT ERA, ACTUALLY PRIOR TO ABOUT 1986 THE STATE
18 WAS FUNDING ALMOST ALL OF THE COST OF TRANSPORTATION
19 SERVICES

20 AND IN 1987, '88 THE STATE TRANSITIONED TO ADULT
21 DRIVERS U S DEPARTMENT OF LABOR REQUIRED THE STATE TO
22 MOVE AWAY FROM STUDENT DRIVERS TO ADULT DRIVERS AND WHEN
23 THAT OCCURRED THERE WAS A SHIFT IN DRIVER SALARY EXPENSE
24 IT WAS ALSO A SHIFT IN WORKERS COMP EXPENSE

25 AND WHEN THAT OCCURRED, WE BEGAN TO SEE THIS

1 DISPARITY GROW BETWEEN WHAT THE STATE WAS REIMBURSING
2 DISTRICTS FOR DRIVERS' SALARY AND WHAT THE DISTRICTS WERE
3 ACTUALLY HAVING TO SPEND TO RECRUIT AND RETAIN BUS DRIVER

4 Q ALL RIGHT WHY DID MAKING THE CHANGE FROM STUDENT
5 DRIVERS TO ADULT DRIVERS AFFECT THE DISTRIBUTION OF COSTS
6 AS BETWEEN THE STATE AND THE DISTRICTS?

7 A JUST HAVING TO PAY THE MARKET RATE FOR ADULT DRIVERS
8 STUDENT DRIVERS WERE SORT OF A CAPTURED GROUP WITHIN
9 THE -- WITHIN THEIR SCHOOL DISTRICT IT WAS A JOB THAT --
10 THAT THEY COULD DO AND STILL GO TO SCHOOL AND MANY -- MANY
11 PEOPLE, STUDENTS, YOU KNOW, DID THAT -- DID THAT JOB AND
12 DID IT FOR MINIMUM WAGE

13 Q AND ADULT -- ADULT DRIVER SALARIES ARE HIGHER AS A
14 RULE?

15 A ADULT DRIVERS' SALARIES ARE HIGHER, AND OF COURSE THE
16 PROGRAMS BEGAN TO CHANGE PRETTY RADICALLY SINCE THE MID
17 80'S STUDENTS COULD NO LONGER PROVIDE ALL THE DRIVING
18 SERVICES THAT ARE NOW REQUIRED, THEY'D NEVER BEEN IN
19 CLASS

20 YOU HAVE BUSES MOVING IN THE MORNING AND IN THE
21 AFTERNOON AND THEY USUALLY RUN MULTIPLE ROUTES IN THE
22 MORNING AND AFTERNOON THEREFORE, THEY ARE ON THE ROAD
23 FROM 5 30 A M UNTIL PERHAPS 8 30 IN THE MORNING AND THEN
24 THE REVERSE OF THAT IS TRUE IN THE AFTERNOON FROM MAYBE
25 2 00 UNTIL FOUR THEY RUN DURING THE MIDDAY, ET CETERA

1 SO THE MOVE TO ADULT DRIVERS WAS NECESSARY FOR A LOT
2 OF REASONS, BUT IT HAS REALLY CHANGED THE EXPENDITURES FOR
3 DRIVER SALARIES

4 Q WELL, HAVE OTHER FUNDING REQUIREMENTS OR COSTS FOR
5 TRANSPORTATION CHANGED IN THE LAST TEN TO 20 YEARS AS
6 WELL?

7 A CERTAINLY OTHER -- OTHER EXPENDITURES CHANGED I
8 MEAN, THE EXPENDITURE FOR FUEL HAS CHANGED DRAMATICALLY
9 THE EXPENDED COST FOR SCHOOL BUSES HAS GONE UP, BUT
10 NOTHING HAS CHANGED LIKE WE HAVE SEEN FOR THE SALARY
11 ISSUE

12 Q IS THERE A NEED FOR MORE CLERICAL PERSONNEL AS
13 COMPARED WITH THE EARLY 80'S PERHAPS?

14 A WELL, AS THE PROGRAMS BECOME MORE AND MORE
15 SOPHISTICATED, AS I SAY, THEY RUN MULTIPLE ROUTES IN THE
16 MORNING AND MULTIPLE ROUTES IN THE AFTERNOON, AND -- AND
17 AS THAT -- AS THOSE PROGRAMS BECOME MORE AND MORE
18 COMPLICATED, AS THE TRAINING BECOMES MORE AND MORE
19 COMPLICATED, THE LICENSING AND CERTIFICATION BECOMES MORE
20 AND MORE COMPLICATED, THE RECORD KEEPING BECOMES MORE AND
21 MORE COMPLICATED AND THE PROFESSIONALISM OF THE PEOPLE
22 SUPERVISING THE SCHOOL TRANSPORTATION PROGRAM BECOMES MORE
23 AND MORE IMPORTANT

24 AND, THEREFORE, DISTRICTS HAVE HAD TO TURN FROM USING
25 THE -- THE FOOTBALL COACH AS THE SUPERVISOR FOR BUS

1 DRIVERS TO HIRING A FULL-TIME SUPERVISOR BUS DRIVERS
2 FROM HAVING THE STATE WHICH USED TO HAVE 16 DRIVER
3 TRAINERS PROVIDE DRIVER TRAINING FOR THE BUS DRIVERS TO
4 HIRING THEIR OWN DRIVER TRAINER TO PROVIDE DRIVER TRAINING
5 FOR THE BUS DRIVERS, TO HAVING CLERICAL PEOPLE MAINTAIN
6 THE RECORDS, MAINTAIN THE MEDICAL RECORDS, MAINTAIN THE
7 DRUG AND ALCOHOL RECORDS, TESTING RECORDS, MAINTAIN THE
8 LICENSING AND CERTIFICATION RECORDS, AND ALL OF THAT HAS
9 BECOME A VERY COMPLICATED, I'D LIKE TO THINK PROFESSIONAL
10 SERVICE DELIVERED BY THE SCHOOL DISTRICT

11 ALL OF IT TAKES ADMINISTRATIVE EXPENSES THAT WEREN'T
12 THERE IN THE EARLY 80'S AND BEFORE

13 Q WHAT ABOUT SAFETY ISSUES AND SAFETY IN THE
14 TRANSPORTATION ENVIRONMENT, HAS THAT CHANGED THE COST
15 OF -- OF PROVIDING TRANSPORTATION OR AFFECTED IT?

16 A WELL, IT'S AFFECTED IT IN THE -- IN THE SAME SENSE OF
17 THE CERTIFICATIONS THAT ARE REQUIRED, THE TRAINING THAT'S
18 REQUIRED, KEEPING TRACK OF THOSE CERTIFICATIONS AND
19 KEEPING TRACK OF THAT TRAINING AND MAKING SURE THAT
20 TRAINING IS PROVIDED IN THE ENVIRONMENT

21 Q WAS TRANSPORTATION OR THE COST OF TRANSPORTATION
22 INCLUDED IN THE BASE STUDENT COST OR OTHER ASPECTS OF THE
23 E F A WHEN IT WAS ENACTED IN 1977?

24 A NO, IT WAS NOT

25 Q LET'S LOOK AT PLAINTIFFS' EXHIBIT 287 WHICH I'LL

1 YEAR 2002 IT HAD INCREASED TO 60 61 PERCENT

2 Q ALL RIGHT LET'S LOOK AT PLAINTIFFS' EXHIBIT 6374-B
3 WHICH IS THE -- A PART OF THE POWERPOINT PRESENTATION
4 IS THIS A GRAPHIC REPRESENTATION OF WHAT THE NUMBERS THAT
5 ARE SHOWN ON THE TABLE THAT YOU -- WE JUST LOOKED AT?

6 A YES, IT IS

7 Q OKAY SO, AGAIN, IT SHOWS THAT THE DISTRICTS PAID
8 46 95 OF THEIR DISTRICT EXPENDITURES IN 1996, '97 IN AN
9 INCREASING AMOUNT UP TILL TODAY IS THAT AN ACCURATE
10 STATEMENT?

11 A YES, IT HAS CONTINUED TO INCREASE

12 Q LET'S LOOK SPECIFICALLY AND THEN WE'LL GO BACK TO
13 THAT LONG TABLE OF DATA, PLAINTIFFS' 6373 AND ON HERE
14 ARE HIGHLIGHTED IN YELLOW THE PLAINTIFF DISTRICTS
15 LOOKING AGAIN AT THIS BREAKDOWN, THE TOTAL STATE PAYMENTS
16 VERSUS THE TOTAL DISTRICT VALUES WHAT DID ALLENDALE PAY
17 OF ITS EXPENDITURES IN FISCAL YEAR '02?

18 A ALLENDALE ACTUALLY PAID \$613,150

19 Q IF WE ARE GOING TO COMPARE IT TO WHAT THE STATE HAS
20 PAID, ARE WE GOING TO USE THAT COLUMN OR THE COLUMN
21 NEXT --

22 A NO, WE WOULD USE THE ONE NEXT TO IT

23 Q OKAY

24 A THE -- THE COST TO THE DISTRICT WAS \$623,889

25 Q HOW MUCH DID THE STATE REIMBURSE ALLENDALE?

1 A THE STATE TOTAL PAYMENT WAS \$208,607

2 Q OKAY CAN WE DO THE SAME -- TAKE THE SAME LOOK THEN
3 AT DILLON TWO, WHAT ITS COSTS WERE AND WHAT THE STATE
4 REIMBURSED IT FOR?

5 A RIGHT THE DISTRICT'S COSTS FOR DILLON TWO WAS
6 \$487,897, AND THE STATE REIMBURSED 205,313 69

7 Q OKAY CAN YOU GIVE US THE SAME DATA FOR FLORENCE
8 FOUR?

9 A YES FLORENCE FOUR THE COSTS WAS \$185,808 61 AND THE
10 STATE REIMBURSED \$87,371 26

11 Q WHY DON'T YOU -- IF YOU WOULD, JUST GO THROUGH THE
12 REST OF THE PLAINTIFF DISTRICTS THE ONES THAT ARE
13 HIGHLIGHTED?

14 A OKAY IN HAMPTON TWO, \$506,961 82 IS WHAT THEY --
15 THEIR COSTS, AND THE STATE REIMBURSED \$146,641 23 FOR
16 JASPER, THE COSTS WERE \$605,251 99, THE STATE REIMBURSED
17 \$279,779 01 FOR LEE, THE COSTS WERE \$528,460 30, AND THE
18 STATE REIMBURSED \$320,925 45

19 FOR MARION SEVEN THE COSTS WERE \$212,282 82, STATE
20 REIMBURSED \$133,984 23 AND FOR ORANGEBURG THE COSTS WERE
21 \$1,059,523 07, AND THE STATE REIMBURSED \$469,244 59

22 Q YOU SAID ORANGEBURG DID YOU MEAN ORANGEBURG
23 CONSOLIDATED THREE?

24 A THREE, YES

25 Q OKAY LET'S LOOK AT THE NEXT POWERPOINT SLIDE WHICH

1 THE DRIVERS' SALARY FOR THAT RIGHT?

2 A CORRECT

3 Q IS THAT PERMIT FEE, THAT 80 CENTS PER MILE, IS THAT
4 RELATED IN ANY WAY TO A DISTRICT'S ABILITY TO PAY IT OR
5 THE NEED FOR THE BUS?

6 A NO, THE -- THE 80 CENTS A MILE IS PURELY AN AUDITED
7 CALCULATION DONE WITHIN THE DEPARTMENT OF EDUCATION FOR
8 THE AVERAGE COST OF USING A SCHOOL BUS AND IS NOT WEIGHTED
9 AT ALL BY ABILITY TO PAY

10 Q IS STUDENT TRANSPORTATION FUNDED BY THE STATE
11 ACCORDING TO THE ACTUAL COST OF TRANSPORTING CHILDREN TO
12 MANDATED SCHOOL PROGRAMS, THE ACTUAL COSTS, IS IT RELATED
13 TO THAT?

14 A IT'S NOT -- IT IS NOT RELATED TO ACTUAL COST AND
15 SPECIFICALLY IS NOT RELATED TO THE ACTUAL COST TO SCHOOL
16 DISTRICTS

17 Q ALL RIGHT WELL, IF FUNDING FOR TRANSPORTATION IS
18 NOT BASED ON THE ACTUAL COST, WHAT IS IT BASED ON?

19 A FUNDING FOR SCHOOL TRANSPORTATION IS BASED UPON THE
20 EXPENDITURES THAT THE DEPARTMENT OF EDUCATION INCURS FROM
21 ITS -- IN ITS OPERATING BUDGET FROM YEAR TO YEAR FOR
22 MAINTENANCE OF THE BUSES, FOR REPAIRS, FOR INSURANCE AND
23 THOSE KIND OF THINGS, PLUS AN AMOUNT OF MONEY THAT THE
24 GENERAL ASSEMBLY DEEMS APPROPRIATE TO APPROPRIATE FOR BUS
25 DRIVER SALARIES TO APPROPRIATE FOR SCHOOL BUS REPLACEMENT

1 AND WHAT THAT NUMBER IS BASED ON OTHER THAN HISTORY I
2 HAVE NO IDEA

3 Q IT'S NOT BASED ON ACTUAL COST?

4 A NOT BASED ON ACTUAL COST

5 Q IS IT WHAT'S AVAILABLE IN THE BUDGET?

6 A IT'S WHATEVER THE GENERAL ASSEMBLY DEEMS APPROPRIATE
7 TO APPROPRIATE

8 Q WELL, DOES THE TRANSPORTATION BUDGET THEN AFFECT THE
9 PROGRAMS THAT A POOR DISTRICT IS ABLE TO PROVIDE FOR ITS
10 STUDENTS?

11 MR BARNES YOUR HONOR, I OBJECT I DON'T
12 THINK THERE IS ANY WAY FOR HIM TO ANSWER THAT HE WOULD
13 HAVE TO SPECULATE

14 THE COURT RIGHT THE -- ONLY TO THE EXTENT
15 THAT WHETHER STUDENTS CAN GET TO THOSE PROGRAMS OR NOT,
16 YOU KNOW, MAKE NOTE ABOUT THAT BUT BEYOND THAT WHAT
17 WOULD HIS BASIS OF THE INFORMATION BE ON THE INDIVIDUAL
18 PROGRAMS FOR THESE SPECIFIC DISTRICTS?

19 MRS HART WELL, HE KNOWS AND HE'S TESTIFIED
20 THAT DISTRICTS HAVE TO BEAR THE COSTS OF THE
21 TRANSPORTATION IF IT'S NOT PAID FOR BY THE STATE AND I
22 THINK WE HAVE HEARD FROM OTHER WITNESSES THAT THAT IS A
23 CONSIDERATION IN DETERMINING WHETHER OR NOT THEY CAN EVEN
24 OFFER A PARTICULAR PROGRAM

25 AND THAT'S BASICALLY WHAT I WAS GETTING AT, WHETHER

1 DISTRIBUTION OF BUSES TO THE SCHOOL BUS SHOPS AND TO THE
2 DISTRICTS?

3 A WE DO WE DO

4 Q SO ARE THE -- THE TOTAL NUMBERS THAT ARE SHOWN ON THE
5 FIRST PAGE OF 6386 REPRESENTATIVE OF CONDITIONS IN THE
6 EIGHT PLAINTIFF SCHOOL DISTRICTS AND AS WELL THROUGHOUT
7 THE STATE?

8 A AS WELL AS ALL 85, CORRECT

9 Q ALL RIGHT AND THE FUNDING THAT YOU GET FROM THE
10 STATE TO SUPPORT THE SCHOOL BUS SHOPS AND TO BUY THE BUSES
11 IS -- IS NOT DISTINCT TO ANY PARTICULAR DISTRICT?

12 A THAT'S CORRECT

13 Q OKAY AND I THINK IT DOES SIMPLY GO TO THE WEIGHT,
14 YOUR HONOR AND -- AND IT'S REPRESENTATIVE OF THE
15 CONDITIONS OF TRANSPORTATION IN THE STATE

16 THE COURT YES, MA'AM YOU CAN GO AHEAD

17 MRS HART ALL RIGHT THANK YOU

18 BY MRS HART

19 Q I'VE FORGOTTEN WHERE WE WERE BUT PLAINTIFFS' 6374-I
20 THE TOTAL ANNUAL MILES, WHAT DOES THIS MEAN THIS INCREASE
21 IN TOTAL ANNUAL MILES OF THE FLEET TO THE CHILDREN THAT
22 ARE SERVED BY THE FLEET?

23 A WELL, BASICALLY YOU HAVE GOT THE SAME NUMBER OF BUSES
24 RUNNING MORE MILES WHICH MEANS THAT EACH DAY EACH BUS IS
25 OPERATING ADDITIONAL MILES WHETHER THAT IS ROUTE MILES OR

1 WHATEVER SERVICES THAT BUS MAY BE DELIVERING ON THAT -- ON
2 THAT GIVEN DAY

3 BUT THE IMPACT ON THE CHILD IS ONE THAT IS A LITTLE
4 INDIRECT IN THAT THE BUS IS AGING FASTER AND WITHOUT A
5 REPLACEMENT THAT BUS GETS MORE AND MORE MILES ON IT AND AS
6 IT GETS MORE AND MORE MILES REGARDLESS OF ITS AGE, IT IS
7 MORE LIKELY TO BREAK DOWN AND WHEN IT DOES BREAK DOWN THEN
8 THE CHILD IS LATE FOR CLASS

9 Q ALL RIGHT THE NEXT LINE ON PLAINTIFFS' 6386 IS FOR
10 AVERAGE -- AVERAGE ANNUAL MILES NOW, WHAT IS THAT?

11 A THAT'S THE AVERAGE ANNUAL MILES PER BUS SO IN -- IN
12 1997 EACH BUS WAS HAVING 14,344 MILES PUT ON IT A YEAR
13 IN THIS LAST YEAR WAS 15,5 -- 441 MILES WHICH IS UP A
14 1,097 MILES OR A 7 6 PERCENT INCREASE

15 HERE AGAIN THAT'S THE -- THAT'S THE SAME INDICATOR
16 PUTTING MORE AND MORE MILES ON THESE BUSES, THEREFORE, YOU
17 KNOW, THEY ARE GETTING OLDER IN A MILEAGE SENSE FASTER

18 Q ALL RIGHT AND THE NEXT LINE IS ACTUALLY TALKING
19 ABOUT AGE, AVERAGE AGE?

20 A CORRECT THE AVERAGE AGE OF THE FLEET FOR F Y '97
21 YEAR, 7 5 WAS THE AVERAGE AGE NOW IT'S -- WELL, AS OF
22 LAST JULY IT WAS 11 6 WE ARE PRETTY CLOSE TO 12 6 BY
23 NOW

24 AND OF COURSE THE -- THESE AVERAGES ARE WEIGHTED
25 HEAVILY BECAUSE OF -- OF 50 PERCENT OF THE FLEET IS 1989

1 OR OLDER SO IT'S WEIGHTED HEAVILY TOWARDS THAT GROUP OF
2 BUSES AND BACK IN THAT ERA

3 Q ALL RIGHT WE WILL LOOK NOW AT PLAINTIFFS' EXHIBIT
4 6374-J IS THAT A GRAPHIC REPRESENTATION OF THE AVERAGE
5 AGE INCREASE OVER THAT TIME PERIOD WE HAVE BEEN
6 DISCUSSING?

7 A YES, IT IS

8 Q AND THE VARIANCE INCREASE IN AGE IS 4 1 YEARS?

9 A THAT'S CORRECT

10 Q ALL RIGHT NOW, THE AVERAGE ODOMETER READING IS THE
11 NEXT LINE ON PLAINTIFFS' 6386 CAN YOU COMMENT ON THAT,
12 PLEASE?

13 A RIGHT THAT'S THE ODOMETER READING ON THE AVERAGE
14 SCHOOL BUS SO IN 1997, JUNE 30TH, THE AVERAGE READING
15 WAS 96,644 MILES ON JUNE 30TH, 2003, THE AVERAGE READING
16 WAS 159,333 MILES OR THE AVERAGE READING ON THE BUS WENT
17 UP 62,689 MILES OR 64 9 PERCENT, A TREMENDOUS INCREASE IN
18 THE -- IN THE MILEAGE -- HERE AGAIN, THE MILEAGE AGE OF
19 THE VEHICLE

20 Q ALL RIGHT AND ON THE SCREEN WE ARE SEEING 6374-K ,
21 PLAINTIFFS' 6374-K ?

22 A UH-HUH

23 Q IS THAT A GRAPHIC REPRESENTATION OF WHAT YOU JUST
24 DESCRIBED?

25 A YES, IT IS

1 Q THE NEXT LINE ON PLAINTIFFS' 6386 IS CUMULATIVE
2 MILES TELL US WHAT THAT MEANS, PLEASE

3 A IF YOU TAKE ALL OF THE MILEAGE ODOMETER READING ON
4 THE SCHOOL BUS AND TAKE OFF 5,600 OF THOSE BUSES AND ADD
5 THEM ALL TOGETHER YOU GET THE CUMULATIVE MILEAGE AND YOU
6 CAN SEE IN FISCAL '97 ON THAT JUNE 30 DAY OF 1997, YOU
7 WOULD HAVE HAD A THOUSAND -- 59,187,384 MILES

8 AS OF LAST JULY -- JUNE 30TH YOU HAD 909,310,966 AS
9 YOU CAN SEE THE NEED IS COMING CLOSE TO A BILLION MILES ON
10 IT WE HAVE INCREASED HERE AGAIN THAT COMPOUNDING MILEAGE
11 AT 350,000-PLUS MILES OR 62 6 PERCENT AND THE FLEET IS
12 JUST GETTING OLDER AND OLDER AND OLDER

13 AND THAT MEANS THAT -- THAT THE CHILDREN THAT RIDE
14 THOSE BUSES THEY ARE MORE AND MORE LIKELY TO BREAK DOWN
15 Q ALL RIGHT I DIRECT YOUR ATTENTION TO PLAINTIFFS'
16 EXHIBIT 6374-L WHICH WE INTRODUCED IS THAT A GRAPHIC
17 REPRESENTATION OF THE CUMULATIVE MILES THAT YOU WERE JUST
18 DESCRIBING?

19 A YES, IT IS

20 Q OKAY AND IT IS ON AN UPWARD TREND?

21 A YES

22 Q AS ALL OF THESE OTHERS?

23 A LIKE ALL THE OTHERS

24 Q ALL RIGHT AND FINALLY ON -- BACK TO 6386,
25 PLAINTIFFS' 6386 THE FINAL LINE IS SCHOOL BUS PURCHASES

1 WHAT DOES THIS EXHIBIT INDICATE TO YOU ABOUT SCHOOL BUS
2 PURCHASES GIVEN ALL THE OTHER FACTORS THAT WE JUST TALKED
3 ABOUT?

4 A WELL, IT IS WHY ALL THE OTHERS -- MOST OF THE OTHERS
5 ARE OCCURRING AS FAR AS THE MILEAGE OCCURRING WE'VE NOT
6 BEEN BUYING SCHOOL BUS REPLACEMENTS THEREFORE THE AGE
7 KEEPS GETTING OLDER AND OLDER AND INSTEAD OF HAVING ZERO
8 ODOMETERS ADDING TO THE SYSTEM IN GREAT NUMBERS WE ARE NOT
9 HAVING THEM

10 IN -- IN FISCAL YEAR '97 WE BOUGHT 109 BUSES AND IN
11 '98 WE BOUGHT NONE, IN '99 WE BOUGHT NONE, IN 2000 WE
12 BOUGHT 56 IN 2001 WE BOUGHT 201, IN 2002 WE BOUGHT NONE
13 AND THEN LAST YEAR THROUGH TWO SEPARATE PURCHASES JUST
14 HAPPENED TO WIND UP IN THE SAME FISCAL YEAR WE WIND UP
15 WITH 308 BUSES

16 OVER THAT PERIOD OF TIME WE BOUGHT 674 BUSES WHICH
17 IMPACTED 13 4 PERCENT OF THE FLEET

18 Q DOES THE STATE HAVE A BUS REPLACEMENT PLAN OR
19 SCHEDULE?

20 A THE DEPARTMENT OF EDUCATION HAS A BUS REPLACEMENT
21 PLAN THE STATE DOES NOT HAVE A BUS REPLACEMENT APPROVED
22 CYCLE THE STATE DEPARTMENT OF EDUCATION HAS SUBMITTED TO
23 THE GENERAL ASSEMBLY YEAR AFTER YEAR AFTER YEAR A PLAN TO
24 TRY TO ADDRESS THE AGE OF THE FLEET BUT IT HAS NEVER
25 BEEN ADOPTED BY THE GENERAL ASSEMBLY

1 Q ALL RIGHT WE ARE GOING TO COME BACK TO THAT BUT
2 HOW ARE BUSES REPLACED? I MEAN --

3 A WHATEVER FUNDS ARE AVAILABLE IN THE BUDGET FOR THE
4 YEAR OR IN THE APPROPRIATION FOR THE YEAR, WE LOOK AT OUR
5 GREATEST NEED WHETHER IT BE NEED FOR BUSES WITH WHEELCHAIR
6 LIFTS FOR STUDENTS WITH DISABILITY, SMALL BUSES TO
7 TRANSPORT STUDENTS ACROSS COUNTY LINES OR GREAT DISTANCES
8 OR LARGE CAPACITY REGULAR SCHOOL BUSES, WHATEVER OUR
9 GREATEST NEED IS WE USE THE BID PROCESS, GET THE LOWEST
10 BIDDER ON THE -- FOR THE BUS AND GO OUT AND PROCURE AND
11 HAVE THAT BUS DELIVERED

12 ONE OF THE FACTORS IN THIS PROCESS IS THAT EVEN WHEN
13 YOU RECEIVE FUNDS TO DO SOMETHING, YOU'RE AT LEAST SIX TO
14 EIGHT MONTHS AWAY FROM RECEIVING THE PRODUCT BECAUSE IT
15 TAKES THAT LONG TO ORDER AND DELIVER

16 Q ALL RIGHT WE INTRODUCE AT THIS POINT PLAINTIFFS'
17 EXHIBIT 6387 WHICH IS TITLED DEPARTMENT OF EDUCATION
18 SCHOOL BUS REPLACEMENT ACTIONS MR TUDOR, YOU ARE
19 FAMILIAR WITH THIS EXHIBIT?

20 A YES, I AM

21 Q TELL US WHAT IT IS AND WHAT IT TELLS US

22 A IT -- IT LOOKS AT A PERIOD OF TIME FROM F Y 1980 ALL
23 THE WAY THROUGH F Y 2004 AND LOOKS AT SEVERAL PIECES OF
24 DATA FIRST, WAS THERE A BUDGET REQUEST MADE AND IF THERE
25 WAS, WHAT WAS IT FOR THAT FISCAL YEAR WHAT WAS THE

1 NOSEDIVE AND -- AND IT HASN'T BEEN A PROBLEM BUT IT
2 USUALLY IS A PROBLEM

3 Q OKAY ALL RIGHT I WANT TO TALK ABOUT THE BUS FLEET
4 AGAIN, PLEASE AND THE EFFECT OF NOT HAVING, AS YOU HAVE
5 TESTIFIED, A STATEWIDE SCHOOL BUS REPLACEMENT PLAN CAN
6 YOU TALK ABOUT WHAT THAT MEANS IN TERMS OF SERVICES TO --
7 TRANSPORTATION SERVICES TO THE STUDENTS IN THIS STATE?

8 A NOT HAVING A REPLACEMENT PLAN THAT IS FUNDED BY THE
9 GENERAL ASSEMBLY AND IS BASICALLY MANDATED MEANS THAT --
10 OR THE HISTORY HAS SHOWN US THAT WHAT -- WHAT HAPPENS IS
11 THAT WE -- THE FLEET GETS OLDER AND OLDER AND OLDER AND AS
12 IT GETS OLDER THE BUSES BECOME MORE SUBJECT TO BREAKDOWN
13 AND WHEN THEY BECOME MORE SUBJECT TO BREAKDOWN, CHILDREN
14 REALLY CAN'T COUNT ON THEM TO GET TO CLASS ON TIME

15 Q ALL RIGHT AND DOES IT HAVE ANY EFFECT ON YOUR
16 OFFICE AND ITS PLANNING AND BUDGETING?

17 A WELL, WE REALLY DON'T HAVE ANY MONEY TO PLAN OR
18 BUDGET WITH AND -- AND THE -- AND THE RADICAL OR THE
19 ERRATIC COST OF FUEL AND OTHER COSTS THAT WE ARE HAVING TO
20 DEAL WITH WITHOUT ADEQUATE OPERATING BUDGET, WE ARE HAVING
21 TO MOVE INTO FUNDS THAT WE ONCE THOUGHT THAT WE WOULD BE
22 ABLE TO USE SOLELY FOR BUS PURCHASE LOTTERY MONEY

23 BUT IT'S -- WE HAVE LEARNED IN THE LAST COUPLE OF
24 YEARS THAT WE CAN'T COUNT ON THAT MONEY FOR BUS PURCHASE
25 AND SO WE HAVE TO HOLD BACK TO SEE WHAT'S GOING TO HAPPEN

1 DURING THE OPERATING YEAR BEFORE WE CAN MOVE FORWARD TO
2 EVEN USE THAT MONEY FOR BUS PURCHASE AND OF COURSE THE
3 APPROPRIATIONS THEY COME IN -- IN NO GUARANTEED AMOUNT
4 EVERY YEAR

5 IT CHANGES CONSTANTLY THEREFORE YOU CAN'T GO OUT
6 FOR BIDS AND BID A BUS PURCHASE AND GUARANTEE THE VENDOR
7 THAT'S QUOTING YOU THE BID THAT THEY ARE GOING TO BE ABLE
8 TO MANUFACTURE 300 BUSES FOR YOU OR 600 BUSES FOR YOU OR
9 WHATEVER NUMBER OF BUSES

10 TYPICALLY THOSE BIDS -- AND THE CONTRACTS ARE PUT OUT
11 FOR THREE YEARS AT A TIME YOU GET A MUCH BETTER PRICE ON
12 A BUS IF YOU COULD PUT OUT A THREE-YEAR BID AND GUARANTEE
13 THAT YOU WERE GOING TO BUY 375 BUSES EVERY YEAR

14 THE VENDOR WOULD LOOK AT IT AND SAY OKAY I HAVE GOT
15 1,000-BUS PURCHASE HERE, I CAN GIVE THEM A GOOD PRICE ON
16 THIS I KNOW IT'S GOING TO HAPPEN EVERY YEAR I KNOW --
17 I CAN PUT IT IN MY MANUFACTURING CYCLE THIS IS BREAD AND
18 BUTTER I WILL GIVE THEM A GOOD PRICE

19 WE ARE NEVER ABLE TO DO THAT BECAUSE WE DON'T HAVE
20 ANY CONSISTENT PROCUREMENT SCHEDULE BECAUSE WE DON'T HAVE
21 ANY CONSISTENT FUNDING

22 Q IDEALLY HOW MANY BUSES SHOULD WE BE BUYING EACH YEAR
23 AND WHAT WOULD THAT COST?

24 A OUR BUS REPLACEMENT CYCLE THAT WE HAVE PROPOSED TO
25 THE GENERAL ASSEMBLY IS A 15-YEAR REPLACEMENT CYCLE OR

1 BUSES WITH 250,000 MILES WHICHEVER COMES LAST WHAT THAT
2 WOULD IMPLY IS THAT WE WOULD BE BUYING APPROXIMATELY 375
3 BUSES A YEAR AS REPLACEMENT BUSES

4 THAT WOULDN'T ACCOUNT FOR ANY INCREASE IN THE FLEET
5 IT WOULD JUST BE REPLACEMENT SO WE'D BE BUYING 375 BUSES
6 A YEAR WHICH WOULD COST US ABOUT \$23 MILLION A YEAR

7 Q OKAY AND YOU COMMUNICATED THIS PLAN AND PROPOSAL TO
8 THE GENERAL ASSEMBLY?

9 A YES, FOR AT LEAST THE LAST SEVEN YEARS WE HAVE
10 SUBMITTED TO THE GENERAL ASSEMBLY A PLAN THAT INCLUDES --
11 WE CALL IT THE SIX-YEAR PLAN BECAUSE WHAT IT DOES IS IT
12 SETS UP A METHOD FOR US TO CATCH UP WITH OUR BEHIND
13 STATUS

14 Q OKAY

15 A AND WE -- AND WE WOULD CATCH UP WITH THAT OVER SIX
16 YEARS AND THEN MOVE INTO THIS \$23 MILLION FUNDING PROGRAM
17 FROM THERE ON OUT AFTER SEVENTH, EIGHTH, NINTH, TENTH YEAR
18 AND FROM THERE ON

19 Q PLAINTIFFS' 6391 WHICH WE WILL INTRODUCE AT THIS
20 POINT IS A REPORT TO THE GENERAL ASSEMBLY BY THE SOUTH
21 CAROLINA LEGISLATIVE AUDIT COUNCIL TITLED A REVIEW OF
22 SOUTH CAROLINA SCHOOL BUS PURCHASES

23 AND WHEN YOU GET THAT, MR TUDOR, IF YOU COULD TURN
24 OVER TO -- THERE'S A BATES NUMBER AT THE BOTTOM OF EACH
25 PAGE IT'S LAC-01023 AND THEN ALSO 01024

1 ANSWERED IT'S PROBABLY AN APPROPRIATE OBJECTION TO MAKE
2 ALTHOUGH THIS IS PHRASED SOMEWHAT DIFFERENTLY BUT
3 NONETHELESS I DON'T THINK IT -- THAT IT'S A QUESTION THAT
4 CALLS FOR A CONCLUSION BEYOND WHAT HE IN HIS POSITION CAN
5 GIVE AND SO -- AS A LAY PERSON REALLY
6 GO AHEAD

7 THE WITNESS CAN YOU ASK THE QUESTION AGAIN?
8 BY MRS HART

9 Q I THINK I CAN DOES THE LACK OF TRANSPORTATION OR
10 THE LACK OF FUNDING FOR THE TRANSPORTATION IMPACT THE
11 ABILITY OF CHILDREN TO ACCESS EDUCATIONAL PROGRAMS IN
12 THEIR DISTRICTS?

13 A YES THE -- ANY EDUCATIONAL PROGRAM THAT IS NOT --
14 THAT THE TRANSPORTATION IS NOT FUNDED BY THE STATE AND ANY
15 EDUCATION PROGRAM THAT REQUIRES TRANSPORTATION TO ACCESS
16 THAT PROGRAM, WITHOUT ADEQUATE FUNDING THE TRANSPORTATION
17 CANNOT BE PROVIDED AND THEREFORE THE CHILDREN HAVE A MUCH
18 MORE DIFFICULT TIME ACTUALLY GETTING TO THE CLASSROOM AND
19 RECEIVING THAT EDUCATION

20 Q AND ONE FINAL QUESTION, MR TUDOR DOES THE STATE
21 UNDER THE PROVISIONS OF 59-67 -- SECTION 59-67-420, THAT
22 IS THE BASIC BUS TRANSPORTATION -- SCHOOL TRANSPORTATION
23 STATUTE, IS IT NOT?

24 A YES, IT IS

25 Q DOES THE STATE UNDER THAT, THE PROVISIONS OF THAT,

1 BEAR THE COST OF THE TRANSPORTATION OF CHILDREN TO
2 STATE-MANDATED EDUCATIONAL PROGRAMS IN SOUTH CAROLINA?
3 A THAT STATUTE HAS LIMITATIONS COVERING EXACTLY WHAT
4 THE STATE WILL PAY FOR IN OTHER WORDS, IF THE CHILD
5 LIVES WITHIN A MILE AND A HALF OF THE SCHOOL THEY ARE
6 ZONED TO ATTEND, TRANSPORTATION IS NOT PROVIDED IN
7 GENERAL
8 Q OKAY
9 A IF -- AND THEN OF COURSE ON THE E A A SIDE IF THE
10 CHILD IS NOT BETWEEN THREE AND EIGHTH GRADE, THE
11 TRANSPORTATION IS NOT PROVIDED SO I MEAN THERE ARE GAPS
12 IN THE PROGRAM FOR HIGH SCHOOL STUDENTS FOR SUMMER SCHOOL,
13 FOR HIGH SCHOOL STUDENTS FOR AFTER SCHOOL, FOR HIGH SCHOOL
14 STUDENTS FOR REMEDIAL, FOR K THROUGH THREE, SAME KIND
15 OF -- OF ISSUES AND OF COURSE FOR CHILDREN THAT LIVE
16 WITHIN THE MILE AND A HALF ZONE, THERE IS ALSO A
17 LIMITATION THERE
18 Q OKAY WELL, LET ME JUST READ THE -- WHAT THE STATUTE
19 SAID THE COST OF TRANSPORTING PUPILS TO REGULARLY
20 ORGANIZED INSTRUCTIONAL CLASSES IN THE DISTRICT OR
21 ATTENDANCE AREA FOR WHICH SCHOOL CREDIT IS GIVEN MUST BE
22 BORNE BY THE STATE DOES THE STATE BEAR THOSE COSTS?
23 A THE STATE DOES NOT BEAR 100 PERCENT OF THOSE COSTS
24 MRS HART THANK YOU THAT'S ALL I HAVE AT
25 THIS TIME

1 THE COURT THANK YOU MR BARNES?

2 MR BARNES YES, SIR

3 CROSS-EXAMINATION,

4 BY MR BARNES

5 Q GOOD MORNING, MR TUDOR

6 A GOOD MORNING

7 Q MR TUDOR, YOU ARE NOT AWARE OF ANY PROGRAMS IN ANY
8 OF THE EIGHT PLAINTIFF DISTRICTS THAT ARE -- WHERE THERE
9 ARE NEEDS FOR TRANSPORTATION THAT ARE NOT CURRENTLY BEING
10 FUNDED, ARE YOU?

11 A I GUESS IN RESPONDING TO THAT QUESTION I WOULD HAVE
12 TO SAY THAT THOSE -- I WOULD EXPECT THAT THOSE EIGHT
13 DISTRICTS ARE JUST LIKE ALL THE OTHER DISTRICTS IN THE
14 STATE AND THEREFORE IF THE STATE ONLY PROVIDES 40 PERCENT
15 OF THE TRANSPORTATION, DRIVERS' SALARY FUNDING FOR THE
16 TYPICAL DISTRICTS, IT'S ESSENTIALLY THAT -- THAT -- THAT
17 SAME RATIO FOR THOSE -- THOSE EIGHT DISTRICTS

18 Q OKAY BUT YOU -- BUT YOU DON'T KNOW -- BUT BEYOND --
19 BEYOND THE BASIC PROGRAM YOU DON'T KNOW OF ANY ADDITIONAL
20 PROGRAMS IN THOSE DISTRICTS THAT THEY NEED TRANSPORTATION
21 FUNDING FOR THAT THEY DON'T HAVE, DO YOU?

22 A I'M AWARE OF ONE OTHER EXAMPLE THAT'S AN EXAMPLE
23 THAT WAS BROUGHT BEFORE THE STATE BOARD OF EDUCATION A FEW
24 YEARS BACK AND IT INVOLVED DISTRICTS IN THE PEE DEE
25 AREA, INVOLVED TRANSPORTATION OF STUDENTS WITH

1 DISABILITIES TO ADJOINING SCHOOL DISTRICTS AND THE -- AND
2 THE FUNDING CONCERNS OVER WHAT YOU DO WITH THE DRIVER THAT
3 HAS DRIVEN THREE OR FOUR STUDENTS SOME 45 TO 60 MILES TO
4 ADDRESS A SPECIAL NEEDS OR A -- A PROGRAM FOR THE -- FOR
5 THEIR DISABILITY

6 THE DRIVER GETS THERE AND THEN THE DRIVER DOESN'T
7 HAVE A JOB THERE, THE STUDENT IS GOING TO BE THERE ALL
8 DAY, WHAT DOES THE DRIVER DO THE DISTRICTS WANTED THOSE
9 DRIVERS TO BE ABLE TO DRIVE BACK HOME TO THE DISTRICT

10 THE STATE SAID THAT'S NOT ALLOWED MILEAGE IF YOU WANT
11 TO DO THAT, YOU HAVE TO PAY FOR THAT MILEAGE AND THE
12 DISTRICTS PETITIONED THE STATE BOARD OF EDUCATION TO PAY
13 FOR THAT

14 THE CONCLUSION OF THAT WAS THE STATE BOARD OF
15 EDUCATION SAID NO, THE STATE DID NOT HAVE ADEQUATE FUNDS
16 TO DO THAT AND IT WAS DENIED

17 Q OKAY

18 A BUT THAT IS AN EXAMPLE FOR A COUPLE OF THE DISTRICTS

19 Q OKAY DO YOU KNOW WHAT DISTRICTS?

20 A WELL, THE -- THE DILLON TWO AND MARION SEVEN OR
21 MARION TWO, WHATEVER THE --

22 THE COURT LIST IS ON THAT BOARD, IN THE TOP OF
23 THAT BOARD

24 THE WITNESS DILLON TWO, MARION SEVEN AND
25 FLORENCE FOUR

1 BY MR BARNES

2 Q OKAY WHILE WE ARE TALKING ABOUT DILLON TWO,
3 YESTERDAY IN REFERENCE TO PLAINTIFFS' EXHIBIT NUMBER
4 6380 -- LET ME GET YOU TO PULL THAT THAT'S THE
5 TRANSPORTATION E I A DRIVER WAGES AND BENEFITS FUNDING
6 ALLOCATION

7 AND FOR THE RECORD, YOUR HONOR, THAT'S DEFENDANTS'
8 EXHIBIT NUMBER 2874

9 THE COURT OKAY LET ME JUST GIVE YOU ANOTHER
10 COPY, MR TUDOR

11 THE WITNESS YES, MR BARNES I HAVE IT

12 BY MR BARNES

13 Q YOU GOT IT?

14 A YES, UH-HUH

15 Q THAT WAS -- WHAT DOES THAT SHOW, MR TUDOR, AS THE
16 ALLOCATION FOR DILLON TWO FOR THAT YEAR?

17 A THE ALLOCATION FOR DILLON TWO WAS \$9,342 24

18 Q OKAY ACTUALLY I MADE A MISTAKE YOUR HONOR,
19 DEFENDANTS' EXHIBIT NUMBER 2874 IS THOSE SAME ALLOCATIONS
20 FOR THE YEAR '02, '03 I APOLOGIZE

21 THE COURT ALL RIGHT

22 BY MR BARNES

23 Q LET ME GET YOU TO LOOK AT THAT I APOLOGIZE, YOUR
24 HONOR I DON'T HAVE ANOTHER COPY RIGHT NOW I WILL MAKE
25 COPIES THIS IS DEFENDANT'S NUMBER 2874 IS THAT THE

1 SAME CHART BUT FOR THE PREVIOUS YEAR, MR TUDOR?

2 A YES, IT APPEARS TO BE

3 Q OKAY AND I'M GOING TO HAND YOU NOW WHAT WE HAVE
4 MARKED AS DEFENDANTS' EXHIBIT NUMBER 3156 WHAT DOES THAT
5 SHOW AS THE ALLOCATION IN '02, '03 YEAR FOR DILLON?

6 A DILLON TWO?

7 Q YES, SIR

8 A \$10,470 24

9 Q I'M GOING TO SHOW YOU WHAT WE HAVE MARKED AS -- IN
10 EVIDENCE AS 3156 AND ASK YOU TO TELL ME WHAT THAT IS,
11 PLEASE, SIR

12 A THE TITLE ON THE CHART IS F Y , 2001, 2002 SCHOOL BUS
13 DRIVER WAGES, BENEFITS FUNDING AND HEADING IS -- THE
14 HEADING IS F Y 2002, 2003 E I A DRIVER WAGES AND BENEFIT
15 FUNDING AND IT SHOWS FOR DILLON 20

16 Q AND WHAT -- ARE THOSE NOT THE ACTUAL ALLOCATIONS THAT
17 WERE PAID FOR THAT YEAR, MR TUDOR, DO YOU KNOW?

18 A THIS LAST DOCUMENT YOU GAVE ME WHICH APPEARS TO BE
19 TITLE, LABELED 3156, RELATES TO THE FUNDING THAT WAS
20 ACTUALLY PROVIDED TO THE DISTRICTS VERSUS THE ALLOCATION

21 Q YES, SIR SO IN OTHER WORDS, DILLON AS FAR -- AS FAR
22 AS WAS ACTUALLY -- THE MONEY THEY ACTUALLY RECEIVED, THEY
23 RECEIVED NO MONEY, DIDN'T THEY?

24 A YEAH BASED UPON -- BASED UPON THE DATA ON THIS FORM
25 THEY WERE ALLOCATED \$10,470 24 AND THEY WERE FUNDED ZERO

1 WHERE THERE WAS MONEY THAT WAS SORT OF LEFT OVER BECAUSE
2 IT WAS NOT ASKED FOR BY DISTRICTS THAT -- FOR WHOM IT WAS
3 ALLOCATED, WERE Y'ALL ACTUALLY ABLE TO GIVE OTHER
4 DISTRICTS MORE MONEY THAN WHAT THE ORIGINAL ALLOCATION WAS
5 OR DID YOU HOLD THAT MONEY BACK?

6 A WE -- WE ALLOCATE -- WE -- WE FUNDED THAT MONEY TO
7 OTHER DISTRICTS WHO -- WHO EXPENDED EFFORT BEYOND THEIR
8 ALLOCATION

9 Q OKAY

10 A IT WAS ALL EXPENDED THE 1,124,000 WAS ALL EXPENDED

11 Q WHICH WOULD ACCOUNT FOR SOME OF THE DISTRICTS
12 ACTUALLY GETTING MORE THAN WHAT WAS ORIGINALLY ALLOCATED
13 ON THE 2874?

14 A THAT'S CORRECT

15 Q OKAY YOU DON'T, BECAUSE I ONLY HAVE THE ONE COPY OF
16 IT IT'S THE SAME CHART AS YOUR 3156 (CONFERRING WITH
17 COUNSEL)

18 (JUDGE CONFERRING WITH WITNESS)

19 THE WITNESS YOU WANT TO SHOW THIS TO SOMEONE
20 ELSE?

21 BY MRS HART

22 Q NO, SHE'S GOT THAT IT'S THE OTHER ONE I WILL MAKE
23 COPIES OF IT TELL YOU WHAT THAT'S ALL I HAVE TO ASK
24 ABOUT THAT LET ME GO GET SOME COPIES I'M SORRY, YOUR
25 HONOR JUST THE -- THAT ONE, YES

1 NOW, MR TUDOR, THE MONEY THAT THE STATE DEPARTMENT
2 OF EDUCATION SPENDS ON BUSES, BE IT FOR MAINTENANCE OR
3 FUEL OR PURCHASING NEW BUSES, THAT MONEY DOES NOT SHOW UP
4 IN THE DISTRICTS' IN-SITE DATA, CORRECT?

5 A THAT'S CORRECT

6 Q THAT'S -- THAT'S YOUR MONEY SO IT'S NOT AN
7 EXPENDITURE ATTRIBUTED TO THE DISTRICTS, CORRECT?

8 A IT'S NOT AN EXPENDITURE THAT IS MADE BY THE
9 DISTRICTS

10 Q RIGHT AND DOES THE STATE OR DISTRICTS, MR TUDOR,
11 ALSO RECEIVE FUNDING BY OTHER -- FROM OTHER SOURCES
12 GRANTS, FEDERAL GRANTS AND OTHER THINGS FOR
13 TRANSPORTATION?

14 A THE ONLY SOURCE OF FUNDS THAT THE DEPARTMENT OF
15 EDUCATION AND DISTRICTS RECEIVE FOR -- FOR TRANSPORTATION
16 -- ACTUALLY DISTRICTS RECEIVE FUNDING FOR -- FROM TWO
17 PLACES, THE DEPARTMENT RECEIVES IT FROM ONE PLACE FAIRLY
18 SMALL AMOUNT OF MONEY IN ONE OF THESE IS VERY NEW

19 THE DISTRICTS RECEIVE FUNDING FROM THE FEDERAL
20 GOVERNMENT THROUGH THE I D E A ACT, INDIVIDUAL
21 DISABILITIES EDUCATION ACT, TO ASSIST IN TRANSPORTING
22 STUDENTS WITH DISABILITIES THE DEPARTMENT OF
23 EDUCATION -- THE OFFICE OF TRANSPORTATION DOESN'T RECEIVE
24 ANY OF THAT MONEY

25 THE OTHER -- THE OTHER POSSIBLE SOURCE IS MEDICAID

1 NUMBER OF CHILDREN APPROXIMATELY THAT YOU TAUGHT?

2 A PROBABLY 2,500

3 Q NOW, WHY -- HOW DID YOU GET FROM HARDEEVILLE OR FROM
4 BEAUFORT TO HARDEEVILLE?

5 A THAT WAS A -- A CASE OF SURVIVAL I HAD A -- MY
6 CHILD WAS IN THIRD GRADE HE GOT ON THE BUS AT 8 25 IN
7 THE MORNING I HAD TO BE AT WORK, CLASSES STARTED IN
8 BEAUFORT AT 7 00 WE STARTED TEACHING AT 7 00

9 I HAD NO ONE TO KEEP MY CHILDREN, SO -- MY CHILD SO I
10 WAS RECRUITING ALL THESE STRANGE PEOPLE INTO MY HOUSE AND
11 NOBODY WOULD EVER STAY LONGER THAN FOUR OR FIVE WEEKS SO I
12 HAD -- I KNEW I HAD TO DO SOMETHING FOR THE NEXT YEAR

13 SO THREE WEEKS BEFORE SCHOOL I STILL HAD A CONTRACT
14 WITH BEAUFORT COUNTY BUT DIDN'T KNOW HOW I WAS GOING TO DO
15 IT AND I CALLED THE SCHOOL AND TALKED TO THE PRINCIPAL
16 OF --

17 Q WHEN YOU SAY YOU CALLED THE SCHOOL, I'M SORRY?

18 A I FOUND OUT -- I WAS IN SHONEY'S ONE NIGHT AND I
19 FOUND OUT THAT THEY ACTUAL HAD A SCHOOL IN HARDEEVILLE
20 IT'S NOT A LIKE A PHYSICAL SCHOOL THAT YOU WOULD RIDE BY
21 AND SEE WHEN YOU GO THROUGH HARDEEVILLE IT'S KIND OF
22 HIDDEN AND I FOUND OUT THAT THEY HAD A SCHOOL AND I
23 SAID, WELL, THEY'RE GOING TO NEED TEACHERS

24 SO I CALLED THE PRINCIPAL ON THE PHONE AND WE TALKED
25 ON THE PHONE FOR, LIKE, I GUESS 25 MINUTES AND HE TOLD ME

1 THAT IF I COULD BE AT THE SCHOOL AT 1 00 THAT AFTERNOON HE
2 WOULD HAVE A CONTRACT FOR ME TO SIGN

3 AND I WAS REALLY, REALLY EXCITED FOR ABOUT TWO OR
4 THREE DAYS AND THEN I THOUGHT IF THEY HIRE YOU OVER THE
5 TELEPHONE, WHO ELSE ARE THEY HIRING OVER THE TELEPHONE I
6 MEAN BUT THAT WAS HOW I WAS HIRED

7 Q SO I MEAN -- SO HOW -- DID THEY RECRUIT YOU WITH WHAT
8 ENTICEMENT?

9 A THE ONLY ENTICEMENT I HAD WAS THAT I WAS GETTING -- I
10 WOULD HAVE HAD TO GO TO WORK LATER AND IT WAS A QUICKER
11 DRIVE AND I WOULDN'T HAVE TO WORRY ABOUT MY CHILD SO MUCH
12 THAT WAS THE ONLY ENTICEMENT

13 Q NOW, HAVE YOU EVER LIVED IN WEST HARDEEVILLE?

14 A NO I NEVER HAVE LIVED -- NEVER LIVED IN
15 HARDEEVILLE

16 Q IN JASPER COUNTY?

17 A NEVER LIVED IN JASPER COUNTY

18 Q HOW MANY OTHER TEACHERS LIVE IN WEST HARDEEVILLE?

19 A TEACHERS THAT TEACH AT WEST HARDEEVILLE, HOW MANY
20 LIVE IN HARDEEVILLE?

21 Q YES

22 A OFF THE TOP OF MY HEAD I CAN'T THINK OF BUT FOUR OUT
23 OF 75 OR 80

24 Q WHAT GRADES ARE TAUGHT THERE?

25 A WEST HARDEEVILLE IS A REAL DIFFERENT SCHOOL WE HAVE

1 K 4, K 4 WHICH ARE THE FOUR YEAR OLDS AND IT GOES THROUGH
2 EIGHTH GRADE

3 Q SO K THROUGH EIGHT TOTAL?

4 A K 4 THROUGH EIGHT TOTAL

5 Q OKAY AND WHAT GRADE -- YOU CURRENTLY TEACH SEVENTH
6 GRADE?

7 A I DO

8 Q WHEN YOU FIRST ARRIVED AT WEST HARDEEVILLE, WHAT
9 GRADE DID YOU TEACH?

10 A WELL, I HAD MY CHOICE IT WAS JUST THREE WEEKS
11 BEFORE SCHOOL BUT I COULD HAVE TAUGHT FIFTH, SIXTH OR
12 EIGHTH SO I PICKED EIGHTH

13 Q AND SO THIS WAS BACK IN WHAT YEAR?

14 A THINK THAT WAS 1998

15 Q '98 I WANT TO TAKE YOU BACK EARLIEST YEAR, YOUR
16 FIRST DAY, YOU KNOW, YOU HAVE SEEN THE WEST HARDEEVILLE,
17 YOU KNOW AND DESCRIBE THAT FOR ME

18 A YOU MEAN WHEN I WENT AT 1 00 TO SIGN MY CONTRACT?

19 Q AT 1 00 TO SIGN YOUR CONTRACT THAT WAS THE FIRST
20 TIME THAT YOU SAW WEST HARDEEVILLE, AND JUST DESCRIBE THAT
21 DAY

22 A WHOA THAT WAS BAD I PULLED IN AND THE SCHOOL
23 LOOKS REALLY BAD BUT THAT DOESN'T BOTHER ME, YOU KNOW I
24 MEAN, THAT -- I WOULD HAVEN'T BASED MY DECISION ON THAT
25 BUT IT DID LOOK REALLY BAD BUT I REMEMBER OPENING THE

1 DOUBLE DOORS AND THE FIRST THING I -- THE FIRST THING I
2 FELT OR SMELLED WAS URINE AND IT WAS URINE ALL OVER THE
3 SCHOOL

4 NO MATTER WHERE YOU WENT YOU COULD SMELL URINE AND I
5 LEARNED TO BREATHE THROUGH MY MOUTH BECAUSE IF YOU BREATHE
6 THROUGH YOUR MOUTH YOU CAN'T SMELL

7 Q THIS WAS BEFORE YOU SIGNED THE CONTRACT, RIGHT?

8 A IT WAS BEFORE I EVER EVEN MET THE PRINCIPAL

9 Q AND HOW LONG DID YOU SPEND WHILE AT HARDEEVILLE
10 BEFORE YOU SIGNED THE CONTRACT?

11 A I HAD MY BEST FRIEND WITH ME AND SHE KIND OF HELD MY
12 ARM LIKE, I KNOW WHAT YOU ARE THINKING, BUT I WENT IN MY
13 ROOM AND IT WAS AWFUL THERE WAS NO EQUIPMENT NO -- I
14 DIDN'T EVEN HAVE A FILING CABINET COULDN'T WRITE ON THE
15 BLACKBOARD AND SHE KEPT PUMPING ME UP SAYING -- SHE
16 DIDN'T HAVE A JOB RIGHT THEN -- SO SHE SAID, I WILL HELP
17 YOU DO THIS AND THIS AND THIS YOU CAN MAKE IT

18 AND ALL I KEPT THINKING WAS IF I DO THIS, I CAN TAKE
19 CARE OF MY CHILD, TOO, BECAUSE I WAS A SINGLE MOM AND SO I
20 TALKED MYSELF INTO DOING IT AND I STILL BREATHE THROUGH MY
21 MOUTH

22 Q AND YOU SIGNED THE CONTRACT THOUGH AND THE --

23 A I DID SIGN THE CONTRACT THAT DAY

24 Q YOUR FIRST DAY OF CLASS, FIRST DAY OF STUDENTS, DO
25 YOU REMEMBER THAT?

1 A I REMEMBER THAT

2 Q TELL ME ABOUT YOUR FIRST DAY OF CLASS

3 A WELL, I WAS GOING TO TRY TO GET ALL THIS PERSONAL
4 INFORMATION ON THE KIDS SO I GAVE THEM A PAGE OF
5 MULTIPLICATION FACTS AND WAS REALLY FULL BECAUSE IT HAD
6 EVERY MULTIPLICATION FACT ON THE -- FROM ONE THROUGH 12

7 Q WHAT'S A MULTIPLICATION FACT OR?

8 A NINE TIMES FOUR IS AND IT HAS A BLANK AND YOU PUT
9 IN 36 AND THEN THE NEXT ONE IS 12 TIMES 11 BLANK AND YOU
10 FILL IT IN AND IT'S ONE THAT I HAD BEEN USING EVER SINCE
11 I WAS IN SUMMERVILLE SO I USED IT WITH MY FOURTH, FIFTH,
12 AND SIXTH GRADES CHILDREN, YOU KNOW, OVER THE PREVIOUS TEN
13 YEARS AND I GAVE IT TO THEM

14 AND ALL MY OTHER -- ALWAYS GAVE IT AND YOU HAD TO
15 FINISH IT IN SIX MINUTES SO I GAVE IT TO THEM THAT DAY
16 AND NOBODY IN THE ROOM FINISHED IT IN EIGHT MINUTES AND
17 THEY WERE FOUR YEAR -- FOUR YEARS OLDER THAN MY FOURTH AND
18 FIFTH GRADE CHILDREN WHO HAD TAKEN IT IN OTHER DISTRICTS
19 THEY COULDN'T DO IT

20 Q SO NONE OF YOUR STUDENTS PASSED YOUR LITTLE
21 MULTIPLICATION TEST?

22 A RIGHT

23 Q WHAT DID YOU DO, YOU KNOW, TO START TEACHING I GUESS?

24 A WELL, I KNEW I COULDN'T USE EIGHTH GRADE BOOKS
25 BECAUSE WE HAD A BIG PROBLEM ACADEMICALLY SO I WAS GOING

1 TO COMPARE THE EIGHTH GRADE BOOK TO THE SEVENTH GRADE
2 BOOK AND I WAS BASICALLY GOING TO TEACH EIGHTH GRADERS
3 OUT OF SEVENTH GRADE BOOKS, BUT I COULDN'T COMPARE THEM
4 BECAUSE THERE WERE NO EIGHTH GRADE BOOKS

5 Q I MEAN JUST NOT ENOUGH FOR YOUR CLASS?

6 A THERE WERE NONE AT ALL NO EIGHTH GRADE BOOKS
7 THERE WERE SEVENTH GRADE BOOKS BUT THERE WERE NO EIGHTH
8 GRADE BOOKS

9 Q DID YOU EVER RECEIVE BOOKS?

10 A YES, I DID

11 Q WHEN DID YOU RECEIVE THEM?

12 A ON VALENTINE'S DAY

13 Q OF THAT SAME YEAR?

14 A OF THAT SAME YEAR

15 Q THE SAME SCHOOL YEAR THAT IS?

16 A THAT SAME SCHOOL YEAR, I PUT IN REQUEST AFTER REQUEST
17 AFTER REQUEST AND THE ONLY REASON I GOT THEM ON
18 VALENTINE'S DAY WAS MY SON WORKS FOR R L BRYAN IN
19 COLUMBIA THAT'S HIS SCHOOL DEPOSITORY

20 AND HE ASKED ME WHAT I WANTED FOR THE VALENTINE'S DAY
21 AND I SAID I WANT YOU UP AT THAT TRUCK PUTTING THOSE BOOKS
22 ON THAT TRUCK SO MY KIDS HAVE BOOKS

23 Q SO THAT'S -- THE SCHOOL FINALLY PAID FOR THESE BOOKS?

24 A NO

25 Q WHO PAID FOR THE BOOKS?

1 MRS GRAY YOUR HONOR, I OBJECT FOUNDATION
2 THE COURT SHE KNOWS WHO PAID FOR THEM, THEN
3 THE DISTRICT DID -- I WILL LET HER ANSWER THE QUESTION
4 BY MR ORR

5 Q THANK YOU, YOUR HONOR DO YOU KNOW WHO PAID FOR THE
6 BOOKS?

7 A I KNOW WHO PAID FOR THE BOOK

8 Q WHO PAID FOR IF BOOKS?

9 A MY VOLUNTEERS FROM SUN CITY GOT THE MONEY UP TO PAY
10 FOR THE BOOKS

11 Q SO YOU HAVE --

12 A BECAUSE WE DIDN'T HAVE ANY MONEY FOR NEW BOOKS
13 BECAUSE BOOKS WEREN'T UP FOR ADOPTION YET

14 Q SO YOU HAD VOLUNTEERS FROM SUN CITY WHAT IS SUN
15 CITY? I'M SORRY

16 A SUN CITY IS ABOUT EIGHT MILES FROM WHERE WE ARE AND
17 THEY ARE THE BACKBONE OF OUR SCHOOL AND -- AND THEY ARE
18 ALWAYS THERE WHEN WE NEED THEM AND I HAVE -- WELL I
19 PRESENTLY HAVE FOUR VOLUNTEERS IN MY ROOM AND SO I JUST
20 PUT THE WORD OUT

21 AND THEN THE NEXT -- THIS IS LIKE IN JANUARY THE
22 NEXT NIGHT THEY CALLED TO TELL ME THEY HAD RAISED THE
23 MONEY FOR THE BOOKS, SO THAT ALL MY CHILDREN HAD BOOKS

24 Q NOW ARE THESE, IS IT RETIREES?

25 A THEY ARE RETIREES MOSTLY FROM WEST VIRGINIA,

1 VIRGINIA, OHIO, PEOPLE THAT HAVE MOVED DOWN HERE TO
2 RETIRE IT'S A RETIREMENT COMMUNITY

3 Q HAVE YOU ALWAYS HAD SUN CITY VOLUNTEERS IN YOUR
4 CLASSROOM?

5 A I HAVE THANK GOD

6 Q I MEAN, HOW MANY OTHER CLASSROOMS HAVE SUN CITY
7 VOLUNTEERS?

8 A THE PRIMARY SCHOOL USES OR HAS VOLUNTEERS A GOOD BIT
9 I'M THE ONLY ONE IN THE MIDDLE SCHOOL THAT USES -- THE
10 ONLY ONE THAT I KNOW USES VOLUNTEERS

11 Q SO YOU FINALLY GOT -- GOT BOOKS DID YOU HAVE ENOUGH
12 SUPPLIES YOUR FIRST YEAR?

13 A NO' I DIDN'T EVEN HAVE A BLACKBOARD IN MY ROOM
14 WELL I HAD A BLACKBOARD IN MY ROOM BUT YOU COULDN'T USE
15 IT

16 Q DID YOU EVER GET A BLACKBOARD?

17 A IN THAT ROOM?

18 Q YES?

19 A FOR THE WHOLE YEAR? NO AND I DID -- EVERY MORNING
20 I WOULD PUT -- WRITE -- PUT BUTCHER PAPER ON THE BOARD,
21 TAPE IT ON THE BOARD, AND THAT'S WHAT I WROTE ON

22 Q YOU HAVE A BLACKBOARD NOW?

23 A I DO HAVE A -- I HAVE A WHITE BOARD NOW BUT THAT
24 WAS BOUGHT -- MY SUN CITY VOLUNTEERS GOT THE MONEY
25 TOGETHER FOR THAT

1 Q WHAT ABOUT OTHER JUST SUPPLIES IN GENERAL, I MEAN
2 YOUR FIRST YEAR DID YOU HAVE ENOUGH SUPPLIES?

3 A I NEVER GOT A PENNY FOR SUPPLIES THE ONLY THING
4 THAT WAS BOUGHT FOR ME THE FIRST YEAR I WAS THERE WAS A
5 FILING CABINET BECAUSE I DIDN'T EVEN HAVE A FILING CABINET
6 IN MY ROOM

7 Q I MEAN, DID YOU --

8 A AND I DIDN'T HAVE A DESK EITHER I DIDN'T HAVE A
9 TEACHER'S DESK

10 Q HOW DID YOU PROVIDE STUDENTS WITH SUPPLIES?

11 A I BOUGHT THEM MYSELF OR SUN CITY GOT -- I DON'T THINK
12 SUN CITY WAS LIKE BUYING PENCILS AND PAPERS AND STUFF LIKE
13 THAT, THAT YEAR I THINK THEY STARTED THAT AFTERWARDS

14 Q DID YOU PAY -- WAS ANY MONEY SPENT OUT OF YOUR POCKET
15 FOR SUPPLIES YOUR FIRST YEAR THAT YOU TAUGHT?

16 A YES, THAT'S -- I SPENT A GREAT DEAL OF MONEY ON
17 SUPPLIES FOR MY KIDS

18 Q DO YOU KNOW HOW MUCH?

19 A AT LEAST \$1,000

20 Q YOUR FIRST YEAR AT WEST HARDEEVILLE, HOW WERE -- HOW
21 WERE -- HOW WAS STUDENT ACHIEVEMENT MEASURED? WAS THAT
22 THE B S A P AT THAT TIME IN 1998? WHAT TEST --

23 A NO I THINK WE WERE IN THE PRACTICE STAGE OF -- I
24 THINK WE WERE IN THE PRACTICE -- THAT'S WHEN WE TOOK THAT
25 PRACTICE TEST FOR THE PACT, I BELIEVE

1 Q DO YOU RECALL YOUR STUDENTS' ASSESSMENTS OR
2 PERFORMANCE FROM THAT YEAR?

3 A RIGHT AND IT WAS VERY LOW

4 Q WHEN YOU SAY VERY LOW, I MEAN, WHAT'S -- WHAT'S VERY
5 LOW?

6 A I THINK THAT THERE WERE, LIKE, 69 PERCENT WERE BELOW
7 AVERAGE

8 Q WHEN YOU FIRST CAME TO WEST HARDEEVILLE, HOW WERE YOU
9 RECEIVED BY YOUR STUDENTS?

10 A OH, THEY DIDN'T LIKE ME BECAUSE I WAS THE ONLY BLACK
11 (SIC) TEACHER IN THE MIDDLE SCHOOL AND THEY WERE
12 THREATENED BY ME YOU KNOW THEY WERE TURNED OFF, I WAS
13 THE WHITE HONKY

14 Q I MEAN, HAVE YOU OVERCOME THAT?

15 A YES, BUT IT'S TAKEN A LONG TIME FOR THEM TO TRUST ME

16 Q HOW LONG DID IT TAKE YOU TO ACHIEVE THAT?

17 A I GUESS I'M STILL ACHIEVING THAT BUT I'M MUCH, MUCH
18 CLOSER TO THAT GOAL THAN I WAS WHEN I FIRST GOT THERE I
19 WAS THE FIRST WHITE -- I WAS THE FIRST WHITE TEACHER THAT
20 MANY OF THEM HAD EVER HAD I MEAN I REMEMBER THEM TELLING
21 ME -- I REMEMBER THEM FEELING MY HAIR AND THEY DIDN'T
22 KNOW --

23 MRS GRAY YOUR HONOR, I NEED TO INTERPOSE A
24 CONTINUING OBJECTION TO ANY SUGGESTION THAT THERE IS A
25 RACE ISSUE IN THIS CASE

1 THE COURT RIGHT AND I -- I DON'T PERCEIVE IT
2 AS THAT AS SUCH IT -- I THINK ALL OF THIS GOES INTO,
3 INTO MRS CLEVELAND'S ABILITY TO TEACH THIS LEVEL TO THESE
4 FOLKS GIVEN THE WHOLE VARIETY OF ISSUES THAT, THE
5 EQUIPMENT ISSUES, THE SUPPLIES ISSUE AND THE LEVEL OF, THE
6 EXPERIENCE LEVEL THAT, THE STUDENTS SHE WAS TEACHING

7 IF IT -- IT IS NOT IN THIS CASE IS NOT AS WE WELL
8 KNOW ABOUT RACE FOR REASONS THAT WE HAVE PUT ON THIS
9 RECORDS TOO MANY TIMES TO RESTATE HERE IT'S ABOUT
10 ECONOMIC POVERTY AND THE DELIVERY OF EDUCATIONAL
11 OPPORTUNITIES WITHIN THAT SETTING

12 I TAKE IT AT SOME POINT IN TIME MRS CLEVELAND IS
13 GOING TO BE ASKED PERCENTAGE OF HER STUDENTS THAT WERE AND
14 ARE ON FREE AND REDUCED LUNCH TO MAKE THIS LINE OF
15 QUESTION SOMEWHAT MORE RELEVANT TO WHAT WE ARE DEALING
16 WITH OR THE LEVEL OF POVERTY, THAT ISSUE TO BE EXPRESSED

17 BUT THIS, THIS ELEMENT OF TRUST THAT HAS BEEN BROUGHT
18 INTO THIS CASE IS A CONSTANT ELEMENT THAT'S BEEN INJECTED
19 EVERY TIME WE HAVE TEACHER TURNOVER, SUPERINTENDENTS,
20 PRINCIPALS AND TEACHERS HAVE INDICATED THAT THE TURNOVER
21 IMPACTS THEIR ABILITY TO DELIVER EDUCATIONAL OPPORTUNITIES
22 BECAUSE OF THE TIME THAT IT TAKES TO BUILD TRUST

23 AND I THINK THAT IS A RELEVANT AREA OF HER -- OF
24 HER -- OF HER TESTIMONY IN THIS JUNCTURE AND I'M GOING TO
25 ALLOW THAT IT IS ONLY TO THAT LEVEL THAT THE RACIAL

1 ISSUE IMPACTS ON THIS THAT IS HOW THE RACIAL ISSUE IMPACTS
2 UPON THE TRUST THAT SHE IS ABLE TO BUILD WITH HER
3 STUDENTS I WILL ALLOW IT FOR THAT PURPOSE

4 MRS GRAY YOUR HONOR, IF I MIGHT, IT'S JUST
5 THAT EVERY WITNESS THIS ISSUE ARISES I'M CONCERNED IF I
6 DON'T OBJECT THAT I WILL THEN BE TOLD I OPENED THE DOOR OR
7 WAIVED THE OBJECTION AND IT -- I DON'T KNOW WHEN
8 PROFFERS START AND WHEN THEY DON'T SO

9 THE COURT YOU ARE RIGHT AND -- AND I THINK
10 THE OBJECTION NEEDS TO BE MADE AND THERE'S NOTHING WRONG
11 WITH IT I JUST HOPE I RULED CONSISTENTLY THROUGHOUT
12 THANK YOU MR 'ORR?

13 MR ORR THANK YOU, YOUR HONOR
14 BY MR ORR

15 Q FROM THE -- FROM YOUR FIRST YEAR HELD, THE CURRENT
16 YEAR, SIX YEARS I GUESS, HAVE YOU BEEN TEACHING THERE AT
17 WEST HARDEEVILLE SIX, SEVEN YEARS?

18 A FIVE I THINK, YEAH

19 Q OKAY THE -- I GUESS IT'S MY PROBLEM THE PREVIOUS
20 QUESTION AND ANSWER THAT I POSED BEFORE THE OBJECTION, YOU
21 KNOW, KIND OF WANT TO JUST GO BACK AND MAKE SURE THAT YOU
22 DID ANSWER IT AND IT WAS COMPLETE I THINK MRS GRAY
23 OBJECTED I JUST WANT TO MAKE SURE I WAS COMPLETE

24 THE COURT ACTUALLY I THINK THE OBJECTION CAME
25 IN THE MIST OF HER ANSWER WHEN SHE WAS TALKING ABOUT

1 FEELING HER HAIR SAID THEY DIDN'T KNOW I GUESS HOW, HOW
2 HAIR FELT

3 THE WITNESS I WAS A NEW THING THEY HAD NOT
4 EXPERIENCED THAT BEFORE BUT NOW THAT I HAVE BEEN ABLE TO
5 TEACH MY PREVIOUS CHILDREN'S SIBLINGS AND THE PARENTS KNOW
6 AND WORD SPREADS IN A COMMUNITY, THEN I HAVE DEVELOPED
7 TRUST

8 THEY TRUST ME ENOUGH TO LET THEIR CHILDREN GO HOME
9 WITH ME NOW BUT IT S TAKEN FIVE YEARS
10 BY MR ORR

11 Q WHAT ARE SOME OF THE THINGS THAT YOU HAVE DONE TO
12 DEVELOP TRUST WITH THE CHILDREN OR WITH THE PARENTS?

13 A I TALK TO EVERYBODY I GUESS I COULD SAY I KNOW
14 95 PERCENT OF MY PARENTS I NEVER SIGN MY NAME
15 MRS CLEVELAND I ALWAYS SIGN MY NAME AS SUSAN I CALL
16 THEM ON THE PHONE TO THEM

17 I WILL SAY, HEY, MARY THIS IS SUSAN, TYRONNE'S MATH
18 TEACHER I DON'T WANT TO BE A THREAT TO THEM I WANT TO
19 BE A FRIEND BECAUSE WE ARE IN THIS TOGETHER

20 Q OF THE STUDENTS THAT YOU HAVE, HOW MANY -- HOW MANY
21 OF THEIR PARENTS HAVE YOU -- HAVE YOU MET?

22 A PROBABLY MET FACE TO FACE, IS THAT WHAT YOU --

23 Q YEAH FACE TO FACE

24 A 90 PERCENT OF MY PARENTS

25 Q WHAT PERCENTAGE HAVE YOU SPOKEN TO?

1 A I HAVE SPOKEN TO 100 PERCENT OF MY PARENTS ON
2 NUMEROUS TIMES

3 Q DO YOU KNOW IF EVERY PARENT FROM EVERY GRADE IS MET
4 AND SPOKEN TO? DO YOU KNOW?

5 A NO, I DON'T KNOW THAT

6 Q THE -- FROM THE -- FROM YOUR FIRST YEAR TEACHING TO
7 TODAY, DO YOU STOP PAYING FOR SUPPLIES?

8 A NO

9 MRS GRAY MAY I ASK YOU TO SPEAK UP? YOUR
10 VOICE DROPS AT THE END OF THE QUESTION I'M HEARING HER
11 FINE, BUT I'M HAVING TROUBLE WITH YOUR QUESTION
12 BY MR ORR

13 Q THE QUESTION -- THE QUESTION WAS YOU KNOW, FROM THE
14 FIRST DAY THAT YOU TAUGHT -- FIRST YEAR UNTIL TODAY, HAVE
15 YOU STOPPED PAYING FOR SUPPLIES?

16 A NO, I -- IT'S PROBABLY INCREASED

17 Q I MEAN, APPROXIMATELY HOW MUCH THAT -- SAY PER YEAR
18 DO YOU PAY OUT OF YOUR POCKET FOR SUPPLIES?

19 A LAST YEAR I THINK I HAD \$1,200

20 Q AND WHEN I SAY SUPPLIES I WANT TO MAKE SURE WE HAVE
21 AN UNDERSTANDING SUPPLIES, WHAT PERCENTAGE OF THAT
22 \$1,200 ARE SPENT ON SUPPLIES THAT, YOU KNOW, YOU NEED FOR
23 INSTRUCTIONAL LEARNING?

24 A THAT ARE ABSOLUTELY NECESSARY?

25 Q YES

1 A TWO-THIRDS

2 Q AND THAT IS EVERY YEAR APPROXIMATELY?

3 A EVERY YEAR

4 Q THE -- YOU KNOW, THE MULTIPLICATION TABLE THAT YOU
5 ADMINISTERED THE FIRST DAY OF CLASS IN 1998, DO YOU STILL
6 ADMINISTER THAT?

7 A NO, BECAUSE I KNOW WHAT THE RESULTS ARE

8 Q I MEAN, HOW MANY TIMES HAVE YOU ADMINISTERED THAT
9 EXAM OR TEST?

10 A TWO DIFFERENT YEARS AND THEN I JUST QUIT DOING IT
11 BECAUSE I WAS WASTING TIME I NEEDED TO BE TEACHING
12 MULTIPLICATION TABLES RATHER THAN SEEING WHETHER THEY
13 COULD DO THEM I ALREADY KNEW THAT THEY COULDN'T DO THEM

14 Q SO FOR EACH TIME THAT YOU ADMINISTER THAT, THE
15 RESULTS WERE WHAT?

16 A THE SAME

17 Q YOU SAID INITIALLY ON YOUR PRACTICE PACT EXAM BACK IN
18 YOUR FIRST YEAR OF EIGHTH GRADE MATH?

19 A YOU KNOW, I'M NOT REAL SURE THAT THAT'S -- THAT WAS
20 THE WAY IT WAS BECAUSE I SEEM TO REMEMBER GIVING A
21 PRACTICE TEST, PRACTICE PACT TEST IN BRUNSON AND IN
22 BEAUFORT SO THAT MUST HAVE BEEN THE YEAR THAT MY
23 CHILDREN GOT THE 62 PERCENT INCREASE IN MATH SCORES WITH
24 THAT YEAR, MY FIRST YEAR AT HARDEEVILLE

25 Q THE FIRST -- SO, FROM THE FIRST YEAR AT HARDEEVILLE

1 YOU -- THEY WENT FROM A CERTAIN PERCENTAGE OF WHAT TO

2 WHAT? I GUESS I'M HELP ME OUT WITH THAT

3 A I WOULD THINK -- I DON'T HAVE THE FIGURES IN FRONT OF
4 ME -- PROBABLY 70 PERCENT WERE BELOW AVERAGE

5 Q WHEN YOU ARRIVED AT WEST HARDEEVILLE?

6 A WHEN I GOT THOSE EIGHTH GRADERS THAT MUST HAVE BEEN
7 THE YEAR THAT I -- THAT -- I GOT A 62 PERCENT INCREASE I
8 GOT A 62 PERCENT INCREASE IN SCORES, YOU KNOW, MY FIRST --
9 SECOND YEAR THERE

10 Q WHAT --

11 A I KNOW MY CHILDREN DID MUCH, MUCH BETTER ON PACT

12 Q WHAT DID THE 62 PERCENT INCREASE SCORE, YOU KNOW,
13 TRANSLATE INTO, LIKE, HOW MANY WERE BELOW BASIC STILL?

14 A OH, SEE, THERE WERE STILL A GREAT MANY BELOW BASIC,
15 BUT THERE, THERE ARE FIVE LEVELS THERE'S BELOW BASIC
16 ONE, BELOW BASIC TWO, BASIC, PROFIT AND ADVANCED

17 Q SO WHEN YOU SAY YOU GOT A 62 PERCENT INCREASE?

18 A I MOVED THEM FROM ONE CATEGORY TO THE NEXT, A HIGHER
19 CATEGORY SO, SEE I HAD A BUNCH THAT WERE BELOW AT THE
20 VERY BOTTOM LEVEL THEN I TOOK THEM TO THE LEVEL BELOW
21 BASIC OR IF THEY WERE RIGHT BELOW BASIC, I TOOK THEM TO
22 BASIC

23 Q AND I GUESS --

24 A I DON'T -- I HAD ONE OR TWO CHILDREN THAT WERE
25 ADVANCED OR PROFICIENT THERE

1 IN YOUR CLASSROOM OR DO THEY TAKE -- THEY BRING THEIR
2 ENGLISH BOOK INTO YOUR CLASSROOM, TOO?

3 A THEY HAVE TO KEEP EVERYTHING THEY HAVE WITH THEM 24
4 HOURS A DAY

5 Q OKAY

6 THE COURT MR ORR?

7 MR ORR YES, SIR

8 THE COURT IF YOU ARE AT A GOOD STOPPING PLACE
9 OR IF YOU CAN COME TO ONE QUICKLY, WE WILL STOP FOR LUNCH
10 AS SOON AS YOU CAN GET TO A GOOD STOPPING PLACE

11 MR ORR IF I GO -- IF I JUST GO THROUGH THREE
12 OR FOUR PICTURES, I BELIEVE IS THAT O ?

13 THE COURT ALL RIGHT

14 MR ORR IF I CAN JUST GO THROUGH THAT, I MEAN,
15 JUST BRIEFLY?

16 THE COURT THAT WILL BE FINE

17 MR ORR THANK YOU, YOUR HONOR

18 BY MR ORR

19 Q GO TO THE NEXT PICTURE THAT'S ALREADY IN EVIDENCE,
20 IT'S 1573-E K GYMNASIUM?

21 A RIGHT THAT'S OUR GYMNASIUM

22 Q HOW MANY CLASSES ARE IN THE GYMNASIUM?

23 A THERE ARE TWO CLASSES IN THERE AT ALL TIMES THEY
24 ARE DIFFERENT CLASSES THEY SWITCH BUT WE HAVE TWO P E
25 CLASSES GOING ON IN THERE AT ALL TIMES

1 Q I MEAN, ANY UNUSUAL ASPECTS OF THE GYMNASIUM?

2 A WELL, THERE'S NO HEAT AND AIR AND THAT'S ACTUALLY
3 THE BACK OF THE -- OF THE GYM AND I WAS SITTING IN THE
4 FRONT OF THE GYM, CLOSER UP THIS WAY TWO WEEKS AGO WE
5 HAD A PROGRAM IN THERE AND EVERYBODY IN THE SCHOOL WAS IN
6 THE GYM AND I LOOKED DOWN AND I HAD 11 TERMITES ON MY
7 LEGS

8 Q DO YOU KNOW IF YOU BROUGHT THEM IN FROM OUTSIDE
9 OR ?

10 A WELL, I -- I KILLED -- I BRUSHED THEM OFF AND I
11 KILLED TWO AND I TOOK THEM IN MY HAND TO MY PRINCIPAL AND
12 I SAID, YOU SEE WHAT'S IN HERE? SHE SAID, OH, I'M WELL
13 AWARE OF IT BUT THERE'S NOTHING WE CAN DO

14 MRS GRAY YOUR HONOR

15 THE COURT I SUSTAIN THE OBJECTION

16 MRS GRAY THANK YOU, YOUR HONOR

17 BY MR ORR

18 Q LET'S GO ON TO DEFENDANTS' EXHIBIT 1573-E S WHAT IS
19 THAT A PICTURE OF?

20 A THAT'S MY CLASSROOM

21 Q THAT'S YOUR CLASSROOM?

22 A THAT'S MY CLASSROOM

23 Q DOES THAT LOOK LIKE THE CLASSROOM AS IT IS TODAY?

24 A YES, IT DOES UH-HUH BUT THE BOOKS WERE
25 STRAIGHTER

1 Q THE PICTURE HERE, ANY ASPECTS OF THE PICTURE --

2 A THOSE ARE THE TWO STORAGE CABINETS THAT I GOT BUT

3 THEY WON'T LOCK ANY MORE SO NOTHING -- NOTHING IS SECURE

4 IN THE ROOM I DON'T KNOW IF YOU CAN SEE, BUT IF YOU SEE

5 BY THAT WINDOW THERE IS A BLUE STRING, YEAH, RIGHT THERE

6 THAT IS A BLUE CORD THAT WAS INSTALLED FOR A COMPUTER

7 Q AND YOU ARE LOOKING AT --

8 A THAT WAS INSTALLED FOUR YEARS AGO

9 Q AND YOU'RE LOOKING AT ONE HALFWAY DOWN THE PICTURE ON

10 THE LEFT THIRD OF THE PICTURE?

11 A RIGHT WELL, IT ACTUALLY GOES ON TO THAT TOP SHELF

12 YOU SEE WHERE THAT YELLOW THING IS IN THE CORNER?

13 Q ON THE LEFT SIDE?

14 A RIGHT THERE IS A PILE OF CORDS

15 Q YES

16 A THAT PILE OF CORD HAS BEEN THERE FOR FOUR YEARS AND I

17 HAVE NEVER MOVED IT BECAUSE I DON'T UNDERSTAND IT I KNOW

18 IT'S TO CONNECT MY COMPUTERS BUT I WAS SCARED TO DO

19 ANYTHING WITH IT SO I JUST LEFT IT THERE FOR FOUR YEARS

20 Q YOU DON'T CONNECT IT TO THE COMPUTERS YOU HAVE IN

21 YOUR ROOM?

22 A I NEVER GOT A COMPUTER I ONLY HAVE ONE IN MY ROOM

23 AND THAT'S MY -- SO I DON'T LET THE KIDS USE IT BECAUSE WE

24 HAVE SO MUCH TROUBLE WITH TECHNOLOGY I CAN'T AFFORD FOR

25 MY KIDS TO USE MY COMPUTER BECAUSE IF THAT GETS MESSED --

1 I MEAN, IT'S MESSED UP ENOUGH AS IT IS I DON'T HAVE
2 IT -- I'M OUT OF IT AT LEAST TWO DAYS A WEEK ON A GOOD
3 WEEK SO THEY DON'T -- THEY DON'T HAVE ANY COMPUTERS IN
4 MY ROOM TO USE

5 Q FOR INSTRUCTIONAL OR OTHERWISE?

6 A RIGHT

7 Q THE --

8 A ALSO CAN'T PRINT ANYTHING BECAUSE I HAVE A PRINTER
9 AND I WILL PRINT FORM BUT MY PRINTER HASN'T WORKED FOR TWO
10 YEARS OR MY MONITOR, MY T V

11 Q HOW IS IT -- IS YOUR T V CONNECTED SOMEHOW?

12 A RIGHT, YOU KNOW, FOR THE SCREEN SO THAT I CAN SHOW
13 IT WE BOUGHT \$2,000 T V AND MY VOLUME HAS NEVER WORKED
14 ON MY T V , NEVER, SO I HAVE NEVER BEEN ABLE TO USE IT

15 Q SO YOU DON'T USE YOUR T V?

16 A I CAN'T

17 Q THE --

18 A LIKE 9 11, ALL WE COULD DO IS WATCH, WE COULDN'T HEAR
19 ANYTHING

20 Q YOU KNOW, I NOTICE THERE ARE -- BACK UP WHILE YOUR
21 ROOM -- IS YOUR ROOM JUST A SQUARE ROOM? DO YOU HAVE ANY
22 OTHER STORAGE PLACE OR CLOSETS BESIDE THOSE TWO CABINETS
23 THAT ARE DEPICTED IN THERE?

24 A OH, I DO I HAVE A LARGE CLOSET IN MY ROOM I'M
25 FORTUNATE TO HAVE THAT I HAVE A LARGE CLOSET IN MY ROOM

1 BUT ITS FLOODS AND IT'S MOLD -- THERE IS MOLD EVERYWHERE
2 IN MY CLOSET THAT'S THE PART OF MY ROOM THAT FLOODS
3 Q I MEAN, DO YOU USE THE CLOSET AT ALL THEN?
4 A I HAVE TO USE THE CLOSET BECAUSE THAT'S WHERE MY SUN
5 CITY VOLUNTEERS HELP MY CHILDREN
6 Q DO YOU HAVE, YOU KNOW, MAINTENANCE THAT COMES BY AND
7 CLEANS YOUR ROOM?
8 A CLEANS THE MOLD UP --
9 Q CLEANS YOUR ROOM JUST IN GENERAL?
10 A CLEANS MY ROOM? YEAH, YEAH, WE DO IF YOU CALL IT
11 THAT
12 Q I MEAN, WHO CLEANS YOUR ROOM?
13 A MY CHILDREN CLEAN MY ROOM I PAY MY CHILDREN TO
14 CLEAN MY ROOM
15 Q WHAT?
16 A \$10 EVERY PAYDAY
17 Q DON'T YOU HAVE -- DOESN'T THE SCHOOL HAVE A
18 MAINTENANCE PERSONNEL?
19 A BUT THEY DON'T DO IT AND IF YOU SAY SOMETHING THEY
20 SAY THEY ARE OVERWORKED I MEAN IT'S JUST A FRUITLESS
21 BATTLE THEY JUST DON'T DO IT I WROTE MY NAME THE FIRST
22 DAY OF SCHOOL WHEN, LIKE, THE WORKDAY I PUT MY NAME ON
23 MY BOOKCASE WITH MY FINGERS AND THE LAST DAY OF SCHOOL IT
24 WAS STILL THERE
25 Q I MEAN, WHY HAVEN'T THESE -- YOU TALKED ABOUT

1 TERMITES AND MOLD AND EVERYTHING, YOU KNOW, WHY -- WHY
2 AREN'T THESE PROBLEMS FIXED, DO YOU KNOW?

3 A WHY AREN'T THEY FIXED?

4 MRS GRAY YOUR HONOR, I OBJECT I DON'T KNOW
5 IF IT'S A FOUNDATION FOR HER TO ANSWER THAT PARTICULAR
6 QUESTION

7 THE COURT ALL RIGHT IF SHE KNOWS

8 MR ORR FAIR ENOUGH, YOUR HONOR

9 THE COURT ALL RIGHT ALL RIGHT IT WOULD
10 INVOKE A HEARSAY ANSWER IN ANY EVENT BUT IF YOU CAN DEAL
11 WITH THAT, I WILL GIVE YOU THE LUNCH HOUR TO THINK IN YOUR
12 OWN MIND HOW YOU ARE GOING TO DEAL WITH THAT

13 MR ORR THANK YOU, HONOR

14 THE COURT YOU CAN'T TALK TO HER DURING THAT
15 PERIOD OF TIME WE WILL BE IN RECESS AT THIS POINT FOR AN
16 HOUR AND 15 MINUTES MRS CLEVELAND, YOU CAN STEP DOWN,
17 OF COURSE, BUT YOU CAN'T TALK ABOUT YOUR TESTIMONY WHILE
18 YOU ARE OFF THE STAND

19 (WHEREUPON A COURT WAS IN RECESS FOR LUNCH)

20 (WITNESS BACK ON STAND)

21 THE COURT MR ORR, YOU CAN CONTINUE YOUR
22 EXAMINATION

23 MR ORR ONE MOMENT, YOUR HONOR, PLEASE YOUR
24 HONOR, I THINK WE HAVE A HOUSEKEEPING MATTER REGARDING
25 PHOTOGRAPHS I REPRESENTED THAT THE PHOTOGRAPHS WERE IN

1 THE COURT WE WILL TAKE A MINUTE OR TWO YOU
2 CAN STEP DOWN

3 THE WITNESS THANK YOU

4 THE COURT ALL RIGHT WE WILL GO AHEAD TAKE
5 THE AFTERNOON RECESS WE WILL TAKE IT EARLY

6 MRS GRAY THAT WILL BE GOOD

7 THE COURT GOOD TAKE 15 MINUTES THANK YOU

8 (WHEREUPON THE WITNESS LEFT THE STAND)

9 (WHEREUPON COURT WAS IN RECESS)

10 MRS GRAY MAY IT PLEASE THE COURT

11 THE COURT YES, MA'AM MRS GRAY, YOU CAN
12 CROSS-EXAMINE

13 CROSS-EXAMINATION

14 BY MRS GRAY

15 Q DO YOU NEED ANY WATER OR ANYTHING?

16 A NO, THANK YOU

17 Q I WANTED TO UNDERSTAND A COUPLE OF THINGS ABOUT YOUR
18 TESTIMONY THAT I HAD TROUBLE HEARING, AS YOU KNOW?

19 A YES, MA'AM

20 Q AND SO I'M NOT SURE I HEARD THIS RIGHT I BELIEVE
21 YOU SAID THAT YOU FIRST GOT TO WEST HARDEEVILLE IN 1999,
22 WOULD THAT BE RIGHT, OR '98?

23 A I THINK I SAID '98 I HAVE BEEN THERE FIVE YEARS

24 Q OKAY SO YOU STARTED IN THE FALL OF 1998?

25 A RIGHT

1 A RIGHT

2 Q OKAY AND WHAT I DIDN'T HEAR WAS, WHAT IT WAS THAT
3 YOU WANTED TO DO AT THAT POINT DID YOU THEN DECIDE YOU
4 NEEDED TO TEACH OUT OF THE SEVENTH GRADE TEXT?

5 A WELL, I KNEW I WAS GOING TO HAVE TO BACKTRACK SOME
6 SO I WAS GOING TO COMPARE THE EIGHTH GRADE BOOKS TO THE
7 SEVENTH GRADE BOOK BUT I DIDN'T HAVE ANY EIGHTH GRADE
8 BOOKS TO COMPARE BECAUSE THERE WERE NO EIGHTH GRADE BOOKS
9 FOR MY KIDS

10 Q WERE THERE SEVENTH GRADE BOOKS?

11 A THERE WERE SEVENTH GRADE BOOKS

12 Q AND THAT'S WHAT YOU REALLY NEEDED TO START THEM WITH
13 IN ANY EVENT, CORRECT?

14 A RIGHT I DID, I -- I HAD THAT BOOK IN MY CLASSROOM

15 Q OKAY AND THEN YOU GOT THE ASSISTANCE, I BELIEVE YOU
16 SAID, FROM SUN CITY AND SO THAT BY FEBRUARY OR JANUARY
17 THEY WERE ORDERED AND BY VALENTINE'S DAY YOU RECEIVED THE
18 EIGHTH GRADE TEXT, IS THAT RIGHT?

19 A YES, MA'AM I GOT ONE OF THE ADOPTED BOOKS YOU
20 KNOW, THEY HAVE LIKE FIVE OR SIX ADOPTED BOOKS AND -- AND
21 I ORDERED A SET OF THOSE AND NEVER GOT -- I NEVER GOT A
22 TEACHER'S EDITION

23 Q AND THEN YOUR CHILDREN BY THE TIME THOSE BOOKS CAME
24 WERE READY TO MOVE INTO THAT TEXT?

25 A WE ACTUALLY DIDN'T START THAT TEXT IN THE BEGINNING

1 Q NO, NO NO

2 A BECAUSE I WENT INTO THOSE TEXTS BUT I WENT HALFWAY IN
3 THE MIDDLE OF THEM BECAUSE I HAD TAUGHT THEM THAT STUFF
4 WITHOUT A TEXT

5 Q WELL, BUT YOU HAD THE SEVENTH GRADE TEXT AVAILABLE TO
6 YOUR CLASS IT'S NOT LIKE YOUR CHILDREN DIDN'T HAVE ANY
7 BOOKS AT ALL RIGHT?

8 A THEY DIDN'T HAVE ANY BOOKS I ONLY HAD ONE BOOK

9 Q OKAY SO IT'S YOUR TESTIMONY THAT YOU HAD NO SEVENTH
10 GRADE BOOKS FOR YOUR EIGHTH GRADE CLASS?

11 A WELL, SEVENTH GRADE BOOKS WERE BEING USED BY THE
12 SEVENTH GRADE STUDENTS SO THERE WAS AN EXTRA BOOK SO I
13 TOOK THAT AND TAUGHT OUT OF IT

14 Q OKAY DO YOU HAVE PROBLEMS WITH BOOKS BEING LOST AT
15 YOUR SCHOOL?

16 A YES, MA'AM

17 Q OKAY ON AN AVERAGE YEAR, HOW MANY BOOKS DON'T MAKE
18 IT BACK AT THE END OF THE YEAR?

19 A I DON'T KNOW HOW MANY I WOULD SAY -- AND THIS IS
20 PURE OFF THE TOP OF MY HEAD, I WOULD SAY THERE MAY BE
21 EIGHT SHORT IN EVERY SUBJECT, GIVE OR TAKE A FEW

22 Q AND OVER THE COURSE OF A YEAR OR TWO YOU COULD LOSE
23 ALMOST THE WHOLE CLASS BOOK, RIGHT?

24 A NO, BECAUSE, SEE, THAT WOULD BE LIKE 75 BOOKS

25 Q OKAY SO WHAT YOU ARE SAYING IS YOU LOSE ABOUT SIX

1 OR EIGHT A YEAR OUT OF ALL OF YOUR CLASSES?

2 A YES, MA'AM

3 Q OKAY AND HOW DO YOU GO ABOUT GETTING THOSE BOOKS
4 RETURNED TO SCHOOL?

5 A OKAY WELL, WE TELL THEM THAT THEY -- WE DON'T GIVE
6 THEM THEIR REPORT CARD AND WE TELL THEM THAT THEY CAN'T
7 GET THEIR REPORT CARD UNTIL THEY RETURN THE BOOK, BUT SEE,
8 THAT'S REALLY AGAINST THE LAW WE CAN'T STICK TO IT

9 Q HAVE YOU SENT NOTES HOME TO THE PARENTS SAYING RETURN
10 THE BOOKS?

11 A YES, WE HAVE

12 Q AND IN YOUR CONVERSATIONS WITH PARENTS DO YOU TALK TO
13 THEM ABOUT THE MISSING BOOKS?

14 A AND WE CALL PARENTS AND TELL THEM, YOU KNOW, YOUR
15 CHILD HASN'T RETURNED THE BOOK I CAN'T GIVE YOU A REPORT
16 CARD, COULD YOU SEE IF YOU CAN FIND IT AND BRING IT BY
17 DURING THE SUMMER AND THE SECRETARY HAS A LIST OF ALL
18 CHILDREN WHO HAVE NOT RETURNED BOOKS SO SHE KEEPS UP
19 WITH IT THAT WAY BECAUSE I'M NOT AT SCHOOL DURING THE
20 SUMMER

21 Q NOW, YOU INDICATED THAT YOU HAD A \$2,000 BRAND NEW
22 TELEVISION IN YOUR ROOM THAT DOESN'T HAVE VOLUME, I
23 BELIEVE?

24 A YES, MA'AM

25 Q IS THAT YOUR TESTIMONY? WHEN WAS THAT ACTUALLY

1 PURCHASED, MRS CLEVELAND?

2 A SEEMS TO ME WE GOT THIS HUGE GRANT AND IT WAS CALLED
3 A TECHNOLOGY GRANT I DON'T KNOW IF THE WINTHROPS OR
4 SOMEBODY, YOU KNOW, GAVE -- SOME FOUNDATION GAVE THIS
5 GRANT TO JASPER COUNTY I DON'T KNOW HOW WE GOT IT

6 Q WAS IT THE \$10 MILLION GRANT THAT WE HAVE HEARD
7 TESTIMONY ABOUT?

8 A YES, MA'AM

9 Q OKAY SO THAT WAS A TECHNOLOGY GRANT THAT INFUSED
10 \$10 MILLION INTO JASPER COUNTY FOR TECHNOLOGY, RIGHT?

11 A YES, MA'AM

12 Q AND WITH THAT \$10 MILLION YOU GOT A \$2,000 TELEVISION
13 SET, IS THAT RIGHT?

14 A YES, MA'AM IT'S A GREAT BIG TELEVISION

15 Q OKAY

16 A IT'S --

17 Q IS IT AS BIG AS THAT SCREEN?

18 A IT'S ALMOST AS BIG AS THIS BUT NOT QUITE

19 Q THIS IS JUST A MONITOR, A COMPUTER MONITOR

20 A RIGHT BUT I'M TALKING ABOUT THE SCREEN IS LIKE,
21 ALMOST AS BIG AS THAT, BUT NOT QUITE

22 Q BUT IT'S A TELEVISION AS OPPOSED TO A MONITOR?

23 A RIGHT

24 Q / IT WAS A TELEVISION WHEN YOU GOT IT AND FROM THE
25 MINUTE YOU GOT IT THE VOLUME DIDN'T WORK?

1 A YES, MA'AM

2 Q AND DID YOU REPORT THAT TO THE DISTRICT?

3 A YES, MA'AM

4 Q DID YOU TELL THEM WE HAVE A BRAND NEW TELEVISION THAT
5 DOESN'T WORK?

6 A YES, MA'AM

7 Q AND THEY DIDN'T SEND IT BACK, CLAIM A WARRANTY, GET
8 IT FIXED?

9 A NO, MA'AM I -- I DON'T KNOW THAT I CAN'T ANSWER
10 THAT I JUST KNOW THAT IT WASN'T FIXED

11 Q DID IT EVER LEAVE YOUR ROOM?

12 A NO, MA'AM

13 Q OKAY SO YOU HAVE A \$2,000 TELEVISION SET IN YOUR
14 ROOM TO THIS DAY THAT DOES NOT WORK AND -- AND THE VOLUME
15 CONTROL IS MISSING AND THE DISTRICT HAS DECIDED TO DO
16 NOTHING ABOUT THAT \$2,000 TELEVISION IS THAT YOUR
17 TESTIMONY?

18 MR ORR OBJECTION, YOUR HONOR IT ASKS FOR
19 SPECULATION ABOUT WHAT SHE HAS ALREADY TESTIFIED SHE DOES
20 NOT KNOW WHY THE QUESTION WE ASKED HER -- AND HAD A
21 QUESTION ASKED HER WHY WAS --

22 THE COURT I SUSTAIN THE OBJECTION TO THE FORM
23 OF THE QUESTION AS FAR AS THE QUESTION SAID THE DISTRICT
24 DECIDED TO DO ANYTHING ABOUT IT SHE SAID SHE DIDN'T KNOW
25 ABOUT IT I SUSTAIN THAT

1 Q MR STATON, HAVE THE CHALLENGES THAT YOU DESCRIBED
2 FACING THE CHILDREN FROM ALLENDALE ELEMENTARY, CHILDREN
3 AT-RISK AS WHAT WE HAVE BEEN CHARACTERIZING THOSE CHILDREN
4 AS, HAVE SCHOOLS BEEN ABLE TO MEET THOSE CHALLENGES?

5 A SOME SCHOOLS HAVE, YES

6 Q OKAY WHAT -- YOU MENTIONED THAT YOU HAD SPECIFIC
7 OBSERVATIONS ABOUT THE TEACHER CORE IN ALLENDALE WHAT IF
8 ANYTHING HAVE YOU OBSERVED REGARDING EXPECTATIONS AND THE
9 ROLE OF EXPECTATIONS IN SCHOOLS THAT MEET THE CHALLENGES?

10 A WELL, I THINK IN SCHOOLS -- I'M A FIRM BELIEVER THAT
11 THE SUCCESS OF SCHOOLS IS -- IS GRINDED IN HAVING A
12 STRONG, STRONG LEADERSHIP IN THAT SCHOOL WHICH MEANS A
13 STRONG PRINCIPAL AND A QUALITY TEACHER IN EVERY CLASSROOM

14 SCHOOLS THAT HAVE BEEN SUCCESSFUL, IN MY OBSERVATION
15 OF THOSE SCHOOLS, HAVE STRONG PRINCIPAL LEADERSHIP WHICH
16 TRANSLATES INTO TEACHERS WHO ARE FOCUSED ON THE
17 EXPECTATIONS THAT ARE SET FOR THAT SCHOOL AND THERE'S NO
18 COMPROMISING AROUND THOSE EXPECTATIONS

19 Q LET'S TALK BRIEFLY ABOUT PERSONAL EXPERIENCE IN
20 ADDITION TO THE KINDS OF THINGS YOU DID AT THE COMPANY
21 LEVEL, DID YOU VOLUNTEER INDIVIDUALLY ONE-ON-ONE TO HELP A
22 STUDENT?

23 A YES I MENTORED A STUDENT AT RHAME ELEMENTARY THAT
24 WAS THE THING THAT ONE OF OUR EMPLOYEES WHO HEADED THAT UP
25 KIND OF CORNERED ME AND SAID, IF YOU WILL MENTOR SOMEONE,

1 THEN WE CAN GET A LOT MORE PEOPLE TO DO THAT AND I DID
2 THAT, AND I HAVE BEEN -- MENTORED A YOUNG MAN FROM THE
3 FIRST THROUGH THE THIRD GRADE IN THAT SCHOOL

4 I -- HE MOVED AND I'M NOT SURE WHERE HE IS NOW, BUT I
5 MENTORED HIM THROUGH EITHER 2001 OR 2002, BUT IT WAS THE
6 FIRST THREE GRADES

7 Q TELL US ABOUT THAT RELATIONSHIP IN YOUR EXPERIENCE

8 A WELL, THIS YOUNG MAN WAS -- LIVED WITH HIS MOTHER WHO
9 WAS UNMARRIED, HE HAD A BROTHER AND SISTER, AND ALL THREE
10 OF THEM HAD A DIFFERENT FATHER THEY LIVED IN -- THEY
11 LIVED WITH THE MOTHER, BUT SHE DID SOMETHING SHE WORKED
12 SOMETHING AND WAS TRYING TO DO SOMETHING ELSE AND SHE WAS
13 NOT THERE VERY OFTEN, SO IT WAS NOT A GREAT HOME
14 ENVIRONMENT THAT HE WAS IN

15 THE TEACHERS AT THE SCHOOL HAD IDENTIFIED THIS YOUNG
16 MAN AS SOMEONE WHO THEY FELT NEEDED SOMEONE TO HELP HIM
17 ALONG, AND I -- THEY CONNECTED ME WITH HIM AND WE DID --
18 WE DID THAT OVER A PERIOD OF TIME AND I WOULD SEE HIM AT
19 LEAST ONCE A WEEK FOR AN HOUR

20 SOMETIMES IT WAS LUNCH AND WE'D READ AND PLAY AND DO
21 THINGS LIKE THAT OVER TIME AND THAT'S WHAT WE DID OVER
22 THE PERIOD OF TIME TRYING TO REALLY DO TWO THINGS ONE,
23 HELP HIM LEARN AND TWO, TRY TO HAVE SOME STABILITY IN
24 HIS LIFE AS SOMEBODY THAT -- TO HAVE SOMEONE WHO IS GOING
25 TO BE THERE WHEN THEY SAID THEY WERE GOING TO BE EACH

1 THE EXCELLENT AND GOOD SCHOOLS?

2 A THAT'S CORRECT

3 Q AND ENROLLMENT IN THE GAP CLOSING SCHOOLS 542 2
4 VERSUS 600 IN THE EXCELLENT OR GOOD SCHOOLS?

5 A YES, THAT'S CORRECT

6 Q OKAY WITH THIS INFORMATION, AS YOU ARE LOOKING AT
7 IT, THE -- IS THE -- ARE THE GAP CLOSING SCHOOLS THAT ARE
8 CLOSING THE GAP WITH THE TWO GROUPS THAT YOU ARE
9 MEASURING, AFRICAN-AMERICANS AND SOCIOECONOMIC STATUS, LOW
10 SOCIOECONOMIC STATUS OR POVERTY, BY AND LARGE CLOSING THE
11 GAP IN SCHOOLS THAT MIRROR THE EXCELLENT AND GOOD SCHOOLS?

12 A IN THESE CHARACTERISTICS THEY DO

13 Q OKAY AND IF WE -- IF YOU ARE WORKING ON TRYING TO
14 CREATE, TRYING TO DO SOMETHING, AS YOU PUT IT, TRYING TO
15 CREATE AN ENVIRONMENT WHERE THE ACHIEVEMENT GAP IS CLOSED
16 AND THE LOWER SOCIOECONOMIC STATUS OF MINORITY KIDS DO
17 ACHIEVE, WHAT DOES THIS TELL YOU?

18 A IT TELLS YOU THAT IT CAN BE DONE AND THAT IT IS BEING
19 DONE AND BASED ON KIND OF -- SOME OF MY VISITS TO SOME OF
20 THE SCHOOLS BUT ALSO THE PRESENTATIONS AT THREE OF THESE
21 SCHOOLS MADE TO THE E O C , IN MY VIEW HEARING THEM,
22 LOOKING AT WHAT HAPPENED, IS THE LEADERSHIP IN THAT SCHOOL
23 THAT MAKES IT HAPPEN

24 Q AND THE LEADERSHIP IN THAT SCHOOL MAKES IT HAPPEN
25 AND WHAT HAPPENS, WHAT DOES THE LEADERSHIP LEAD THEM TO

1 DO?

2 A WELL, THE LEADERSHIP OR THE PRINCIPAL IN THE SCHOOL
3 SETS THE EXPECTATION AND SAYS THIS IS WHAT WE ARE GOING TO
4 DO, WE ARE GOING TO ACHIEVE AND ALL OUR CHILDREN ARE GOING
5 TO LEARN AND THEY SET THAT EXPECTATION WITH THE TEACHERS
6 AND THEY WILL NOT ACCEPT ANYTHING LESS FROM -- THAN THAT
7 FROM THE TEACHERS

8 BUT THEY ALSO GO OUT AND TRY TO DO DIFFERENT THINGS
9 TO HELP IMPROVE IT AND THEIR -- THEY'RE OUT CONNECTING
10 WITH THE COMMUNITY AND CONNECTING WITH THE FAMILIES OR THE
11 PEOPLE THAT THE YOUNG PEOPLE ARE LIVING WITH SO THAT THEY
12 HAVE GOT EVERYBODY WORKING TOGETHER TO -- TO TRY TO --
13 AND -- IMPROVE THE -- THE ATTAINMENT LEVEL OF -- OF THE
14 STUDENT

15 Q ONE OF THE THINGS THAT WE JUST WENT OVER WAS THE SIX
16 YEARS OF AVERAGE TENURE OF THE PRINCIPALSHIP IN BOTH THESE
17 GAP CLOSING SCHOOLS AND THE EXCELLENT SCHOOLS WHAT DOES
18 THAT HAVE TO DO WITH THAT LEADERSHIP?

19 A WELL, THAT PROBABLY SAYS YOU HAVE GOT SOME STRONG
20 LEADERSHIP THERE THAT HAS BEEN THERE FOR A WHILE ANY OF
21 THESE NUMBERS CAN BE GOOD OR BAD DEPENDING ON PERFORMANCE
22 IN THIS INSTANCE YOU WOULD SAY THAT YOU PROBABLY HAD
23 PRINCIPALS WHO HAD BEEN THERE, UNDERSTAND THE SCHOOL,
24 UNDERSTAND THE COMMUNITY, AND ARE -- ARE LEADING THESE
25 SCHOOLS TO SUCCESS

1 Q AND AS YOU LOOKED AT THIS -- AT THESE THREE SCHOOLS
2 THAT YOU ARE MENTIONING, WHAT DID YOU FIND ABOUT THE
3 TEACHING CORE THAT THESE PRINCIPALS HAD BUILT?

4 A WELL, IN HEARING THE STORIES THAT THE PRINCIPALS
5 RELATED WHEN THEY APPEARED BEFORE US IS THEY HAD SET THE
6 EXPECTATIONS, AND TEACHERS WHO DID NOT -- WHO DIDN'T WANT
7 TO MOVE UP TO THOSE EXPECTATIONS WERE MOVED OR WERE GOTTEN
8 OUT OF THERE AND -- AND PEOPLE WERE BROUGHT IN WHO
9 ACCEPTED THE EXPECTATIONS, BELIEVED IN IT AND OPERATED IN
10 THAT FASHION

11 SO THE TEACHERS WERE WORKING TOGETHER WITH THE
12 PRINCIPALS AND THE STUDENTS AND THE FAMILIES AND THE
13 COMMUNITIES TO SEE THAT THOSE CHILDREN ACHIEVED

14 Q OKAY IN TERMS OF LOOKING AT -- AT THE RESOURCES
15 NECESSARY TO SUPPORT LEADERSHIP AND -- AND TEACHING SO
16 THAT THESE GAPS CAN BE CLOSED, WHAT OBSERVATIONS DO YOU
17 HAVE ABOUT THAT?

18 A WELL, I THINK -- TO ME THE WAY YOU CLOSE THE GAPS,
19 AND I WILL GO BACK TO WHAT I SAID EARLIER, IS YOU HAVE GOT
20 STRONG LEADERSHIP IN THE SCHOOL, GOT A STRONG PRINCIPAL
21 LEADER IN THAT SCHOOL WHO BELIEVES THAT ALL THOSE CHILDREN
22 CAN ACHIEVE, AND THEY -- AND WILL NOT ACCEPT ANYTHING LESS
23 THAN ACHIEVING, AND THAT YOU HAVE GOT A QUALITY TEACHER IN
24 EACH OF THOSE CLASSROOMS WORKING WITH THOSE CHILDREN
25 AND THAT WOULD BE MY BELIEF OF WHAT HAS HAPPENED IN

1 STAND HER CONTRACT IS IN THAT'S IT

2 BUT THERE ARE MANY OF THESE PEOPLE WHOSE PERSONNEL
3 FILES ARE LISTED ON THIS LIST ABOUT WHOM THERE IS NOTHING
4 IN THE RECORD, AND I, YOU KNOW, WITHOUT PEOPLE FROM A
5 DISTRICT TO TESTIFY ABOUT THAT, THERE WILL BE NOTHING IN
6 THE RECORD

7 THE COURT MRS HUGGINS' CONTRACT IS IN BECAUSE
8 AS I RECALL IT WAS A -- A TEACHER SPECIALIST CONTRACT AS I
9 RECALL

10 MRS HART YES, SIR IT WAS AN EXEMPLAR
11 THE COURT EXACTLY AND MRS GRAY HAD SOME
12 SPECIFIC POINTS TO ASK HER ABOUT THAT CONTRACT AND ABOUT
13 THE CONDITIONS OF IT AS IT APPLIED NOT ONLY TO HER BUT
14 OTHER PEOPLE I BELIEVE, SO -- SO ANY WAY, I NOTE YOUR --
15 OF COURSE, I WON'T KNOW TO WHAT USE THESE EXHIBITS ARE
16 GOING TO BE PUT UNTIL THE DEFENSE OFFERS ITS CASE AND
17 PERHAPS NOT EVEN AT THAT POINT BASED ON MY EARLIER RULING
18 ABOUT SOME OF THE EVIDENCE, BUT IF -- AT CERTAINLY THIS
19 JUNCTURE I CANNOT SAY THERE IS NO RELEVANCE OFFERED BY
20 THOSE FILES

21 MRS HART WELL, THAT'S SORT OF MY POINT
22 UNTIL THERE IS SOME LINKAGE, THEN THEY SHOULDN'T BE JUST
23 DUMPED INTO THE RECORD, AND WE ARE OBJECTING TO THAT AS TO
24 THESE FILES

25 THE COURT ALL RIGHT THANK YOU MR STEPP?

1 A SURE

2 Q I LIKE TO GET SOME UNDERSTANDING OF THE FAMILY THAT
3 YOU CAME FROM YOU SAID THERE WERE SEVEN CHILDREN WHAT
4 KIND OF COMMUNITY DID YOU GROW UP IN?

5 A I WAS BORN AND RAISED IN GIFFORD, G I F F O R D ,
6 FLORIDA THAT'S IN INDIAN RIVER COUNTY IT'S IN SOUTH
7 FLORIDA BETWEEN JACKSONVILLE AND MIAMI ON THE ATLANTIC
8 SIDES IT'S AN ALL -- DURING THE TIME I WAS THERE, IT'S
9 AN -- A SMALL, RURAL, ALL BLACK COMMUNITY I WENT TO AN
10 ALL-BLACK SCHOOL FOR MOST OF MY PUBLIC EDUCATION UP UNTIL
11 HIGH SCHOOL THERE WERE SEVEN OF US IN A FAMILY
12 MY MOM AND DAD WERE NOT HIGH SCHOOL GRADUATES MY
13 GRANDPARENTS COULD NOT READ OR WRITE AND OUR FAMILY, ALL
14 SEVEN OF US, WERE TOLD OVER AND OVER AND OVER ABOUT THE
15 IMPORTANCE OF EDUCATION, OF GETTING AN EDUCATION, OF
16 GETTING IT IN YOUR HEAD THAT IF YOU GET IT IN YOUR HEAD
17 WHITE FOLK CAN'T TAKE IT OUT AND I'M JUST SHARING THAT
18 I'M NOT TRYING TO BE OFFENSIVE OR WHATEVER -- BUT
19 THIS WAS A SEGREGATED COMMUNITY, AND DURING THE TIME WHEN
20 PEOPLE OF COLOR WERE NOT AFFORDED OPPORTUNITIES THAT
21 WHITES WERE

22 AND BECAUSE MY PARENTS WERE NOT EDUCATED AND/OR HIGH
23 SCHOOL GRADUATES, AND BECAUSE MY GRANDPARENTS IN
24 PARTICULAR COULD NOT READ OR WRITE, THE MESSAGE WAS
25 DRUMMED INTO ALL OF US OVER AND OVER ABOUT THE IMPORTANCE

1 OF EDUCATION

2 AS A RESULT OF THAT MESSAGE, I BELIEVE, OF SEVEN
3 CHILDREN, FIVE ARE COLLEGE GRADUATES, FLORIDA A&M
4 UNIVERSITY, HONORED MY MOM AND MY DAD WITH A PLAQUE FOR
5 HAVING FIVE OF SEVEN CHILDREN GRADUATE FROM FLORIDA A&M
6 UNIVERSITY ONE SISTER RETIRED FROM THE AIR FORCE ONE
7 SISTER IS A PROFESSIONAL BARBER

8 AND WE WERE JUST TAUGHT YOU EITHER GET AN EDUCATION,
9 YOU GO IN THE MILITARY, YOU GET A TRADE YOU ARE GOING TO
10 DO SOMETHING THAT'S GOING TO MAKE A DIFFERENCE IN YOUR
11 LIFE AND THAT'S GOING TO MAKE IT -- MAKE THINGS BETTER FOR
12 YOU THAN THEY HAVE BEEN FOR US

13 Q WAS YOUR GENERATION IN YOUR FAMILY THE -- THE FIVE OF
14 YOU THAT GRADUATED FROM COLLEGE THE FIRST THAT GRADUATED
15 FROM COLLEGE IN YOUR FAMILY?

16 A WE WERE THE FIRST NOT ONLY TO GRADUATE FROM COLLEGE,
17 BUT TO GRADUATE FROM HIGH SCHOOL WELL, I TAKE THAT BACK
18 MY MOM'S SISTER WAS A HIGH SCHOOL GRADUATE BUT ON MY
19 MOM'S SIDE, NONE OF HER SISTERS OR BROTHERS, SHE HAD ONE
20 BROTHER WHO WENT TO COLLEGE

21 BUT IN MY GENERATION WE WERE THE FIRST ONES TO
22 GRADUATE FROM COLLEGE IN THAT, YOU KNOW, FIVE OF US
23 GRADUATED

24 Q YOUR DAD DID BLUE-COLLAR WORK OR JANITORIAL SERVICES?

25 A MY DAD DID ALL KINDS OF JOBS MY DAD -- THERE WERE

1 SEVEN OF US WE WERE -- WE LIVED IN SOUTH FLORIDA, AND
2 WITH SEVEN MOUTHS TO FEED HE HAD SEVERAL JOBS THAT HE DID
3 SO WE ALL GREW UP WITH THE UNDERSTANDING THAT HAVING TWO
4 JOBS REALLY WAS THE NORM

5 SO HE DID JANITORIAL WORK HE DELIVERED NEWSPAPERS
6 HE DROVE SCHOOL BUSES HE -- SOUTH FLORIDA IS REAL BIG
7 FOR LAWN MAINTENANCE MY DAD DID YARDS, ALL THOSE KINDS
8 OF THINGS

9 AND THE SAME WITH MY MOM SHE HAD A COUPLE OF JOBS,
10 AGAIN, WITH THOSE -- ALL THOSE MOUTHS TO FEED, YOU HAD TO
11 WORK AND WORK AT MORE THAN ONE THING IN ORDER TO MAKE ENDS
12 MEET

13 Q IN TERMS OF YOUR -- THE EDUCATION THAT YOU HAVE
14 PERSONALLY RECEIVED, HOW HAS THAT -- HOW HAS YOUR LIFE
15 DIFFERED FROM THE GENERATION BEFORE YOU, YOUR MOM AND DAD
16 OR THE GENERATION BEFORE THAT, YOUR GRANDFATHER AND
17 GRANDMOTHER?

18 A OH, GOODNESS IT'S LIKE NIGHT AND DAY WHEN I THINK
19 ABOUT WHAT I HAVE BEEN ABLE TO DO AND I HAVE BEEN BLESSED
20 TO BE ABLE TO HAVE GONE PLACES I HAVE GONE AND TO HAVE
21 DONE THE THINGS THAT I HAVE DONE THAT WOULD NOT HAVE BEEN
22 POSSIBLE WITHOUT -- WITHOUT AN EDUCATION

23 THERE IS NO WAY THAT I WOULD HAVE BEEN ABLE TO,
24 WITHOUT AN EDUCATION, BECOME A MEMBER, FOR EXAMPLE, OF THE
25 FEDERAL RESERVES COMMUNITY ADVISORY COMMITTEE THERE IS

1 OWN SO THEY WIND UP, UNFORTUNATELY, GOING BACK INTO THAT
2 ABUSIVE RELATIONSHIP FOR ECONOMIC REASONS

3 AND AGAIN, I -- I DON'T KNOW HOW -- I DON'T KNOW THAT
4 I NEED TO KEEP SAYING THIS BECAUSE I HAVE SAID IT ONCE,
5 BUT I WANT TO MAKE SURE THAT IT IS CLEAR, I'M NOT
6 SUGGESTING THAT ALL VICTIMS OF DOMESTIC VIOLENCE ARE POOR
7 OR UNEDUCATED IT IS JUST -- BECAUSE THAT'S NOT THE CASE

8 IT IS, HOWEVER, THE CASE THAT POOR, UNEDUCATED
9 VICTIMS OF DOMESTIC VIOLENCE HAVE FEWER OPTIONS THAN ONES
10 WHO ARE EDUCATED AND ONES WHO HAVE MEANS

11 Q DOES YOUR EXPERIENCE -- IN YOUR EXPERIENCE DOES THE
12 LEVEL OF SOCIOECONOMIC POVERTY INCREASE OR DECREASE THE
13 NEED FOR EARLY CHILDHOOD EDUCATIONAL OPPORTUNITIES?

14 A EARLY CHILDHOOD EDUCATIONAL OPPORTUNITIES ARE
15 CRITICAL REGARDLESS OF THE ECONOMIC STATUS BUT IN LOW
16 SOCIOECONOMIC INSTANCES, IT'S EVEN MORE CRITICAL THAT THEY
17 BE PROVIDED FOR A VARIETY OF REASONS

18 ONE, WHEN WE LOOK AT LEARNING, WHEN WE TALK ABOUT
19 EDUCATION, WE TALK ABOUT THE CLIMATE, WE TALK ABOUT
20 ENVIRONMENTAL FACTORS AND ALL OF THOSE THINGS THAT PLAY
21 INTO A KID LEARNING AND BEING READY TO LEARN

22 WHEN WE TALK ABOUT POOR CHILDREN AND WE TALK ABOUT
23 EARLY INTERVENTION AND WHY THAT'S IMPORTANT, IT'S
24 IMPORTANT BECAUSE IF THAT INTERVENTION IS NOT OFFERED AND
25 IS NOT PROVIDED, YOU LOOK AT THE HOME ENVIRONMENT AND YOU

1 KNOW WHAT IS MISSING IN THAT HOME ENVIRONMENT, WHAT YOU
2 ARE DOING IN EFFECT IS DAMAGING A KID DOUBLY BY HAVING
3 THAT CHILD LIVE IN A HOME ENVIRONMENT WHERE THE CLIMATE
4 FOR LEARNING AND ALL OF THE STIMULUS THAT WE KNOW ARE
5 IMPORTANT ARE NOT THERE, THEN YOU ARE DEPRIVING THAT CHILD
6 OF AN EDUCATIONAL OPPORTUNITY WHERE THOSE STIMULUSES COULD
7 BE PROVIDED

8 SO WHEN YOU LOOK AT EARLY INTERVENTION AND EARLY
9 EDUCATION, IT IS MORE IMPORTANT THAT A CHILD WHO WAS POOR
10 BE OFFERED THOSE KINDS OF OPPORTUNITIES SIMPLY BECAUSE
11 THEY DON'T HAVE IT AT HOME AND THEY OUGHT TO GET IT
12 SOMEWHERE

13 AND THE THING THAT IS SO AMAZING TO ME IS THE
14 DISCONNECT WE IN THE GENERAL ASSEMBLY HAVE MADE BETWEEN
15 PREVENTION AND BEING PROACTIVE AS OPPOSED TO BEING
16 REACTIVE

17 WE WOULD RATHER PAY ON THE BACK END IN THE COST THAT
18 WE ARE INCURRING IN PRISONS THAN ON THE FRONT END THROUGH
19 EARLY CHILDHOOD EDUCATION, THROUGH ACCESS TO HEALTHCARE
20 AND ALL OF THE THINGS THAT A NUMBER OF OTHER STATES
21 RECOGNIZE MAKE A DIFFERENCE WHEN DONE EARLY AND OFTEN AND
22 IN WAYS AND IN AMOUNTS THAT ARE MEANINGFUL TO MAKE A
23 DIFFERENCE

24 Q YOU SAID EARLIER THAT THERE -- THERE WAS A DEBATE
25 WHERE ONE SIDE TOOK THE POSITION THAT EARLY CHILDHOOD

1 INTERVENTION WAS GLORIFIED DAYCARE WHAT WOULD YOU SAY TO
2 THAT POSITION?

3 A I WOULD SAY TO THE POSITION THAT FOUR YEAR OLD
4 KINDERGARTEN IS GLORIFIED DAYCARE, THAT IS NOT GLORIFIED
5 DAYCARE, THAT IT IS PREPARING A CHILD TO ENTER SCHOOL
6 READY TO LEARN, THAT IT IS IN THE STATE'S BEST INTEREST TO
7 LOOK AT FOUR YEAR OLD KINDERGARTEN SO THAT WE CAN START
8 EARLY TRAINING AND EDUCATING OUR CHILDREN

9 I WOULD SAY TO SOMEONE WHO MADE THAT COMMENT THERE IS
10 A CONNECTION BETWEEN CHILDREN BEING TRAINED OR EDUCATED AT
11 FOUR YEAR OLD I MEAN IN SOME STATES THEY DO IT EVEN
12 EARLIER, AT TWO AND THREE YEAR OLD SO IT'S NOT LIKE WE
13 ARE AHEAD OF THE CURVE WITH FOUR YEAR OLD KINDERGARTEN
14 WE ARE STILL BEHIND THE TIMES

15 BUT I WOULD SAY TO THAT PERSON, UNDERSTAND THE
16 CONNECTION BETWEEN ECONOMIC DEVELOPMENT AND TRAINING AND
17 EDUCATING CHILDREN EARLY BECAUSE THE EARLIER WE START
18 EDUCATING THEM, THE BETTER THE CHANCES OF THEM GOING TO
19 FIRST GRADE READY TO LEARN AND STAYING IN SCHOOL AND
20 GRADUATING WITH A HIGH SCHOOL DIPLOMA

21 Q HAS THE GENERAL ASSEMBLY EVER COMMISSIONED A STUDY OR
22 LOOKED AT TO YOUR KNOWLEDGE HOW EDUCATION CAN ALLEVIATE
23 THE EFFECTS OF POVERTY AND PARTICULARLY SAVE MONEY ON THE
24 PRISON SYSTEM AND OTHER SYSTEMS THAT ARE DESIGNED FOR THE
25 ACUTE EFFECTS OF POVERTY?

1 AND WHAT NEEDS ARE SO THAT WE COULD, IF WE CHOSE TO, MEET
2 THE NEEDS OF THIS -- OF THE, NOT ONLY THESE DISTRICTS BUT
3 STATEWIDE

4 Q HAS THE HOUSE EVER TRIED TO DETERMINE THE ACTUAL COST
5 OF DELIVERING THE OPPORTUNITY TO EACH CHILD IN SOUTH
6 CAROLINA THE OPPORTUNITY TO ACQUIRE A MINIMALLY ADEQUATE
7 EDUCATION?

8 A I AM NOT AWARE OF ANY EFFORT ON THE PART OF THE SOUTH
9 CAROLINA HOUSE OF REPRESENTATIVES WHERE SUCH DETERMINATION
10 HAS BEEN SOUGHT

11 Q NOW, YOU MENTIONED EARLIER THERE WAS A REPORT CALLED
12 THE AUGENBLICK REPORT WHICH HAS BEEN INTRODUCED INTO
13 EVIDENCE THAT HAS SOMETHING TO DO WITH COSTING OUT ISSUES
14 HAS THE GENERAL ASSEMBLY TAKEN THAT INFORMATION FROM THAT
15 REPORT AND DONE ANYTHING WITH IT?

16 A WE HAVE NOT TAKEN THE INFORMATION FROM THE AUGENBLICK
17 REPORT AND DONE ANYTHING WITH IT AS FAR AS I AM AWARE

18 Q WITH THE UNDER FUNDING THAT YOU MENTIONED IN THE
19 E F A IN THE AREAS WITH WENT OVER AND THE MOVEMENT OF
20 E I A MONEY AND THE MOVEMENT OF LOTTERY MONEY THAT WE
21 TALKED ABOUT, WITH ALL OF THAT TAKEN INTO ACCOUNT, IS THE
22 GENERAL ASSEMBLY CURRENTLY PROVIDING EACH CHILD IN THE
23 STATE OF SOUTH CAROLINA WITH THE OPPORTUNITY TO ACQUIRE A
24 MINIMALLY ADEQUATE EDUCATION?

25 MR STEPP OBJECTION, YOUR HONOR SAME

1 BELOW AVERAGE

2 WE LOOK AT THE IMPROVEMENT RATE AND THAT IN SOME
3 INSTANCES WAS BELOW AVERAGE AND THEN IT CHANGED TO
4 AVERAGE WHEN I LOOK AT THE REPORT CARD FOR ORANGEBURG
5 SCHOOL DISTRICT THREE, WHEN I LOOK AT THE OUTCOME OF THAT
6 REPORT CARD AND ALL THAT WE HAVE BEEN DOING UNDER E A A ,
7 SINCE ITS IMPLEMENTATION IN -- PASSAGE IN 1998 AND FULL
8 IMPLEMENTATION A YEAR OR TWO LATER, WHEN I LOOK AT OUR
9 OUTCOMES, IT'S CLEAR TO ME THAT WHAT WE ARE DOING AT THE
10 STATE LEVEL IS NOT ENOUGH BECAUSE WE STILL HAVE ALMOST
11 50 PERCENT WHO ARE NOT SUCCEEDING WE STILL HAVE A BELOW
12 AVERAGE RATING THAT IS NOT ACCEPTABLE

13 WHEN I LOOK AT THE REPORT CARD THAT E A A REQUIRES
14 AND I LOOK AT WHAT WE HAVE PUT INTO THE IMPLEMENTATION OF
15 E A A , THEN I FIND NO OTHER ANSWER BUT WE ARE NOT DOING
16 ENOUGH BECAUSE BELOW AVERAGE IS NOT SATISFACTORY TO ME

17 I WANT BETTER FOR MY CONSTITUENTS I WANT BETTER
18 THAN BELOW AVERAGE FOR THE CHILDREN WHO LIVE NOT ONLY IN
19 ORANGEBURG SCHOOL DISTRICT THREE, BUT ALL OF THESE OTHER
20 DISTRICTS, AND, QUITE FRANKLY, FOR CHILDREN ACROSS THE
21 STATE

22 Q YOU MENTIONED THAT 50 PERCENT OF THE KIDS ROUGHLY
23 WERE FAILING TO BE ADEQUATELY PREPARED TO MOVE TO THE NEXT
24 GRADE UNDER THE PACT TEST AND -- AND OTHER TESTING
25 ACHIEVEMENT MECHANISMS

1 TO YOU, DOES THAT INDICATE TO YOU AN ABILITY TO GET A
2 JOB AND DO SOME OF THE PRODUCTIVE THINGS THAT WE TALKED
3 ABOUT IN TERMS OF ADEQUATELY PARTICIPATE IN A DEMOCRACY?

4 A WHEN I LOOK AT FIGURES THAT RANGE FROM 44 PERCENT,
5 50 PERCENT NOT MEETING EXPECTATIONS, FOR ME IF YOU ARE NOT
6 MEETING MINIMUM EXPECTATIONS EDUCATIONALLY SPEAKING, IT IS
7 CLEARLY THAT YOUR CHANCES OF LANDING A GOOD-PAYING JOB IS
8 PRETTY MUCH NONEXISTENT

9 WHEN I LOOK AT THE INFORMATION ON THE REPORT CARDS
10 AND I LOOK AT WHAT AVAILABLE INDUSTRIES OR ECONOMIC
11 OPPORTUNITIES ARE THERE IN SCHOOL DISTRICT THREE, I KNOW
12 WITHOUT A DOUBT THAT WITHOUT A QUALITY EDUCATION, WITHOUT
13 AN EDUCATION THAT IS MORE THAN BELOW AVERAGE, THAT MY
14 CONSTITUENTS ARE NOT GOING TO BE ABLE TO LAND A DECENT JOB
15 AND THAT CHANCES OF THEM LANDING IN A SYSTEM WHERE IF I'M
16 FORTUNATE ENOUGH TO BE REELECTED I'M GOING TO WIND UP
17 SEEING THEM SOME YEARS DOWN THE ROAD IN THE CRIMINAL
18 JUSTICE SYSTEM AT SOME OF THESE PRISONS THAT I VISIT

19 THAT -- THAT SADDENS ME AND I WANT BETTER FOR
20 CHILDREN IN ORANGEBURG SCHOOL DISTRICT THREE AND I WANT
21 BETTER FOR CHILDREN ACROSS THIS STATE BECAUSE, QUITE
22 FRANKLY, MR MORRISON, THE FUTURE OF THIS STATE, OUR
23 LONG-TERM ECONOMIC VIABILITY, STABILITY, WHATEVER WORD YOU
24 WANT TO USE, IF WE ARE EVER TO BE WHAT WE CAN BE, WE HAVE
25 GOT TO DO SOMETHING ABOUT THE EDUCATION OF OUR CHILDREN

1 I WOULD HAVE BEEN IN A DIFFERENT POSITION AND BEEN
2 ABLE TO RESPOND DIFFERENTLY BECAUSE I COULD HAVE SAID,
3 QUITE PROUDLY, YES THE GENERAL ASSEMBLY HAS DONE THAT
4 BECAUSE WE HAVE CREATED THIS COMMITTEE TO STUDY THE ISSUE,
5 BUT UNFORTUNATELY FOR THE CHILDREN OF THIS STATE,
6 PARTICULARLY THE CHILDREN WHO LIVE IN THESE RURAL, POOR
7 DISTRICTS, THE GENERAL ASSEMBLY HAS FAILED IN THAT
8 RESPONSIBILITY AND I DON'T SEE US DOING ANYTHING UNLESS WE
9 ARE TOLD TO DO SO ON THIS POINT -- ON THIS ACTION

10 Q REPRESENTATIVE COBB-HUNTER, BEFORE WE BREAK FOR
11 LUNCH, AND I'D LIKE AFTER LUNCH TO TALK TO YOU IF I CAN
12 ABOUT THOSE ISSUES THAT YOU JUST WENT THROUGH, THE BILL
13 THAT YOU PUT IN, BUT BEFORE WE DO, COULD YOU STATE FOR US
14 IN THIS RECORD WHAT THE PURPOSE OF EDUCATION IS TO YOU?

15 A TO ME THE PURPOSE OF EDUCATION IS, AS WAS EXPRESSED
16 TO ME 50-SOME YEARS AGO GROWING UP IN GIFFORD, FLORIDA, AS
17 EXPRESSED TO ME BY MY PARENTS AND MY GRANDPARENTS, AND
18 THAT IS TO PROVIDE AN OPPORTUNITY TO HAVE A BETTER LIFE,
19 TO BECOME A PRODUCTIVE CITIZEN, TO BE ABLE TO MAKE A
20 POSITIVE CONTRIBUTION SOMEWHERE IN THIS WORLD

21 TO ME AN EDUCATION IS AN OPPORTUNITY FOR A WAY OUT OF
22 POVERTY, A WAY TO REALLY PULL ONE'S SELF UP BY ONE'S
23 BOOTSTRAPS TO ME AN EDUCATION IS THE ONLY WAY, THE ONLY
24 OPPORTUNITY THAT ONE WHO HAS NO BOOTSTRAPS WILL BE ABLE TO
25 PULL HIMSELF OR HERSELF UP AND OUT

1 MR MORRISON YOUR HONOR, IF WE COULD TAKE A
2 BREAK AT THIS TIME?

3 THE COURT IT'S A GOOD TIME

4 MR MORRISON THANK YOU

5 THE COURT WE WILL BE IN RECESS, FOLKS, UNTIL
6 2 15 WE WILL RESUME AT 2 15 ONCE AGAIN, REPRESENTATIVE
7 COBB-HUNTER, YOU CAN'T DISCUSS YOUR TESTIMONY

8 THE WITNESS YES, SIR

9 (WITNESS OFF STAND)

10 (COURT IN RECESS FOR LUNCH)

11 THE COURT MRS COBB-HUNTER, YOU CAN RESUME THE
12 STAND, PLEASE MA'AM

13 (WITNESS BACK ON STAND)

14 THE COURT ALL RIGHT MR MORRISON?

15 MR MORRISON THANK YOU, YOUR HONOR

16 BY MR MORRISON

17 Q REPRESENTATIVE COBB-HUNTER, RIGHT BEFORE THE BREAK WE
18 WERE TALKING ABOUT SOME BILLS THAT YOU HAD INTRODUCED, I
19 THINK SEVERAL TIMES I THINK YOU MIGHT HAVE SAID SIX TIMES
20 OVER THE PAST YEARS TO STUDY THE FUNDING FORMULAS FOR
21 PUBLIC EDUCATION, IS THAT RIGHT?

22 A YES, SIR I INTRODUCED THEM THREE TIMES OVER THE
23 LAST SIX YEARS --

24 Q OKAY

25 A -- BECAUSE OF THE TWO-YEAR SESSIONS

1 MEANS THAT YOU ARE ACTUALLY PROVIDING SERVICES TO SUPPORT
2 THIS, TO ENSURE A SYSTEM OF PUBLIC EDUCATION THROUGH WHICH
3 ALL STUDENTS -- AND WHAT DOES THE PHRASE ALL STUDENTS MEAN
4 TO YOU?

5 A MEANS EVERY STUDENT WHO IS ENROLLED IN OUR PUBLIC
6 EDUCATION SYSTEM

7 Q AND WILL BECOME EDUCATED, RESPONSIBLE AND
8 CONTRIBUTING CITIZENS WHAT DOES THAT MEAN TO YOU?

9 A WELL EDUCATED MEANS THAT THEY WILL BE EDUCATED BASED
10 ON OUR ACADEMIC STANDARDS, BE ABLE TO STAY AT GRADE LEVEL
11 WITH THOSE STANDARDS, BE ABLE TO GRADUATE FROM HIGH SCHOOL
12 WITH A HIGH SCHOOL DIPLOMA, PASS THE HIGH SCHOOL EXIT
13 EXAM

14 RESPONSIBLE GOES BACK TO OUR CHARACTER EDUCATION WE
15 BELIEVE THAT EDUCATION IS NOT ONLY TEACHING THE STANDARDS
16 BUT ALSO TEACHING RESPONSIBILITY FOR ONE'S SELF, ONE'S
17 FAMILY, ONE'S COMMUNITY, ONE'S STATE AND COUNTRY BUT HOW
18 TO BE A RESPONSIBLE CITIZEN AND THAT IS SELF-RELIANCE,
19 SELF-SUSTAINABILITY, RESPONSIBLE IN TERMS OF --
20 RESPONSIBLE FOR YOUR OWN BEHAVIOR AND ACTION -- ACTIONS

21 AND CONTRIBUTING CITIZENS IS WE TEACH THROUGH
22 CHARACTER EDUCATION AS WELL THAT -- THAT WE ALL HAVE A
23 RESPONSIBILITY TO CONTRIBUTE TO OUR FAMILIES, OUR
24 COMMUNITIES, OUR STATE AND OUR COUNTRY IN A NUMBER OF
25 WAYS

1 Q OKAY

2 A SO IT'S REALLY TO HAVE A BALANCED APPROACH AND A VERY
3 BROAD APPROACH TO WHAT OUR SERVICES ARE TO ENCOMPASS
4 EVERYTHING WE DO AT THE STATE DEPARTMENT OF EDUCATION AS
5 WELL AS OUR SCHOOL DISTRICTS

6 Q ALL RIGHT LET'S LOOK AT THESE SIX STRATEGIC AIMS
7 FOR -- FOR THE DEPARTMENT -- FOR THE DEPARTMENT OF
8 EDUCATION IN SOUTH CAROLINA HIGH STUDENT ACHIEVEMENT
9 COULD YOU JUST ARTICULATE WHAT THAT STRATEGIC AIM IS?

10 A WELL, HIGH STUDENT ACHIEVEMENT IS THAT -- THE GOAL IN
11 SOUTH CAROLINA IS TO ASK OUR STUDENTS TO RISE TO THE
12 STANDARDS OF -- THAT WE HAVE DEVELOPED UNDER THE STATE
13 ACCOUNTABILITY ACT

14 THE STATE ACCOUNTABILITY ACT REQUIRES US TO
15 DEVELOPMENT STANDARDS IN MATH, READING, SCIENCE AND SOCIAL
16 STUDIES WE ASSESS STUDENTS IN GRADES FOUR THROUGH EIGHT
17 EVERY YEAR, THREE THROUGH EIGHT EVERY YEAR ON THOSE
18 STANDARDS AND THEN WE HAVE THE REPORT CARD THAT REFLECTS
19 EVERY SCHOOL DISTRICTS' ACCOMPLISHMENTS

20 THE HIGH STUDENT ACHIEVEMENT ALSO NOW HAS AN
21 ADDITIONAL MEANING NOW THAT NO CHILD LEFT BEHIND WAS
22 PASSED WHICH REQUIRES THE STATE TO MAKE ACADEMIC PROGRESS

23 Q OKAY TEACHER QUALITY IS NUMBER TWO WHY IS -- IS
24 THAT SECOND ONLY TO HIGH STUDENT ACHIEVEMENT?

25 A WELL, HIGH STUDENT ACHIEVEMENT SETS THE GOALS FOR

1 CHILDREN IN POVERTY, LOW SOCIOECONOMIC STATUS, AT RISK, IS
2 THE QUALITY OF EDUCATION PROVIDED TO THE CHILDREN I JUST
3 DESCRIBED EVEN MORE IMPORTANT THAN THE QUALITY OF
4 EDUCATION PROVIDED TO CHILDREN WHO COME FROM MORE
5 PRIVILEGED BACKGROUNDS?

6 A WELL, BOTH ARE IMPORTANT BUT THERE'S NO QUESTION
7 ABOUT IT, WE HAVE TO GO THE EXTRA MILE IN A CHILD IS -- IS
8 COMING FROM AN IMPOVERISHED AT-RISK BACKGROUND MORE
9 EMPHASIS AND MORE ATTENTION HAVE TO BE GIVEN TO HELPING
10 THOSE CHILDREN

11 Q LET'S TURN TO THE SECOND POINT ABOUT TEACHER QUALITY
12 YOU SAID A CARING, GIFTED TEACHER IN EACH CLASSROOM IS
13 THAT MORE IMPORTANT WHEN YOU HAVE AN AGGREGATION OF
14 CHILDREN AT-RISK, FROM LOW SOCIOECONOMIC STATUS, FROM
15 POVERTY?

16 A WELL, NO QUESTION THE MOST CAPABLE, BEST QUALIFIED
17 TEACHERS ARE NEEDED TO HELP RAISE THE ACADEMIC STANDARDS
18 WHEN CHILDREN COME FROM IMPOVERISHED BACKGROUND

19 Q THE THIRD ITEM THAT YOU HAVE HERE IS EARLY CHILDHOOD
20 EDUCATION AND COULD YOU DESCRIBE WHAT THAT STRATEGIC
21 ITEM IS AND WHY IT'S IMPORTANT?

22 A I HAVE BEEN INVOLVED SIGNIFICANTLY WITH EARLY
23 CHILDHOOD EDUCATION FROM BEING A FIRST GRADE TEACHER TO
24 LICENSING HEAD STARTS I ALSO CHAIRED SUCCESS BY SIX THE
25 UNITED WAY, ON THE BOARD OF FIRST STEPS FOR THE STATE

1 ALL THE DATA AROUND EARLY CHILDHOOD EDUCATION AND
2 RESEARCH SHOWS THAT THE BRAIN DEVELOPS MORE THE FIRST FIVE
3 YEARS OF LIFE THAN ANY OTHER TIME IN A CHILD'S LIFE
4 SCIENTISTS HAVE SAID THAT IF THE -- THE SYNAPSES ARE NOT
5 FORMED IN THE BRAIN DURING THOSE EARLY YEARS, THEN THE
6 LIKELIHOOD OF THE FULL POTENTIAL OF A CHILD BEING REALIZED
7 IS -- IS LOST IN MANY CASES

8 YOU CAN GO BACK AND RECLAIM IT BUT IT TAKES INTENSIVE
9 REMEDIATION IF THE CHILD IS NOT EXPOSED TO VERBAL
10 COMMUNICATION, LOVE AND NURTURING, AND HAS A PARENT WHO
11 UNDERSTANDS HOW TO GET HIS OR HER OWN CHILD READY FOR
12 SCHOOL

13 Q OKAY AND IS -- IS EARLY CHILDHOOD EDUCATION AT
14 LEAST AT THE K-4, K-5 LEVEL AND EVEN EARLIER, IMPORTANT,
15 EVEN MORE IMPORTANT TO CHILDREN FROM LOW SOCIOECONOMIC
16 STATUS, AT RISK AND POVERTY?

17 A IT IS IF THE CHILD IS NOT RECEIVING IT IN THE HOME
18 AND MANY OF OUR CHILDREN ARE NOT RECEIVING THE CARE THAT
19 THEY NEED IN THE HOME OR THE -- THE -- THE BACKGROUND
20 EARLY CHILDHOOD EDUCATION BACKGROUND IS NOT AVAILABLE IN
21 MANY OF OUR POOR HOMES FOR A NUMBER OF REASONS

22 Q ITEM NUMBER FOUR IS -- OR THE FOURTH BULLET POINT IS
23 PARENTAL AND COMMUNITY PARTNERSHIP WHAT IS THAT STRATEGY
24 AND WHAT --

25 A WELL, THIS -- THIS STRATEGY IS TO RECOGNIZE THAT

1 STARTED NOT BEING FUNDED AROUND 2000, 2001

2 Q YOU MENTIONED TRANSPORTATION IS TRANSPORTATION
3 UNDER-FUNDED?

4 A IT'S GROSSLY UNDER-FUNDED

5 Q IS YOUR TECHNICAL BUDGET FULLY FUNDED?

6 A WELL, WE HAD \$7 MILLION TO PROVIDE TECHNICAL
7 ASSISTANCE WHEN WE FIRST STARTED IMPLEMENTING THE
8 EDUCATION ACCOUNTABILITY ACT AND THAT HAS BEEN CUT DOWN TO
9 FIVE, BUT WITH THE NEW -- THE TURNOVER IN TEACHERS THAT --
10 OF THE NEW TEACHERS WE RECEIVE EVERY YEAR WE HAVE TO KEEP
11 THAT ONGOING IN TERMS OF TRAINING TEACHERS NOT ONLY TO
12 UNDERSTAND THE STANDARDS AND THE CONTENT AREA BUT HELPING
13 THEM DEVELOP A CURRICULUM STANDARDS

14 Q WHAT ABOUT YOUR TECHNOLOGY BUDGET?

15 A THAT HAS BEEN CUT IN HALF IT WAS 40 MILLION WHEN I
16 CAME INTO OFFICE, I BELIEVE IT'S 16 NOW

17 Q WHAT'S HAPPENED TO YOUR TEXTBOOK FUNDING?

18 A TEXTBOOKS ARE -- SINCE I HAVE BEEN STATE
19 SUPERINTENDENT, I DON'T BELIEVE THERE'S A YEAR WHEN IT'S
20 BEEN FULLY FUNDED THE MONEY WE ARE RECEIVING THIS YEAR
21 FOR TEXTBOOKS WILL PROBABLY COME FROM THE UNCLAIMED PRIZE
22 MONEY FROM THE LOTTERY AND IT WILL FINISH OUT THE YEAR
23 FOR 2002 TEXTBOOK SELECTION LIST

24 Q OKAY DO THESE -- AND WE ARE GOING TO GO DEEPER INTO
25 SOME OF THIS, BUT DO THESE UNDER FUNDING ITEMS IMPACT THE

1 ABILITY, YOUR ABILITY TO ACHIEVE THE MISSION AND THE
2 STRATEGIC AIMS?

3 A THEY -- IT DOES WHEN I FIRST CAME TO OFFICE WE HAD
4 THE FIRST YEAR AN INCREDIBLE AMOUNT OF SURPLUS FUNDS AND
5 THEY -- WE USED THOSE TO BUILD IN PROGRAMS AND AS IT
6 TURNED OUT THOSE WERE ONE-TIME FUND -- FUNDS

7 AND THEY PUT THEM IN THE RECURRING BUDGET INSTEAD OF
8 THE NONRECURRING AND WE BUILT PROGRAMS ONLY TO SEE A GREAT
9 START AND THE PROGRAMS BE WELCOME IN SCHOOL DISTRICTS AND
10 THEN HAVING -- AND THEN WE HAVE HAD TO CUT BACK ON THEM

11 Q CHANGING THE SUBJECT SLIGHTLY, YOU MENTIONED THAT YOU
12 WERE WORKING WITH STATUTORY REQUIREMENTS, BOTH STATE AND
13 FEDERAL STATUTORY REQUIREMENTS AND EARLIER IN -- IN THIS
14 CASE WE HAD A STUDY SHOWING ALL THE STATUTORY REQUIREMENTS
15 FOR EDUCATION IN SOUTH CAROLINA I THINK YOU HAVE
16 PREPARED SOME SLIDES SHOWING THE STATUTORY REQUIREMENTS
17 THAT THE STATE HAS

18 LET'S LOOK AT SLIDES 6612-B , C AND D ENTITLED
19 STATUTORY DUTIES ARE THESE THE BULLET POINTS THAT YOU
20 ALL PUT TOGETHER AT THE STATE DEPARTMENT TO SHOW PEOPLE
21 WHAT THE STATUTORY DUTIES OF THE DEPARTMENT ARE?

22 A THIS IS THE BEGINNING OF THE LIST, YES

23 Q OKAY

24 A WE PUT THESE TOGETHER TO ILLUSTRATE TO PEOPLE WHO ARE
25 INTERESTED IN WHAT WE DO AT THE STATE DEPARTMENT AND THIS

1 Q AND 86 PERCENT OF THE CHILDREN IN OUR DISTRICTS ARE
2 ON FREE OR REDUCED LUNCH?

3 A THAT'S CORRECT

4 Q WHAT IS THE IMPORTANCE OF HAVING 86 PERCENT OF THE
5 CHILDREN IN THE PLAINTIFF DISTRICTS ON FREE AND REDUCED
6 LUNCH IN TERMS OF PROVIDING EDUCATIONAL OPPORTUNITIES?

7 A WELL, CHANCES ARE THAT MANY OF THESE CHILDREN HAVE
8 NOT HAD ACCESS TO EARLY CHILDHOOD EDUCATION AND MANY
9 CHILDREN ARE COMING FROM FAMILIES THAT THERE ARE -- NOT A
10 HIGH LEVEL OF EDUCATION IN THE FAMILIES -- IN THAT FAMILY,
11 THAT THEY HAVE -- THAT THEY DON'T HAVE RESOURCES LIKE
12 BOOKS AND COMPUTER AND TECHNOLOGY, THEY DON'T HAVE ACCESS
13 TO LIBRARIES IN MANY OF THESE AREAS OR ENRICHED PROGRAMS
14 THAT OUR CHILDREN IN URBAN SETTINGS OR -- OR MORE AFFLUENT
15 SETTINGS HAVE

16 AND THEY COME TO SCHOOL WITH LESS VERBAL ABILITY THAN
17 THOSE CHILDREN WHO HAD ACCESS TO PRINT-RICH AND
18 VERBAL-RICH ENVIRONMENTS

19 Q IS IT MORE CHALLENGING TO PROVIDE THEM WITH THE
20 OPPORTUNITY TO ACQUIRE AN EDUCATION COMING FROM THOSE
21 BACKGROUNDS?

22 A IT IS

23 Q DOES IT REQUIRE MORE RESOURCES?

24 A IT DOES IT REQUIRES EARLY CHILDHOOD INTERVENTION,
25 FAMILY LITERACY, HIGHEST QUALITY TEACHERS, TECHNOLOGY AND

1 RESOURCES IN OUR SCHOOLS JUST TO NAME A FEW

2 Q LET'S GO ON AND LOOK AT THE SOUTH CAROLINA STUDENTS
3 YOUR -- YOU INDICATED ABOUT 15 PERCENT HAVE DISABILITIES
4 8,000 PLUS HAVE -- ARE LIMITED ENGLISH PROFICIENT WITH 50
5 DIFFERENT LANGUAGES THAT'S ON THE STATEWIDE BASIS,
6 RIGHT?

7 A THAT'S CORRECT

8 Q AND 30 PERCENT ARE FROM SINGLE-PARENT FAMILIES?

9 A THAT'S CORRECT

10 Q 20 PERCENT WITH NO HEALTHCARE COVERAGE?

11 A AND 20 PERCENT OF THE CHILDREN BORN TO A MOTHER
12 WITHOUT A HIGH SCHOOL DIPLOMA

13 Q OKAY AND 42ND, THE NATIONAL RANKING OVERALL OF
14 CHILD WELL-BEING FOR SOUTH CAROLINA AND THE KIDS COUNT
15 RANKING HAS BEEN AS LOW AS 47?

16 A THAT'S CORRECT KIDS COUNT IS A PROGRAM THAT THE
17 STATE BUDGET AND CONTROL BOARD HAS OPERATED FOR A NUMBER
18 OF YEARS AND THE PROGRAM COLLECTS DATA ON HEALTH,
19 INCOME, EDUCATION AND PREPARES A REPORT EVERY YEAR

20 WE WERE AT 47 AND WE HAVE IMPROVED AND NOW WE ARE AT
21 42ND BUT WHAT I AM -- OFTEN TELL GROUPS WHEN I AM
22 SPEAKING IS WE ARE 42ND IN THIS NATION IN TERMS OF THE
23 WELL-BEING OF OUR CHILDREN, YET WE RAISED OUR STANDARDS TO
24 SOME OF THE HIGHEST IN THE COUNTRY

25 SO WE ARE PROUD THAT -- OF OUR HIGH EXPECTATIONS AND

1 Q AND 105 REVOCATIONS?

2 A THAT'S RIGHT

3 Q OKAY ON THE NEXT SLIDE WE HAVE PUT THAT IN A PIE
4 CHART IF WE COULD SEE THAT ONE, THAT'S 6612-Q GIVE A
5 FEELING FOR, I THINK IT'S 22 PERCENT THAT ARE BEING
6 DISCIPLINED THROUGH THE CERTIFICATION PROCESS

7 A THAT'S CORRECT

8 Q OKAY LET'S LOOK AT SLIDE 6612-S , THE OPERATIONAL
9 SUPPORT ONE OF THE CORE FUNCTIONS OF THE OPERATIONAL
10 SUPPORT AND TELL US WHAT THE -- WHAT THE DEPARTMENT IS
11 DOING IN THAT AREA?

12 A WELL, OTHER OPERATION WE HIGHLIGHT OUR STUDENT
13 TRANSPORTATION SYSTEM, THE FINANCIAL TRANSACTIONS, WE ALSO
14 NOT ONLY AT THE STATE DEPARTMENT AND THE DISTRICTS BUT WE
15 OVERSEE THE TRANSACTIONS FOR BOTH GOVERNOR'S SCHOOLS AND
16 FIRST STEPS THAT'S 70,000 TRANSACTIONS ANNUALLY

17 WE ADMINISTER THE FREE AND REDUCED LUNCH PROGRAMS,
18 73 MILLION LUNCHES AND 30 MILLION BREAKFASTS WE INSPECT
19 NEW FACILITIES OR RENOVATIONS OF THE FACILITIES IN THE
20 DISTRICTS WE HAVE THE -- WE AUDIT THE DISTRICTS'
21 COMPLIANCE TO FINANCIAL REQUIREMENTS

22 WE DO A GRANT WRITING WE HAVE A GRANT OFFICE THAT I
23 CREATED AT THE STATE DEPARTMENT WE HELP THE DISTRICTS
24 WITH SEMINARS WE TRAIN NEW AND EXPERIENCED SCHOOL
25 LEADERS UNDER OUR LEADERSHIP PROGRAM IN THE STAFF OF THE

1 STATE BOARD OF EDUCATION AND CARRY OUT THE POLICIES OF THE
2 BOARD

3 Q WITH THESE CORE FUNCTIONS GOING ON WITH YOUR -- THE
4 CORE FUNCTIONS, THE STRATEGIC AIMS AND THE MISSION, YOU
5 MENTIONED EARLY IN THE TESTIMONY YOUR -- YOUR -- SOME
6 LINKAGE OR SOME -- SOME -- I DON'T WANT TO -- LET ME BACK
7 UP AND ASK THIS DIFFERENTLY

8 YOU MENTIONED EARLIER THE NEED FOR SOUTH CAROLINA
9 CHILDREN TO COMPETE IN THE NATION AND THEN EVEN THE GLOBAL
10 ECONOMY HOW IS THAT RELATED TO THIS MISSION AND THE
11 STRATEGIC AIMS AND THE CORE FUNCTION AS A MATTER OF POLICY
12 IN SOUTH CAROLINA?

13 A WELL, WE HAVE A VISION AT THE STATE DEPARTMENT OF
14 EDUCATION THAT OUR STUDENTS WILL BE ABLE TO KNOW AND DO
15 MORE THAN EVER BEFORE WE SET OUR SIGHTS HIGH WE HAVE
16 RAISED THE BAR NOT JUST INCREMENTALLY AS OTHER STATES DID
17 IN TRYING TO RAISE THEIR STANDARDS, BUT ALL AT ONCE

18 OUR STANDARDS WERE MEDIOCRE AT ONE POINT, THEN WHEN
19 WE IMPLEMENTED THEM AFTER THE EDUCATION ACCOUNTABILITY
20 ACT, WE PUT THEM, YOU KNOW, WITHIN THE 11 HIGHEST IN THE
21 ENTIRE COUNTRY IN ONE STUDY, AND IN THE TOP TEN IN OTHER
22 STUDIES SO WE HAVE HAD NUMEROUS PRIVATE AND NON-PROFIT
23 ORGANIZATIONS LOOK AT OUR STANDARDS

24 WE BELIEVE THAT ALL CHILDREN CAN LEARN AND ALL
25 CHILDREN HAVE A SPECIAL GIFT WE JUST NEED TO PROVIDE THE

1 OPPORTUNITIES FOR CHILDREN TO REACH THEIR FULL POTENTIAL
2 BUT IN TERMS OF THE GLOBAL ECONOMY, WHEN I FIRST CAME
3 INTO OFFICE, I REGULARLY GAVE TALKS TO CIVIC CLUBS AND
4 EDUCATION GROUPS WHERE I USED THE WORD OUR CHILDREN MUST
5 COMPETE WITH GLOBAL ECONOMY

6 BUT IN THE LAST TWO YEARS IT'S JUST BECOME OBVIOUS,
7 IT'S NOT A MAGAZINE NEWSPAPER OR ANY PUBLICATION ON THE
8 ECONOMY THAT YOU PICK UP THAT DOES NOT BRING HOME THE FACT
9 THAT IT IS THE COMPETITION IN THE OTHER COUNTRIES, CHINA,
10 INDIA, JAPAN, THAT OUR CHILDREN ARE GOING TO HAVE TO BE
11 ABLE TO COMPETE WITH AND DO SO WELL

12 I KNOW THAT READ WHEN I A STATISTIC THAT IN INDIA
13 555 MILLION YOUNG PEOPLE ARE 25 YEARS AND YOUNGER AND ARE
14 GETTING -- HUNGRY FOR EDUCATION AND ARE READY TO COMPETE
15 IN A WORLD MARKET

16 OUR STUDENTS ARE GOING TO HAVE TO COME UP AGAINST
17 THAT JOBS THAT THEY COULD RELY ON WITHOUT BEING
18 OUTSOURCED, JOBS GOING AWAY, JOBS THAT WE DEVELOPED HAVE
19 TO BE DEVELOPED FOR PEOPLE WHO HAVE KNOWLEDGE, SPACE AND
20 MORE SKILLS THAN THEY WOULD EVER REQUIRED BEFORE

21 Q IN THAT CONTEXT, DOES -- DO THE RIGOR OF SOUTH
22 CAROLINA STANDARDS FOR BASIC, BELOW BASIC, PROFICIENT AND
23 ADVANCED MAKE SENSE?

24 A OH, NO QUESTION ABOUT IT AND THIS IS SUPPORTED NOT
25 JUST BY THE STATE DEPARTMENT OF EDUCATION BUT

1 THANK YOU

2 (WITNESS LEFT THE STAND)

3 (COURT IN RECESS)

4 THE COURT MR MORRISON?

5 MR MORRISON THANK YOU, YOUR HONOR

6 (WITNESS BACK ON STAND)

7 BY MR MORRISON

8 Q SUPERINTENDENT TENENBAUM, THE ONLY COUNSEL I GOT
9 DURING THE BREAK WAS THAT MAYBE YOU AND I HAD GONE A
10 LITTLE FAST AT TIMES

11 A I WILL SLOW DOWN

12 Q THE -- WE WERE TALKING ABOUT THE STANDARDS AND THE --
13 IN SOUTH CAROLINA THAT THE -- WE'VE COME UPON A
14 DIFFICULT ECONOMY IS IT -- FROM A POLICY STANDPOINT WHEN
15 YOU ARE IN LEAN ECONOMIC TIMES, IS IT APPROPRIATE TO
16 INCREASE, REDUCE, CHANGE THE STANDARDS BECAUSE OF THE
17 ECONOMIC TIMES?

18 MR STAPP OBJECTION, YOUR HONOR THAT WAS AN
19 OPINION I WILL JUST KEEP MAKING IT I MEAN, MR
20 MORRISON IS COUCHING THE QUESTIONS IN THE WAY SUGGESTED BY
21 THE COURT, BUT I DON'T WANT TO WAIVE MY OBJECTION

22 THE COURT ALL RIGHT I UNDERSTAND I WILL
23 ALLOW THE QUESTION THANK YOU NOTE THE OBJECTION

24 THE WITNESS MY PHILOSOPHY AND THAT OF THE
25 DEPARTMENT IS THAT WE NEED TO STAY THE COURSE REGARDLESS

1 OF THE REVENUES THAT THE STATE HAS ACCESS TO WE NEED TO
2 STAY THE COURSE WE HAVE OUR STANDARDS, WE HAVE PACT, WE
3 HAVE AN ACCOUNTABILITY SYSTEM

4 WE'RE REQUIRED UNDER NO CHILD LEFT BEHIND TO MAKE
5 ADEQUATE YEARLY PROGRESS SO THAT ALL OF OUR STUDENTS SCORE
6 PROFICIENT ON PACT BY THE YEAR 2014 SO WE ARE WELL ON
7 OUR WAY TO ACHIEVING THAT GOAL IF WE STAY THE COURSE AND
8 HAVE THE RESOURCES AVAILABLE TO DO SO

9 BY MR MORRISON

10 Q YOU MENTIONED EARLIER IN DISCUSSING WITH ME THE
11 NUMBER OF CHILDREN IN THE AGGREGATE THAT ARE -- THAT ARE
12 CHILDREN OF POVERTY OR FROM FAMILIES IN POVERTY AND THE
13 NUMBER OF CHILDREN IN OUR DISTRICTS THAT ARE IN POVERTY
14 YOU DISCUSSED THE NEEDS TO CREATE AN OPPORTUNITY

15 WHAT I WOULD LIKE TO ASK YOU IS, HOWEVER, IS -- IS IT
16 FROM A POLICY STANDPOINT FOR THE STATE OF SOUTH CAROLINA,
17 IS IT APPROPRIATE TO TAKE INTO CONSIDERATION THE HISTORY
18 OF THE FAMILIES WE ARE DEALING WITH THE INTERGENERATIONAL
19 POVERTY?

20 A IT IS APPROPRIATE TO LOOK AT THE UNIQUE NEEDS OF OUR
21 FAMILIES IN SOUTH CAROLINA AND TO LOOK AT THE UNIQUE NEEDS
22 OF CHILDREN COMING FROM FAMILIES THAT ARE LIVING IN
23 POVERTY THAT IS AN APPROPRIATE WAY TO PLAN AN
24 EDUCATIONAL SYSTEM AND PROGRAMS FOR CHILDREN COMING OUT OF
25 AN IMPOVERISHED BACKGROUND

1 EIGHT PLAINTIFF DISTRICTS?

2 A IT IS

3 MR STEPP SAME OBJECTION, YOUR HONOR

4 THE COURT YES, SIR

5 THE WITNESS THE -- THE ENTIRE STATE HAS TO

6 MOVE FORWARD FOR US TO MAKE OUR GOALS THE -- EVERY

7 SCHOOL, EVERY DISTRICT HAS A REPORT CARD AND THAT DISTRICT

8 REPORT CARD LABELS SCHOOLS EXCELLENT, GOOD, AVERAGE, BELOW

9 AVERAGE AND UNSATISFACTORY

10 SCHOOLS FIGHT VERY HARD TO GET OFF THE UNSATISFACTORY

11 AND BELOW AVERAGE LIST I SEE TEACHERS AND EDUCATORS

12 WORKING -- WORKING HARDER THAN EVER BEFORE UNDER THE GOALS

13 OF NO CHILD LEFT BEHIND, ALL CHILDREN -- ALL CHILDREN HAVE

14 TO SCORE PROFICIENT IN 12 YEARS

15 THE -- ALL STUDENTS UNDER THE ACT MUST GRADUATE FROM

16 HIGH SCHOOL SO IT'S -- YOU CANNOT JUST LEAVE ENTIRE

17 DISTRICTS BEHIND WE HAVE TO PROVIDE THE SERVICES AND THE

18 TECHNICAL ASSISTANCE AND BE HONEST ABOUT WHAT IT TAKES TO

19 EDUCATE CHILDREN WHO ARE COMING FROM HIGH DEGREES OF

20 POVERTY INTO SCHOOLS WITHOUT THE BENEFITS OF EARLY

21 CHILDHOOD EDUCATION THAT SO MANY OF OUR OTHER CHILDREN

22 HAVE

23 BY MR MORRISON

24 Q AND HOW DOES IT INFORM THE POLICY OF RESOURCE

25 ALLOCATION, IF AT ALL, TO SEE THE PLAINTIFF DISTRICTS

1 BEING LEFT BEHIND AS YOU PUT IT?

2 MR STEPP SAME OBJECTION

3 THE WITNESS THE RESOURCE ALLOCATIONS ARE
4 DETERMINED BY THE LEGISLATURE AND CONGRESS THROUGH VARIOUS
5 FORMULAS WE HAVE TRIED TO HELP THE -- WHEN WE RECEIVE
6 GRANTS LIKE THE FEDERAL READING GRANTS, WE TARGET THEM AND
7 I BELIEVE THE FEDERAL REQUIREMENTS WERE TO TARGET THEM TO
8 LOW PERFORMING SCHOOLS

9 BUT IT TAKES MORE IT TAKES A VERY HIGH QUALITY
10 EARLY CHILDHOOD EDUCATION PROGRAM IT TAKES HAVING
11 HIGH-QUALITY TEACHERS IN THE CLASSROOM, EXTENDED SCHOOL
12 DAYS WHERE STUDENTS CAN STAY FOR ENRICHMENT CLASSES,
13 EXTENDED SCHOOL YEARS WHERE STUDENTS WHO -- CAN HAVE
14 EDUCATION CLASSES ALL YEAR LONG

15 IN THE RURAL AREAS STUDENTS GO HOME FOR THE SUMMER
16 AND THEY HAVE NO BOOKS, NO ACTIVITIES, NO COMPUTER, NO
17 TEACHER MANY TIMES THE MOTHER OR FATHER WHO IS A SINGLE
18 PARENT IS HAVING TO GO OUT OF THE COUNTY TO WORK,
19 SOMETIMES HOLDS DOWN TWO JOBS SO WE LOSE A LOT OF WHAT
20 WE HAVE TAUGHT THE CHILDREN IN THE SUMMERTIME JUST BECAUSE
21 THERE IS NO INTERACTION

22 IT REQUIRES READING RECOVERY AND A READING INSTITUTE
23 THAT WE STARTED WHERE THE TEACHERS KNOW HOW TO WORK WITH
24 STUDENTS WHO ARE NOT READING AT GRADE LEVEL TO DECODE WHAT
25 THE ISSUES ARE

1 I HAVE PERSONALLY OBSERVED READING RECOVERY TEACHERS
2 WORK WITH CHILDREN WHO WERE NONREADERS BY THE TIME THEY
3 WERE IN THE SECOND GRADE AND THEY FIGURE OUT WHAT IT IS
4 ABOUT THAT CHILD THAT IS A BARRIER TO READING AND WITH
5 THEIR EXPERTISE HAVE THE CHILD READING

6 BUT IT'S -- IT'S NOT AS IF YOU CAN GET A CHILD TO THE
7 THIRD GRADE AT GRADE LEVEL AND SAY, WELL, WE HAVE
8 ACCOMPLISHED THIS, NOW THE CHILD CAN CONTINUE WE HAVE TO
9 STAY WITH CHILDREN FROM POVERTY BACKGROUND ALL THE WAY

10 YOU HAVE TO SUPPORT AND GIVE THE EXTRA ATTENTION TO
11 CHILDREN BECAUSE THE SCHOOL MANY TIMES IS THE ONLY PLACE
12 WHERE A CHILD IS GOING TO GET ANY ATTENTION THAT HE OR SHE
13 REQUIRES TO REACH THE ACHIEVEMENT GOALS

14 Q CAN SOUTH CAROLINA ACHIEVE ITS POLICY GOALS FOR THE
15 CHILDREN IN THE PLAINTIFFS' DISTRICTS IF THE RESOURCES YOU
16 JUST DESCRIBED ARE NOT PROVIDED?

17 A NO

18 MR STEPP SAME OBJECTION

19 THE WITNESS NO, THEY WILL NOT BE ABLE WE
20 WILL NOT BE ABLE TO AS A STATE

21 BY MR MORRISON

22 Q AND AGAIN, IF -- THE DATA THAT WE JUST SHOWED, THE
23 KIDS THAT WERE NOT BASIC OR ABOVE, IF THAT WAS 60 PERCENT
24 OR 50 PERCENT THAT WERE NOT BASIC OR ABOVE, WHAT DID THAT
25 TELL YOU AS A POLICY MAKER ABOUT THEIR LEVEL OF

1 PREPARATION TO MOVE FORWARD IN SCHOOL?

2 A THEY ARE NOT MINIMALLY PREPARED

3 Q THE -- IN TERMS -- WE HAVE BEEN LOOKING AT BASIC OR
4 ABOVE IN TERMS OF THE PROFICIENT OR ADVANCED AS WE MOVE
5 THROUGH THE GRADES, AS WE NOTICE BASIC AND ABOVE AS WE
6 MOVE FROM GRADE THREE TO GRADE EIGHT, THERE IS FEWER KIDS
7 THAT ARE BASIC OR ABOVE

8 STATEWIDE, WHAT DOES THE DATA SHOW ON THE PROFICIENT
9 OR ADVANCED? ARE THERE MORE CHILDREN PROFICIENT OR
10 ADVANCED IN THE UPPER GRADES OR LESS?

11 A LESS

12 Q OKAY AND IN TERMS OF PROFICIENT OR ADVANCED, WHY
13 ARE FEWER STUDENTS SCORING PROFICIENT OR ADVANCED IN THE
14 UPPER GRADES?

15 A WELL, MIDDLE SCHOOL IS A UNIQUE TIME IN A PERSON'S
16 LIFE AND WE HAVE HAD A MIDDLE SCHOOL TASK FORCE THAT
17 STARTED IN 1999 AND HAS LOOKED AT THIS ISSUE AND MADE
18 NUMEROUS RECOMMENDATIONS WE HAD TAKEN THE MONEY FOR THE
19 SOUTH CAROLINA READING INITIATIVE AND MOVED IT TO A MIDDLE
20 SCHOOL INITIATIVE SO THAT WE CAN TRAIN TEACHERS IN MIDDLE
21 SCHOOL HOW TO BEST TEACH READING TO THAT AGE GROUP, BUT A
22 STUDENT IN THE MIDDLE SCHOOL YEARS GOES THROUGH
23 PSYCHOLOGICAL, PHYSIOLOGICAL, EMOTIONAL, ACADEMIC CHANGES

24 AND THEY -- WE HAVE LEARNED FROM MIDDLE GRADES'
25 TEACHERS WHO WOULD NOT TEACH ANY OTHER CLASS BUT MIDDLE

1 Q SO THE GAP ACTUALLY NARROWS BUT THE SCORES GO THE
2 WRONG DIRECTION?

3 A THAT'S CORRECT

4 Q OKAY AND IF WE LOOK AT -- OH, THAT'S ENGLISH,
5 LANGUAGE ARTS IF WE LOOK AT THE SAME DATA FOR MATH,
6 6612-I , CAPITAL I , CAPITAL I , AND WE JUST LOOK AT THE
7 GAP DATA, FREE AND REDUCED LUNCH, 18 2 PERCENT VERSUS FREE
8 AND REDUCED LUNCH AND PAY LUNCH IN THE UNSATISFACTORY
9 SCHOOLS, APPROXIMATELY 17 7 PERCENT, JUST ABOUT A HALF A
10 POINT DIFFERENCE, RIGHT?

11 A THAT'S CORRECT

12 Q AND AGAIN THAT'S IN MATH AND IF YOU GO DOWN IN MATH
13 LOOK AT THE BOTTOM, ON PROFICIENT OR ADVANCED, YOU SEE THE
14 SAME KIND OF TREND WE SAW IN E L A , RIGHT?

15 A THAT'S CORRECT

16 Q A 30-PERCENT GAP BETWEEN CHILDREN FROM POVERTY, FREE
17 AND REDUCED AND PAY LUNCH KIDS, RIGHT?

18 A THAT IS CORRECT

19 Q IN THE EXCELLENT SCHOOL SETTING, THOSE THAT FIND
20 THEMSELVES IN AN EXCELLENT SCHOOL SETTING, RIGHT?

21 A THAT IS CORRECT

22 Q AND IF WE GO OVER TO THOSE THAT FIND THEMSELVES IN AN
23 UNSATISFACTORY SETTING THE GAP BETWEEN FREE AND REDUCED
24 LUNCH AND PAY LUNCH DROPS TO 5 7 PERCENT, RIGHT?

25 A THAT'S RIGHT

1 Q AGAIN, THE WRONG DIRECTION?

2 A SCORES ARE LOWER, YES

3 MR MORRISON YOUR HONOR, THIS WOULD BE A GREAT
4 BREAK POINT FOR ME

5 THE COURT OKAY VERY GOOD ALL RIGHT
6 FOLKS, WE WILL STOP FOR LUNCH AT THIS POINT AND WILL COME
7 BACK IN AN HOUR AND 15 MINUTES RESUME AT 2 30 THIS
8 AFTERNOON WE WILL BE IN RECESS FOR AN HOUR AND 15
9 MINUTES THANK YOU

10 (WITNESS OFF STAND)

11 (COURT IN RECESS FOR LUNCH)

12 THE COURT MRS TENENBAUM, YOU CAN RESUME THE
13 STAND, PLEASE, MA'AM

14 (WITNESS BACK ON STAND)

15 THE COURT MR MORRISON?

16 MR MORRISON THANK YOU, YOUR HONOR
17 BY MR MORRISON

18 Q SUPERINTENDENT TENENBAUM, RIGHT BEFORE THE BREAK WE
19 WERE GOING THROUGH THE STUDENT OUTPUTS WE WENT THROUGH
20 THE PACT TEST, THE HIGH SCHOOL EXIT EXAM, THE S A T 'S,
21 THE ACHIEVEMENT GAP SCORES AS WE HAD GONE THROUGH

22 OTHER THAN THE S A T THAT I THINK WE HAD TALKED
23 ABOUT BEFORE, DO ALL OF THOSE THINGS INFORM YOU AND YOUR
24 DEPARTMENT IN MAKING POLICY DECISIONS REGARDING THE
25 ALLOCATION OF RESOURCES TO THE DEGREE YOU CAN ALLOCATE

1 RESOURCES AT THE STATE DEPARTMENT?

2 A THEY DO

3 Q AND YOU SAID, I THINK, EARLIER IN RESPONSE TO A
4 QUESTION THAT WE NEEDED TO STAY THE COURSE ON ACHIEVEMENT
5 WITH THE RESOURCES AND WHAT DID YOU MEAN BY THAT?

6 A I MEAN, WE DON'T NEED TO LOWER OUR STANDARDS OR COME
7 UP WITH A NEW PLAN FOR ACADEMIC ACHIEVEMENT THE
8 EDUCATION ACCOUNTABILITY ACT IS A -- AN EXCELLENT PLAN
9 IT GIVES US OUR STANDARDS, ASSESSMENT, RECORDING
10 REQUIREMENTS IT IS A PLAN THAT WE NEED TO CONTINUE ON
11 COURSE FOR TEN, 20 YEARS

12 WE ARE LOOKING AT MODIFYING THE TECHNICAL ASSISTANCE
13 ASPECT, BUT THAT WILL NOT BE UNTIL, NOT THIS COMING FISCAL
14 YEAR WHICH STARTS IN JULY, THE FOLLOWING ONE BUT WE ALSO
15 NEED TO CONTINUE TO FUND RESOURCES FOR A NUMBER OF AREAS,
16 PRIMARILY EARLY CHILDHOOD EDUCATION, REMEDIAL PROGRAMS IN
17 READING AND MATH, CONTINUE TO FUND THE SOUTH CAROLINA
18 READING INITIATIVE, OUR MATH AND SCIENCE INITIATIVE, HELP
19 SCHOOL DISTRICTS FIND WAYS TO EXTEND THE SCHOOL DAY SO
20 THAT THEY HAVE ENRICHED HOMEWORK CENTERS FOR ALL CHILDREN
21 IN THE RURAL DISTRICTS, HELP THE SCHOOL DISTRICTS FIND
22 WAYS TO HAVE YEAR ROUND SCHOOLING, IMPLEMENT THE MIDDLE
23 SCHOOL INITIATIVE RECOMMENDATIONS THAT WERE MADE BY THE
24 MIDDLE SCHOOL TASK FORCE

25 WE HAVE A NUMBER OF INITIATIVES THAT WE'D ASKED

1 PARTICULARLY IN THE SOUTHEAST AND IN BORDERING STATES, BUT
2 WE ALSO HAVE TO COMPETE WITH OTHER PROFESSIONALS AND
3 PROFESSIONS

4 Q IN TERMS OF RESOURCES ASSOCIATED WITH ACADEMIC
5 ACHIEVEMENT, WHERE DO TEACHERS RANK IN THAT?

6 A WELL, TEACHERS ARE THE -- WITHOUT TEACHERS AND HIGH
7 QUALITY TEACHERS YOU CANNOT PRODUCE HIGH ACADEMIC
8 ACHIEVEMENT OTHER THAN THE PARENT A TEACHER IS THE
9 SINGLE MOST IMPORTANT PERSON IN THE CHILD'S LIFE REGARDING
10 ACADEMIC PROGRESS

11 Q IN TERMS OF -- OF LOOKING AT RESOURCES FOR TEACHERS,
12 PARTICULARLY IN THE POOR, RURAL DISTRICTS WHERE CHILDREN,
13 AT-RISK CHILDREN FROM POVERTY HAVE BEEN AGGREGATED, WHAT
14 IS THE CHALLENGE OF PROVIDING TEACHING RESOURCES?

15 A WELL, THE TURNOVER IS VERY HIGH AND MY EXPERIENCE
16 IN ALLENDALE WHEN WE TOOK OVER THE DISTRICT WAS THAT IT
17 WAS VERY DIFFICULT TO FIND TEACHERS AND WE HAVE HAD
18 TROUBLE, DIFFICULTY EVERY YEAR FINDING ENOUGH TEACHERS TO
19 FILL OUT THE FULL SLATE OF TEACHERS WE NEED FOR THE
20 DISTRICT

21 Q OKAY NOW, YOU MENTIONED WITH REGARD TO TEACHER
22 SALARIES, YOU MENTIONED THAT INCLUDED IN THE TEACHERS'
23 SALARIES CALCULATION ARE THE TEACHER SPECIALISTS AND THE
24 NATIONAL BOARD CERTIFIED, NATIONALLY BOARD CERTIFIED
25 PEOPLE ON A STATEWIDE BASIS, RIGHT?

1 A THAT'S RIGHT

2 Q OKAY AND THOSE ARE THOSE PEOPLE ARE PAID ABOVE
3 SOUTHEASTERN AVERAGES, RIGHT? .

4 A IF ONE BECOMES NATIONALLY BOARD CERTIFIED, ONE GETS
5 \$7,500 ANNUALLY FOR A PERIOD OF TEN YEARS AS A SALARY
6 SUPPLEMENT SOME OF THE SCHOOL DISTRICTS HAVE ALSO GIVEN
7 A SUPPLEMENT ABOVE \$7,500

8 FOR THE TEACHER SPECIALISTS IT'S ROUGHLY \$20,000
9 BONUS ADDED ONTO YOUR SALARY, THE SALARY YOU WERE MAKING
10 AT YOUR DISTRICT BEFORE YOU TRANSFERRED INTO THE LOWER
11 PERFORMING DISTRICT SO IT'S A \$20,000 INCREASE

12 Q AND BOTH OF THOSE ITEMS ARE INCLUDED IN THE AVERAGE
13 TEACHER SALARY?

14 A IT IS

15 Q OKAY

16 A THEY ARE

17 Q LET'S LOOK AT PLAINTIFFS' EXHIBIT 6612-M M. AND,
18 YOUR HONOR, AS I'M MOVING THERE, 6612-C C THROUGH
19 6612-J J WERE ALL TABLES OUT OF PLAINTIFFS' EXHIBIT 251

20 THE COURT ALL RIGHT THANK YOU

21 BY MR MORRISON

22 Q LOOKING AT 6612-M M , WE HAVE TEACHER SALARIES AND
23 THESE ARE TEACHER SALARIES THAT THE TOP FIVE OF THESE
24 LINES ARE LINES THAT'S YOU PUT TOGETHER, I THINK, SHOWING
25 THE GOVERNOR?

1 THREE-YEAR COHORT

2 WITH THE ASSISTANCE OF READING FIRST AND THE SOUTH
3 CAROLINA READS INITIATIVES TO FEDERAL GRANTS THAT WE
4 RECEIVE, WE HAVE BEEN ABLE TO REACH OUT BUT S C READS IS
5 NOW COMING TO AN END AND THE NEEDS ARE JUST SO GREAT IN
6 TERMS OF THE NUMBER OF TEACHERS WHO WOULD LIKE TO TAKE
7 ADVANTAGE OF THIS OPPORTUNITY

8 Q CHANGE THE SUBJECT FROM READING TO TIME ON TASK AND
9 SOMETHING THAT IS IN PART ABOUT READING, BUT IT'S ABOUT
10 OTHER ACADEMIC ACHIEVEMENT ALSO YOU MENTIONED ON SEVERAL
11 OCCASIONS THE NEED TO EXTEND THE SCHOOL YEAR TO PROVIDE
12 BEFORE AND AFTER-SCHOOL OPPORTUNITIES AND TO PROVIDE
13 SUMMER SCHOOL OPPORTUNITIES

14 WHY ARE THOSE PARTICULARLY IMPORTANT TO SCHOOL
15 DISTRICTS WHERE LARGE NUMBERS OF CHILDREN FROM POVERTY WHO
16 ARE AT? RISK HAVE BEEN AGGREGATED

17 A BECAUSE IT ENABLES THE TEACHER TO WORK ONE-ON-ONE IN
18 A TUTORIAL SETTING WITH STUDENTS IT ALLOWS US TO PROVIDE
19 ENRICHMENT ACTIVITIES FOR STUDENTS OUTSIDE THE CLASSROOM
20 IT JUST GIVES US MORE TIME WITH THE STUDENT TO HELP THE
21 STUDENTS MASTER THESE RIGOROUS STANDARDS

22 Q IN ALLENDALE, IF YOU WANTED TO FUND -- IF YOU WANTED
23 CURRENTLY TO FUND YEAR ROUND SCHOOL, SUMMERTIME SCHOOL AND
24 THE EXTENDED SCHOOL DAY THAT YOU ARE TALKING ABOUT, WHAT
25 WOULD IT COST APPROXIMATELY?

1 A THE INITIAL ESTIMATES WERE \$410,000 TO GO TO A FULL
2 YEAR, YEAR ROUND SCHOOL

3 Q UH-HUH JUST FOR THAT ONE DISTRICT?

4 A ONE DISTRICT

5 Q OKAY

6 A WITH 1,800 STUDENTS

7 Q AND WOULD THAT BE WORTH IT IN YOUR JUDGMENT?

8 A IT WOULD THE COMMUNITY HAS TO BUY INTO AND ACCEPT
9 SCHEDULE MYRTLE BEACH ONE YEAR TRIED TO GO TO YEAR-ROUND
10 SCHOOLING AND THE COMMUNITY REBELLED AGAINST IT IF THE
11 COMMUNITY DOES NOT SUPPORT IT IT'S VERY DIFFICULT TO
12 IMPLEMENT

13 BUT I BELIEVE IN ALLENDALE THE COMMUNITY WOULD
14 SUPPORT IT BECAUSE MANY OF THE PARENTS ARE WORKING DURING
15 THE SUMMER AND NOT AT HOME WITH THE STUDENTS, AND THEY
16 PROBABLY WOULD SUPPORT IT BUT THE TEACHERS HAVE TO SUPPORT
17 IT AS WELL

18 Q LET ME CHANGE THE SUBJECT FROM TIME ON TASK TO YOUR
19 ENGAGEMENT WITH THE -- WITH THE LEGISLATURE HOW OFTEN IN
20 YOUR EXPERIENCE DOES THE LEGISLATURE ESTABLISH SIGNIFICANT
21 NEW INITIATIVES FOR EDUCATION?

22 A PROBABLY ABOUT EVERY TEN YEARS

23 Q YOU MENTIONED EARLIER THE NEED TO STAY THE COURSE
24 WHAT IS YOUR -- WHAT HAS BEEN YOUR OBSERVATION LOOKING AT
25 WHERE WE ARE NOW VERSUS WHERE WE HAVE BEEN HISTORICALLY

1 ABOUT BIG NEW INITIATIVES EVERY TEN YEARS?

2 A WELL, WE SORT OF HAVE FITS AND STARTS IN SOUTH
3 CAROLINA WE COME UP WITH A BOLD NEW PLAN, A BOLD NEW
4 INITIATIVE AS WE DID UNDER THE E F A AND THAT LASTS FOR
5 ABOUT TEN YEARS AND THEN WE HAD THE E I A AND THEN WE
6 HAD THE E A A IN BETWEEN WE HAD ACT 135

7 WHAT I HAVE SEEN LOOKING BACK OVER THE LAST 30 TO 40
8 YEARS IS THE FAILURE TO GET ONE PLAN AND STAY WITH IT
9 AND ALSO THE THING I FIND TROUBLING ABOUT THE WAY WE SHAPE
10 EDUCATIONAL POLICY IS WE DON'T DO IT IN TERMS OF LOOKING
11 THROUGH EDUCATION THROUGH THE EYES OF THE CHILD WHO
12 RECEIVES IT

13 IF YOU ARE A POOR CHILD IN A COUNTY AND YOU DON'T
14 HAVE BOOKS IN YOUR HOMES, IN YOUR HOME, OR HAVE PARENTS
15 WHO ARE THERE WITH YOU A LARGE, MOST OF THE DAY, YOU DON'T
16 HAVE CONTENT-RICH MATERIALS, EARLY CHILDHOOD DEVELOPMENT
17 TOYS, BOOKS, YOU ARE IN A SEVERE DISADVANTAGE

18 YOU CAN'T MAKE UP THESE DEFICITS JUST BY REMEDIAL
19 EDUCATION ALONE A CHILD WHO COMES INTO, SAY, THE
20 ALLENDALE COUNTY SCHOOLS NEEDS THAT -- THAT EXTRA TIME
21 DURING THE DAY, NEEDS THAT REALLY RICH AFTER-SCHOOL
22 PROGRAM, WOULD NEED A FULL YEAR ROUND SCHOOL, AND WOULD
23 HAVE TO HAVE ENRICHED REMEDIAL PROGRAM SUCH AS READING
24 RECOVERY, TEACHERS WHO UNDERSTOOD THE UNIQUE NEEDS OF
25 AT-RISK CHILDREN, WHO HAD BEEN THROUGH THE SOUTH CAROLINA

1 READING INITIATIVE AS WELL AS HAVE VERY STRONG INSTRUCTORS
2 IN MATH AND SCIENCE AND SOCIAL STUDIES

3 THE OTHER THING IS WE HAVE TO HAVE -- TRY TO HAVE
4 TECHNOLOGY AVAILABLE IN THE SCHOOLS MANY OF THESE
5 CHILDREN DO NOT HAVE ANY COMPUTERS AT HOME AND, AND
6 WON'T EVER FOR THE MOST PART UNLESS COMPUTERS ARE MUCH
7 LESS EXPENSIVE

8 BUT THE CHILD NEEDS TO HAVE EXPOSURE TO COMPUTER
9 PROGRAMS THAT CAN SERVE AS REMEDIAL TUTORIAL PROGRAMS

10 Q IN LOOKING AT THE INITIATIVES AND LOOKING AT THE
11 CURRENT SITUATION THAT YOU FACE AT THE STATE DEPARTMENT OF
12 EDUCATION, GOING BACK TO -- TO YOUR -- THE STATE
13 DEPARTMENT AND THE LEGISLATURE, HAS THE LEGISLATURE GIVEN
14 THE DEPARTMENT THE NECESSARY RESOURCES AND STAFF POSITIONS
15 TO IMPLEMENT AND MONITOR THE NEW INITIATIVES THAT HAVE
16 BEEN IMPLEMENTED OVER THE LAST TEN YEARS?

17 A NO WE HAVE HAD A REDUCTION IN STAFF OVER THE LAST
18 TEN YEARS

19 Q IN ADDITION TO THE STAFF REDUCTION AT THE STATE
20 DEPARTMENT LEVEL, I WOULD ASK YOU, HAVE THE DISTRICTS HAD
21 TO UNDERTAKE STAFF REDUCTIONS?

22 A THOSE THAT DID NOT HAVE A BALANCE FUND OR AN ABILITY
23 TO RAISE REVENUE FROM LOCAL SOURCES HAVE HAD TO REDUCE
24 STAFF

25 Q HAVE TEACHERS BEEN LAID OFF IN SOUTH CAROLINA?

1 A THEY HAVE

2 Q HAVE WE HAD TO STOP OUR PROGRAM OF REDUCING CLASS
3 SIZE?

4 A WE HAVE

5 Q IN TERMS OF -- OF THE SOUTH CAROLINA DEPARTMENT OF
6 EDUCATION AND THE SCHOOL DISTRICTS, HAS THE LEGISLATURE
7 PROVIDED THE NECESSARY RESOURCES AND PEOPLE TO IMPLEMENT
8 AND MONITOR THE PROGRAMS FROM THE 90'S?

9 A IN TERMS OF THE STATE DEPARTMENT WE HAVE KEPT 100
10 PERSON VACANCY AND WITH THE BUDGET AS -- IF IT PASSES THE
11 SENATE AS IT CAME OUT OF SENATE FINANCE WE WILL HAVE TO
12 CUT OUR PERSONNEL SERVICES BY 1 3 MILLION WHICH WOULD
13 PROBABLY BE 30 OR 40 STAFF PEOPLE

14 Q HAS FUNDING INCREASED PROPORTIONATELY TO THE PROGRAM
15 REQUIREMENTS?

16 A NO WHEN THE EDUCATION IMPROVEMENT ACT WAS PASSED IN
17 THE 80'S THE STATE DEPARTMENT OF EDUCATION, I AM ADVISED,
18 RECEIVED ABOUT 75 FULL-TIME EQUIVALENT POSITIONS WHEN
19 THE EDUCATION ACCOUNTABILITY ACT WAS PASSED WE RECEIVED NO
20 NEW POSITIONS AND WHEN I CAME INTO OFFICE I HAD TO ASK FOR
21 THESE POSITIONS

22 WE WERE GIVEN POSITIONS WHEN I -- FIRST TWO YEARS
23 THAT I WAS IN OFFICE, BUT THEN WE STARTED TO CUT THE
24 BUDGET AND NOW WE HAVE OVER 100 PERSON VACANCY

25 Q LET'S LOOK AT SOME FINANCIAL INFORMATION TOGETHER

1 BY MR MORRISON

2 Q SUPERINTENDENT TENENBAUM, IS EACH CHILD IN THE
3 PLAINTIFF DISTRICT RECEIVING THE OPPORTUNITY TO ACQUIRE A
4 MINIMALLY ADEQUATE EDUCATION?

5 MR STEPP SAME OBJECTION UNLESS WE ARE STILL
6 ON PROFFER

7 THE COURT AND THE SAME RULING THE PROFFER
8 CAN GO AHEAD

9 THE WITNESS NO ALL CHILDREN IN THE PLAINTIFF
10 DISTRICTS ARE NOT RECEIVING AN OPPORTUNITY FOR A MINIMALLY
11 ADEQUATE EDUCATION

12 MR MORRISON ONE MOMENT PLEASE, YOUR HONOR

13 THE COURT YES, SIR (MR MORRISON CONFERRING
14 WITH COUNSEL)

15 MR MORRISON THANK YOU, YOUR HONOR

16 THE COURT YES, SIR

17 BY MR MORRISON

18 Q YOU HAD REFERRED A COUPLE OF TIMES TO DEVELOPMENTAL
19 DELAY, CHILDREN COMING INTO SCHOOL WITH DEVELOPMENTAL
20 DELAY AND NEEDING MORE TIME, MORE ENRICHED REMEDIAL
21 PROGRAMS AND SO FORTH

22 AND THE QUESTION THAT I HAVE FOR YOU IS, WILL THOSE
23 EXTRA RESOURCES THAT YOU OUTLINED PROVIDED TO THE CHILDREN
24 THAT YOU HAVE CATEGORIZED AS DEVELOPMENTALLY DELAYED, WILL
25 THOSE, IF THEY ARE APPLIED AND USED FOR THE CHILDREN OF

1 ALLENDALE WHICH IS ONE PLACE YOU SAID THAT, WORK TO
2 RECLAIM THOSE CHILDREN'S DEVELOPMENT AND MAKE UP FOR THE
3 DISADVANTAGES THEY INITIALLY BROUGHT TO SCHOOL?

4 A THE RESEARCH DEMONSTRATES THAT IT IS POSSIBLE, THAT
5 CHILDREN IN HIGH POVERTY AREAS GIVEN THE OPPORTUNITY TO
6 HAVE HIGH QUALITY EARLY CHILDHOOD EDUCATION CAN OVERCOME
7 THE DISADVANTAGES OF POVERTY THERE IS A STUDY CALLED THE
8 PERRY HIGH SCOPE

9 THAT'S IS A LONGITUDINAL STUDY, I BELIEVE OVER 30
10 YEARS OLD, WHERE STUDENTS WERE INVOLVED IN A VERY HIGH
11 QUALITY PROGRAM CALLED PERRY HIGH SCOPES, AND THE
12 RESEARCHERS HAVE TRACKED THESE YOUNG PEOPLE INTO ADULTHOOD
13 AND FOUND THAT STUDENTS WHO HAD ACCESS TO EARLY CHILDHOOD
14 EDUCATION IN THE CONTROL GROUP FINISHED HIGH SCHOOL AT A
15 GREATER RATE THAN THOSE WHO DID NOT, WERE ABLE TO GO INTO
16 HIGHER EDUCATION, WERE -- AS OPPOSED TO THOSE WHO WERE NOT
17 EXPOSED TO THE EARLY CHILD -- EARLY CHILDHOOD, HAD JOBS,
18 WERE INCARCERATED LESS, HAD LESS -- FEWER DIVORCES

19 IT'S A VERY STRONG STUDY THAT HAS BEEN USED AS A
20 NATIONAL MODEL BY CONGRESS, BY PRESIDENTS BY GOVERNORS, AS
21 JUSTIFICATION FOR STATES INVESTING IN EARLY CHILDHOOD
22 EDUCATION

23 Q OKAY IN ADDITION TO THE EARLY CHILDHOOD PROGRAMS
24 THAT YOU HAVE JUST OUTLINED, IF A CHILD DOES COME TO
25 SCHOOL K-5 WHEN THEY HAVE TO COME TO SCHOOL, WITH

1 DEFICITS, AND THEY ARE PROVIDED WITH REMEDIAL RESOURCES
2 SUCH AS ADDITIONAL TIME, HIGH QUALITY TEACHERS AND THE
3 OTHER RESOURCES YOU OUTLINED, CAN THEY ALSO ACHIEVE?

4 A WOULD YOU ASK ME THAT AGAIN?

5 Q I'M JUST SAYING IF THEY DIDN'T GET EARLY CHILDHOOD
6 INTERVENTION, THAT IS, BEFORE K-5 BUT THEY COME TO SCHOOL
7 AT K-5 AND THEY RECEIVE THE RESOURCES THAT YOU HAVE
8 OUTLINED, THAT IS QUALITY TEACHERS, ADDITIONAL TIME ON
9 TASK, AND SO FORTH, CAN THEY ALSO ACHIEVE?

10 A THEY CAN ACHIEVE BUT NOT AS A HIGHER -- AS HIGH A
11 RATE AS THOSE WHO GET EARLY CHILDHOOD EDUCATION AND ALSO
12 MANY CHILDREN HAVE BEEN AT HOME WITH PARENTS WHO WORK WITH
13 THEM VERY CLOSELY

14 AND DON'T WANT THEIR CHILDREN IN AN OUTSIDE EARLY
15 CHILDHOOD EDUCATION PROGRAM KINDERGARTEN IS MANDATORY
16 BUT PARENTS CAN, FOR FIVE YEAR OLDS BUT PARENTS CAN
17 REQUEST A WAIVER

18 SO MANY PARENTS ARE VERY ENGAGED WITH THEIR YOUNG
19 CHILDREN AND WANT TO WORK WITH THEM AND GIVE THEM A VERY
20 RICH BACKGROUND BEFORE THEY COME TO SCHOOL AND THESE
21 CHILDREN ARE VERY WELL, VERY WELL QUALIFIED OR NOT
22 QUALIFIED, THEY ARE READY FOR SCHOOL

23 BUT IT DEPENDS ON THE LEVEL OF COMMITMENT AND QUALITY
24 TIME AND RESOURCES THAT THE -- THAT THE FAMILY IS DEVOTING
25 TO THAT CHILD

1 Q OKAY OUTSIDE OF THE FAMILY INTERVENTION, LET'S SAY
2 THE FAMILY IS NOT ABLE TO DO THAT, IF A CHILD DOES NOT
3 HAVE EARLY CHILDHOOD OPPORTUNITIES BUT COMES TO SCHOOL,
4 K-5 KINDERGARTEN, AND GOES ON THROUGH 12 GRADES WITH THE
5 RESOURCES THAT WE HAVE BEEN TALKING ABOUT, ADDITIONAL TIME
6 ON TASK, HIGH QUALITY TEACHERS AND SO FORTH, CAN THOSE
7 CHILDREN ACHIEVE THE BASIC AND ABOVE LEVEL OF EDUCATION?

8 A THEY COULD IF -- IF THE PROGRAMS WERE AVAILABLE, HIGH
9 QUALITY PROGRAMS WERE AVAILABLE TO -- TO CATCH THE CHILD
10 UP TO GRADE LEVEL WHERE HIS OR HER PEERS ARE

11 Q THANK YOU

12 MR MORRISON I THINK I HAVE ONE OTHER ITEM,
13 YOUR HONOR, THAT YOUR HONOR, I'M INFORMED THE DATA
14 THAT I WAS USING FOR TEACHER SPECIALISTS, THE 78 AND 73
15 NUMBERS

16 THE COURT YES, SIR

17 MR MORRISON CAME FROM PLAINTIFFS' EXHIBIT
18 204-A , WHICH HAS NOT BEEN INTRODUCED INTO THE RECORD I
19 WOULD OFFER THAT AT THIS POINT IT'S CALLED TEACHER
20 SPECIALISTS ON-SITE, SECOND YEAR FORMATIVE REVIEW, '02,
21 '03 REPORT TO THE SOUTH CAROLINA EDUCATION OVERSIGHT
22 COMMITTEE

23 THE COURT ALL RIGHT THIS ONE -- THIS YEAR IS
24 NOT IN EVIDENCE YET?

25 MR MORRISON IT WAS IDENTIFIED EARLIER IT'S

1 PLAINTIFFS 204-A AND IT'S -- THE OTHER SIDE INFORMS ME
2 IT'S ALREADY IN I DON'T MEAN TO BE PUTTING IT IN TWICE
3 BUT I THOUGHT IT WAS IN AND I WAS INFORMED JUST A MINUTE
4 AGO THAT IT WASN'T

5 THE COURT I HAVE SEEN, I'M NOT SURE WHETHER
6 THE DAY IS RIGHT MRS GRAY USED SOMETHING LIKE THIS IN
7 EXAMINATION OF ONE OF THE WITNESSES

8 MRS GRAY I THINK IT CAME IN WITH DR SUBER,
9 BUT

10 MR STEPP THERE ARE TWO OF THEM THERE'S A
11 FIRST YEAR FORMATIVE REVIEW AND A SECOND YEAR

12 THE COURT ONCE WILL BE ENOUGH AND IF IT'S
13 ALREADY IN EVIDENCE --

14 MR MORRISON THANK YOU, YOUR HONOR

15 THE COURT -- WE WILL WITHDRAW IT BUT WE WILL
16 MAKE SURE IT'S THERE ONCE

17 MR MORRISON THANK YOU, YOUR HONOR I
18 APPRECIATE IT

19 THE COURT THANK YOU MR STEPP

20 MR MORRISON THOSE ARE ALL THE QUESTIONS I
21 HAVE

22 THE COURT THANK YOU, MR MORRISON I DIDN'T
23 MEAN TO INTERRUPT MR STEPP, WHY DON'T WE TAKE A BREAK
24 BEFORE YOU START CROSS-EXAMINATION?

25 MR STEPP THANK YOU, YOUR HONOR THAT WILL BE

1 TO YOU A FEW MINUTES ABOUT THOSE

2 THE CURRICULUM STANDARDS AS THEY CURRENTLY EXIST WERE
3 DEVELOPED IN 1998 OR '99, IS THAT RIGHT?

4 A 99

5 Q OKAY AND WE HAVE HAD SOME OTHER DISCUSSION ABOUT
6 THEM THEY'RE SUBJECT SPECIFIC AND GRADE SPECIFIC,
7 CORRECT?

8 A THAT'S CORRECT

9 Q ALL RIGHT AND REFRESH MY RECOLLECTION ABOUT HOW
10 THOSE STANDARDS WERE DEVELOPED HOW DID SOUTH CAROLINA GO
11 FROM THE EDUCATION ACCOUNTABILITY ACT IN -- ADOPTED IN
12 JUNE, I THINK, OF 1998 TO CURRICULUM CONTENT STANDARDS
13 SOMETIME IN 1999? HOW DID THAT HAPPEN?

14 A WELL, PRIOR TO MY COMING IN THE OFFICE IN 1999, WE
15 HAD CURRICULUM FRAMEWORKS THAT WERE DEVELOPED BY THE STATE
16 DEPARTMENT OF EDUCATION AND THEN THE LEGISLATURE PASSED
17 THE ACCOUNTABILITY ACT IN 1998 ALONG -- AND HAD A
18 COMMISSION CALLED THE PASS COMMISSION WHICH WORKED ON
19 THIS

20 THE PASS COMMISSION TOOK THE STANDARDS ONLY FROM THE
21 STATE OF VIRGINIA AND PROPOSED THEM TO THE STATE
22 DEPARTMENT OF EDUCATION AND THE STATE DEPARTMENT PRIOR TO
23 MY COMING IN OFFICE IN 1999 BLENDED STANDARDS AND
24 FRAMEWORKS SO THAT WHEN I CAME INTO OFFICE, ONE OF THE
25 FIRST COMPLAINTS I HEARD WAS THAT THE STANDARDS WERE TOO

1 BROAD THEY WERE, PEOPLE SAID THEY WERE MILE LONG AND AN
2 INCH DEEP

3 SO WE STARTED WITH THE TO GO THROUGH THE CYCLICAL
4 REVIEW WHICH IS REQUIRED OF OUR STANDARDS AND WE HAVE
5 NATIONAL EXPERTS WORKING WITH US ON THIS THIS IS IN DR
6 SANDRA LINDSAY'S DIVISION

7 SO WE WENT THROUGH A CYCLICAL REVIEW ON THE STANDARDS
8 AND REALLY STREAMLINED THEM SO THAT WE TOOK OUT THE
9 FRAMEWORKS AND MADE THEM ALL ABOUT STANDARDS AND THEY
10 HAVE BEEN THROUGH SEVERAL REVIEWS AND HAVE -- WE RECEIVED
11 AN A BY EDUCATION WEEK AS ONE OF THE SEVEN STATES IN THE
12 NATION WHO HAS THE BEST STANDARDS

13 Q RIGHT AND AS YOU SAY, I MEAN, THERE ARE CYCLICAL
14 REVIEWS AND IN FACT SOME OF THE STANDARDS FROM 1999 HAVE
15 ALREADY BEEN REVISED AS A RESULT?

16 A THAT IS CORRECT

17 Q OKAY

18 A AND THE GOES THROUGH THE PROCESS AFTER WE -- WE GO
19 THROUGH OUR PROCESS

20 Q OKAY I DON'T THINK I NEED TO PUT THIS ON THE SCREEN
21 BUT PART OF THE POWERPOINT WAS PLAINTIFFS' EXHIBIT 6612-V
22 AS IN VICTOR AND THAT BULLET POINT HERE SAYS, SOUTH
23 CAROLINA PACT STANDARDS ARE CALIBRATED TO N A E P AND
24 THEN IT SAYS, SOUTH CAROLINA PACT AND N A E P STANDARDS
25 ARE CALIBRATED TO THE, QUOTE, REAL WORLD OF PERFORMANCE

1 AND COMPETITIVENESS TELL ME WHAT THAT MEANS, PLEASE

2 A THAT MEANS THAT OUR STANDARDS ARE COMMENSURATE TO
3 WHAT A STUDENT SHOULD BE ABLE TO KNOW AND DO IN A HIGHER
4 EDUCATION SETTING AS WELL AS IN THE MODERN DAY WORK WORLD
5 IN TERMS OF ENGLISH, MATH, SCIENCE, SOCIAL STUDIES, WHAT
6 YOUNG PEOPLE ARE REQUIRED TO KNOW OR SHOULD KNOW TO BE AN
7 EDUCATED, CONTRIBUTING MEMBER OF OUR SOCIETY AS WELL AS
8 THE GLOBAL ECONOMY

9 Q TO BE A PARTICIPANT IN THAT GLOBAL ECONOMY?

10 A THAT'S CORRECT

11 Q IS THAT CORRECT? ALL RIGHT NOW, ARE WE TALKING
12 THERE -- WHEN YOU SAY STANDARDS IN THAT CONTEXT, ARE YOU
13 TALKING ABOUT THE CURRICULUM STANDARDS OR ARE YOU TALKING
14 ABOUT THE -- THE GRADING STANDARDS FOR OUR PACT TESTS?

15 A THE CURRICULUM STANDARDS AND THE RIGOR OF THE PACT

16 Q OKAY SO WE HAVE GOT THESE STANDARDS THAT ARE
17 CALIBRATED TO THESE REAL WORLD COMPETENCIES AND THEN WE
18 HAVE GOT A PACT TEST THAT FAIRLY MEASURES THOSE, IS THAT
19 RIGHT?

20 A IT MEASURES THE KNOWLEDGE ON OUR PARTICULAR SUBJECTS

21 Q OKAY AND THEN WE HAVE GOT PACT SCORE GRADES, THE
22 ADVANCED, PROFICIENT, BASIC AND BELOW BASIC, THAT ARE
23 CALIBRATED TO N A E P NATIONAL STANDARDS OR AT LEAST WE
24 COMPARE VERY FAVORABLY WITH N A E P NATIONAL STANDARDS?

25 A OUR DEFINITION OF PROFICIENT IS PEGGED TO N A E P 'S

1 THE COURT THANK YOU, MR MORRISON THE COURT
2 DEALT MOST COMPLETELY I THINK WITH THIS ISSUE DURING THE
3 TESTIMONY OF DR JO ANNE ANDERSON ON FEBRUARY THE 13TH OF
4 THIS YEAR BEGINNING ON THE TRANSCRIPT ON PAGE 198 AT LINE
5 12 AND GOING THROUGH PAGE 201 AT LINE NINE, AND DISCUSSED
6 IN SOME DETAIL THE CONCERNS THAT I HAD IN CONSIDERING RACE
7 AS A SEPARATE ISSUE IN THE -- IN THE TRIAL OF THIS CASE

8 I NEED NOT REPEAT EVERYTHING THAT I SAID THE RECORD
9 IS THERE AND YOU ALL HAVE THE TRANSCRIPT THAT YOU CAN
10 REFER TO AND I CONTINUE TO HAVE THAT SAME CONCERN AND
11 I -- AND SO I ADOPT THE -- READOPT THE RULING OR RESTATE
12 THE RULING THAT I MADE AT THAT TIME WHICH I THINK WAS
13 PRETTY CLEAR AT THE TIME

14 BECAUSE OF ADDITIONAL EVIDENCE WHICH HAS COME IN
15 SINCE THAT TIME AND PERHAPS BECAUSE I WAS NOT CLEAR ENOUGH
16 ON THOSE -- ON THOSE RULINGS AND THE PURPOSE FOR WHICH
17 THAT EVIDENCE WAS OFFERED, I MAY HAVE CLOUDED THIS ISSUE
18 UNINTENTIONALLY BUT I -- I REFER YOU ALL BACK TO THOSE
19 PORTIONS OF THE TRANSCRIPT THAT DEAL WITH MY COLLOQUY AT
20 THAT TIME, AND I DON'T NEED TO RESTATE MY CONCERNS

21 HOWEVER, BASED ON THE BRIEFS THAT HAVE BEEN SUBMITTED
22 AND THE EVIDENCE THAT HAS BEEN INTRODUCED, EVEN WHEN I
23 TAKE THE TESTIMONY OF DR LADSON-BILLINGS AND DR HAWKINS
24 WHICH -- SOME OF WHICH WAS CITED IN THE -- IN THE
25 DEFENDANTS' RESPONSE, I CLEARLY RECOGNIZE THE REALITY OF

1 THE DEMOGRAPHICS OF WHAT WE ARE FACED WITH AND THE FACT
2 THAT THE PLAINTIFFS' DISTRICTS ARE PREDOMINANTLY
3 AFRICAN-AMERICAN, AT LEAST INsofar AS SCHOOL POPULATION IS
4 CONCERNED AND I'M AWARE OF THAT

5 HOWEVER, BECAUSE OF THE NATURE OF THE PLEADINGS AND
6 BECAUSE OF THE REASONS THAT I HAVE PREVIOUSLY STATED
7 REGARDING CONSTITUTIONAL ISSUES AND BECAUSE RACE WAS
8 INJECTED AT -- IN MY VIEW TOO LATE A TIME TO ALLOW THE
9 DEFENDANTS AN OPPORTUNITY TO PROPERLY RESPOND, NOT
10 WITHSTANDING WHAT MAY HAVE BEEN OR MAY NOT HAVE BEEN
11 NOTICE TO THEM, DEPENDING UPON YOUR VIEW OF THE
12 DISCLOSURES OF THE VERY EXPERT WITNESSES, I THINK IT COMES
13 TOO LATE

14 BUT SECONDLY, EVEN AT THAT, I DON'T FEEL THAT THE
15 PLAINTIFFS ARE PREJUDICED BY MY EXCLUSION OF RACE AS A
16 SEPARATE FACTOR IN THIS PARTICULAR CASE IT WOULD BE
17 DIFFICULT FOR ME TO IMAGINE A THEORY UNDER WHICH THE
18 AFRICAN-AMERICAN PLAINTIFFS IN THIS CASE WOULD PREVAIL
19 SIMPLY BECAUSE OF THEIR RACE ALONE AND MR MORRISON HAS
20 INDICATED THAT'S REALLY NOT WHAT YOU'RE ASKING FOR IN THE
21 FIRST PLACE

22 MOST OF THE EVIDENCE, INCLUDING THE PROFFERS THAT
23 HAVE COME IN, RELATES TO POVERTY AND OTHER FACTORS IT IS
24 AN UNFORTUNATE REALITY THAT THOSE ISSUES OF POVERTY, OF
25 SINGLE PARENT HOMES, OF PRINT-DEFICIENT ENVIRONMENTS, OF

1 WORKING PARENTS WHO HAVE LITTLE TIME TO SPEND WITH THEIR
2 CHILDREN, THAT MOST OF THOSE CHARACTERISTICS IMPACT
3 AFRICAN-AMERICANS, AND THOSE ARE VALID CHARACTERISTICS IN
4 MY VIEW FOR THIS COURT TO DETERMINE

5 AND SO I CAN DETERMINE THOSE CHARACTERISTICS, IF I
6 CHOOSE TO DO SO, AND IF THE PLAINTIFFS WERE TO PREVAIL ON
7 THE BASIS OF THOSE CHARACTERISTICS, THE CORRELATION OF
8 POVERTY AND RACE TO THE PLAINTIFFS' DISTRICTS, IS AS WE
9 HAVE STATED BEFORE, COLINEAR

10 THAT IS TO SAY THAT ANY RELIEF THAT THIS COURT SHOULD
11 CHOOSE TO GRANT TO THE PLAINTIFFS' DISTRICTS BECAUSE OF
12 POVERTY AND BECAUSE OF THOSE OTHER FACTORS WOULD ENURE TO
13 THE BENEFIT OF THE AFRICAN-AMERICANS SIMPLY BECAUSE OF THE
14 CORRELATION BETWEEN THOSE FACTORS AND THEIR RACE

15 NOW, WHAT THE OMISSION OF RACE AS A SEPARATE ISSUE IN
16 THIS CASE DOES NOT PROVIDE TO THE PLAINTIFFS, IF THEY ARE
17 SUCCESSFUL, IS A DIRECTION BY THIS COURT OF A SEPARATE
18 REMEDY TO AFRICAN-AMERICAN STUDENTS SIMPLY BECAUSE OF
19 THEIR RACE THAN THAT WOULD -- IT WOULD BE PROVIDED TO
20 STUDENTS OF POVERTY GENERALLY

21 NOW, THERE'S A QUESTION AS TO WHETHER OR NOT THIS
22 COURT IS ALLOWED TO FASHION A SEPARATE REMEDY OR ANY
23 REMEDY AT ALL GIVEN THE ABBEVILLE DECISION BUT EVEN IF I
24 WERE ALLOWED TO DO SO, HOW I COULD FASHION A SEPARATE
25 REMEDY FOR AFRICAN-AMERICAN STUDENTS DIRECTING SOME

1 SEPARATE LINE OF -- OF INSTRUCTIONAL PROCEDURE AND
2 METHODOLOGY FOR THOSE THAT WOULD NOT BE GIVEN TO OTHER
3 STUDENTS WITHOUT RESEGREGATING THE CLASSES AND RUNNING
4 AFOUL OF OTHER CONSTITUTIONAL PROHIBITIONS WOULD BE A
5 DAUNTING TASK

6 AND FOR THAT REASON, BECAUSE I FEEL FIRST OF ALL THAT
7 THE ISSUE WAS PLED TOO LATE, BECAUSE I FEEL SECONDLY THAT
8 THE -- THAT THE OMISSION OF RACE AS A SEPARATE
9 CHARACTERISTIC DOES NOT PREJUDICE THE PLAINTIFFS'
10 DISTRICTS AND BECAUSE OF THE OTHER CONCERNS THAT I HAVE
11 RAISED AND THAT I RECITED IN MY EARLIER RULINGS, I SIMPLY
12 RESTATE THOSE AND HOPE THAT CLARIFICATION CLARIFIES THE
13 ISSUES

14 I WILL CONTINUE TO ACCEPT ISSUES OF RACE WHERE THEY
15 ARE OFFERED FOR A PROFFER AS I INDICATED DURING DR
16 ANDERSON'S TESTIMONY AND UNDER THE SAME GROUND RULES THAT
17 I LAID OUT AT THAT TIME

18 THANK YOU, GENTLEMEN AND LADIES ALL RIGHT, FOLKS
19 I WILL -- UNLESS CLARIFICATION OF THE CLARIFICATION IS
20 NEEDED, I WILL -- I WILL SEE YOU ALL SOMETIME DURING THE
21 WEEK OF THE 24TH

22 MR STEPP THANK YOU, YOUR HONOR

23 MR MORRISON THANK YOU

24 (WHEREUPON COURT WAS IN RECESS)
25

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)

COUNTY OF LEE)

I, KATHLEEN RICHARDSON, OFFICIAL COURT REPORTER FOR
THE THIRD JUDICIAL CIRCUIT OF THE STATE OF SOUTH CAROLINA,
DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE, ACCURATE
AND COMPLETE TRANSCRIPT OF RECORD OF THE PROCEEDINGS HAD
AND EVIDENCE INTRODUCED IN THE TRIAL OF THE CAPTIONED
CASE, RELATIVE TO APPEAL, IN THE COMMON PLEAS FOR LEE
COUNTY, SOUTH CAROLINA, ON THE FIFTH DAY OF MAY, 2004

I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN,
COUNSEL NOR INTEREST TO ANY PARTY HERETO

JUNE 21, 2004

KATHLEEN RICHARDSON, COURT REPORTER

1 CHILD HAS, WHETHER EACH CHILD HAS THE OPPORTUNITY TO
2 ACQUIRE A MINIMALLY ADEQUATE EDUCATION, IS IT IN YOUR --
3 DO YOU HAVE AN OPINION AS TO WHETHER IT'S APPROPRIATE TO
4 TEST THEM ON ISSUES LIKE THE ABILITY TO READ, WRITE, SPEAK
5 THE ENGLISH LANGUAGE, THEIR KNOWLEDGE OF MATHEMATICS AND
6 PHYSICAL SCIENCE?

7 A YES

8 Q IS IT ALSO APPROPRIATE TO TEST THEM WITH 21ST CENTURY
9 TOOLS REGARDING THEIR FUNDAMENTAL KNOWLEDGE OF ECONOMIC,
10 SOCIAL AND POLITICAL SYSTEMS?

11 A YES

12 Q AND OF HISTORY AND GOVERNMENTAL PROCESSES?

13 A YES

14 Q IS IT ALSO APPROPRIATE TO TEST THEM ON THEIR ACADEMIC
15 AND VOCATIONAL SKILLS?

16 A YES

17 Q IN THAT CONTEXT, THEN, DO THESE SIX 21ST CENTURY
18 ASSESSMENTS OR 21ST CENTURY -- WHAT WERE THEY CALLED --
19 EXCUSE ME, 21ST -- KEY ELEMENTS OF THE 21ST CENTURY, DO
20 ALL SIX OF THOSE RELATE DIRECTLY TO THE DEFINITION OF THE
21 OPPORTUNITY TO ACQUIRE A MINIMALLY ADEQUATE EDUCATION IN
22 SOUTH CAROLINA?

23 A YES, BECAUSE OF INCREDIBLE IMPACT OF -- OF TECHNOLOGY
24 AND THE NEW WORKPLACE ON ALL OF US

25 Q AND IN THE PLAINTIFF DISTRICTS?

1 A AND IN THE PLAINTIFF DISTRICTS

2 Q OKAY DR PETERSON, TURN WITH ME TO THE -- I THINK
3 I'M GOING TO SKIP ONE ITEM HERE AND MOVE OVER TO THE -- A
4 LITTLE DEEPER INTO THIS SECTION ON 21ST CENTURY CONTENT AT
5 PAGES 12, 13 AND 14 OF THE REPORT

6 DID YOU -- DID YOU READ THIS SECTION TO TEACH AND
7 LEARN IN A 21ST CENTURY CONTEXT AND THIS OTHER SECTION ON
8 TEACHING AND LEARNING -- TEACHING 21ST CENTURY CONTENT?

9 A YES

10 Q OKAY (CONFERRING WITH COUNSEL) AND DID YOU RELY
11 ON THESE, PARTICULARLY PAGES 12 THROUGH 15 OF THE REPORT?

12 A JUST ONE SECOND IF I COULD LOOK AT THAT AGAIN

13 Q ALL RIGHT THIS IS DRILLING DOWN A LITTLE FURTHER
14 INTO THE GLOBAL AWARENESS, FINANCIAL, ECONOMIC AND
15 BUSINESS LITERACY AND CIVIC LITERACY ENDING WITH THE CHART
16 ON PAGE 15

17 A YES I HAVE READ IT AND HAVE RELIED ON IT

18 Q ALL RIGHT LET'S LOOK AT -- AT PORTIONS OF THOSE
19 PAGES FOR PUBLICATION LET'S LOOK FIRST AT THE CONTEXT
20 PORTION AND THE STATEMENT I'D LIKE YOU -- TO EXPLORE
21 WITH YOU IS THE ONE THAT SAYS, BEGINS WITH GOOD TEACHERS
22 GOOD TEACHERS HAVE ALWAYS HELPED STUDENTS DISCOVER THE
23 VALUE AND RELEVANCE OF NEW SKILLS AND KNOWLEDGE BECAUSE
24 CHILDREN NOW LIVE -- I'M SORRY I MEANT PAGE 12 LEFT-HAND
25 COLUMN AT THE TOP

1 RELEVANCE OF NEW SKILLS AND KNOWLEDGE BECAUSE
2 CHILDREN NOW LIVE IN A WORLD OF ALMOST UNLIMITED STREAMS
3 OF TRIVIAL AND PROFOUND INFORMATION OF ENORMOUS
4 OPPORTUNITY AND DIFFICULT CHOICES, HELPING STUDENTS MAKE
5 VITAL PRACTICAL, EMOTIONAL AND SOCIAL CONNECTIONS TO SKILL
6 AND CONTENT IS MORE IMPORTANT THAN EVER DO YOU AGREE
7 WITH THAT STATEMENT?
8 A YES
9 Q AND YOU RELIED ON THAT?
10 A YES
11 Q TO HELP STUDENTS MAKE THESE MEANINGFUL CONNECTIONS
12 TEACHERS CAN CREATE A 21ST CENTURY CONTEXT FOR LEARNING
13 BY, ONE, MAKING CONTENT RELEVANT TO THE STUDENTS' LIVES
14 IS THAT AN ESSENTIAL TEACHING ELEMENT OF PROVIDING THE
15 OPPORTUNITY TO ACQUIRE A MINIMALLY ADEQUATE EDUCATION?
16 A YES
17 Q BRINGING THE WORLD INTO THE CLASSROOM IS ITEM TWO
18 IS THAT AN ESSENTIAL ELEMENT FOR A TEACHER IN PROVIDING
19 THE OPPORTUNITY TO ACQUIRE A MINIMALLY ADEQUATE EDUCATION?
20 A YES
21 Q TAKING STUDENTS OUT INTO THE WORLD IS THE NEXT ITEM
22 IS THAT AN ESSENTIAL ELEMENT OF PROVIDING STUDENTS WITH
23 THE OPPORTUNITY TO A MIN -- TO ACQUIRE A MINIMALLY
24 ADEQUATE EDUCATION?
25 A YES

1 Q AND CREATING OPPORTUNITIES FOR STUDENTS TO INTERACT
2 WITH EACH OTHER, WITH TEACHERS AND OTHER KNOWLEDGEABLE
3 ADULTS IN AUTHENTIC LEARNING EXPERIENCE -- EXPERIENCES
4 IS THAT AN ESSENTIAL OPPORTUNITY IN THE -- TO PROVIDE THE
5 OPPORTUNITY TO ACQUIRE A MINIMALLY ADEQUATE EDUCATION?

6 A YES

7 Q OKAY LET'S LOOK AT THOSE -- THOSE THREE ITEMS IF --
8 IN THE CONTEXT OF THE CONTENT AND LET'S LOOK AT THE
9 CONTENT MORE SPECIFICALLY ON PAGE 15 IN THE ITEM MARKED
10 CIVIC LITERACY CIVIC LITERACY IT SAYS IS, QUOTE, BEING
11 AN INFORMED CITIZEN TO PARTICIPATE EFFECTIVELY IN
12 GOVERNMENT DO YOU AGREE WITH THAT?

13 A YES

14 Q DO YOU AGREE THAT THAT IS A -- THE PURPOSE OF
15 ACQUIRING A MINIMALLY ADEQUATE EDUCATION?

16 A YES

17 Q IN ORDER TO HAVE AN OPPORTUNITY TO ACQUIRE A
18 MINIMALLY ADEQUATE EDUCATION, MUST YOU HAVE THE
19 OPPORTUNITY TO BECOME AN INFORMED CITIZEN, PARTICIPATE
20 EFFECTIVELY IN GOVERNMENT?

21 A YES

22 Q AND DOES THAT RELATE SPECIFICALLY TO THE ELEMENT OF
23 THE OPPORTUNITY TO ACQUIRE A MINIMALLY ADEQUATE EDUCATION
24 OF A FUNDAMENTAL KNOWLEDGE OF ECONOMIC, SOCIAL, POLITICAL
25 SYSTEMS AND OF HISTORY AND GOVERNMENTAL PROCESSES?

1 A YES

2 Q AND IS IT AN ESSENTIAL ELEMENT OF CIVIC LITERACY
3 THAT, THAT ONE MUST EXERCISE THE RIGHTS AND OBLIGATIONS OF
4 CITIZENSHIP AT LOCAL, STATE AND NATIONAL AND GLOBAL
5 LEVELS?

6 A YES

7 Q AND DO YOU AGREE WITH THAT?

8 A YES

9 Q OKAY DOES THAT RELATE DIRECTLY TO THE OPPORTUNITY
10 TO ACQUIRE A MINIMALLY ADEQUATE EDUCATION?

11 A YES, IT DOES

12 Q AND IF YOU ARE NOT PROVIDED THE OPPORTUNITY TO LEARN
13 HOW TO EXERCISE YOUR RIGHTS AND OBLIGATIONS OF CITIZENSHIP
14 AT LOCAL, STATE, NATIONAL AND GLOBAL LEVELS, ARE YOU
15 RECEIVING -- IS A CHILD RECEIVING THE OPPORTUNITY TO
16 ACQUIRE A MINIMALLY ADEQUATE EDUCATION?

17 A NO, THEY HAVEN'T RECEIVED THAT, NO

18 Q AND DOES THAT -- THAT EXERCISE OF THOSE RIGHTS, DOES
19 IT DIRECTLY RELATE TO EACH OF THE ELEMENTS THAT WE HAVE
20 BEEN TALKING ABOUT, THAT IS, THE ABILITY TO READ, WRITE
21 SPEAK THE ENGLISH LANGUAGE, A FUNDAMENTAL KNOWLEDGE OF
22 ECONOMIC, SOCIAL, POLITICAL SYSTEMS AND OF HISTORY AND
23 GOVERNMENTAL PROCESSES ALONG WITH ACADEMIC AND VOCATIONAL
24 SKILLS?

25 A YES

1 Q THE NEXT ITEM OF CIVIC LITERACY IS UNDERSTANDING THE
2 LOCAL AND GLOBAL IMPLICATIONS OF CIVIC DECISIONS WHAT
3 DOES THAT MEAN?

4 A I THINK THAT'S CENTRAL TO BEING A CITIZEN, TO
5 UNDERSTAND WHEN DECISIONS ARE MADE AT THE CITY-COUNTY
6 LEVEL, SCHOOL DISTRICT, STATE LEVEL, CONGRESS, PRESIDENT,
7 UNDERSTANDING THAT IS AND -- AND KNOWING HOW YOU CAN VOICE
8 YOUR OPINION ABOUT THAT OR GET INVOLVED IN THAT IS CENTRAL
9 TO BEING INVOLVED IN A CIVIC WAY AND -- AND THAT'S CIVIC
10 LITERACY

11 Q IS THAT UNDERSTANDING THE GOAL OF THE MINIMALLY
12 ADEQUATE EDUCATION, THAT UNDERSTANDING OF THE LOCAL AND
13 GLOBAL IMPLICATIONS OF CIVIC DECISIONS AT LEAST ONE PART
14 OF -- OF THE GOAL OF AN OPPORTUNITY TO ACQUIRE A MINIMALLY
15 ADEQUATE EDUCATION?

16 A YES

17 Q IF A CHILD IS NOT RECEIVING THE OPPORTUNITY TO
18 UNDERSTAND LOCAL AND GLOBAL IMPLICATIONS OF CIVIC
19 DECISIONS, ARE THEY RECEIVING THE OPPORTUNITY TO ACQUIRE A
20 MINIMALLY ADEQUATE EDUCATION?

21 A NO, THEY ARE NOT

22 Q AND DOES THAT DIRECTLY RELATE THEN TO THE FUNDAMENTAL
23 KNOWLEDGE OF ECONOMIC, SOCIAL, POLITICAL SYSTEMS AND OF
24 HISTORY AND GOVERNMENTAL PROCESSES?

25 A YES

1 Q LET'S LOOK AT THE NEXT ITEM UNDER CIVIC LITERACY,
2 APPLYING 21ST CENTURY SKILLS TO MAKE INTELLIGENT CHOICES
3 AS A CITIZEN YOU MENTIONED EARLIER -- WELL, FIRST, DO
4 YOU AGREE THAT THAT'S -- THAT THAT'S AN ESSENTIAL ELEMENT
5 OF CIVIC LITERACY?

6 A YES

7 Q IS THAT ALSO AN ESSENTIAL GOAL OF PROVIDING THE
8 OPPORTUNITY TO ACQUIRE A MINIMALLY ADEQUATE EDUCATION?

9 A YES

10 Q AND IF A CHILD IS NOT RECEIVING THE OPPORTUNITY TO
11 APPLY 21ST CENTURY SKILLS TO MAKE INTELLIGENT CHOICES AS A
12 CITIZEN, ARE THEY RECEIVING THE OPPORTUNITY TO ACQUIRE A
13 MINIMALLY ADEQUATE EDUCATION?

14 A NO

15 Q AND DOES THAT AGAIN RELATE DIRECTLY TO THE
16 FUNDAMENTAL KNOWLEDGE OF ECONOMIC, SOCIAL, POLITICAL
17 SYSTEMS, HISTORY AND GOVERNMENTAL PROCESSES?

18 A YES

19 Q OKAY SO IN TERMS OF CIVIC LITERACY AS ONE POINT OF
20 THIS 21ST CENTURY CONTENT, IS 21ST CENTURY CONTENT THEN
21 DIRECTLY RELATED TO THE DEFINITION OF THE OPPORTUNITY TO
22 ACQUIRE A MINIMALLY ADEQUATE EDUCATION THAT YOU HAVE BEEN
23 WORKING WITH?

24 A YES

25 Q AND IT IS YOUR OWN DEFINITION AS WELL?

1 A YES

2 Q LET'S LOOK AT FINANCIAL, ECONOMIC AND BUSINESS
3 LITERACY, AND LET'S DRILL DOWN INTO THAT CONTENT AGAIN,
4 I'M ON PAGE 15 THE FIRST ITEM IS KNOWING HOW TO MAKE
5 APPROPRIATE PERSONAL ECONOMIC CHOICES

6 IS THAT ONE OF THE GOALS OF PROVIDING THE OPPORTUNITY
7 TO ACQUIRE A MINIMALLY ADEQUATE EDUCATION, THAT IS, GIVING
8 A PERSON THE OPPORTUNITY TO KNOW HOW TO MAKE APPROPRIATE
9 PERSONAL ECONOMIC CHOICES?

10 A YES

11 Q DOES THAT RELATE DIRECTLY IN YOUR OPINION TO THE
12 OPPORTUNITY TO ACQUIRE THE ABILITY TO READ, WRITE, AND
13 SPEAK THE ENGLISH LANGUAGE, A KNOWLEDGE OF MATHEMATICS AND
14 PHYSICAL SCIENCE?

15 A YES

16 Q AND DOES IT ALSO RELATE DIRECTLY TO THE OPPORTUNITY
17 TO ACQUIRE A FUNDAMENTAL KNOWLEDGE OF ECONOMIC, SOCIAL AND
18 POLITICAL SYSTEMS AND OF HISTORY AND GOVERNMENTAL
19 PROCESSES?

20 A YES

21 Q AND OF ACADEMIC AND SOCIAL SKILLS, I MEAN SOCIAL --
22 VOCATIONAL SKILLS?

23 A YES

24 Q IN TERMS -- IF A PERSON IS NOT RECEIVING THE
25 OPPORTUNITY IN THEIR EDUCATION TO KNOW HOW TO MAKE

1 APPROPRIATE PERSONAL ECONOMIC DECISIONS, IS THAT CHILD
2 RECEIVING THE OPPORTUNITY TO ACQUIRE A MINIMALLY ADEQUATE
3 EDUCATION?

4 A NO

5 Q LET'S LOOK NEXT AT THE NEXT BULLET, UNDERSTANDING THE
6 ROLE OF THE ECONOMY AND THE ROLE OF BUSINESS IN THE -- IN
7 THE ECONOMY IS THAT A FUNDAMENTAL PART OF FINANCIAL,
8 ECONOMIC AND BUSINESS LITERACY?

9 A FOR A MARKET ECONOMY THAT'S VERY IMPORTANT

10 Q IS THAT ALSO AN ESSENTIAL OPPORTUNITY INCLUDED IN THE
11 OPPORTUNITY TO ACQUIRE A MINIMALLY ADEQUATE EDUCATION?

12 A YES

13 Q AND IS IT THE GOAL OF A MINIMALLY ADEQUATE EDUCATION
14 FOR A CHILD TO HAVE THE OPPORTUNITY TO UNDERSTAND THE ROLE
15 OF THE ECONOMY AND THE ROLE OF BUSINESS IN THE ECONOMY?

16 A YES

17 Q IF A CHILD DOES NOT RECEIVE THAT, THAT -- THE
18 OPPORTUNITY TO UNDERSTAND THE ROLE OF THE ECONOMY AND THE
19 ROLE OF BUSINESS IN THE ECONOMY, IS THE CHILD RECEIVING
20 THE OPPORTUNITY TO ACQUIRE A MINIMALLY ADEQUATE EDUCATION?

21 A THEY NEED TO RECEIVE IT IF THEY HAVEN'T, THEN THEY
22 ARE NOT GETTING IT

23 Q ALL RIGHT AND DOES THAT UNDERSTANDING OF THE ROLE
24 OF THE ECONOMY AND THE ROLE OF BUSINESS IN THE ECONOMY
25 RELATE DIRECTLY TO A FUNDAMENTAL KNOWLEDGE OF ECONOMIC,

1 PEOPLE TODAY WILL PERHAPS CHANGE -- NEED TO CHANGE JOBS
2 SIX TO EIGHT TIMES TO STAY EMPLOYABLE, STAY COMPETITIVE,
3 BECAUSE WHOLE JOB SECTORS GET WIPED OUT, NEW ONES ARE
4 CREATED

5 WE SAW IN EARLIER FIGURES THAT THE EDUCATIONAL LEVEL
6 WITHIN CERTAIN JOB SECTORS IS -- IS INCREASING AND SO
7 THIS IS TALKING ABOUT THE CAPACITY, THE BROAD SET OF
8 SKILLS AND INFORMATION, KNOWLEDGE THAT YOUNG PEOPLE NEED
9 TO NOT JUST GET THE FIRST JOB WHICH IS HARD ENOUGH, BUT TO
10 KEEP INFORMED ABOUT ECONOMIC CONDITIONS, BUSINESS
11 CONDITIONS AND THEIR OWN SKILLS SO THEY CAN ADAPT TO THE
12 CONTINUING EVOLVING ECONOMIC AND BUSINESS ENVIRONMENT

13 Q IF A CHILD IS NOT PROVIDED WITH THE OPPORTUNITY TO
14 LEARN HOW TO INTEGRATE ONE'S SELF WITHIN AND ADAPT
15 CONTINUALLY TO OUR NATION'S EVOLVING ECONOMIC AND BUSINESS
16 ENVIRONMENT, IS THAT CHILD RECEIVING THE OPPORTUNITY TO
17 ACQUIRE A MINIMALLY ADEQUATE EDUCATION?

18 A NO, THEY ARE NOT

19 Q AND DOES THAT -- THAT ABILITY TO LEARN OR THAT
20 OPPORTUNITY TO LEARN HOW TO INTEGRATE ONE'S SELF WITHIN
21 AND ADAPT CONTINUALLY TO OUR NATION'S EVOLVING ECONOMIC
22 AND BUSINESS ENVIRONMENT, DOES THAT RELATE DIRECTLY TO THE
23 OPPORTUNITY TO ACQUIRE ACADEMIC AND VOCATIONAL SKILLS?

24 A YES

25 Q AND DOES IT ALSO RELATE DIRECTLY TO THE OPPORTUNITY

1 AS -- AS THEY LOOK AT THE STUDENT'S BACKGROUND WHEN THEY
2 ARE ACCEPTING STUDENTS FOR COLLEGE SO IT VERY DIRECTLY
3 RELATES TO ACADEMIC AND VOCATIONAL SKILLS

4 BUT IN ADDITION TO THAT, THE -- THERE IS A GROWING
5 BODY OF RESEARCH THAT INDICATES THAT THE ARTS HELP DEVELOP
6 CREATIVITY WHICH I THINK MANY OF THE -- THE STUDIES
7 YESTERDAY WE TALKED ABOUT AMONG GROUPS THAT ARE LOOKING AT
8 FUTURE WORKFORCE COMPETITIVENESS, CREATIVITY IS A BIG PART
9 OF THAT

10 THE ARTS ARE A NATURAL TO DEVELOP THAT CREATIVITY
11 AND FOR AT-RISK YOUTH, MANY OF THEM STAY IN SCHOOL, ARE
12 INTERESTED BY ART, MUSIC AND OTHER ART FORMS, DANCE,
13 PHOTOGRAPHY THAT EXCITES THEM ABOUT LEARNING, ABOUT
14 STAYING CONNECTED AND WE REALLY HAVE TO USE ALL OF OUR
15 PORTFOLIO OF OPPORTUNITIES TO LINK YOUNG PEOPLE TO
16 LEARNING AND KEEPING THEM ENGAGED IN SCHOOLS

17 Q SO FOR AT-RISK CHILDREN PARTICULARLY, WE ARE GOING TO
18 LOOK AT ARTS AS A -- AS AN OPPORTUNITY FOR KEEPING THEM IN
19 SCHOOL AND PROGRESSING THROUGH SCHOOL?

20 A YES

21 Q OKAY THIS IS THE TIME AFTER-SCHOOL PROGRAMS, SUMMER
22 SCHOOL PROGRAMS, THESE NEXT TWO, THIS IS THE ADDITIONAL
23 TIME ON TASK WE SPENT A LOT OF TIME IN THE COURT TALKING
24 ABOUT THAT WHY ARE THESE TWO PARTICULARLY IMPORTANT FOR
25 THE AT-RISK KIDS? WHY ARE WE EVALUATING THE OPPORTUNITIES

1 IN THESE DISTRICTS FOR THAT?

2 A WE HAVE INCREASED THROUGH STATE LAW, FEDERAL LAW AND
3 IN THE REALITY OF THE WORKPLACE IN SOCIETY THE
4 REQUIREMENTS TO MOVE THROUGH EDUCATION, TO GET A JOB YET
5 WE STILL ARE LOCKED INTO THE BASICALLY 180-DAY SCHOOL YEAR
6 AND SIX HOURS A DAYTIME FRAME

7 IT'S THE OLD, I THINK ONE OF THE -- A COUPLE ARTICLES
8 YESTERDAY REFERRED TO THAT WE ARE STILL LOCKED IN AN OLD
9 AGRICULTURAL AND INDUSTRIAL REALM JUST A COUPLE OF
10 EXAMPLES IN SOUTH CAROLINA OVER THE LAST 15, 16 YEARS
11 HAS GONE FROM 18 CREDITS FOR GRADUATES FOR HIGH SCHOOL TO
12 24 THAT'S LIKE ADDING A YEAR AND A QUARTER MORE CREDITS
13 SAME SCHOOL YEAR, SAME SCHOOL DAY, SAME GRADES

14 MANY STUDENTS -- AND WE RAISED THE BAR FOR WHAT
15 STUDENTS NEED TO LEARN AND ACHIEVE AND WE SAW IN THE
16 PLAINTIFF DISTRICT HOW MANY STUDENTS ARE -- OVER HALF
17 SCORE BELOW BASIC WHICH IS -- IS TERRIBLE AND 90 PERCENT
18 SCORE BELOW PROFICIENT

19 BUT ONE WAY TO TRY TO DEAL WITH ALL THESE FACTORS IS
20 TO EXPAND THE LEARNING OPPORTUNITIES OF TIME AFTER
21 SCHOOL IS ONE OF THOSE TIME PERIODS AND WE WILL GET INTO
22 MORE DEPTH ON THIS

23 BUT ALSO THAT ONE OF THE HIGHEST RATES OF YOUTH CRIME
24 IS BETWEEN THREE AND SIX IN THE AFTERNOON SO NOT ONLY ON
25 A POSITIVE NOTE IN QUALITY AFTER-SCHOOL PROGRAMS ENHANCE

1 LEARNING, BUILDS SKILLS AND CONNECTIONS, IMPROVE
2 ATTENDANCE, BUT ALSO CAN REDUCE SOME OF THE NEGATIVE RISK
3 FACTORS THAT WE ALSO NEED TO DEAL WITH

4 Q OKAY AND THEN FINALLY TEACHER QUALITY WE ARE
5 GOING TO TALK ABOUT THOSE FACTORS WHICH WE HAVE SPENT A
6 LOT OF TIME ON, BUT IN SUMMARY WE ARE GOING TO GO THROUGH
7 THOSE, RIGHT?

8 A THAT IS RIGHT ALSO I DID MENTION SUMMER SCHOOL

9 Q I'M SORRY

10 A JUST REAL QUICK A LOT OF THE SAME THINGS I
11 MENTIONED ABOUT AFTER SCHOOL BUT BECAUSE SUMMER SCHOOL IS
12 LIKE EASIER TO DO RESEARCH ON, YOU ARE EITHER IN SUMMER
13 SCHOOL OR YOU ARE NOT AND WE HAVE SOME POWERFUL EVIDENCE
14 THAT LOW-INCOME KIDS ACTUALLY LOSE TWO-TENTHS TO
15 THREE-TENTHS OF A YEAR IN LEARNING OVER THE SUMMER WHEN
16 THEY ARE NOT INVOLVED IN ORGANIZED, SYSTEMATIC SUMMER
17 PROGRAMS SO THAT WHILE THEY'RE BEHIND ALREADY COMING OUT
18 OF SCHOOL, THEY FALL FURTHER BEHIND IN SUMMER SCHOOL

19 SO WE WILL TALK ABOUT THAT BUT ALL OF THIS WILL NOT
20 WORK WELL UNLESS WE HAVE HIGH QUALITY TEACHERS WHO -- WHO
21 STAY ON THE JOB, WHERE THERE ISN'T CONSTANT TURNOVER, WHO
22 KNOW THEIR CONTENT, KNOW THEIR WAYS TO ORGANIZE AND MANAGE
23 THE CLASSROOM AND KNOW HOW TO CONNECT IT TO YOUNG PEOPLE,
24 PARTICULARLY YOUNG PEOPLE WHO MAY BE DIFFERENT THAN THEY
25 ARE

1 Q DR PETERSON, IN EACH OF THOSE AREAS,
2 PRE-KINDERGARTEN, PARENTAL, READING, MIDDLE SCHOOL, HIGH
3 SCHOOL, COLLEGE CAREER EXPLORATION, ARTS, AFTER SCHOOL,
4 SUMMER SCHOOL, AND TEACHER QUALITY, ARE ALL OF THESE
5 INDICATORS OF THE OPPORTUNITY THAT YOU ARE EVALUATING AS
6 TO WHETHER OR NOT THE CHILD HAS, IN THE PLAINTIFF
7 DISTRICTS, THE OPPORTUNITY TO ACQUIRE A MINIMALLY ADEQUATE
8 EDUCATION?

9 A YES

10 Q AND THESE ARE VARIOUS INPUT CATEGORIES AGAIN EACH ONE
11 IS AN INDICATOR?

12 A YES

13 Q OKAY AND IN THE AGGREGATE, DO THEY PROVIDE A -- IN
14 TOTAL WHEN WE ARE FINISHED WITH THIS, DO THEY PROVIDE AN
15 INPUT SIDE INDICATOR AS TO WHETHER CHILDREN ARE RECEIVING
16 THE OPPORTUNITY TO ACQUIRE A MINIMALLY ADEQUATE EDUCATION?

17 A THE TOTAL OF THESE ARE GREATER THAN THE SUM OF THE
18 PARTS

19 Q UH-HUH

20 A YOU -- AS ADDED LEARNING FROM EACH OF THEM IN A
21 PACKAGE, PACKAGE, EVEN PROVIDES MORE LEARNING LET ME
22 GIVE YOU ONE OR TWO EXAMPLES LET'S SAY YOU HAVE GOOD
23 THREE AND FOUR YEAR OLD PROGRAM A CHILD GOES TO
24 KINDERGARTEN, GETS TO SECOND GRADE WITH A BRAND NEW
25 TEACHER WHO DOESN'T KNOW HOW TO TEACH READING WELL

1 SO A GAIN THAT MIGHT HAVE BEEN ACQUIRED IN PRESCHOOL
2 COULD BE LOST WITH THAT TEACHER IN A YEAR OR TWO THERE'S
3 SOME RESEARCH ON THAT IN TENNESSEE LET'S SAY THAT THE
4 STUDENTS HAVE A QUALITY KINDERGARTEN EXPERIENCE OF
5 READING, PARENT OUTREACH, BUILD A GOOD FOUNDATION COMING
6 INTO MIDDLE SCHOOL, SO THAT THEY NOW CAN READ WELL AND
7 INDEPENDENTLY, THEY'RE INTERESTED IN SCHOOL, THE PARENTS
8 ARE INVOLVED GET TO MIDDLE SCHOOL, THEY DON'T HAVE A
9 CERTIFIED SCIENCE TEACHER OR MAYBE THEY HAVE A CERTIFIED
10 SCIENCE TEACHER BUT NO SCIENCE LAB

11 NO FOREIGN LANGUAGE SO THEN YOU HAVE LOST THAT --
12 NOT LOST, BUT THE FOUNDATION THAT'S BEEN LAID HAS NOT BEEN
13 BUILT UPON AND YOU LOSE TWO OR THREE YEARS OF LEARNING AND
14 BROADENING THAT SHOULD BE PART OF THE MIDDLE SCHOOL
15 EXPERIENCE OR YOU TAKE A FOREIGN LANGUAGE IN A MIDDLE
16 SCHOOL BUT THE HIGH SCHOOL MAYBE OFFERED JUST ONE OR TWO
17 YEARS OF THE SAME LANGUAGE OR DROPS IT SO THAT'S BEEN
18 LOST

19 SO IT'S -- IT'S -- IT'S INDIVIDUALLY THE INDICATORS
20 ARE IMPORTANT AND THE PACKAGE IS IMPORTANT

21 Q SO AS WE ARE APPROACHING THIS BY WAY OF INTRODUCTION,
22 YOU ARE GOING TO EVALUATE -- YOU'RE GOING TO EVALUATE THE
23 QUALITY OF OPPORTUNITIES AND WHETHER OR NOT AN OPPORTUNITY
24 TO ACQUIRE A MINIMALLY ADEQUATE EDUCATION IS BEING
25 ACHIEVED IN EACH OF THESE AREAS AS AN INDICATOR OF WHETHER

1 OR NOT IT'S AVAILABLE RIGHT? WHETHER OR NOT A GOOD
2 CHANCE FOR SUCCESS IS AVAILABLE?

3 A YES

4 Q IN ADDITION TO THAT YOU'RE GOING TO LOOK AT THE TOTAL
5 PACKAGE OF OFFERINGS TO DETERMINE WHETHER OR NOT THE TOTAL
6 OPPORTUNITY, THE OPPORTUNITY TO SUCCEED OR THE GOOD CHANCE
7 FOR SUCCESS IN ACQUIRING ULTIMATELY THE ACADEMIC AND
8 VOCATIONAL SKILLS IS AVAILABLE, RIGHT?

9 A YES

10 Q OKAY LET'S START DOWN THE PATH HAVING INTRODUCED --
11 INTRODUCED THIS IN TERMS OF CONTINUITY OF OR BASELINE
12 DATA, YOU TALKED ABOUT BASELINE CONTINUITY OF STAFFING AND
13 BASELINE CONTINUITY OF FACILITIES IS THERE A BASELINE
14 CONTINUITY OF FUNDING THAT YOU AND I ARE GOING TO TALK
15 ABOUT DURING THIS PROCESS ALSO?

16 A WELL, THIS ALL RELATES TO FUNDING

17 Q OKAY

18 A THEY REQUIRE EITHER MORE PERSONNEL, DIFFERENT
19 PERSONNEL, SUPPLIES, EQUIPMENT OF DIFFERENT TYPES AND
20 NATURE FOR EXAMPLE, OBVIOUSLY IF YOU HAVE A THREE YEAR
21 OLD PROGRAM YOU NEED A THREE YEAR OLD -- A TEACHER WHO IS
22 PREPARED WELL IN EARLY CHILDHOOD DEVELOPMENT EDUCATION
23 IF YOU ARE TALKING ABOUT CONNECTING YOUNG PEOPLE, STARTING
24 IN MIDDLE SCHOOL AND HIGH SCHOOL, TO LEARN ABOUT REAL
25 CAREERS AND REAL COLLEGE OPPORTUNITIES, THERE YOU ARE

1 FULL ADVANTAGE OF THE KINDERGARTEN EXPERIENCE, WE NEED TO
2 PROVIDE THEM WITH OPPORTUNITIES AS THREE AND FOUR YEAR
3 OLDS

4 AND THERE'S SEVERAL LONG-TERM STUDIES THAT HAVE FOUND
5 A POSITIVE IMPACT FROM WELL THOUGHT OUT THREE AND FOUR
6 YEAR OLD PROGRAMS THAT ARE TAUGHT BY WELL QUALIFIED
7 TEACHERS SO WE BOTH KNOW WHAT HAPPENS WHEN THEY ARE NOT
8 PROVIDED THOSE OPPORTUNITIES AND WE KNOW WHAT COULD HAPPEN
9 POTENTIALLY POSITIVE IF THEY ARE PROVIDED THOSE
10 OPPORTUNITIES

11 Q ARE THERE ALSO ECONOMIC BENEFITS TO BE REAPED BY THE
12 SOCIETY IN GENERAL BY PROVIDING THESE PRE-KINDERGARTEN
13 SERVICES?

14 A YES WE CALL HIGH SCOPE AND I GUESS OTHERS TOO, BUT
15 THEY ARE WELL REGARDED IN THEIR RESEARCH ON FOLLOWING
16 COHORTS OF STUDENTS WHO HAVE BEEN THROUGH THESE TYPES OF
17 PROGRAMS, THE THREE AND FOUR YEAR OLDS WELL INTO NOW EARLY
18 ADULthood

19 AND FOR EXAMPLE THE SOUTH CAROLINA UNITED WAY JUST --
20 HAS USED THAT DATA AND OTHERS AND HAVE STATED THAT THERE'S
21 A \$7 SAVINGS FOR EVERY \$1 INVESTED IN A QUALITY EARLY
22 CHILDHOOD PROGRAM IT'S A SEVEN TO ONE PAYOFF

23 Q HAVE -- LET ME JUST SHOW YOU PLAINTIFFS' EXHIBIT
24 NUMBER 6597, IF WE COULD, AND PUT THAT UP ON THE SCREEN
25 AND PLAINTIFFS' EXHIBIT 6597 IS CALLED QUALITY

1 PRE-KINDERGARTEN, KEY TO CRIME PREVENTION AND SCHOOL
2 SUCCESS AND IT'S ENTITLED THE -- A REPORT FROM LAW
3 ENFORCEMENT ARE YOU FAMILIAR WITH THIS DOCUMENT?

4 A YES

5 Q DID YOU READ IT?

6 A YES

7 Q HAVE YOU RELIED ON THIS IN -- IN FORMULATING YOUR
8 OPINIONS AND CONCLUSIONS?

9 A YES

10 Q OKAY IT'S THE -- THIS PRE-KINDERGARTEN PROGRAMS,
11 LET'S -- WOULD YOU JUST PUT INTO THE RECORD THE -- THE
12 SUMMARY, PARAGRAPH AT THE BEGINNING OF THIS REPORT?

13 A NO ONE CARES MORE ABOUT PUTTING DANGEROUS CRIMINALS
14 BEHIND BARS THAN THE 2000 LAW ENFORCEMENT LEADERS AND
15 VICTIMS OF VIOLENCE WHO MAKE UP FIGHT CRIME INVEST IN
16 KIDS THEY ARE THE AUTHORS OF THIS REPORT

17 Q RIGHT

18 A BUT LAW ENFORCEMENT LEADERS KNOW FROM EXPERIENCE THAT
19 INTERVENING EARLY IN A CHILD'S LIFE IS THE BEST WAY TO
20 PREVENT CRIME RESEARCH SHOWS THAT QUALITY
21 PRE-KINDERGARTEN CUTS CRIME AND LEADS TO HIGHER RATES OF
22 HIGH SCHOOL GRADUATION TRAGICALLY INADEQUATE FUNDING
23 DENIES THOUSANDS OF ELIGIBLE CHILDREN ACCESS TO THESE
24 PROGRAMS

25 Q OKAY THE HIGH SCOPE PERRY PRESCHOOL PROGRAM IS

1 POLICY AND FUNDING COULD IN FACT MAKE THIS HAPPEN IN SOUTH
2 CAROLINA

3 Q OKAY AND WE HAVE HAD SOME DISCUSSION HERE ABOUT
4 HEAD START PROGRAMS AND I'D ASK YOU TO LOOK AT THE TWO
5 ITEMS ABOUT FEDERAL FUNDING IT SAYS, QUOTE, THE
6 FEDERAL -- THE FEDERALLY-FUNDED HEAD START PROGRAM FOR
7 CHILDREN IN POVERTY IS SO UNDER FUNDED THAT IT CAN SERVE
8 ONLY SIX OUT OF TEN ELIGIBLE THREE AND FOUR YEAR OLDS AND
9 CAN SERVE MOST OF THEM FOR ONLY PART OF THE TIME PARENTS
10 ARE WORKING

11 IS -- IS THAT STATEMENT IN YOUR EXPERIENCE ACCURATE
12 TO BEGIN WITH?

13 A THAT'S ACCURATE BUT THAT'S ONLY PART OF THE PROBLEM
14 BECAUSE OF THE UNDER FUNDING IN HISTORY THEY RELY HEAVILY
15 ON NON CERTIFIED TEACHERS AND THE -- THE FOCUS WHILE
16 LAUDABLE DOESN'T HAVE THE ACADEMIC PRE-READINESS SKILLED
17 FOCUS THAT THE HIGH SCOPE OR THE CHILD PARENT CENTERS HAVE
18 OR THE OTHER, THE EARLY CHILDHOOD INTERVENTION PROGRAM
19 HAS

20 Q SO WITH REGARD TO -- TO HEAD START, IS IT ABLE TO
21 SERVE ACCORDING TO THIS DATA OR OTHER DATA THAT YOU -- AND
22 OTHER DATA THAT YOU HAVE REVIEWED, IS HEAD START ABLE TO
23 SERVE ALL THE ELIGIBLE CHILDREN?

24 A NO

25 Q AND THIS SAYS SIX OUT OF TEN ELIGIBLE IS THAT ABOUT

1 RIGHT?

2 A BUT THEIR ELIGIBILITY STANDARDS CUTS OFF MANY
3 CHILDREN THAT ARE CONSIDERED LOW INCOME SO I MEAN
4 THEIR -- THE POOL THAT THEY ARE STARTING WITH IN THE
5 ELIGIBILITY POOL IS MUCH SMALLER THAN WHAT I WOULD
6 CONSIDER LOW-INCOME FAMILIES

7 SO IN THAT -- IN THAT SMALL POOL THEY ARE SERVING
8 ONLY SIX OUT OF TEN

9 Q OKAY

10 A AND NOT SERVING THEM WITH THE KIND OF PROGRAM THAT
11 THEY REALLY NEED

12 Q AND THEY ARE NOT SERVING WITH THE KIND OF PROGRAM AND
13 THEY ARE NOT SERVING THEM FOR THE FULL DAY, ACCORDING TO
14 THIS?

15 A RIGHT THAT'S CORRECT

16 Q THE NEXT ITEM IS AGAIN ABOUT OTHER CHILDCARE
17 OPPORTUNITIES IT SAYS THE FEDERALLY-FUNDED CHILDCARE AND
18 DEVELOPMENT BLOCK GRANT WHICH HELPS LOW-INCOME PARENTS PAY
19 FOR EARLY EDUCATION CAN SERVE ONLY ONE OUT OF SEVEN
20 ELIGIBLE CHILDREN AND PROVIDES FUNDS TOO MEAGER FOR
21 PARENTS TO PURCHASE QUALITY CARE DID YOU RELY ON THAT
22 STATEMENT?

23 A YES

24 Q AND TELL US -- TELL US WHAT YOUR EXPERIENCE IS WITH
25 THE CHILDCARE AND DEVELOPMENT BLOCK GRANT AND IF IT'S

1 A GOOD AFTERNOON

2 Q AT THE END OF THE MORNING WE WERE TALKING ABOUT
3 THE -- THE AT RISK OR THE FACTORS THAT AT-RISK CHILDREN
4 BRING IN TO THE SCHOOL IN KINDERGARTEN AND I THINK IT
5 LEADS TO THE QUESTION TO BEGIN THE AFTERNOON IS -- IS
6 CHILDREN COMING IN WITH THOSE KIND OF RISK FACTORS THAT WE
7 DISCUSSED, LOW SOCIOECONOMIC STATUS AND THE THINGS THAT
8 ARE ACCOMPANIED ABOUT LOW SOCIOECONOMIC STATUS, CAN THEY
9 ACHIEVE OR SHOULD WE JUST BE SAYING ON THE OTHER HAND THAT
10 THE CHILDREN, YOU JUST HAVE TO ACCEPT THAT THEY ARE NOT
11 GOING TO ACHIEVE?

12 A NO, THEY CAN -- THEY CAN ACHIEVE IT TAKES THE
13 ESSENTIAL OPPORTUNITIES FOR THEM TO HAVE THEM AND THEN TO
14 BE PROVIDED BY COMPETENT, CARING TEACHERS, A GREAT DEAL OF
15 INVOLVEMENT OF THE FAMILY AND THE PARENTS, BOTH IN THE
16 SCHOOL AND AT HOME, AND WITH COMMUNITY SUPPORT AND THE
17 TYPES OF STRATEGIES THAT WE ARE GOING TO TALK ABOUT LATER,
18 BUT THEY CAN ACHIEVE

19 Q GIVEN THE OPPORTUNITIES -- AMONG THOSE OPPORTUNITIES,
20 THE OPPORTUNITY TO -- STRIKE THAT GIVEN THE OPPORTUNITY
21 TO ACQUIRE A MINIMALLY ADEQUATE EDUCATION, CAN A CHILD
22 COMING FROM THE LOW SOCIOECONOMIC STATUS WITH THE RISK
23 FACTORS WE HAVE BEEN DISCUSSING ACHIEVE AND BE A
24 PRODUCTIVE CITIZEN?

25 A YES

1 Q NOW, ONE OF THE THINGS THAT YOU MENTIONED EARLIER WAS
2 THE -- THE INDIVIDUAL POVERTY THAT HAD TO BE TAKEN INTO
3 ACCOUNT AND THEN THE CUMULATIVE POVERTY I WANTED TO CALL
4 YOUR ATTENTION TO EXHIBIT 1540

5 EXHIBIT 1540 IS A SPEECH -- THIS IS PLAINTIFFS'
6 EXHIBIT 1540 -- IS A SPEECH THAT YOU GAVE -- SOME
7 MATERIALS ARE COMPILED FOR A SPEECH THAT YOU GAVE AT
8 THE -- FOR THE C S MOTT FOUNDATION BOARD MEETING
9 MARCH 7TH, 2001 IN SAN ANTONIO, TEXAS ENTITLED EXAMPLES OF
10 THE COMPLEXITIES AND POSSIBILITIES OF CLOSING THE
11 ACHIEVEMENT GAPS AT IMPORTANT TRANSITION POINTS

12 NOW I GUESS TO BE -- TO BEGIN I WOULD ASK YOU WHY YOU
13 PULLED THIS INFORMATION TOGETHER AND WHAT YOU WERE TALKING
14 ABOUT IN CLOSING THE ACHIEVEMENT GAPS AT IMPORTANT
15 TRANSITION POINTS

16 A THE BOARD OF THE MOTT FOUNDATION ASKED ME TO REFLECT
17 BACK ON MY EXPERIENCE AT THAT POINT OF JUST COMING OUT OF
18 THE UNITED STATES DEPARTMENT OF EDUCATION ON OTHERS --
19 SOME CRITICAL POINTS AND DO WE HAVE INFORMATION ABOUT WHAT
20 HAPPENS TO CHILDREN AT THOSE CRITICAL POINTS, THAT IF WE
21 PROVIDE NEW OPPORTUNITIES OR DIFFERENT OPPORTUNITIES, IT
22 CAN CHANGE THEIR LIFE CHANCES AND THEIR SUCCESS IN SCHOOL

23 AND SO I -- I PULLED OUT A NUMBER OF STUDIES WHICH
24 ARE SHOWN HERE SEPARATELY IT'S NOT MEANT TO BE A -- A
25 REPORT IT'S A COMPENDIUM OF TABLES AND CHARTS FROM

1 Q OKAY LET'S -- WE TALKED THIS MORNING ABOUT THE NEED
2 TO LOOK AT CONCENTRATIONS OF POVERTY AND YOU SPOKE
3 BRIEFLY ABOUT THAT CLASSROOM THAT HAD 16 KIDS WHO DID
4 RECOGNIZE THEIR LETTERS JUST LIKE -- LIKE THESE KIDS
5 COMING INTO KINDERGARTEN RECOGNIZING THEIR LETTERS AND
6 LEARNING FROM THE OTHER KIDS AS OPPOSED TO THE FOUR WHO
7 COULDN'T RIGHT?

8 A RIGHT

9 Q LET'S LOOK TOGETHER AT ANOTHER STUDY OF THE U S
10 DEPARTMENT OF EDUCATION NATIONAL ASSESSMENT OF THE CHAPTER
11 ONE PROGRAM AND I WANT TO PARTICULARLY LOOK AT THE -- AT
12 PLAINTIFFS' EXHIBIT 6617 AND I WANT TO FOCUS ON THE DATA
13 HERE AND AGAIN WE HAVE EXTRACTED THESE BACKGROUND PAGE 91
14 AND THE EXHIBIT 5-1 92 ON SCHOOL-WIDE PRODUCT, PROJECTS
15 THIS IS THE ENTITLED NATIONAL ASSESSMENT OF THE CHAPTER
16 ONE PROGRAM OF THE INTERIM REPORT PLAINTIFFS' 6617

17 MRS GRAY EXCUSE ME THE EXHIBIT NUMBER?

18 MR MORRISON INTERIM 6617

19 MRS GRAY WE DON'T HAVE IT OH, THAT ONE

20 OKAY I'M SORRY, YEAH

21 MR MORRISON IT'S TITLED INTERIM REPORT FROM
22 THE NATIONAL ASSESSMENT OF CHAPTER ONE U S DEPARTMENT OF
23 EDUCATION JUNE 1992 AND WHAT WE PARTICULARLY, WELL --
24 I WILL JUST -- I WILL PUT THIS IN IN TWO PARTS IF I COULD
25 BY MR MORRISON

1 Q DID YOU RELY ON THE DATA AND THESE PAGES THAT ARE IN
2 THIS REPORT?

3 A YES

4 Q AND WHAT -- WHAT IS THE CHAPTER ONE PROGRAM JUST FOR
5 THE RECORD?

6 A RIGHT WE NORMALLY KNOW IT AS THE TITLE ONE PROGRAM

7 Q RIGHT

8 A AND FOR -- CONGRESS LIKES TO CHANGE THE NAMES OF
9 TITLES AND LAWS WHEN THEY RE-AUTHORIZE IT FOR -- FOR A
10 HUNK OF TIME THE PROGRAM THAT WE COMMONLY THINK OF AS
11 TITLE ONE WAS CALLED CHAPTER ONE

12 Q AND LOOK AT THE SECOND PARAGRAPH THERE ON PAGE 91
13 AND DID YOU RELY ON THAT? AND I WILL PUT THAT INTO THE
14 RECORD

15 A YES

16 Q OKAY CONGRESS AUTHORIZED -- PUTTING THAT INTO THE
17 RECORD CONGRESS AUTHORIZED SCHOOL-WIDE PROJECTS OUT OF A
18 BELIEF THAT IN SCHOOLS HEAVILY IMPACTED BY POVERTY IT MADE
19 LITTLE SENSE TO ENFORCE THE REQUIREMENT THAT CHAPTER ONE
20 PROGRAMS SERVE ONLY CHAPTER ONE CHILDREN OR THAT CHAPTER
21 ONE SERVICES ONLY BE SUPPLEMENTAL

22 THE RESEARCH HAD SHOWN THAT THE POVERTY OF THE SCHOOL
23 EXERTED AN INDEPENDENT EFFECT ON STUDENT PERFORMANCE
24 SEPARATE FROM THAT OF THE STUDENT'S OWN FAMILY BACKGROUND
25 AND THIS FINDING REMAINS TRUE TODAY SEE EXHIBIT 5-1,

1 WHICH WE WILL LOOK AT IN A MOMENT

2 RATHER CONGRESS BELIEVED IT WAS A SOUNDER EDUCATIONAL
3 PRACTICE TO PLAN A CURRICULUM FOCUSING ON THE ENTIRE
4 EDUCATIONAL PROGRAM IN HIGH POVERTY SCHOOLS THUS
5 SCHOOL-WIDE PROJECTS WERE DEvised AS AN ALTERNATIVE TO
6 TRADITIONAL CHAPTER ONE PULLOUT SESSIONS OR IN-CLASS
7 MODELS IN HIGH POVERTY SCHOOLS

8 CAN YOU TELL US IN MAYBE MORE LAYMAN'S TERMS WHAT
9 THAT MEANS?

10 A UP UNTIL THIS TIME TITLE ONE AND CHAPTER ONE HAD
11 FOCUSED ON INDIVIDUAL CHILDREN ONLY SO THE -- THE MONEY
12 WENT TO THE -- TO THE CHILD AND SO IF THE CHILD NEEDED
13 SOME EXTRA HELP IN READING, YOU COULD PERHAPS TAKE THE
14 TITLE ONE MONEY AND PULL THAT CHILD OUT AND ASIDE IN A
15 SMALL INTENSE GROUP AND GIVE THEM EXTRA SERVICES

16 WHAT THEY FOUND IS WHEN YOU HAVE HIGH CONCENTRATIONS
17 OF POVERTY, IT DOESN'T MAKE SENSE TO JUST PULL OUT
18 INDIVIDUAL CHILDREN ALL THE TIME YOU NEED TO ADDRESS THE
19 WHOLE SCHOOL AS WELL AS THE INDIVIDUAL

20 Q OKAY NOW, YOU MENTIONED EARLIER WE HAVE TO LOOK AT
21 INDIVIDUAL POVERTY AS ONE FACTOR IN THINKING ABOUT AN
22 OPPORTUNITY AND YOU HAVE TO LOOK AT THE CONCENTRATIONS OF
23 POVERTY RIGHT?

24 A YES

25 Q LET'S TURN TO PAGE 92 AND LET ME ASK YOU, IS THIS

1 GRAPHIC REPRESENTATION OF DATA FROM THE U S DEPARTMENT
2 OF EDUCATION, PARTICULARLY THE -- THIS PARTICULAR INTERIM
3 REPORT?

4 A YES

5 Q OKAY AS SUCH, YOUR HONOR, I THINK THIS -- THIS
6 N C E S DATA AS REPRESENTED IS ADMISSIBLE UNDER THE
7 803-18 EXCEPTION?

8 THE COURT RIGHT IT WOULD APPEAR TO BE IT
9 APPEARS TO BE RAW DATA

10 MR MORRISON OKAY AND WE WILL OFFER THAT
11 PAGE IN EVIDENCE AND LOOK AT THESE CHARTS AND THEN RATHER
12 THAN -- RATHER THAN TRY TO READ INTO THE RECORD WHAT THE
13 CHART SAYS YOU CAN TALK ABOUT, DR PETERSON, WHAT YOU SEE
14 IN THESE CHARTS AND HOW YOU USE THIS DATA
15 BY MR MORRISON

16 Q SO THE DATA ITSELF IS IN EVIDENCE AND IF YOU WOULD
17 DESCRIBE TO US WHAT IS BEING SHOWN FOR READING AND MATH AS
18 THE POVERTY LEVELS AND PARENTAL SOCIOECONOMIC STATUS
19 QUARTILES MOVE ACROSS WITH AN INCREASED NUMBER OF KIDS ON
20 SCHOOL LUNCHES OR AN INCREASED AGGREGATION OF CHILDREN ON
21 SCHOOL LUNCH PROGRAMS

22 A OKAY IN HERE THE TERMINOLOGY S E S OR
23 SOCIOECONOMIC STATUS QUARTILE OF THE PARENTS, AND SO FOR
24 READING AND MATH THE FOUR DIFFERENT LINES GOING ACROSS
25 REPRESENT THE SOCIOECONOMIC STATUS OF FAMILIES BY QUARTILE

1 LONGITUDINAL DATA, FROM THE CHICAGO LONGITUDINAL DATA,
2 THE -- BASICALLY THEY ACHIEVE MORE, THEY ARE RETAINED
3 LESS, THEY HAVE MORE POSITIVE SOCIAL INTERACTIONS, THEY
4 END UP IN SPECIAL EDUCATION LESS

5 A QUALITY PROGRAM CAN MAKE A DIFFERENCE IN THE
6 STARTING POINT OF A CHILD'S LEARNING IT'S ALMOST LIKE IF
7 YOU ARE A PAINTING A WALL OF A HOUSE AND SOMEBODY ELSE
8 COMES IN AND DOES ALL THE PREP WORK, THE SPACKLING AND ALL
9 OF THAT AND YOU JUST COME IN AND PAINT

10 THE EARLY CHILDHOOD PROGRAMS, WORK WITH PARENTS IS
11 SORT OF THE EARLY PREP WORK AND THEN WHEN THE CHILDREN GET
12 TO KINDERGARTEN THEN YOU CAN REALLY START PAINTING AND
13 LEARNING

14 Q ALL RIGHT LET'S LOOK TOGETHER AT EXHIBIT 6596 AND
15 THIS IS A STUDY FOR EVALUATING EDUCATION REFORM, EARLY
16 CHILDHOOD EDUCATION THE MISSOURI DEPARTMENT OF
17 ELEMENTARY AND SECONDARY EDUCATION AND I WANTED TO
18 PARTICULARLY CALL YOUR ATTENTION TO THE SECTION ON
19 LONG-TERM STUDIES AT PAGE TWO

20 AND FIRST ASK YOU, DID YOU -- HAVE YOU READ THIS AND
21 DID YOU RELY ON IT IN FORMULATING YOUR OPINIONS?

22 A YES

23 Q AND THERE IS REFERENCE TO A LONG-TERM STUDY BY A
24 PERSON NAMED GARBER, IS THAT THE SAME GARBER THAT YOU
25 WORKED WITH THAT WE DISCUSSED WHEN WE WERE QUALIFYING YOU?

1 A YEAH, WE WERE BOTH MUCH YOUNGER THEN

2 Q YOU AND MR GARBER

3 A YES, HE AND -- HEBER WERE INVOLVED IN THE MILWAUKEE
4 PROJECT WORKING VERY HIGH POVERTY COMMUNITIES WITH THREE
5 AND FOUR CHILD -- THREE AND FOUR YEAR OLD CHILD
6 DEVELOPMENT PROGRAM WITH HEAVY PARENT PARTICIPATION AND
7 PARENT EDUCATION AND WHAT THEY FOUND IS WHAT SOME OF THE
8 OTHER STUDIES WE HAVE REFERENCED FOUND IS THAT WORKING
9 SIMULTANEOUSLY WITH CHILDREN IN DEVELOPING THEIR SKILLS
10 AND WITH THEIR PARENTS, PARENTING AND PARENT EDUCATION
11 SKILLS, ACTUALLY THEY FOUND A CHANGE IN INTELLIGENT
12 QUOTIENT WHICH IS RATHER UNUSUAL

13 GARVER'S VIEW OF THIS IS KIND OF INTERESTING AND IT'S
14 PRETTY SIMPLISTIC AND IT MIGHT BE WORTH ME EXPLAINING HOW
15 THEY -- THE FRAMEWORK FOR THEIR WORK AND THEIR STUDY

16 Q WELL, LET'S DO THAT BEFORE YOU DO THAT THOUGH
17 LET'S -- LET'S PUT IN THIS PAPER REFERS TO THE FOLLOWING
18 STUDIES, GARBER AND HEBER'S MILWAUKEE PROJECT, GRAY'S
19 EARLY TRAINING PROJECT, HOENIG SYRACUSE FAMILY DEVELOPMENT
20 RESEARCH PROGRAM, HERZOG, WASHINGTON, D C PROJECT,
21 KARNES' COMPARATIVE CURRICULUM STUDY, MILLER'S LOUISVILLE
22 EXPERIMENT, MONROE AND MCDONALD'S ROME HEAD START STUDY,
23 NIEMAN'S CINCINNATI TITLE ONE STUDY

24 KARNES WAS K A R N E S AND NIEMAN S IS
25 N I E M A N'S I THINK THE OTHERS ARE SPELLED AS THEY

1 SO THE QUESTION THAT I HAVE FOR YOU THERE IS, IS
2 THIS -- THIS MOST CONSISTENT FINDING IS THAT EARLY
3 CHILDHOOD PROGRAMS PRODUCE IMMEDIATE GAINS IN COGNITIVE
4 DEVELOPMENT AS MEASURED BY I Q TESTS AND IN ACADEMIC
5 ABILITY IS THAT YOUR EXPERIENCE AND YOUR OWN OPINION?

6 A YES

7 Q NOW, YOU WERE GOING TO TELL US ABOUT -- ABOUT HOW THE
8 GARBER STUDY WORKED AND PARTICULARLY THE I Q ASPECT

9 A RIGHT THAT MIGHT HELP WHEN WE GET TO THE LATER ON
10 WHAT CHARACTERIZES PROGRAMS HIS WAS VERY SIMPLISTIC AND
11 MAYBE TOO SIMPLISTIC, BUT I THINK IT HELPS FRAME A LOT OF
12 WHAT WE ARE TALKING ABOUT HE SAID EXCEPT FOR A SMALL
13 PERCENTAGE OF CHILDREN WHO ARE BORN WITH SEVERE BRAIN
14 IMPAIRMENT THAT YOU NEED TO ALMOST LOOK AT EACH CHILD AS
15 HAVING AN EMPTY BOX ROUGHLY THE SAME SIZE

16 BUT WHAT YOU FILL THAT UP WITH, PROBABLY WHAT THE
17 MOTHER EATS AND DOES WHILE THE BABY IS IN HER STOMACH TO
18 WHEN THE BABY IS BORN AND ON MAKES ALL THE DIFFERENCE IN
19 THE CAPACITY

20 SO WHAT'S PUT IN THAT CONTAINER, THAT BOX, SO IT'S
21 THE EXPERIENCE THAT THE CHILD HAS FROM BIRTH ON, FROM THE
22 MOTHER TALKING, READING TO THE CHILD, THE PRESCRIPTION FOR
23 READING, IT'S THE EARLY CHILDHOOD EXPERIENCES, IT'S
24 PARENTS, GRANDPARENTS, SINGING, TALKING, READING TO THEIR
25 CHILDREN, PLAYING, EDUCATIONAL GAMES THAT ARE APPROPRIATE

1 WITH THE CHILDREN AT THAT AGE ALL THAT THEN ADDS INTO
2 THE BOX

3 AND THAT'S -- HE ARGUED, THAT'S WHAT RESULTS IN
4 ACHIEVEMENT AND I Q DIFFERENCE, NOT NECESSARILY ONLY
5 HEREDITY IT'S WHAT WE DO WITH THE CHILDREN ONCE THEY ARE
6 BORN

7 Q AND IN THAT CONTEXT DO THESE EARLY INTERVENTION
8 PROGRAMS THAT HAVE BEEN REPORTED ON ACTUALLY PRODUCE
9 RESULTS?

10 A YES

11 Q OKAY LET'S -- LET'S -- AND JUST FOR SAKE OF
12 COMPLETENESS WE HAVE BEEN TALKING ABOUT EARLY CHILDHOOD,
13 BUT THE RESULTS ARE ALSO PRODUCED AS CHILDREN AGE ON UP
14 THROUGH ADOLESCENCE INTO THEIR TWENTIES, RIGHT?

15 A THAT IS CORRECT

16 Q OKAY SO THAT SAME BOX THAT YOU ARE FILLING UP, I
17 MEAN THAT THEORY OF THE BOX -- THE EXPERIENCES THAT YOU
18 PUT INTO THE BOX CONTINUES ON THROUGH EARLY ADULTHOOD?

19 A YES

20 Q OKAY THE -- LET'S LOOK TOGETHER AT THIS
21 STANDARDIZED INTELLIGENCE TEST SECTION AND I WANT TO PUT
22 THIS IN THE RECORD AND THEN ASK FOR YOUR -- HOW THIS
23 RELATES TO YOUR OPINION

24 STANDARDIZED INTELLIGENCE TESTS STANDARDIZED TESTS
25 OF INTELLIGENCE SHOWED THE RESULT OF AN IMMEDIATE BOOST IN

1 I Q FOR CHILDREN WHO EXPERIENCED PRESCHOOL INTERVENTION
2 THIS BOOST RANGED FROM ONE-THIRD OF A STANDARD DEVIATION
3 FOR THE COMPARATIVE CURRICULUM STUDY, CARNES 1983, TO MORE
4 THAN TWO STANDARD DEVIATIONS FOR THE MILWAUKEE PROJECT,
5 GARBER 1988

6 THIS RANGE IS INTERPRETING IN THAT LESS INTENSIVE
7 INTERVENTION OF HALF-DAY PRESCHOOL FOR ONE YEAR RESULTED
8 IN THE SMALLER I Q GAINS, WHILE THE MORE INTENSIVE
9 INTERVENTION OF FULL-DAY INTERVENTION ALMOST FROM BIRTH
10 RESULTED IN THE HIGHER I Q GAINS RAMEY, BRYANT AND
11 SUAREZ -- THAT'S R A M E Y , B R Y A N T , S U A R E Z ,
12 1985 -- CONCLUDED FROM A REVIEW OF THE EXPERIMENTAL
13 LONG-TERM STUDIES WHICH INCLUDES THESE TWO, THAT LENGTH
14 AND INTENSITY ARE POSITIVELY RELATED TO I Q GAINS
15 HOW DOES THAT RELATE TO YOUR OPINION?

16 A IT'S VERY SIMILAR, YES

17 Q OKAY THE NEXT ITEM -- NEXT PARAGRAPH THERE UNDER
18 STANDARDIZED INTELLIGENCE TESTS SAYS ALL OF THE STUDIES
19 WITH DATA TO AGE EIGHT FOUND A DROP IN I Q , CALDWELL
20 1987, HAS SUGGESTED THAT THIS NEGLECTED PERIOD OF
21 DEVELOPMENT, AGE EIGHT TO TEN, MAY NEED SPECIAL
22 INTERVENTION SIMILAR TO PRESCHOOL

23 IN THE MILWAUKEE PROJECT, THE EXPERIMENTAL CHILDREN
24 DID RETAIN AN I Q ONE STANDARD DEVIATION HIGHER THAN THE
25 CONTROL GROUP THROUGH AGE TEN WHILE THE OTHER STUDIES,

1 TO PUT THIS UP HERE, WHAT WERE THE SERVICES YOU FOUND FOR
2 ALLENDALE AND WE WILL PUT THIS SLIDE IN

3 A I HAVE TO LOOK AT MY PACKET I CAN'T QUITE SEE THAT

4 Q ALL RIGHT IT SHOULD BE UP ON THE SCREEN OR --

5 A IT IS OH NO -- IT'S NOT

6 Q HAVE WE HANDED UP A PACKET OF THESE?

7 A YES, I HAVE THOSE

8 Q OKAY

9 A FOR THREE YEAR OLDS, 34 CHILDREN ARE SERVED, MANY ARE
10 UN-SERVED, HALF-DAY ONLY FOR FOUR YEAR OLDS, 65 PERCENT
11 ARE SERVED FULL-DAY, BOTH -- BOTH ARE PARTIALLY FEDERALLY
12 FUNDED AND ALSO FOR HOME VISITATIONS FOR CHILDREN IN THE
13 4-K PROGRAM PARENTS HAVE HOME VISITATIONS AND IT'S
14 FEDERALLY FUNDED THERE AREN'T HOME VISITATIONS IN AN
15 ORGANIZED WAY BELOW THE 4-K AGE GROUP OR ABOVE IT

16 Q ALL RIGHT AND WHAT CONCLUSIONS DID YOU REACH UPON
17 LOOKING AT THOSE ALLENDALE PRE-KINDERGARTEN SERVICES?

18 A THEY'RE INADEQUATE

19 Q ALL RIGHT AND WHY ARE THESE -- WHY IS THIS NOT AN
20 ADEQUATE OPPORTUNITY?

21 A ALL THE THREE YEAR OLDS ARE NOT BEING SERVED ALL
22 THE FOUR YEAR OLDS ARE NOT BEING SERVED AND THE THREE
23 YEAR OLDS ONLY HAVE A HALF-DAY PROGRAM AND MANY OF THE
24 FEDERAL FUNDS THAT ARE USED ARE TEMPORARY AND COME AND GO
25 AND IT'S VERY IMPORTANT THAT THESE TYPES OF

1 OPPORTUNITIES BE STABLE, THAT THEY ARE -- THEY ARE THERE
2 FROM YEAR TO YEAR SO THAT ALLOWS YOU HOPEFULLY TO GET A
3 MORE STABLE TEACHING STAFF AND TO CONSTANTLY IMPROVE THE
4 PROGRAM

5 Q IN LOOKING AT THIS -- THIS 34 CHILDREN SERVED, OF THE
6 THREE -- THREE TO FOUR YEAR OLDS, ON OUR DATA THERE WE
7 RECEIVED INFORMATION FROM THE PLAINTIFF DISTRICTS 138 KIDS
8 WERE ENTERING IF YOU ASSUME THAT 138 KIDS APPROXIMATELY
9 ARE PART OF THAT THREE YEAR OLD CONTINGENT COMING UP TO
10 SCHOOL, WHAT PORTION OF THE KIDS IS UNDER SERVED?

11 A ALMOST 100 CHILDREN

12 Q OKAY AND IN TERMS OF THE FOUR YEAR OLDS AT
13 65 PERCENT ARE SERVED, APPROXIMATELY WHAT NUMBER OF KIDS
14 ARE NOT BEING SERVED IN ALLENDALE FOR FOUR YEAR OLDS?

15 A ROUGHLY 50

16 Q OKAY AND WITH REGARD TO THE PARTIAL FEDERAL
17 FUNDING, WHY IS THAT -- WHAT IS THE PROBLEM WITH PARTIAL
18 FEDERAL FUNDING?

19 A THEY TEND TO -- THE FUNDING TENDS TO COME AND GO OVER
20 TIME AND IF THIS REALLY IS GOING TO BE AN OPPORTUNITY
21 THAT'S GOING TO BE THERE EVERY DAY, WEEK AFTER WEEK, YEAR
22 AFTER YEAR, IT NEEDS TO BE IN THE BASE FUNDING STREAM FOR
23 SCHOOLS IN THE DISTRICT AND IN THE STATE

24 Q NOW, WE HAVE LOOKED AT THIS CATEGORY OF HOME
25 VISITATIONS WE ARE GOING TO TALK ABOUT THAT IN SOME

1 DEPTH IN A MINUTE BUT THE HOME VISITATIONS NOTHING ABOVE
2 OR BELOW 4-K WHAT'S YOUR CONCERN THERE?

3 A WELL, THE -- SOME OF THE EVIDENCE WE TALKED ABOUT
4 EARLIER WOULD INDICATE IT'S QUITE IMPORTANT TO REACH OUT
5 TO PARENTS OF YOUNG CHILDREN OFTEN FROM TWO YEARS UP WITH
6 WEEKLY VISITS, PARTICULARLY THOSE FAMILIES IN -- WITH MANY
7 OR SEVERAL RISK FACTORS AND THESE -- ALLENDALE HAS MANY
8 FAMILIES IN THAT SITUATION

9 SO THAT WOULD -- THAT WHOLE AGE GROUP WOULD NOT BE
10 SERVED WITH WHAT IS PROVIDED HERE

11 Q YOU -- YOU TALKED BRIEFLY ABOUT, YOU KNOW, SINGING,
12 TALKING, READING TO CHILDREN AT THE PARENT LEVEL LET'S
13 LOOK TOGETHER AT PLAINTIFFS' EXHIBIT 6501 FROM EDUCATION
14 WORLD SCHOOL ADMINISTRATORS ARTICLE REGARDING HOME VISITS
15 AND FAMILY LINKS

16 DID YOU RELY ON THIS ARTICLE IN FORMING YOUR OPINIONS
17 AND CONCLUSIONS IN PART REGARDING HOME VISITS?

18 A YES

19 Q OKAY LET'S LOOK FIRST AT THE TESTIMONIAL THIS
20 REALLY REALLY WORKS SAID MELISSA BROWN, ASSISTANT
21 SUPERINTENDENT FOR SACRAMENTO, CALIFORNIA CITY UNIFIED
22 SCHOOL DISTRICT

23 MRS GRAY YOUR HONOR, I OBJECT I MEAN, THIS
24 IS HEARSAY ON HEARSAY NOW I MEAN, THIS IS HARDLY THE
25 LEARNING TREATISE I THINK THE RULE PERTAINS TO

1 THE COURT YES THAT APPEARS -- THAT WOULD
2 APPEAR TO COME WITHIN THE CONCLUSIONARY EXCEPTION IN ANY
3 EVENT, MR MORRISON, AS I LOOK AT IT ARE THERE ANY DATA
4 IN THERE THAT WE CAN --

5 MR MORRISON THIS -- I WAS NOT OFFERING THIS
6 UNDER 803-18 I WAS OFFERING -- I MEAN 803 -- THIS WAS
7 NOT OFFERED UNDER 803-8 BUT RATHER UNDER 803-18 AND MRS
8 GRAY'S OBJECTION IS IT'S NOT A LEARNED TREATISE OR A -- I
9 MEAN THIS -- THIS STATEMENT IS SO LARGE IT -- IT SAYS TO
10 THE EXTENT CALLED TO THE ATTENTION OF AN EXPERT WITNESS

11 THE COURT RIGHT

12 MR MORRISON AND SO FORTH, PUBLISHED
13 TREATISES, PERIODICALS, PAMPHLETS ON THE SUBJECTS OF ET
14 CETERA

15 THE COURT RIGHT ALL RIGHT I SEE THE POINT
16 IF IT CAN BE READ INTO THE RECORD ITSELF AND YOU'RE NOT
17 OFFERING THE EXHIBIT ITSELF INTO EVIDENCE BUT SIMPLY TO --
18 TO READ THAT INTO THE RECORD, AND I THINK YOU ESTABLISHED
19 THAT HE HAD USED IT

20 MR MORRISON YES

21 THE COURT ALL RIGHT I WILL ALLOW IT IN WITH
22 THAT EXCEPTION

23 BY MR MORRISON

24 Q LET ME JUST ASK YOU BASED ON THIS EXHIBIT AND RATHER
25 THAN READ SOME OF THIS, WHAT IS IT ABOUT THE HOME VISITS,

1 ALMOST ALL STUDENTS GRADUATE FROM HIGH SCHOOL WE TALKED
2 YESTERDAY ABOUT 90 PERCENT AND THEN 90 PERCENT OF THEM GO
3 ON TO SOME EQUIPPED AND INTERESTED TO GO ON TO POST
4 SECONDARY EDUCATION

5 THAT PIPELINE DOESN'T START IN THE 12TH GRADE THAT
6 ACTUALLY PROBABLY STARTS IN ELEMENTARY SCHOOL BUT THAT
7 READING INSTRUCTION -- BUT PARTICULARLY THE PIPELINE IS
8 INTENSIFIED, THE ENTRANCE POINT IS IN MIDDLE SCHOOL

9 AND SO YOU HAVE TO THEN LOOK AT HOW THE COURSES AND
10 TEACHING IN MIDDLE SCHOOL FIT SO IF YOU GOT TO FIT THE
11 INITIATIVES AND TEACHING ACROSS THE GRADE WITHIN A SCHOOL
12 FROM -- FROM PRESCHOOL, ELEMENTARY, MIDDLE AND HIGH
13 SCHOOL SORT OF LIKE, EACH LEVEL IS A PUZZLE

14 I GUESS, I GUESS A PUZZLE IS TWO DIMENSIONS BUT
15 IT'S -- MAYBE IT'S ONE -- I DON'T KNOW -- IT'S FLAT, BUT
16 THEN THOSE PUZZLES HAVE TO BE BUILT TO REINFORCE ONE
17 ANOTHER, SORT OF LIKE A RUBRICS CUBE

18 AND THAT'S WHY IT'S -- PEOPLE GENERALLY DON'T LIKE TO
19 DEAL WITH ALL OF EDUCATION AT ONCE THEY LIKE TO TAKE A
20 LITTLE PIECE, BUT THEN THEY'RE TOTALLY DISAPPOINTED AT THE
21 END THAT WE HAVEN'T ACCOMPLISHED MUCH AND IT NEEDS TO BE
22 DONE AS A PACKAGE

23 Q AND IS THAT PACKAGE IN YOUR OPINION AT -- ARE THE
24 PIECES OF THAT PACKAGE ESSENTIAL OPPORTUNITIES THAT SHOULD
25 BE PROVIDED IN A SYSTEM OF FREE PUBLIC EDUCATION?

1 A THEY ARE ABSOLUTELY ESSENTIAL THE PIECES ARE
2 ESSENTIAL AND HOW THEY FIT TOGETHER ARE ESSENTIAL

3 Q OKAY NOW, GOING BACK TO THE PRE-KINDERGARTEN, IS --
4 ARE PRE-KINDERGARTEN SERVICES ONE OF THOSE OPPORTUNITIES
5 THAT SHOULD BE PROVIDED IN A SYSTEM OF FREE PUBLIC
6 EDUCATION?

7 A YES, IT'S ESSENTIAL

8 Q OKAY AND IN SOUTH CAROLINA WITH A HIGH PERCENTAGE
9 OF CHILDREN IN POVERTY, CAN YOU HAVE A SYSTEM OF FREE
10 PUBLIC EDUCATION WITHOUT MEANINGFUL AND SUPPORTED
11 PRE-KINDERGARTEN SERVICES?

12 A NO

13 Q IS -- IS THE OPPORTUNITY FOR PRE-KINDERGARTEN
14 SERVICES AS WE HAVE DESCRIBED PARTICULARLY IMPORTANT IF
15 SOUTH CAROLINA IS TO OFFER A SYSTEM OF FREE PUBLIC SCHOOLS
16 TO THE CHILDREN IN THE PLAINTIFF DISTRICTS WITHIN WHICH
17 THEY CAN ACQUIRE A MINIMALLY ADEQUATE EDUCATION OR HAVE
18 THE OPPORTUNITY TO ACQUIRE?

19 A THEY WON'T HAVE -- THEY REALLY WON'T HAVE A CHANCE TO
20 ACQUIRE THAT MINIMUM EDUCATION AS DEFINED IN ABBEVILLE OR
21 IN -- IN THE STATE'S OWN REQUIREMENTS OR IN THE REAL LIFE
22 OF EMPLOYMENT AND CIVIC LIFE

23 Q DOES THE RESEARCH SUPPORT YOUR OPINION?

24 A YES

25 Q IN EVALUATING THIS PARTICULAR INDICATOR, DID YOU LOOK

1 AT THE GENERAL AVAILABILITY OF PRE-KINDERGARTEN
2 OPPORTUNITIES?

3 A YES

4 Q DID YOU LOOK AT THE DURATION OF THOSE OPPORTUNITIES?

5 A YES

6 Q THE CONSISTENCY?

7 A YES

8 Q THE RELIABILITY OF FUNDING?

9 A YES

10 Q AND THE AVAILABILITY OF THE OPPORTUNITY FOR EACH
11 CHILD?

12 A YES

13 Q OKAY IN YOUR OPINION, IS SOUTH CAROLINA PROVIDING
14 THE PRE-KINDERGARTEN SERVICES NECESSARY TO PROVIDING EACH
15 CHILD IN THE PLAINTIFF DISTRICTS AN OPPORTUNITY TO ACQUIRE
16 A MINIMALLY ADEQUATE EDUCATION?

17 A NO

18 Q LET'S ASSUME FOR THE SAKE OF DISCUSSION THAT SOME OF
19 THE KIDS ALREADY IN THE DISTRICTS HAVE FALLEN THROUGH THE
20 NET AND HAVE NOT RECEIVED THESE PRE-KINDERGARTEN SERVICES
21 IF THIS IS AN ESSENTIAL INDICATOR OF THE OPPORTUNITY,
22 ARE -- DO WE JUST THROW THEM AWAY? I MEAN, IS THERE
23 ANYTHING WE CAN DO FOR THEM OR ARE THEY JUST DOOMED?

24 A NO THEY ARE NOT DOOMED BUT WE SURELY SHOULDN'T HAVE
25 THAT HAPPEN AGAIN IT MAKES THEN THE OTHER OPPORTUNITIES

1 A BUT AS I SAID THE OTHER DAY, THE TOTAL IS GREATER
2 THAN THE SUM OF THE PIECES SO EACH ONE IS IMPORTANT ON
3 THEIR OWN, BUT THE -- THE COLLECTION OF PIECES REINFORCE
4 EACH OTHER AND INCREASES THE ODDS, THE CHANCES, THE
5 OPPORTUNITY THAT CHILDREN WILL ACQUIRE THE ABILITIES AND
6 SKILLS AND FUNDAMENTAL KNOWLEDGE THEY NEED

7 Q DR PETERSON, THESE FIRST TWO WE COVERED AT SOME
8 DEPTH, THE RESEARCH AS IT GOES ALONG I'M GOING TO ASK
9 YOU TO SUMMARIZE SOME RESEARCH THAT YOU -- THAT YOU HAVE
10 FOUND IMPORTANT AS WE GO FORWARD

11 AND I WANT YOU TO GO AHEAD AND TAKE YOUR TIME DOING
12 THAT, JUST THE FACT THAT I'M NOT PULLING OUT AND READING
13 THE RESEARCH SHOULDN'T SLOW YOU DOWN FROM -- FROM GOING
14 AHEAD AND SAYING WHAT NEEDS TO BE SAID AND IF YOU NEED
15 TO DIRECT ME TO A PARTICULAR STUDY, I WILL BE GLAD TO GO
16 THERE BUT LET'S JUST KEEP HAVING THIS CONVERSATION IF
17 THAT'S ALL RIGHT

18 A OKAY

19 Q A LITTLE MORE DEPTH ON THIS NEXT ONE BECAUSE WE
20 HAVEN'T EVEN INTRODUCED THE SUBJECT, OKAY

21 A OKAY

22 Q I APPRECIATE IT THE FIRST THING, I GUESS, THAT --
23 WE ARE TALKING ABOUT READING NOW AND PARTICULARLY READING
24 SPECIALISTS, READING PEOPLE WHO -- WHAT ARE READING
25 SPECIALISTS?

1 A WHAT WE FOUND IS THAT, KIND OF A GROWING MANTRA IN
2 EDUCATION IS THAT CHILDREN NEED TO READ WELL AND
3 INDEPENDENTLY BY THE END OF THE THIRD GRADE BECAUSE BEYOND
4 THE THIRD GRADE THEY READ TO LEARN SO YOU LEARN TO READ
5 WELL UP AND THROUGH THE THIRD GRADE AND THEN AFTER THIRD
6 GRADE THERE'S SORT OF AN ASSUMPTION THAT CHILDREN READ
7 WELL IN THE TEXTBOOKS, THE CURRICULUM ASSUMES THAT

8 SO IF CHILDREN DON'T READ WELL BY THEN, THAT'S A
9 SERIOUS PROBLEM NOW IT DOESN'T -- IT GETS MORE COMPLEX
10 AS WE WILL TALK A LITTLE LATER, BUT THERE'S ALSO STARTING
11 TO BE A BODY OF RESEARCH THAT AROUND THE EIGHTH AND NINTH
12 GRADE THERE NEEDS TO BE A NEW ATTENTION TO READING BECAUSE
13 STARTING IN THE EIGHTH AND NINTH GRADE THE CONTENT GETS TO
14 BE MORE INTENSIVE, MORE RIGOROUS

15 AND WE PROBABLY HAVE A DOUBLE PROBLEM IN MIDDLE
16 SCHOOLS WE HAVE TEACHERS WHO DON'T HAVE CONTENT MAJORS,
17 AND THEY ALSO PROBABLY DON'T THINK THEIR JOB IS TO TEACH
18 READING AT ALL THEY NEED TO LEARN HOW TO TEACH READING
19 AND CONTENT THERE

20 BUT GOING BACK TO THE FIRST, THE K THROUGH THREE
21 GRADES THEY BECOME EXTREMELY IMPORTANT IN -- IN LAYING
22 THAT FOUNDATION OF READING

23 Q AND IN REVIEWING SUZETTE LEE AND ALL THE
24 SUPERINTENDENTS AND THE EVIDENCE THAT'S BEEN PLACED AND
25 THE SLIDES IN THIS CASE, WHAT DID YOU OBSERVE REGARDING

1 NOW WE HAVE GOT 24 YET 180 DAYS OF SCHOOL, SIX HOURS A
2 DAY ROUGHLY OR SIX AND A HALF THE TIME HAS STAYED THE
3 SAME AND THE REAL-LIFE REQUIREMENTS, THE BREADTH AND DEPTH
4 OF KNOWLEDGE THAT YOUNG PEOPLE HAVE TO GRASP AND USE AND
5 APPLY HAS BALLOONED THE REQUIREMENTS HAVE EXPANDED
6 TREMENDOUSLY BUT WE HAVE THE SAME SCHOOL DAY, SAME SCHOOL
7 YEAR

8 AND THE FURTHER REQUIREMENT IS THAT STUDENTS ACTUALLY
9 NEED TO ATTAIN THESE SKILLS TO BE A PARTICIPANT IN THE
10 ECONOMY AS I MENTIONED BEFORE, THE -- GETTING A HIGH
11 SCHOOL DIPLOMA IS THE FIRST STEP, THE PASSPORT TO THE 21ST
12 CENTURY ECONOMY, BUT ACTUAL PASSPORT IS FINISHING HIGH
13 SCHOOL AND GETTING SOME POST SECONDARY EDUCATION

14 SO THE REQUIREMENTS THAT OUR STUDENTS NEED TO MEET
15 HAVE BEEN RATCHETED UP MULTIPLE TIMES IN THE LAST 30
16 YEARS THE TIME HAS STAYED THE SAME BUT STUDENTS MUST
17 MEET THESE STANDARDS NOW TO BE A PARTICIPANT IN THE REAL
18 WORLD ECONOMY

19 THAT'S AN IMPOSSIBILITY I MEAN IT'S LIKE, WE CAN'T
20 DO THAT IT'S NOT, WE ARE NOT GOING TO BE SUCCESSFUL AND
21 WE HAVE NOT BEEN SUCCESSFUL WE HAVE SEEN AN INCREASE IN
22 DROP OUTS, LOWERING OF THE GRADUATION RATE WE SEE LARGE
23 NUMBER OF STUDENTS NOT BEING -- MEETING EVEN THE BASIC
24 STANDARD, 90 PERCENT NOT BEING PROFICIENT

25 WHAT CAN WE CHANGE? WE HAVE GOT TO CHANGE WHAT GOES

1 ON DURING THE 180 SIX OR SIX-AND-A-HALF HOUR DAY BUT WE
2 ALSO HAVE TO DO SOMETHING ABOUT TIME, BECAUSE STUDENTS ARE
3 COMING IN WITH DIFFERENT LEVELS OF READINESS, DIFFERENT
4 LEVELS OF INTEREST AND SUPPORT AT HOME

5 AND BY JUST KEEPING TIMENESS (SIC) IN WITH ADDING ALL
6 THESE REQUIREMENTS AND WITH ALL THIS INCREASE IN
7 KNOWLEDGE, IT WILL JUST LEAD TO MORE FAILURE SO TIME HAS
8 TO BE ADJUSTED FOR -- FOR MANY OF OUR STUDENTS

9 Q OKAY AND BY ADJUSTING TIME, YOU DON'T MEAN
10 SHORTENING IT, DO YOU?

11 A NO I DO NOT MEAN SHORTENING IT

12 Q OKAY AND THE -- I GUESS WE HAVE TALKED ABOUT ONE
13 WAY OF ADDING TIME AND THAT IS PROVIDING MORE OF THESE
14 PRE-KINDERGARTEN OPPORTUNITIES, RIGHT?

15 A RIGHT STARTING ON THE FRONT END AND DEVELOPING A --
16 USING THAT TIMEFRAME, DEVELOP READINESS SKILLS BEFORE THE
17 CHILDREN GET TO KINDERGARTEN

18 Q ANOTHER WAY OF ADDING TIME WOULD BE TO THAT SIX AND A
19 HALF HOUR DAY, RIGHT?

20 A THAT IS CORRECT

21 Q OKAY AND YET ANOTHER WAY WOULD BE ADDING TO THE 180
22 DAYS?

23 A YES

24 Q ARE ALL OF THOSE APPROPRIATE OPPORTUNITIES TO
25 CONSIDER AS INDICATORS FOR WHETHER CHILDREN OF LOW

1 SOCIOECONOMIC STATUS IN THE PLAINTIFF DISTRICTS ARE
2 RECEIVING THE OPPORTUNITY TO ACQUIRE A MINIMALLY ADEQUATE
3 EDUCATION?

4 A ABSOLUTELY

5 Q CAN YOU TALK ABOUT HOW ADDITIONAL TIME PARTICULARLY
6 IN THE AFTER SCHOOL ATMOSPHERE, HOW DOES THAT IMPACT
7 THE -- THE OPPORTUNITY THAT THE STUDENT HAS TO LEARN TO
8 READ, WRITE, SPEAK THE ENGLISH LANGUAGE, BASIC KNOWLEDGE
9 OF MATH AND SCIENCE AND SO FORTH?

10 A CLEARLY THAT IS A GOOD TIME TO HELP STUDENTS BOTH
11 CATCH UP AND KEEP UP AND THERE'S SORT OF TWO DIFFERENT
12 NOTIONS STUDENTS WHO HAVE FALLEN BEHIND MAY NEED EXTRA
13 TUTORING, HELP, INDIVIDUAL ATTENTION, PERHAPS EVEN SOME
14 SMALL GROUP DIRECT INSTRUCTION IN AFTER SCHOOL HOURS TO
15 CATCH UP FROM WHERE THEY HAVE FALLEN BEHIND

16 THEY ALSO NEED TO -- BUT THEY CAN'T -- CAN'T BE
17 TAUGHT IN THE SAME WAY THAT WAS TAUGHT DURING THE SCHOOL
18 DAY JUST REPEATING THE SAME MATERIAL THE SAME WAY AT
19 4 00 ISN'T GOING TO GET YOU MUCH DIFFERENT RESULTS THAN
20 WHAT YOU GOT AT 10 00

21 SO THERE NEEDS TO BE A CONNECTION IN THE AFTER-SCHOOL
22 PROGRAM TO THE SCHOOL DAY, CONTENT, BUT IT NEEDS TO BE
23 ACTIVITIES THAT WILL INTEREST AND ENGAGE THE STUDENT IN
24 LEARNING AT 4 00 IN THE AFTERNOON OR FIVE SO THERE NEEDS
25 TO BE MORE HANDS-ON PROJECTS

1 HERE AGAIN, ART, MUSIC, TECHNOLOGY, THE -- THIS IS AN
2 AREA I SPENT A GREAT DEAL OF TIME RESEARCHING AND WORKING
3 ON IN THE STATE AND NATIONWIDE AND EVEN A COUPLE OF
4 DEVELOPING COUNTRIES

5 THE PROGRAMS HAVE TO BE ENGAGING, INTERESTING,
6 ENRICHING, AND IN THOSE ACTIVITIES YOU CAN EMBED THE
7 READING AND MATH, WRITING SKILLS IN WAYS THAT STUDENTS
8 WILL COME AT IT A DIFFERENT WAY THAT'S THE CATCHING UP

9 GIVE YOU AN EXAMPLE OF SOME REALLY -- A REALLY GOOD
10 TERRIFIC -- I GUESS REALLY GOOD AND TERRIFIC IS THE SAME
11 THING LET'S SAY REALLY GOOD

12 MIDDLE SCHOOL PROGRAM THAT I VISITED RECENTLY IN
13 WHICH THE PROJECT INCLUDED MANY ACTIVITIES FROM DIRECT
14 HELP WITH HOMEWORK, READING CLUBS, OFTEN IN MIDDLE SCHOOL
15 ACTIVITIES ARE ORGANIZED AROUND CLUBS FOR A SHORT PERIOD
16 OF TIME AS WELL AS ART, MUSIC, TECHNOLOGY BUT THEY
17 WANTED TO ENHANCE THE WRITING SKILLS OF STUDENTS

18 SO THEY DID SOMETHING CALLED WRITING ACROSS THE AFTER
19 SCHOOL CURRICULUM SO EVERYDAY NO MATTER WHAT, AT 5 00,
20 WHATEVER ACTIVITY THE STUDENT WAS -- STUDENT WAS HOMEWORK
21 CENTER, COMPUTER CLUB, TECHNOLOGY CLUB, ART, MUSIC, THEY
22 WOULD WRITE ABOUT, SOMETHING ABOUT THAT EXPERIENCE SO
23 THEY ARE EMBEDDING WRITING ACROSS THE CURRICULUM

24 SO THE -- THE AFTER-SCHOOL EXPERIENCE HAS TO HAVE
25 COMPONENTS THAT STUDENTS ACTUALLY WANT TO BE THERE BUT CAN

1 Q AND IS IT ALSO EMBEDDED IN THE SOUTH CAROLINA POLICY,
2 THESE AFTER-SCHOOL OPPORTUNITIES?

3 A YES

4 Q IS THIS INDICATOR OF AFTER-SCHOOL OPPORTUNITIES A
5 NORMAL AND ESSENTIAL COMPONENT OF A SYSTEM OF PUBLIC
6 SCHOOLS PROVIDING THE OPPORTUNITY TO ACQUIRE A MINIMALLY
7 ADEQUATE EDUCATION?

8 A YES

9 Q IN SOUTH CAROLINA PARTICULARLY WHERE WE HAVE A HIGH
10 PERCENTAGE OF CHILDREN FROM LOW SOCIOECONOMIC STATUS, CAN
11 YOU HAVE A SYSTEM OF PUBLIC SCHOOLS PROVIDING THE
12 OPPORTUNITY TO ACQUIRE A MINIMALLY ADEQUATE EDUCATION
13 WITHOUT A MEANINGFUL AND SUPPORTED AFTER-SCHOOL OPTION?

14 A IN GENERAL, NO AND PARTICULAR WHEN STUDENTS ARE
15 BEING REQUIRED TO MEET ALL KINDS OF STANDARDS AND WITHOUT
16 EXTRA TIME THEY CAN'T MEET THEM

17 Q IS THE OPPORTUNITY FOR MEANINGFUL AFTER-SCHOOL
18 PROGRAMS A PARTICULARLY IMPORTANT PART OF THE OPPORTUNITY
19 TO ACQUIRE A MINIMALLY ADEQUATE EDUCATION IF -- IN THE
20 PLAINTIFF DISTRICTS IF SOUTH CAROLINA IS TO PROVIDE THAT?

21 A YES

22 Q DOES THE RESEARCH SUPPORT YOUR -- YOUR OPINION IN
23 THAT REGARD?

24 A YES, THERE'S -- IT DOES

25 Q WHY DON'T YOU SUMMARIZE FOR US SOME OF THE KEY

1 RESEARCH AND WE WILL LOOK AT A COUPLE THINGS?

2 A RIGHT IN THE PAST FEW YEARS THERE HAS BEEN A NUMBER
3 OF STUDIES LOOKING AT AFTER-SCHOOL INITIATIVES WHERE THERE
4 IS MORE THAN ONE SITE IN OTHER WORDS, SEVERAL SCHOOLS OR
5 MULTIPLE SCHOOLS

6 ONE OF THE DIFFICULTIES IN EDUCATION IS YOU CAN FIND
7 A SCHOOL THAT'S DOING SOMETHING BUT IT'S HARD TO DETERMINE
8 IF -- IF IT'S -- WHAT YOU ARE LOOKING AT IS CAUSING THE
9 WHATEVER YOU WANT TO GET DONE OR NOT DONE TO HAPPEN

10 SO IN THE LAST SEVERAL YEARS THERE HAS BEEN A NUMBER
11 OF STUDIES OF A VARIETY OF AFTER-SCHOOL PROGRAMS WHERE
12 THERE HAS BEEN MULTIPLE SCHOOLS AND SITES AND THEY RANGE
13 FROM -- THERE'S A PROJECT IN NORTH CAROLINA CALLED YOUNG
14 SCHOLARS FUNDED BY A FOUNDATION THAT THERE -- IT'S
15 INTERESTING

16 IT'S CALLED YOUNG SCHOLARS WHEN I FIRST HEARD ABOUT
17 IT I THOUGHT IT WAS FOR GIFTED CHILDREN IT ACTUALLY WAS
18 FOR LOW-INCOME CHILDREN IN LOW-INCOME SCHOOLS AND PART OF
19 WHAT THEY ARE TRYING TO DO WITH THE AFTER-SCHOOL PROGRAM
20 IS TO CHANGE THE EXPECTATION AND ASPIRATIONS OF CHILDREN
21 BY CALLING IT YOUNG SCHOLARS SO IT'S NOT CALLED REMEDIAL
22 AFTER SCHOOL

23 THEY HAVE GOTTEN TERRIFIC RESULTS IN TERMS OF
24 IMPROVED ATTENDANCE, ACHIEVEMENT IN LOS ANGELES, I KNOW
25 IT'S A LONG WAYS AWAY BUT THEY HAVE HAD A LONG HISTORY OF

1 AND THEY OFTEN GET TO WORK WITH TEACHERS OR
2 PARAPROFESSIONALS OR OTHER PEOPLE ON SMALLER GROUP BASIS
3 THAT HELPS THEM SEE THE CONNECTION TO LEARNING IN SCHOOL

4 Q DOES THE RESEARCH SHOW THEN TO -- TO PUT THIS IN THE
5 PACKAGE, THAT AFTER-SCHOOL PROGRAMS PROVIDE AN ENHANCED
6 OPPORTUNITY TO ACQUIRE EDUCATION INCLUDING THE SKILLS IN
7 THE ABBEVILLE CASE?

8 A YES

9 Q DOES IT ALSO SHOW THAT IT HAS A TENDENCY TO MAKE KIDS
10 SAFER AND PARTICIPATE IN LESS CRIME?

11 A YES

12 Q AND DOES THE RESEARCH ALSO SHOW THAT IT HELPS TO KEEP
13 KIDS IN SCHOOL AND GOING TO SCHOOL?

14 A YES

15 Q AND IS -- IS BEING IN SCHOOL AND GOING TO SCHOOL PART
16 OF PROVIDING AN OPPORTUNITY?

17 A THAT'S CRITICAL IF YOU ARE NOT THERE, YOU CAN'T
18 LEARN

19 Q OKAY NOW, LET'S TALK A LITTLE BIT ABOUT THE
20 SPECIFICS OF WHAT YOU FOUND I KNOW YOU HAVE SPENT A FAIR
21 AMOUNT OF TIME BUT YOU MENTIONED THAT SOME OF THE
22 QUALITIES THAT THE AFTER-SCHOOL PROGRAM HAS TO HAVE BY WAY
23 OF ENGAGING THE STUDENTS IN A DIFFERENT WAY THAN THEY WERE
24 ENGAGED DURING THE DAY

25 WHAT ABOUT THE TEACHERS? THE STAFFING FOR AFTER

1 SCHOOL, WHAT, WHAT KIND OF STAFFING DO YOU NEED?

2 A THE STAFFING NEEDS TO MATCH THE PROGRAMMING IT
3 NEEDS TO BE, AS I MENTIONED A, A PROGRAM, PROGRAMMING THAT
4 INTERESTS STUDENTS IN COMING, THAT HELPS THEM WORK ON
5 THEIR ACADEMIC SHORTCOMINGS, GETS THEM PREPARED BETTER FOR
6 SUBJECT MATTER THAT THEY ARE GOING TO HAVE IN THE FUTURE
7 AND INTEREST THEM MORE IN -- IN LEARNING

8 SO IT OFTEN INVOLVES CLASSROOM TEACHERS FROM THE
9 REGULAR DAY, THEY MAY OR MAY NOT BE TEACHING THEY MAY
10 NOT TEACH NECESSARILY THE SAME MATERIAL THEY MAY TEACH
11 SOMETHING ELSE IT OFTEN INCLUDES PARAPROFESSIONALS WHO
12 HAVE PARTICULAR EXPERTISE IN AREAS THAT -- BEING OFFERED
13 IN THE PROGRAM

14 LET'S SAY THAT SOME CHILDREN ARE REALLY HAVING
15 TROUBLE WITH -- SAW ONE PROGRAM RECENTLY, THE YOUNGER
16 CHILDREN WERE HAVING TROUBLE TELLING TIME SO THEY TOOK
17 THE CHILDREN AFTER SCHOOL IN SMALL GROUPS WITH A
18 PARAPROFESSIONAL TO HELP WORK ON TELLING TIME WITH CLOCKS
19 AND SO ON

20 IT COULD INCLUDE COMMUNITY PEOPLE WHO HAVE PARTICULAR
21 EXPERTISE AND INTERESTS LET'S SAY YOU HAD A -- A MIDDLE
22 SCHOOLER OR EARLY HIGH SCHOOL CLUB THAT WAS INVOLVED IN
23 CREATIVE WRITING OR LITERACY OR PRODUCING A -- A SCHOOL
24 NEWSPAPER OR FAMILY NEWSPAPER OR NEWSLETTER YOU MIGHT
25 USE PEOPLE FROM THE COMMUNITY TO HELP DO THAT, OR

1 TEACHERS

2 IT S USUALLY A MIX OF PEOPLE AND OFTEN INCLUDES
3 COMMUNITY ORGANIZATIONS, THERE MAY BE EFFORTS TO GET
4 TUTORS FROM A GROUP OF SENIOR CITIZENS OR A PARTICULAR
5 CHURCH BUT THAT ALL HAS TO BE ORGANIZED AND MANAGED,
6 PEOPLE HAVE TO BE TRAINED, THEY HAVE TO KNOW THEIR
7 ASSIGNMENTS IF THEY ARE NOT THERE, THEY NEED TO BE --
8 REPLACEMENT NEEDS TO BE FOUND

9 SO THESE PROGRAMS AREN'T HAPHAZARD, LOOSE,
10 ONCE-A-WEEK DROP IN THEY -- THE EFFECTIVE PROGRAMS ARE
11 FIVE DAYS A WEEK THEY ARE TWO TO TWO AND A HALF, THREE
12 HOURS A DAY THEY HAVE TO BE TAKEN SERIOUSLY PARENTS
13 HAVE TO KNOW THAT KIDS NEED TO BE THERE EVERY DAY THE
14 TEACHERS KNOW -- NEED TO KNOW THAT THEY CAN RELY ON THEM

15 THE STUDENTS NEED TO KNOW THIS ISN'T JUST -- IT IS
16 INTERESTING AND ENGAGING AND FUN BUT IT'S PART OF WHAT'S
17 EXPECTED OF THEM IN THE LEARNING ENVIRONMENT

18 Q DO AFTER-SCHOOL PROGRAMS HAVE THE EFFECT OF REDUCING
19 DROPOUTS?

20 A YES

21 Q AND DOES THE RESEARCH AND DATA SUPPORT THAT?

22 A YES

23 Q YOU ALSO MENTIONED IN THE CONTEXT OF, I THINK WHEN WE
24 WERE TALKING ABOUT MIDDLE SCHOOLS, YOU MENTIONED SERVICE
25 LEARNING AND I CAN'T RECALL IF YOU MENTIONED IT IN HIGH

1 SCHOOL ALSO, BUT IS SERVICE LEARNING A KIND OF OPPORTUNITY
2 THAT CAN BE MADE AVAILABLE IN AFTER-SCHOOL PROGRAMS AND IF
3 SO, CAN YOU COMMENT ON THAT?

4 A IT'S PROBABLY EASIER TO DO THAT IN AFTER SCHOOL THE
5 NOTION IS AND IT GETS AT THE -- AT THE CIVIC SIDE OF --
6 AND CIVIC ENGAGEMENT AND LEARNING ABOUT SOCIAL SYSTEMS
7 THAT'S IN THE ABBEVILLE DECISION IN -- THAT SCHOOLS NEED
8 TO HELP DEVELOP YOUNG PEOPLE SKILLS

9 AND AS I TALKED EARLIER, PARTICULARLY MIDDLE SCHOOL
10 STUDENTS AND HIGH SCHOOL STUDENTS, EARLY HIGH SCHOOL,
11 NINTH AND TENTH GRADERS, YOU HAVE TO GO BEYOND JUST A
12 THEORETICAL DISCUSSION OF SOCIAL SYSTEMS OR GOVERNMENT
13 THEY ACTUALLY NEED TO GET IN THERE AND DO SOMETHING TO SEE
14 HOW -- HOW CAN YOU ANALYZE A PROBLEM IN THE COMMUNITY OR
15 IN THEIR SCHOOL

16 HOW CAN YOU DO SOMETHING ABOUT IT IN A POSITIVE WAY
17 AS A TEAM MEMBER OR AS A LEADER OF A TEAM AND SO SERVICE
18 LEARNING IS TAKING SOME ISSUE I MENTIONED EARLIER A
19 NEIGHBORING SCHOOL MIGHT HAVE THIRD GRADERS WHO NEED HELP
20 IN TUTORING SO THE MIDDLE SCHOOL SET OF STUDENTS ORGANIZE
21 THEMSELVES UNDER THE TEACHERS' SUPERVISION AND GUIDANCE,
22 TO HELP DO TUTORING FOR THIRD GRADERS

23 IT MIGHT BE, THERE MAY BE A -- A LIBRARY OR SOME
24 OTHER COMMUNITY SERVICE THAT'S CRITICAL TO THE COMMUNITY
25 THAT NEEDS YOUTH INVOLVED TO STOCK THE LIBRARY, RAISE

1 FREQUENTLY HAVE OR SHOULD HAVE WHAT'S CALLED CREDIT
2 RECOVERY OPPORTUNITIES STUDENTS EITHER WITH A TEACHER,
3 BUT OFTEN IT'S THROUGH COMPUTER SYSTEMS, CAN TAKE COURSES
4 THAT THEY FAILED DURING THE SCHOOL YEAR OR A SEMESTER THAT
5 THEY FAILED DURING A SCHOOL YEAR AND RECOVER THE COURSE
6 CREDIT

7 SO IT CAN BE QUALITY AFTER-SCHOOL PROGRAMS WOULD WORK
8 ACTUALLY IN ALMOST ALL THE AREAS THAT WE ARE CONCERNED
9 ABOUT IT'S JUST A DIFFERENT TIME OF DAY USING BOTH
10 CLASSROOM TEACHERS, PARAPROFESSIONALS AND COMMUNITY PEOPLE
11 IN THE SCHOOL AND GETTING YOUNG PEOPLE OUT IN THE
12 COMMUNITY

13 Q IN YOUR OPINION, DR PETERSON -- WELL, FIRST OF ALL,
14 IN EVALUATING THIS -- THIS INDICATOR OF OPPORTUNITY, THIS
15 AFTER SCHOOL INDICATOR OF OPPORTUNITY, DID YOU LOOK AT
16 AVAILABLE DURATION, CONSISTENCY, RELIABILITY OF FUNDING
17 AND THE AVAILABILITY OF THE OPPORTUNITY FOR EACH CHILD?

18 A YES

19 Q IN YOUR OPINION IS SOUTH CAROLINA PROVIDING THE
20 ESSENTIAL OPPORTUNITY OF AFTER-SCHOOL PROGRAMS NECESSARY
21 FOR PROVIDING A PUBLIC SCHOOL SYSTEM THAT PROVIDES AN
22 OPPORTUNITY TO ACQUIRE A MINIMALLY ADEQUATE EDUCATION
23 PARTICULARLY TO AT-RISK CHILDREN IN THE PLAINTIFF
24 DISTRICTS?

25 A YES, I -- I LOOKED AT THAT, YES

1 Q AND WHAT DID YOU -- WHAT WAS YOUR OPINION?

2 A WELL, THE -- THE DURATION WAS INSUFFICIENT THE -- I
3 DON'T BELIEVE ANY OF THE DISTRICTS AT ANY LEVEL HAD 180
4 DAYS FULL TWO AND A HALF, THREE HOUR PROGRAMS, FIVE DAYS A
5 WEEK THEY TEND TO BE PIECEMEAL AND THAT'S -- THAT'S A
6 DOUBLE PROBLEM

7 IT'S NOT JUST THEY ARE NOT OFFERING IT THAT'S TIME
8 LOST IN LEARNING, BUT IF YOU CAN'T COMMIT ON EVERY DAY,
9 FROM A PARENT'S PERSPECTIVE WHO HAS TO FIND OTHER
10 CHILDCARE ARRANGEMENTS OR TEACHERS WHO MAY BE THE DAY THAT
11 YOU ARE -- SOME OF YOUR STUDENTS NEED EXTRA HELP IS THE
12 DAY THE PROGRAM IS NOT MEETING AND FROM A STUDENT'S
13 PERSPECTIVE IT LOOKS LIKE IT'S NOT REALLY SERIOUS

14 SO YOU REALLY -- IT REALLY HAS TO BE SERIOUS AND THE
15 PROGRAM EVALUATIONS FROM AROUND THE COUNTRY INDICATE THAT
16 THOSE THAT ARE SERIOUS EVERY DAY ARE THE ONES THAT GET
17 GOOD RESULTS BECAUSE KIDS COME BECAUSE THEY KNOW IT'S PART
18 OF THE -- IT'S PART OF THE LEARNING PROCESS

19 SO THE DURATION IN TERMS OF IT'S TOO SHORT, THE
20 PERCENTAGE OF STUDENTS RANGES ALL OVER THE MAP DEPENDING
21 ON THE FUNDING SOURCE THEY HAVE THAT YEAR IF THEY HAVE
22 FUNDING, LET'S SAY, FROM 21ST CENTURY IT'S GOOD BUT A
23 NUMBER OF THE SITES INDICATE THE FUNDING IS RUNNING OUT SO
24 THEY MAY HAVE HAD IT LAST YEAR, NOT GOING TO HAVE IT THIS
25 YEAR SO THE FUNDING IS VERY TRANSITORY IT DOESN'T

1 ASSURE THE CONSISTENCY OF -- OF PROGRAMMING AND THAT'S
2 ALSO A DOUBLE PROBLEM

3 SO INSTEAD OF WORRYING ABOUT LET'S SAY NOW, NEXT
4 FALL, IN -- WHO IS GOING TO BE THE TEACHERS, WHAT'S THE
5 CURRICULUM GOING TO LOOK LIKE, HOW CAN WE GET MORE
6 COMMUNITY TUTORS INVOLVED THE QUESTION IS, I DON'T KNOW
7 IF WE ARE GOING TO HAVE A PROGRAM AND HERE IT IS, YOU
8 KNOW, THE END OF MAY THAT'S TYPICAL

9 AND SO THE QUALITY WON'T BE THERE BECAUSE OF THAT
10 AND THEN IN HIGH SCHOOL FREQUENTLY THERE'S NO PROGRAM AND
11 IF -- IF THERE ARE, THEY ARE OUT OF THE -- VERY
12 INFREQUENT

13 Q WHAT ABOUT IN THIS AREA, AVAILABILITY TO EACH CHILD
14 OR EASE OF AVAILABILITY BECAUSE THIS IS AFTER SCHOOL,
15 AFTER THE BUSES HAVE GONE HOME ONCE--

16 A TRANSPORTATION IS A -- AN ISSUE WITH AFTER-SCHOOL
17 PROGRAMS AND PARTICULARLY IN RURAL COMMUNITIES, AND THAT
18 HAS TO BE PART OF THE -- OF THE PACKAGE IS PROGRAMMING AND
19 THE TRANSPORTATION

20 Q AFTER LOOKING AT ALL OF THIS, DID YOU REACH AN
21 OPINION THAT SOUTH CAROLINA IS OR IS NOT PROVIDING THE
22 INDICATOR OF AFTER SCHOOL OPPORTUNITIES IN TERMS OF
23 PROVIDING THE OPPORTUNITY FOR -- AN OPPORTUNITY TO ACQUIRE
24 A MINIMALLY ADEQUATE EDUCATION?

25 A NO

1 Q SOUTH CAROLINA IS NOT --

2 A THEY ARE --

3 Q -- IN THE PLAINTIFF DISTRICTS?

4 A THAT'S CORRECT

5 Q IS THE LACK OF THE -- OF THE OPPORTUNITY FOR
6 AFTER-SCHOOL PROGRAMS ONE ESSENTIAL INDICATOR THAT THE
7 SYSTEM ITSELF OF PUBLIC SCHOOLS AS A SYSTEM IS NOT
8 PROVIDING AN OPPORTUNITY TO ACQUIRE A MINIMALLY ADEQUATE
9 EDUCATION TO EACH CHILD IN THE PLAINTIFF DISTRICTS?

10 A IT'S CRITICAL THEY HAVE THESE OPPORTUNITIES

11 Q AND IT IS AT LEAST ONE INDICATOR?

12 A RIGHT IT'S ONE INDICATOR

13 Q ALL RIGHT AND IF -- IF THIS EXTRA TIME AFTER SCHOOL
14 IS NOT THERE FOR CHILDREN WHO HAVE FALLEN BEHIND DUE TO
15 THE LACK OF SOME OF THESE OTHER OPPORTUNITIES THAT WE
16 TALKED ABOUT, WHAT HAPPENS TO THEM?

17 I MEAN, IF THEY DON'T HAVE THAT AFTER SCHOOL
18 OPPORTUNITY TO -- TO RECOVER FROM THE LACK OF MAYBE OF A
19 PRE-KINDERGARTEN OR PARENTAL OUTREACH OR MAYBE THE LACK OF
20 READING SPECIALISTS OR ANY OF THE OTHER ONES WE WENT
21 THROUGH?

22 A THEY FALL FURTHER AND FURTHER BEHIND ACADEMICALLY BUT
23 ALSO THEY GET DISCONNECTED WITH EDUCATION, IT'S POTENTIAL
24 AND THEY GET OFF TRACK FROM FINISHING HIGH SCHOOL AND
25 GOING ON TO FURTHER TRAINING

1 Q DOES -- DOES THE AFTER-SCHOOL PROGRAM OPPORTUNITY
2 THAT WE HAVE JUST BEEN DISCUSSING BECOME MORE OR LESS
3 IMPORTANT IF THESE OTHER OPPORTUNITIES, HIGH SCHOOL RIGOR,
4 MIDDLE SCHOOL RIGOR, READING SPECIALISTS, PARENTAL
5 OUTREACH, KINDERGARTEN SERVICES, COLLEGE AND CAREER
6 EXPLORATION, IF THOSE ARE EITHER NOT ALL THERE, SOME OF
7 THEM NOT THERE OR NONE OF THEM THERE?

8 A THEY BECOME EVEN MORE IMPORTANT BUT THEY CAN'T
9 COMPENSATE FOR THE LOSS OF THESE OTHER IMPORTANT
10 OPPORTUNITIES BECAUSE OF THE INCREASED REQUIREMENTS THAT
11 STUDENTS HAVE TO MEET JUST -- THEY NEED MULTIPLES OF THESE
12 OPPORTUNITIES, REINFORCING EACH OTHER AND AFTER SCHOOL IS
13 ONE VERY IMPORTANT PIECE

14 AND -- AND -- AND I FAILED TO MENTION THAT THE STATE
15 DOES PROVIDE IN TERMS OF STATE POLICY SOME MONEY FOR
16 HOMEWORK CENTERS, IT'S CALLED, BUT IT'S VERY LITTLE
17 COMPARED TO WHAT IS NEEDED TO OPERATE A TRUE AFTER-SCHOOL
18 PROGRAM

19 AND IN THE LAST COUPLE OF YEARS BECAUSE OF BUDGET
20 CUTS THE DISTRICTS HAVE HAD THE FLEXIBILITY OF THE
21 HOMEWORK MONEY FOR BASIC OPERATIONS AND A NUMBER OF THEM
22 HAVE HAD TO DO THAT SO THERE'S A RECOGNITION THAT'S
23 IMPORTANT, BUT THE FUNDING IS -- IS VERY INADEQUATE,
24 COVERAGE IS VERY INADEQUATE

25 BUT YOU NEED -- IT CAN CONTRIBUTE, BUT IT CAN'T CARRY

1 THE LOAD BY ITSELF

2 Q DR PETERSON, WHEN YOU TALKED ABOUT THE LACK OF THESE
3 OTHER OPPORTUNITIES THAT WE HAVE TALKED ABOUT, I'M
4 POINTING TO PRE-KINDERGARTEN RIGHT ON THROUGH THE COLLEGE
5 EXPLORATION, THE ARTS, HIGH SCHOOL RIGOR, MIDDLE, READING
6 SPECIALISTS, PARENTAL OUTREACH, YOU SAID THAT WE HAD TO
7 INCREASE INTENSITY AND TIME

8 IS THE AFTER-SCHOOL PROGRAM ONE OPPORTUNITY TO
9 INCREASE INTENSITY AND TIME FOR CHILDREN WHO ARE FALLING
10 BEHIND?

11 A YES

12 Q AND IF THAT OPPORTUNITY IS NOT THERE FOR THOSE
13 CHILDREN WHO ARE FALLING BEHIND, IS -- IS THAT A
14 SIGNIFICANT MISSING OPPORTUNITY?

15 A IT'S SIGNIFICANT, YES

16 Q OKAY AND IN THE DISTRICTS THAT -- THAT YOU HAVE
17 LOOKED AT FOR THE PLAINTIFFS WITH THE 50 PERCENT BELOW
18 BASIC, 90 PERCENT BELOW PROFICIENT, WHAT, WHAT NUMBERS OF
19 CHILDREN SHOULD BE PARTICIPATING IN YOUR JUDGMENT IN THE
20 OPPORTUNITY FOR MORE INTENSE, LONGER DURATION AFTER-SCHOOL
21 PROGRAM?

22 A THE GOAL FOR 2010 A STATE BY LAW IN TERMS OF THE
23 OVERSIGHT COMMITTEE'S REPORT CARD AND BY 2014 BY THE STATE
24 AGREEING TO NO CHILD LEFT BEHIND STANDARDS, IT'S
25 PROFICIENT IS THE STANDARD SO ANY CHILD WHO IS BELOW

1 PROFICIENT BECAUSE IT'S ONLY SIX YEARS AWAY

2 SO WE HAVE TO GET BUSY AND THEY NEED THE EXTRA TIME,
3 EXTRA DAYS, INTENSITY TO MAKE THAT LEARNING HAPPEN

4 Q EVEN IF WE COULDN'T IN THE PLAINTIFF DISTRICTS GET
5 EVERYBODY BELOW PROFICIENT INTO THE AFTER-SCHOOL PROGRAMS
6 FOR MORE INTENSITY AND MORE DURATION, ARE WE EVEN GETTING
7 THE KIDS WHO ARE BELOW BASIC INTO THE PROGRAM?

8 A NOT -- NOT WITH THE TYPE OF PROGRAM THAT'S REALLY
9 GOING TO MAKE A DIFFERENCE

10 Q SO DO THE KIDS THAT ARE EVEN BELOW BASIC HAVE THAT
11 OPPORTUNITY IN THE PLAINTIFF DISTRICTS TO HAVE THAT
12 INTENSITY AND DURATION TO MAKE UP FOR THESE LOST
13 OPPORTUNITIES?

14 A NO

15 MR MORRISON YOUR HONOR, THAT'S A LITTLE AFTER
16 THREE AND PROBABLY A STOPPING POINT IF THAT'S OKAY

17 THE COURT VERY GOOD YES, SIR THANK YOU
18 DR PETERSON, YOU CAN STEP DOWN

19 THE WITNESS THANK YOU, SIR

20 (WITNESS OFF STAND)

21 THE COURT FOLKS, WE ARE SCHEDULED TO RESUME ON
22 JUNE THE 7TH, I BELIEVE AT, AT 9 30 HERE AGAIN WE HAVE A
23 TERM OF COMMON PLEAS COURT HERE NEXT WEEK

24 (OFF-THE-RECORD DISCUSSION)

25 THE COURT MR MORRISON, ANY OTHER HOUSEKEEPING

1 Q OKAY AND LET'S START WITH SUMMER SCHOOL PROGRAMS
2 AND SEE IF WE CAN FINISH THIS PORTION AS YOU KNOW, WHAT
3 WE WERE DOING IS WORKING THROUGH THE -- YOUR PERSONAL
4 BACKGROUND AND WHATEVER RESEARCH -- BODY OF RESEARCH THERE
5 IS THAT SUPPORTS THIS AS AN ESSENTIAL OPPORTUNITY OR AN
6 INDICATOR OF ESSENTIAL OPPORTUNITY AND THEN GOING ON
7 SO IN TERMS OF SUMMER SCHOOL, YOU'RE CURRENTLY
8 INVOLVED WITH GOOD DEAL OF SUMMER SCHOOL WORK RIGHT?
9 A THAT'S CORRECT
10 Q OKAY AND TELL US ABOUT THAT
11 A I'M ON THE EXECUTIVE COMMITTEE OF THE CENTER FOR
12 SUMMER LEARNING AT JOHNS HOPKINS UNIVERSITY AND I'M VERY
13 INVOLVED WITH THEIR WORK IN LOOKING AT THE RESEARCH ON
14 SUMMER LEARNING AND SUMMER LEARNING LOSS WHICH IS A -- A
15 MAJOR PROBLEM THAT A GROUP OF RESEARCHERS INCLUDING THOSE
16 AT JOHNS HOPKINS AND OTHER LOCATIONS HAVE DISCOVERED TO BE
17 A REAL PROBLEM FOR LOW-INCOME CHILDREN
18 Q OKAY PARTICULARLY YOU AND I HAD TALKED A GOOD DEAL
19 ABOUT ADDITIONAL TIME ON TASK FOR LOW INCOME OR AT-RISK
20 CHILDREN HOW DOES SUMMER SCHOOL FIT INTO THAT?
21 A WELL, IT FITS IN DOUBLY AND THIS IS WHAT'S REALLY
22 -- MAKES IT SO IMPORTANT IS THAT OBVIOUSLY CHILDREN WHO
23 AREN'T LEARNING OVER THE SUMMER ARE GOING TO FALL BEHIND
24 AS THEY ENTER A NEW SCHOOL YEAR BUT IT'S EVEN WORSE THAN
25 THAT WITH LOW-INCOME CHILDREN

1 THERE'S NOW A BODY OF RESEARCH THAT INDICATES THAT
2 LOW-INCOME CHILDREN IN THE SUMMER LOSE TWO-TENTHS OF A
3 YEAR TO THREE-TENTHS OF A YEAR IN READING AND MATH
4 ACHIEVEMENT OVER THE SUMMER

5 NOW, THAT DOESN'T SOUND LIKE MUCH EXCEPT TAKE 2
6 YEARS TIMES 12 YEARS OF SCHOOLING, THAT'S 240 YEARS OR 3
7 YEARS OVER 12 YEARS AND YOU GET 36 YEARS OF LOSS AND
8 THAT'S NOW REFERRED TO AS THE SUMMER READING AND MATH
9 LOSSES

10 THIS DOESN'T HAPPEN WITH HIGH INCOME CHILDREN, MIDDLE
11 INCOME CHILDREN FALL FLAT SO IF YOU DON'T PROVIDE SUMMER
12 LEARNING OPPORTUNITIES FOR LOW-INCOME CHILDREN, THEY
13 ACTUALLY LOSE GROUND SO IT'S OF DOUBLE IMPORTANCE TO
14 HAVE HIGH QUALITY PROGRAMS FOR THEM

15 Q OKAY AND IS THERE A BODY OF RESEARCH THAT -- THAT
16 SUPPORTS THIS -- THIS OPINION YOU JUST GAVE?

17 A YES AND IT'S INTERESTING HOW IT HAPPENED AND SORT
18 OF LIKE A -- GOOD SCIENCE SOMETIMES DOESN'T HAPPEN IN A
19 STRAIGHT LINE A NUMBER OF SCHOOL DISTRICTS IN THE
20 COUNTRY WERE TESTING STUDENTS IN THE FALL TO SEE WHERE --
21 HOW MUCH THEY WERE -- KNEW WHEN THEY CAME TO SCHOOL AND
22 THEN IN THE SPRING TO SEE HOW MUCH THEY LEARNED OVER THE
23 SCHOOL YEAR

24 AND A NUMBER OF RESEARCH SAID, WELL, WHAT HAPPENS
25 BETWEEN THE SPRING AND THE FALL AND THAT -- THEY

1 ANALYZED THE DATA AND THEY FOUND THIS LOSS THAT HAPPENS
2 FOR LOW-INCOME CHILDREN

3 Q IS SUMMER SCHOOL PROGRAMMING AN ESSENTIAL INDICATOR
4 OF THE OPPORTUNITY TO ACQUIRE A MINIMALLY ADEQUATE
5 EDUCATION FOR THE CHILDREN IN THE PLAINTIFF DISTRICTS?

6 A YES, PARTICULARLY FOR LOW-INCOME CHILDREN AND HIGH
7 CONCENTRATIONS OF LOW-INCOME CHILDREN AND THE PLAINTIFF
8 DISTRICTS HAVE MANY, MANY CHILDREN IN BOTH CATEGORIES

9 Q IS THIS SUMMER SCHOOL INDICATOR RECOGNIZED BY
10 POLICYMAKERS AS PART OF THE EDUCATIONAL SYSTEM DESIGNED TO
11 PROVIDE EDUCATIONAL OPPORTUNITY TO AT-RISK CHILDREN?

12 A YES

13 Q OKAY AND WHERE IS IT EMBODIED IN POLICY?

14 A WELL, YOU SEE THAT ACTUALLY IN THE STATE POLICY
15 THERE'S MONEY FOR SUMMER SCHOOL, LEARNING HERE IN SOUTH
16 CAROLINA, BUT THE -- THE AMOUNT OF MONEY IS TOTALLY
17 INSUFFICIENT FOR THE AMOUNT OF CHILDREN WHO NEED SUMMER
18 SCHOOL

19 AND THE DURATION OF SUMMER SCHOOL WHEN IT'S OFFERED
20 IS VERY SHORT SO WE SEE IT IN SOUTH CAROLINA POLICY
21 THE SOUTHERN REGIONAL EDUCATION BOARD WHICH IS A
22 CONSORTIUM OF STATE LEGISLATORS AND GOVERNORS FROM THE
23 SOUTHERN STATES, THEY PUT OUT PUBLICATION ABOUT THE
24 IMPORTANCE OF SUMMER LEARNING

25 SO IT'S -- IT'S WIDELY NOW REALIZED THAT IF YOU DON'T

Terry Peterson Ph D (Plaintiffs' Expert)
Fmr Counselor to U S Sec of Ed Riley
Sr Fellow for Education Policy, USC
Direct Examination by Mr Morrison

7

1 ADDRESS THIS YOU'RE BASICALLY GOING TO HAVE CHILDREN
2 STARTING SCHOOL FURTHER BEHIND THAN WHEN THEY LEFT SCHOOL
3 Q IS SUMMER SCHOOL -- THIS SUMMER SCHOOL INDICATOR A
4 NORMAL AND ESSENTIAL COMPONENT OF A SYSTEM OF PUBLIC
5 SCHOOLS OR PUBLIC EDUCATION OR A STATE SYSTEM OF PUBLIC
6 SCHOOLS?

7 A CERTAINLY IF YOU WANT CHILDREN TO ACHIEVE

8 Q IN SOUTH CAROLINA, DR PETERSON, WITH A HIGH
9 PERCENTAGE OF CHILDREN IN POVERTY, CAN YOU HAVE A SYSTEM
10 OF FREE PUBLIC SCHOOLS WITH -- WITHOUT A MEANINGFUL AND
11 SUPPORTED SUMMER OPPORTUNITY FOR AT-RISK CHILDREN?

12 A NO

13 Q IS THE OPPORTUNITY FOR SUMMER SCHOOL PARTICULARLY
14 IMPORTANT IF SOUTH CAROLINA IS TO OFFER THE OPPORTUNITY TO
15 ACQUIRE A MINIMALLY ADEQUATE EDUCATION TO STUDENTS IN THE
16 PLAINTIFF DISTRICTS?

17 A IT'S ESSENTIAL

18 Q OKAY LET'S TALK -- COULD YOU SUMMARIZE FOR US
19 BRIEFLY THE RESEARCH THAT YOU HAVE MENTIONED AND ANY
20 ADDITIONAL RESEARCH YOU WANT TO CALL TO OUR ATTENTION?

21 A WELL, IT'S VERY IMPORTANT THAT SUMMER LEARNING BE OF
22 A SUFFICIENT DURATION TO MAKE A DIFFERENCE TYPICALLY
23 IT'S OFFERED IN THE STATE BECAUSE OF LACK OF FUNDING,
24 MAYBE THREE WEEKS FOR -- OR FOUR WEEKS FOR FOUR HOURS A
25 DAY THAT DOESN'T REALLY ADD UP TO MUCH

1 AND WHAT THE CENTER AT JOHNS HOPKINS HAS FOUND IS
2 THAT YOU NEED AT LEAST SIX-WEEKS, PROBABLY SEVEN OR EIGHT
3 THAT MAY SEEM LIKE A LOT EXCEPT THINK ABOUT THE LOSS THE
4 LOSS IS TWO TO THREE-TENTHS OF A YEAR THAT'S BASICALLY
5 TWO OR THREE MONTHS LOSS

6 AREN'T GOING TO COUNTERACT THAT LOSS BY GOING FOR
7 THREE-QUARTERS OF ONE MONTH SO THE PROGRAM HAS TO BE OF
8 SUFFICIENT DURATION TO REALLY PROVIDE THE -- THE LEARNING
9 OPPORTUNITIES THAT ARE NEEDED AND IT HAS TO BE ENGAGING
10 AND INTERESTING TO YOUNG PEOPLE

11 AMERICA HAS THIS PERCEPTION THAT SUMMER IS KIND OF
12 JUST, KIND OF TIME OFF A LOT OF OTHER COUNTRIES DON'T
13 HAVE THAT PERCEPTION FOR LEARNING SO IT HAS TO BE A
14 RICH, INVITING LEARNING ENVIRONMENT FOR CHILDREN AND YOU
15 CAN'T SIMPLY TEACH WHAT YOU TAUGHT DURING THE YEAR LOUDER

16 YOU HAVE TO TEACH IT DIFFERENTLY YOU HAVE TO ENGAGE
17 THE CHILDREN DIFFERENTLY IN LEARNING THE CONCEPTS AND HELP
18 ALSO BUILD THEIR SELF-CONFIDENCE THAT -- AND INTEREST IN
19 SCHOOLING

20 Q LET'S LOOK TOGETHER AT EXHIBIT 6602 THIS IS THE
21 CENTER FOR SUMMER LEARNING GENERAL INFORMATION THAT I
22 THINK THIS IS WHERE YOU ARE -- ARE INVOLVED ON THE BOARD
23 THIS IS THE JOHNS HOPKINS GROUP

24 A YES, IT IS AND THEY JUST HAD A -- A NATIONAL
25 CONFERENCE A FEW MONTHS AGO AND I HAD THE HONOR OF BEING

1 THE OPENING SPEAKER IN THE CONFERENCE

2 Q WE ARE AT SUMMER LEARNING EXHIBIT 6602 IN THE NORMAL
3 COURSE -- WELL, EXCUSE ME I GUESS WE ARE NOT IN THE
4 NORMAL COURSE APOLOGIZE FOR SAYING THAT BUT I'M JUST
5 PICKING UP WHERE WE LEFT OFF UNDER SUMMER LEARNING

6 DR PETERSON, ARE THESE THE OPENING WEB PAGES FOR THE
7 CENTER FOR SUMMER LEARNING AT JOHNS HOPKINS?

8 A YES, THEY ARE

9 Q AND DID YOU RELY ON THESE IN FORMULATING YOUR
10 OPINIONS?

11 A YES, I DID

12 Q I CALL YOUR ATTENTION TO THE MISSION STATEMENT AT THE
13 FIRST PAGE OF 6602 WHICH STATES IN PARAGRAPH TWO, FAR TOO
14 MANY YOUNG PEOPLE -- FOR FAR TOO MANY YOUNG PEOPLE SUMMER
15 VACATION RESULTS IN A THREE-MONTH HOLIDAY FROM
16 CONSTRUCTIVE LEARNING ACTIVITIES AND VALUABLE
17 OPPORTUNITIES TO PRACTICE THE SKILLS THEY NEED TO BE
18 SUCCESSFUL IN SCHOOL AND LIFE

19 GOING ON IN THE THIRD PARAGRAPH RESEARCH
20 DEMONSTRATES THAT ALL STUDENTS EXPERIENCE SIGNIFICANT
21 LEARNING LOSSES DURING THE SUMMER MONTHS STUDIES ALSO
22 SHOW THAT THE MAGNITUDE OF SUMMER LEARNING LOSS VARIES
23 SIGNIFICANTLY BY GRADE LEVEL, SUBJECT MATTER AND FAMILY
24 INCOME SUMMER LEARNING DIFFERENCES ARE ALSO A PRIMARY
25 CAUSE OF WIDENING ACHIEVEMENT GAPS

1 TO SCHOOL BEHIND

2 BUT THEN AS YOU HAVE AN ACCUMULATION OF LOSS OVER THE
3 SUMMER, YOU MIGHT NOTICE THAT IF YOU LOOK AT, LET'S SAY,
4 FROM THE LINE FIRST GRADE, SO IT'S -- IT'S AT THE END OF
5 SUMMER, BETWEEN KINDERGARTEN, SUMMER, THE END OF SUMMER
6 WHEN YOU ENTER FIRST GRADE UNTIL SUMMER STARTS AGAIN IN
7 SECOND GRADE YOU WILL NOTICE THAT THE, ROUGHLY THE PITCH
8 OF THE LINE STAYS THE SAME

9 AND THAT'S THE POINT THAT THE CHILDREN WHILE THEY ARE
10 IN SCHOOL ARE LEARNING ROUGHLY THE SAME AMOUNT IN READING
11 ACHIEVEMENT THEY CAME TO SCHOOL BEHIND THAT'S WHY
12 THREE AND FOUR YEAR OLD PROGRAMS ARE SO IMPORTANT
13 KINDERGARTEN THEY LEARN ROUGHLY THE SAME AMOUNT BUT IN THE
14 SUMMER THEN THEY DROP -- THEY DROP SOME MORE

15 SO YOU WILL SEE THAT EACH SUMMER LINE FOR LOW-INCOME
16 CHILDREN THERE'S QUITE A DROP AND YOU ADD THOSE DROPS UP
17 FOR FOUR OR FIVE YEARS AND YOU END UP WITH, WHATEVER,
18 THEY'RE ROUGHLY TWO YEARS BEHIND

19 SO IN ADDITION TO STARTING BEHIND, YOUR STUDENTS
20 DON'T HAVE EARLY CHILDHOOD PROGRAMS, THEN THEY FALL
21 FURTHER BEHIND OVER THE SUMMER IF THEY DO NOT HAVE SUMMER
22 LEARNING OPPORTUNITIES

23 Q SO IF WE HAVE A GAP IN THE PRE-KINDERGARTEN SERVICES
24 WHICH IS REFLECTED IN THIS CHART --

25 A RIGHT

1 Q -- AND WE -- WE WANT TO CATCH THE KIDS UP, THE GOAL
2 IS TO -- THE GOAL IS TO PROVIDE THEM THE OPPORTUNITY TO BE
3 PRODUCTIVE CITIZENS AT THE END OF THEIR EDUCATION, RIGHT?

4 A THAT IS ABSOLUTELY CORRECT

5 Q DO WE HAVE TO PROVIDE THE ADDITIONAL TIME ON TASK
6 INCLUDING THE SUMMER?

7 A ABSOLUTELY

8 Q OKAY AND IF WE -- IF WE DON'T, IS THERE AN
9 OPPORTUNITY TO ACQUIRE A MINIMALLY ADEQUATE EDUCATION FOR
10 THAT CHILD?

11 A NO, THERE IS NOT PLUS THIS EVIDENCE IS SO POWERFUL,
12 TO NOT ADDRESS IT IS -- IS JUST A BIG MISTAKE

13 Q IF WE LOOK AT THE COSTS AND CONSEQUENCES OF -- OF
14 SUMMER VACATION AT PAGE SIX AND I WILL JUST HIGHLIGHT
15 ONE PIECE OF -- OF THE SORT OF THE COST OF RE-TEACHING
16 THERE'S ONE SENTENCE HERE THAT SAYS, OVER THE COURSE OF
17 ONE CHILD'S K THROUGH 12 EDUCATION, THE TOTAL COST OF
18 INEFFICIENCY RESULTING FROM ONE MONTH OF RE-TEACHING EACH
19 FALL IS \$18,480 DO YOU SEE THAT?

20 A YES

21 Q OKAY AND WHAT DOES THAT MEAN?

22 A WELL, IF YOU ARE LOSING GROUND OVER THE SUMMER, THEN
23 WHEN THE STUDENTS ENTER SCHOOL IN THE FALL, THEY --
24 TEACHERS, GOOD TEACHERS ANYWAY WILL SENSE THE CHILDREN ARE
25 COMING BACK TO SCHOOL AREN'T COMING BACK IN THE SAME PLACE

1 THEY STARTED SO THEY WILL HAVE TO RE-TEACH A NUMBER OF
2 THE CHILDREN WHAT THEY THOUGHT THEY HAD TAUGHT THE YEAR
3 BEFORE AND THAT IS A -- A MAJOR INEFFICIENCY

4 Q AND WHAT IS THE IMPACT OF THAT, DR PETERSON, WHEN
5 YOU AGGREGATE LARGE NUMBERS OF CHILDREN FROM LOW-INCOME
6 SOCIOECONOMIC STATUS IN A SCHOOL DISTRICT?

7 A WELL, WE HAVE SEEN BEFORE THAT THIS IS TALKING ABOUT
8 INDIVIDUAL CHILD FROM A LOW-INCOME FAMILY, THIS HAPPENS
9 WE ALSO SAW, YOU KNOW, FROM SOME OTHER RESEARCH THAT ONCE
10 YOU HIT -- A SCHOOL HITS ROUGHLY 50 PERCENT OF CHILDREN IN
11 HIGH POVERTY, THEN THE ACHIEVEMENT DROPS OFF NOT JUST
12 BECAUSE OF THE INDIVIDUAL BACKGROUND OF THE CHILD BUT THE
13 COLLECTIVE BACKGROUND OF THE CHILDREN

14 AND THAT MAKES SENSE IF YOU THINK ABOUT IT, BECAUSE
15 MORE THAN HALF ARE COMING FROM BACKGROUND OF -- THAT HAVE
16 FALLEN BEHIND OVER THE SUMMER SO THAT ADDS ANOTHER
17 DYNAMIC THAT NEEDS TO BE ADDRESSED

18 Q IT STATES HERE A CONSERVATIVE ESTIMATE OF LOST
19 INSTRUCTIONAL TIME IS APPROXIMATELY TWO MONTHS OR ROUGHLY
20 22 PERCENT OF THE SCHOOL YEAR ONE MONTH SPENT
21 RE-TEACHING AND ONE MONTH SPENT ON -- NOT SPENT ON NEW
22 INSTRUCTION, IN FINANCIAL TERMS IF THE MEDIAN PER PUPIL
23 EXPENDITURE IN THE U S IS APPROXIMATELY \$7,000 PER YEAR,
24 N E A 2002, THE CURRENT SCHOOL CALENDAR COST -- COSTS
25 SCHOOL DISTRICTS AN AVERAGE OF \$1,540 PER PUPIL EACH FALL

1 IN INEFFICIENCIES, I GUESS IS THAT RIGHT?

2 A THAT'S CORRECT

3 Q AND IN THAT CONTEXT IF YOU ARE IN A DISTRICT SUCH AS
4 THE PLAINTIFF DISTRICTS, ALLENDALE THROUGH -- THROUGH
5 ORANGEBURG AND YOU ARE -- AND YOU HAVE AN AGGREGATION OF
6 CHILDREN FROM LOW SOCIOECONOMIC STATUS, WHAT DOES THAT
7 INDICATE REGARDING THE PORTION OF THE SCHOOL YEAR THAT'S
8 SPENT ON RE-TEACHING-TEACHING OR TRYING TO CAPTURE THAT
9 SUMMERTIME THAT WAS LOST?

10 A YOU ARE SPENDING AN ENORMOUS AMOUNT OF TIME EACH FALL
11 WHEN YOU GET BACK WHEN YOU REALLY NEED TO BE MOVING
12 FORWARD NOW KEEP IN MIND, THESE STUDENTS DIDN'T START
13 AHEAD OF THE GAME THEY STARTED BEHIND THE GAME SO THEY
14 ARE THE LEAST ABLE TO WASTE TIME IT'S NOT A WASTE
15 BECAUSE THEY HAVEN'T -- THEY LOST GROUND, YOU HAVE TO
16 CATCH THEM UP

17 SO IT'S EVEN MORE IMPORTANT FOR THEM TO HAVE HAD THE
18 SUMMER LEARNING OPPORTUNITIES COUPLED WITH THE EARLY
19 CHILDHOOD AND THE AFTER-SCHOOL OPPORTUNITIES

20 Q AND IS ALL OF THIS JUST ONE MORE REASON WHY THIS IS
21 AN INDICATOR OF AN ESSENTIAL OPPORTUNITY?

22 A YES

23 Q LET'S TAKE A LOOK TOGETHER AT PAGE TEN WELL, I WILL
24 JUST -- YOUR HONOR, ULTIMATELY I'M GOING TO OFFER --
25 RATHER THAN -- RATHER THAN JUST READ MORE INTO THE RECORD,

1 THING THAT THE STUDY FOUND STATEWIDE IS THAT NOT ALL THE
2 STUDENTS WHO COULD BENEFIT FROM THE SUMMER LEARNING
3 PROGRAM PARTICIPATE

4 THE PROGRAM MAY BE THERE ONE YEAR AND NOT THE NEXT
5 THE DURATION IS -- IS SHORT, SIMILAR TO WHAT THE STATEWIDE
6 STUDY HAS FOUND THE LENGTH OF TIME DURING THE DAY IS
7 SHORT MANY OF THE SCHOOLS OFFER NO SUMMER LEARNING
8 OPPORTUNITY FOR HIGH SCHOOL STUDENTS AND IF THEY DO, THOSE
9 HIGH SCHOOL STUDENTS HAVE TO PAY

10 SO THAT ADDS A WHOLE ANOTHER DIMENSION THAT THE
11 EARLIER S R E B STUDY REFERRED TO AND THAT IS DROPPING
12 OUT OF SCHOOL SUMMER SCHOOL IS A TIME OFF WHERE STUDENTS
13 CAN EITHER CATCH UP ON MATERIAL THAT THEY HAVE FALLEN
14 BEHIND DURING THE SCHOOL YEAR OR MAKE UP CREDITS AND
15 WITHOUT THAT, THEN THEY ARE MOST LIKELY NOT GOING TO
16 GRADUATE

17 SO THAT THE PLAINTIFF DISTRICTS HAVE THE LARGEST NEED
18 OF ALL THE DISTRICTS AND YET THEY HAVE -- FIND THEMSELVES
19 IN THE SAME EXACT SITUATION OF INSUFFICIENT PROGRAMMING,
20 INSUFFICIENT TIME, IN -- AND DRAMATICALLY LESS THAN
21 NECESSARY RESOURCES TO MAKE THIS HAPPEN

22 Q DR PETERSON, WHAT IF ANYTHING DID YOU FIND REGARDING
23 SUMMER SCHOOL PROGRAMS THAT REQUIRE PARENTS TO PAY AS IT
24 RELATES TO THE PLAINTIFF DISTRICTS?

25 A SOME OF THE -- SOME OF THE SCHOOL DISTRICTS IN ORDER

1 TO OFFER A HIGH SCHOOL PROGRAM HAVE PARENT -- ASKED
2 PARENTS TO PAY OR FAMILIES TO PAY OR STUDENTS TO PAY
3 MANY OF THE DISTRICT -- PLAINTIFF DISTRICTS DON'T OFFER
4 SUMMER SCHOOL, PERIOD, UNDER ANY CIRCUMSTANCES

5 Q WHAT ABOUT THE PAY PROGRAM? WHAT'S THE -- WHAT'S THE
6 EFFECTIVENESS OF A PROGRAM WHERE YOU HAVE TO PAY FOR LOW
7 SOCIOECONOMIC STATUS STUDENTS?

8 A YOU HAVE -- SCHOOL DISTRICTS YOU HAVE 65 TO
9 85 PERCENT OR MORE LOW-INCOME STUDENTS WHICH REFLECTS THE
10 INCOME OF THEIR FAMILY WHICH IS VERY LOW AND THAT MAKES IT
11 VERY DIFFICULT FOR FAMILIES TO PAY FOR A COURSE AND YET WE
12 KNOW THAT IF STUDENTS DROP OUT OF SCHOOL, DON'T GRADUATE,
13 THEY THEN THEMSELVES WILL END UP IN POVERTY SO IT'S REALLY
14 A SAD CIRCUMSTANCE

15 Q IS THIS LACK OF SUMMER SCHOOL OPPORTUNITY AN
16 ESSENTIAL INDICATOR THAT A SYSTEM OF FREE PUBLIC SCHOOLS
17 IS NOT PROVIDING THE OPPORTUNITY TO ACQUIRE A MINIMALLY
18 ADEQUATE EDUCATION TO EACH CHILD IN THE PLAINTIFF
19 DISTRICTS?

20 A IT'S NOT BEING PROVIDED ENOUGH DO NOT HAVE THE
21 ADEQUATE OPPORTUNITY

22 Q IF THIS SUMMER SCHOOL OPPORTUNITY IS NOT PROVIDED AS
23 YOU HAVE INDICATED IT'S NOT BEING PROVIDED IN THE
24 PLAINTIFF DISTRICTS, DO WE JUST THROW THE KID AWAY OR WHAT
25 DO WE DO? I MEAN, DOES IT JUST MEAN THAT THEY CAN'T

1 POSSIBLY ACQUIRE A MINIMALLY ADEQUATE EDUCATION OR DO
2 WE -- CAN WE MAKE UP FOR IT SOMEWHERE ELSE?

3 A WELL, IF YOU GO DOWN OUR LIST WE JUST ABOUT DROPPED
4 OFF THE -- END OF THE LINE IF YOU ARE ASKING ME IF THEY
5 HAVE -- END OF THE LINE UP THERE CAN THEY SUCCEED AND I
6 WOULD SAY THEY CANNOT SUCCEED ALTHOUGH THE LAST IMPORTANT
7 ESSENTIAL OPPORTUNITY IS A QUALITY TEACHER

8 A QUALITY TEACHER MAKES A TREMENDOUS DIFFERENCE BUT
9 I'M NOT SURE GIVEN THE MAGNITUDE OF HOW FAR BEHIND THESE
10 STUDENTS START SCHOOL AND WITH THE SUMMER LOSS AND HIGH
11 CONCENTRATION OF POVERTY, I'M NOT SURE THAT THEY DON'T
12 HAVE ALL THESE OPPORTUNITIES, THEY CAN BE SUCCESSFUL

13 IF THEY HAVE A -- A QUALITY TEACHER EVERY GRADE,
14 EVERY YEAR, THAT WOULD MAKE A DIFFERENCE BUT I -- MY
15 HUNCH IS GIVEN WHERE THE STATE HAS SET ITS STANDARDS FOR
16 GRADUATION AND THE TEST REQUIREMENTS, WHAT WE NEED IN
17 SOCIETY, IT WOULD BE TOUGH TO ACCOMPLISH THAT WITHOUT
18 SUMMER SCHOOL AND THE OTHER OPPORTUNITIES

19 Q IN TERMS OF IF WE DON'T HAVE SUMMER SCHOOL, DOES IT
20 MAKE THESE OTHER OPPORTUNITIES EVEN MORE IMPORTANT?

21 A OH, ABSOLUTELY

22 Q SO AS WE LOOK AT THESE PROGRAMMATIC OPPORTUNITIES AND
23 THAT'S THE NINE WHAT I WILL CALL THE PROGRAMMATIC IN THAT
24 SENSE, THE NINE PRE-KINDERGARTEN, PARENTS, READING, MIDDLE
25 SCHOOL RIGOR, HIGH SCHOOL RIGOR, COLLEGE CAREER

1 EXPLORATION, THE ARTS, AFTER SCHOOL AND SUMMER SCHOOL,
2 THOSE NINE PROGRAMMATIC INPUTS?

3 A YES

4 Q OKAY AND THOSE NINE PROGRAMMATIC INPUTS YOU
5 SELECTED BECAUSE THEY -- THEY MAKE A DIFFERENCE IN THE
6 OUTCOMES FOR THE STUDENTS?

7 A YES, THEY MAKE A DIFFERENCE

8 Q AND IN THAT CONTEXT IS EACH ONE OF THOSE
9 INDEPENDENTLY AN INDICATOR OF THE OPPORTUNITY A CHILD HAS
10 TO ACQUIRE A MINIMALLY ADEQUATE EDUCATION?

11 A YES

12 Q AND ESPECIALLY IN THESE DISTRICTS?

13 A ESPECIALLY IN THESE DISTRICTS

14 Q AND AS YOU HAVE INDICATED, IF ONE OF THEM IS MISSING
15 YOU MAY BE ABLE TO MAKE UP FOR IT BUT IF THEY ARE ALL
16 MISSING IT'S REALLY A PROBLEM?

17 A SEVERE PROBLEM

18 Q LET'S TALK ABOUT THEN THE -- THE LAST ITEM ON OUR
19 MATRIX UP THERE, THAT FUNDAMENTAL ITEM OF TEACHER QUALITY
20 THAT YOU JUST TALKED ABOUT WHY IS THAT UP THERE?

21 A THERE'S A LOT OF RESEARCH OVER MANY YEARS INDICATING
22 THAT A QUALITY TEACHER IS A VERY, VERY IMPORTANT
23 INGREDIENT IN IMPROVED STUDENT LEARNING AND MORE RECENT
24 RESEARCH WOULD INDICATE THAT HAVING A POOR TEACHER CAN
25 REALLY MAKE A NEGATIVE IMPACT ON STUDENT LEARNING

1 THERE'S A LONG-TERM STUDY IN TENNESSEE THAT HAS FOUND
2 THAT

3 SO THAT TEACHER QUALITY IS -- IS -- IS VERY
4 IMPORTANT AND TO MAKE ANY OF THESE OTHER OPPORTUNITIES
5 WORK WELL, YOU NEED QUALITY TEACHERS AND QUALITY STAFF

6 Q I'M GOING TO BACK UP JUST FOR A SECOND BECAUSE I -- I
7 FORGOT TO TRY TO CONNECT THIS SUMMER SCHOOL PROGRAM TO THE
8 CENTER OF THE -- OF THE CASE AND THAT IS THE ITEMS IN
9 THE ABBEVILLE STANDARD

10 IS SUMMER SCHOOL OFF CENTER IN ANY WAY OR IS IT -- OR
11 IS IT -- HOW WOULD YOU RELATE IT TO THE -- TO THE STANDARD
12 OF THE ABILITY TO READ, WRITE, AND SPEAK THE ENGLISH
13 LANGUAGE, A KNOWLEDGE OF MATHEMATICS AND PHYSICAL SCIENCE,
14 A FUNDAMENTAL KNOWLEDGE OF ECONOMIC, SOCIAL AND POLITICAL
15 SYSTEMS, AND A HISTORY OF GOVERNMENTAL PROCESSES AND
16 ACADEMIC AND VOCATIONAL SKILLS? HOW DO YOU RELATE SUMMER
17 SCHOOL TO THAT, IS IT A FRILL OR IS IT --

18 A IT'S IMPORTANT, A VERY IMPORTANT INGREDIENT AND I
19 THINK FROM THE EVIDENCE WITHOUT IT, IT'S GOING TO MAKE IT
20 MUCH MORE DIFFICULT TO HAVE STUDENTS READ AT A -- HAVE THE
21 READING ABILITY THAT ABBEVILLE LAYS OUT, THE WRITING
22 ABILITY, THE MATH ABILITY

23 MANY OF THE REALLY GOOD SUMMER SCHOOL PROGRAMS IN --
24 INVOLVE ACTIVITIES SUCH AS SERVICE LEARNING WHICH -- FOR
25 KIDS, LEARN, READ AND WRITE AND ALSO WORK ON A COMMUNITY

1 Q HAVE YOU REVIEWED THE TESTIMONY AND DATA PROVIDED IN
2 THIS TRIAL CONCERNING TRANSPORTATION OF STUDENTS?

3 A YES

4 Q AND WHAT ARE THE ISSUES THAT FACE THE PLAINTIFF
5 DISTRICTS --

6 A WELL --

7 Q -- REGARDING TRANSPORTATION?

8 A YES WHAT HAS HAPPENED OVER THE LAST, WHATEVER, 15
9 OR SO YEARS IS THAT TRANSPORTATION USED TO BE ALMOST
10 ENTIRELY A COST BORNE BY THE STATE OF SOUTH CAROLINA
11 MORE AND MORE THOSE TRANSPORTATION COSTS ARE SHOVED DOWN
12 TO LOCAL SCHOOL DISTRICTS

13 AND SO THAT MEANS THAT PROPERTY POOR SCHOOL DISTRICTS
14 LIKE THE PLAINTIFF DISTRICTS HAVE TO EXERT AN
15 EXTRAORDINARY EFFORT OR CAN'T PROVIDE THE OPPORTUNITIES
16 IT MAKES IT VERY DIFFICULT IF THEY DON'T RECEIVE A GRANT
17 OR SOME OTHER FUNDING TO PROVIDE TRANSPORTATION FOR SUMMER
18 SCHOOL, AFTER-SCHOOL PROGRAMS AND TO DO THE OTHER TYPE OF
19 CAREER EXPLORATION AND THE -- IT APPEARED FROM, I THINK IT
20 WAS DON TUTOR'S WORK THAT SOMETHING LIKE \$65 MILLION NOW
21 OF COSTS, SOMETHING LIKE 60 PERCENT OF THE COSTS AND I
22 THINK THE COSTS FOR TRANSPORTATION IN -- IS ROUGHLY ABOUT
23 106 OR 7 MILLION OR SOMETHING IN 2002, THAT 60 PERCENT OF
24 THOSE COSTS IS BORNE BY THE DISTRICT AND 40 BY THE STATE
25 SO THE -- 15 YEARS AGO THAT \$65 MILLION WORTH OF

1 TRANSPORTATION OPPORTUNITIES WOULD HAVE BEEN PROVIDED BY
2 THE STATE OF SOUTH CAROLINA NOW, THE LOCAL SCHOOL
3 DISTRICTS HAVE TO ABSORB THAT COST WHICH MAKES IT VERY
4 DIFFICULT FOR THESE DISTRICTS THAT HAVE THE GREATEST NEED
5 FOR TRANSPORTATION AND LEAST CAPACITY TO PAY FOR THEM

6 Q LET'S LOOK TOGETHER AT SOME OF DON TUTOR'S MATERIAL
7 LET'S LOOK AT 6374-A THIS IS THE STATE REIMBURSEMENT OF
8 TOTAL DISTRICT TRANSPORTATION EXPENDITURES DISTRICT
9 60 6 PERCENT AND STATE 39 3 PERCENT IS THIS WHAT YOU
10 WERE REFERRING TO?

11 A YES THAT'S THE -- NOW IN SOUTH CAROLINA -- WELL,
12 THAT WAS IN 2 -- '02

13 Q RIGHT

14 A THAT THE MAJORITY OF THE COSTS WERE PROVIDING
15 DISTRICT TRANSPORTATION IS NOW ON THE BACKS OF SCHOOL
16 DISTRICTS WHERE BEFORE IT WAS THE STATE

17 Q LET'S LOOK AT 6374-B AND THIS IS THE PERCENTAGE OF
18 DISTRICT TRANSPORTATION EXPENDITURES BORNE BY THE
19 DISTRICTS '96, '97 TO '01, '02 AND IT SHOWS THE BLUE
20 STATE LINE TREND LINE GOING DOWN AS A PERCENTAGE PAID AND
21 THE RED DISTRICT LINE GOING UP, RIGHT?

22 A THAT'S CORRECT AND IF THE -- WE WENT BACK FURTHER
23 YOU WOULD SEE THE BLUE LINE WOULD BE NEAR THE HUNDRED
24 PERCENT RANGE BACK ANOTHER TEN YEARS AND THE DISTRICT LINE
25 WOULD BE CLOSER TO THE ZERO LINE

1 SO THERE'S BEEN A SHIFTING LONG-TERM AND PARTICULARLY
2 IN THE LAST FEW YEARS OF THE SCHOOL DISTRICTS HAVING TO
3 PAY FOR MORE AND MORE OF THE TRANSPORTATION COSTS

4 Q LET'S LOOK AT 6374-C AND THIS IS THE PERCENTAGE OF
5 TRANSPORTATION EXPENDITURES PAID BY THE PLAINTIFF
6 DISTRICTS, EACH -- EACH ONE INDIVIDUALLY
7 AND WHAT DO YOU OBSERVE THERE IN FISCAL YEAR 2002?

8 A THAT WE SEE THE DIFFERENCE OF -- BY DISTRICT BUT THAT
9 IN GENERAL THE DISTRICTS ARE HAVING TO PAY AT LEAST
10 35 PERCENT UP TO 75 PERCENT OF THE TRANSPORTATION COSTS

11 Q IS -- IS THE STATE FUNDING TRANSPORTATION AS IT WAS
12 FUNDING TRANSPORTATION AT THE TIME OF THE IMPLEMENTATION
13 OF THE EDUCATION FINANCE ACT?

14 A NO, BECAUSE AT THAT TIME THE TRANSPORTATION COST WAS
15 ALMOST A HUNDRED PERCENT EXCEPT FOR MAYBE SOME
16 EXTRACURRICULAR ACTIVITIES, IT WAS BORNE ALMOST A HUNDRED
17 PERCENT BY THE STATE OF SOUTH CAROLINA AND THAT WAS ONE OF
18 THE -- THE TENANTS THE EDUCATION FINANCE ACT WAS BUILT ON,
19 THAT TRANSPORTATION WOULD BE FULLY COVERED BY THE STATE

20 Q LET'S LOOK AT SLIDE 6374-E, GENERAL FUND
21 APPROPRIATIONS FOR TRANSPORTATION OPERATING COST FOR '91,
22 '92 SCHOOL YEAR TO '03, '04 SCHOOL YEAR AND WHAT DO YOU
23 OBSERVE THERE?

24 A EXCEPT FOR THE LITTLE BLIP IN ONE YEAR YOU SEE --
25 KIND OF JUST DID A LINE DOWN FROM '91, '92 TO 2003, 2004

1 YOU WOULD SEE THAT THE GENERAL TREND LINE IS FOR LESS
2 GENERAL FUND FROM THE LEGISLATURE APPROPRIATIONS TO
3 TRANSPORTATION OPERATING COST

4 Q AND LET'S LOOK AT 6374-F, TOTAL APPROPRIATIONS FOR
5 TRANSPORTATION COSTS?

6 A AGAIN JUMPING AROUND BUT IF YOU KIND OF EVEN OUT THE
7 LOWS AND THE HIGHS YOU WOULD SEE THAT -- THE SAME KIND OF
8 TREND FOUND

9 Q IN THE PLAINTIFF DISTRICTS, IS IT ESSENTIAL THAT THE
10 CHILDREN BE PROVIDED THE OPPORTUNITY TO BE TRANSPORTED NOT
11 JUST TO SCHOOL BUT TO AFTER SCHOOL AND SUMMER SCHOOL
12 OPPORTUNITIES?

13 A YES

14 Q AND IF THAT OPPORTUNITY IS -- FOR TRANSPORTATION IS
15 NOT PROVIDED TO THE PROGRAMS THAT WE HAVE DISCUSSED, ARE
16 THE CHILDREN RECEIVING BY DEFINITION THE OPPORTUNITY TO
17 ACQUIRE A MINIMALLY ADEQUATE EDUCATION?

18 A NO, NO, THEY CAN'T GET THERE THEY CAN'T LEARN

19 Q IN YOUR OPINION, IS THE UNDER FUNDING OF
20 TRANSPORTATION FOR EDUCATIONAL ACTIVITIES IN THE PLAINTIFF
21 DISTRICTS AFFECTING AT LEAST AS ONE INDICATOR OF THE LACK
22 OF AN OPPORTUNITY FOR EACH CHILD TO ACQUIRE A MINIMALLY
23 ADEQUATE EDUCATION?

24 A YES

25 Q AND IS THE LACK OF FUNDING, ADEQUATE FUNDING AND

1 RESOURCES A DIRECT CAUSE OF THAT LACK OF OPPORTUNITY?

2 A YES

3 Q YOU ALSO MENTIONED FACILITIES LET'S TURN TO -- TO
4 FACILITIES AND WHAT IS THE ROLE OF FACILITIES IN THE
5 DELIVERY OF THE OPPORTUNITY FOR A MINIMALLY ADEQUATE
6 EDUCATION?

7 I KNOW IT'S CITED IN ABBEVILLE OF A SCHOOL
8 BUILDING -- WE DEFINED THIS MINIMALLY ADEQUATE EDUCATION
9 REQUIRED BY OUR CONSTITUTION TO INCLUDE PROVIDING STUDENTS
10 ADEQUATE AND SAFE FACILITIES IN WHICH THEY HAVE THE
11 OPPORTUNITY TO ACQUIRE AND THEN THE SUBJECT MATTER

12 A RIGHT

13 Q WHY ARE FACILITIES IMPORTANT TO THAT?

14 A WELL, THEY -- THEY AREN'T JUST A NEUTRAL PLACE
15 THE -- A GROWING BODY OF EXPERTS AND RESEARCH TO SHOW THAT
16 THE LIGHTING IN BUILDINGS IS IMPORTANT TO LEARNING WE
17 HAVE KNOWN THAT FROM RESEARCH IN THE WORKFORCE AIR
18 QUALITY, OLD BUILDINGS CAN BE -- CAUSE CHILDREN WITH
19 ASTHMA TO -- OR TO HAVE MORE ASTHMATIC CONDITIONS

20 NOISE LEVEL IN THE BUILDING, EITHER THE WAY IT'S
21 DESIGNED OR IN SOME CASES THE HEATING AND AIR CONDITIONING
22 SYSTEMS ARE SO LOUD THAT IT'S HARD -- ALMOST HARD FOR THE
23 TEACHER TO TEACH THE LAYOUT OF A SCHOOL IN TERMS OF
24 LABORATORIES, MEDIA CENTERS, IT'S IMPORTANT TO THE
25 LEARNING ENVIRONMENT

1 ALL OF THAT -- AND THAT ALSO REFLECTS ON TEACHER
2 RETENTION, QUALITY AND WORKING CLIMATE SO THEY GET VERY
3 MUCH INTERMIXED IN ADDITION TO THAT, THERE IS WORK BEING
4 DONE BY THE BILL AND MELINDA GATES FOUNDATION AND SOME
5 OTHER FOUNDATIONS LIKE THE KNOWLEDGE WORKS FOUNDATION IN
6 OHIO, AMONG OTHERS, INCLUDING THE U S DEPARTMENT OF
7 EDUCATION, INTERESTED IN MAKING SURE THAT SCHOOLS
8 THEMSELVES ARE OF A SCALE THAT MATCHES STUDENTS

9 SO IF YOU HAVE A SCHOOL, EVEN IF YOU HAVE A SMALL
10 SCHOOL LIKE SOME OF THE DISTRICTS IN THE PLAINTIFF
11 DISTRICTS, MIDDLE SCHOOL STUDENTS DON'T WORK WELL WHEN YOU
12 HAVE THREE OR FOUR OR 500 OF THEM JUST ROAMING AROUND
13 THEY WORK MUCH BETTER IF THEY ARE IN SMALL, SOMETIMES
14 CALLED FAMILY UNITS OR TEAM UNITS THE SAME IN HIGH
15 SCHOOLS

16 SO EVEN THOUGH A SCHOOL MAY NOT BE LARGE AS WE MIGHT
17 HAVE IN OTHER METROPOLITAN AREAS, HAVING A -- BUILDING
18 SCHOOLS WHERE THEY HAVE SMALL UNITS SO PEOPLE FEEL A PART
19 OF SOMETHING, FEEL ATTACHED TO SOMETHING, FEEL PART OF THE
20 TEAM

21 AGAIN IT MAY SOUND LIKE A FRILL EXCEPT WHEN YOU LOOK
22 AT THE LACK OF A -- AN ADEQUATE GRADUATION RATE IN SOUTH
23 CAROLINA, AND 50 PERCENT OF THE YOUNG PEOPLE ARE NOT
24 FINISHING HIGH SCHOOL THAT FINISHING NINTH GRADE THERE'S
25 A PILE UP OF NINTH GRADERS, A BULGE THERE BECAUSE THEY

1 HAVEN'T ADEQUATELY BEEN PREPARED COMING OUT OF MIDDLE
2 SCHOOL

3 SO THE -- THE DESIGN OF THE SCHOOL, THE LIGHTING,
4 HEATING, LABORATORIES, ALL MAKE A DIFFERENCE AND FINALLY
5 HOW A SCHOOL IS DESIGNED MAKES A DIFFERENCE HOW MUCH THE
6 COMMUNITY AND PARENTS ARE INVOLVED

7 SO ALL THOSE FACTORS NEED TO BE TAKEN INTO ACCOUNT
8 WHEN BUILDING AND DESIGNING SCHOOLS TO MAXIMIZE LEARNING,
9 TO MAXIMIZE TEACHING AND TO MAXIMIZE PARENT AND COMMUNITY
10 INVOLVEMENT AND LEADERSHIP OF THE PRINCIPAL

11 Q WE -- WE HEARD SOMETHING EARLIER IN THE CASE CALLED
12 COMMUNITY CAPITAL OR SOCIAL CAPITAL BUILT AROUND SCHOOL
13 CENTERS HOW DOES THAT -- HOW DOES THE NATURE OF THE
14 FACILITY IMPACT THAT KIND OF CAPITAL?

15 A THERE'S ACTUALLY A GROUP OF SOME, I GUESS, A HUNDRED
16 ORGANIZATIONS FORMED A GROUP CALLED COALITION FOR
17 COMMUNITY SCHOOLS, LOOKING AT RESEARCH ON BUILDING AND
18 MAINTAINING SCHOOLS AS A COMMUNITY SCHOOLS OR COMMUNITY
19 LEARNING CENTERS, A PLACE THAT ISN'T JUST OPEN EIGHT TO
20 TWO OR EIGHT TO THREE, 180 DAYS A YEAR, BUT LOOKING AT THE
21 SCHOOL AS A PLACE FOR OTHERS TO LEARN AS WELL AS CHILDREN
22 TO STAY LONGER IN SUMMER SCHOOL AND AFTER SCHOOL

23 BUT THEN MAKES THE SCHOOL A VIABLE PART OF THE
24 COMMUNITY IF SCHOOLS ARE ONLY LOOKED AT AS EIGHT TO
25 THREE ENTERPRISE, THEN YOU MISS A HUGE AMOUNT OF

1 INVOLVEMENT AND ENGAGEMENT FROM THE BROADER COMMUNITY
2 AND YOU ARE NOT GOING TO BE SUCCESSFUL PARTICULARLY WITH
3 CHILDREN WHO COME WITH A LOT OF NEEDS

4 THEY NEED TO HAVE MORE CONNECTIONS TO THE COMMUNITY,
5 PEOPLE COMING INTO THE SCHOOL, THEIR PARENTS COMING BACK
6 TO SCHOOL TO GET A G E D OR A HIGH SCHOOL DIPLOMA ALL
7 THAT BECOMES VERY IMPORTANT

8 BUT IF THE -- THE SCHOOL LOOKS LIKE A FORTRESS, IT'S
9 NOT INVITING, THE STAFF ISN'T PREPARED TO REACH OUT TO THE
10 FAMILIES AS WE HAVE TALKED ABOUT EARLIER AND YOU WALK IN
11 AND, YOU KNOW, IT DOESN'T SEEM LIKE IT'S A PLACE FOR THE
12 NEIGHBORHOOD OR THE FAMILY, THEY WON'T COME BACK

13 SO ALL OF THAT CAN BE TAKEN INTO THE DESIGN OF A
14 SCHOOL AND HOW YOU OPERATE IS HOW THE PRINCIPAL AND THE
15 TEACHERS OPERATE THE SCHOOL AND IT MAKES A DIFFERENCE
16 THEN IN ACHIEVEMENT, AND COMPLETION RATES, STAYING IN
17 SCHOOL AND COMMUNITY CONNECTIONS

18 Q DO FACILITIES, DR PETERSON, ACTUALLY IMPACT STUDENT
19 PERFORMANCE?

20 A YES

21 Q DO FACILITIES ACTUALLY IMPACT THE QUALITY OF
22 TEACHING, TEACHER ATTENDANCE AND TEACHER MORALE?

23 A YES

24 Q LET'S LOOK TOGETHER AT EXHIBIT 209, THE E O C REPORT
25 TO THE GENERAL ASSEMBLY FROM MARCH, 2002 I THINK THIS IS

1 ALREADY IN EVIDENCE BUT SOMEBODY CAN CHECK ME ON THAT WE
2 WOULD OFFER THIS IF IT'S NOT, BUT I THINK IT'S EXHIBIT 209
3 IS ALREADY IN EVIDENCE

4 AND I SPECIFICALLY WANT TO REFER TO PAGE 12 OF THIS
5 E O C REPORT IT'S NOT IN EVIDENCE? I WOULD OFFER IT
6 INTO EVIDENCE THEN, YOUR HONOR

7 THE COURT THANK YOU WITHOUT OBJECTION
8 BY MR MORRISON

9 Q AT PAGE 12 OF EXHIBIT, PLAINTIFFS' EXHIBIT 209, UNDER
10 SCHOOL FACILITIES, THERE IS A -- THERE ARE A SERIES OF
11 ITEMS THERE AND COULD YOU WALK US THROUGH THOSE ITEMS
12 REGARDING WHAT THE E O C REPORTED TO THE GENERAL ASSEMBLY
13 REGARDING THE IMPORTANCE OF FACILITIES IN TERMS OF -- OF
14 ACHIEVEMENT AND CONDITION OF THE SCHOOL CLIMATE?

15 MRS GRAY YOUR HONOR, IF I MIGHT INTERPOSE AN
16 OBJECTION AT THIS POINT IN TIME THIS REPORT IS NOW
17 SEEKING TO QUOTE ANOTHER REPORT WHICH WE HAVE ALREADY
18 PREVIOUSLY OBJECTED TO AND I BELIEVE IT WAS SUSTAINED, AS
19 IT RELATES TO CONNECTING FACILITIES TO ACHIEVEMENT, AND
20 MR STEVENSON IS NOT HERE, IT'S NOT -- IT'S WAY BEYOND THE
21 SCOPE OF THIS REPORT IT'S JUST SIMPLY RECITING ANOTHER
22 REPORT

23 THE COURT IT'S THIS SPECIFIC PORTION OF THE
24 REPORT THAT YOU'RE OBJECTING TO? IS THAT --

25 MRS GRAY YES, SIR I DON'T OBJECT TO THE

1 Q NOW, THE NEXT ITEM UNDERNEATH NUMBER OF STUDENTS IS
2 TOTAL EXPENDITURES AND THAT TOTAL EXPENDITURES IS -- IS
3 \$22,511,110 FOR JASPER FOR '01, RIGHT?

4 A CORRECT

5 Q AND THEN IT HAS THE DEBT SERVICE AND CAPITAL
6 PROJECTS, RIGHT?

7 A YES

8 Q WHAT'S THAT NUMBER?

9 A 2,173,712

10 Q ALL RIGHT AND THAT NUMBER OF 2,173,712 IS
11 SUBTRACTED FROM THE TOTAL EXPENDITURES TO GET SOMETHING
12 CALLED L E A EXPENDITURES, RIGHT?

13 A CORRECT

14 Q AND THAT NUMBER IS \$20,337,395 FOR JASPER IN '01,
15 RIGHT?

16 A YES

17 Q AND THEN THE L E A EXPENDITURES PER PUPIL, NOT
18 COUNTING CAPITAL AND DEBT SERVICE IS 7,358 ACCORDING TO
19 THIS REPORT, RIGHT?

20 A CORRECT

21 Q OKAY LET'S STOP RIGHT HERE, DR PETERSON IN
22 DETERMINING WHAT A SCHOOL DISTRICT IS SPENDING, SHOULD
23 CAPITAL AND DEBT SERVICES BE LEFT OUT?

24 A NO IT'S PART OF THE OVERALL EDUCATIONAL PACKAGE
25 THAT THE STUDENTS FIND THEMSELVES IN THE CLASSROOMS, THE

1 BUILDINGS, THE TEACHERS, THE TRANSPORTATION, ALL THAT IS A
2 PACKAGE OF -- OF OPPORTUNITIES OR LACK THEREOF SO THEY
3 ALL NEED TO BE INCLUDED PLUS THEY INTERACT OVER TIME

4 THAT THE -- THE -- THE NEW SCHOOL OFTEN INCLUDES NEW
5 EQUIPMENT IN THE SCHOOL BECAUSE THAT'S -- YOU SPREAD THE
6 COST OVER TIME AND -- AND WHEN YOU BUILD A NEW SCHOOL YOU
7 WANT TO HAVE NEW EQUIPMENT OFTEN PERHAPS EVEN NEW
8 FURNITURE, NEW LIBRARIES, NEW, COULD EVEN HAVE NEW
9 COMPUTERS AND SO ON AND THAT MEANS THAT THE -- THE
10 MAINTENANCE COST GOES DOWN

11 Q AND SOME OF THAT COST YOU ARE TALKING ABOUT FOR THE
12 NEW FURNITURE AND SO FORTH IS IN THE CAPITAL, RIGHT?

13 A RIGHT

14 Q SO IT -- THINGS MOVE BACK AND FORTH BETWEEN CAPITAL
15 AND OPERATIONS DEPENDING UPON HOW OLD THINGS ARE, HOW NEW
16 THINGS ARE RIGHT?

17 A THAT'S CORRECT

18 Q AND SO IT'S REASONABLE IN YOUR JUDGMENT TO LOOK AT
19 DEBT SERVICES AND CAPITAL AND OPERATING EXPENDITURES?

20 A THAT'S CORRECT

21 Q THE TWO -- DO THE TWO FUNCTION IN ISOLATION OR DO
22 THEY FUNCTION TOGETHER?

23 A NO IN TERMS OF LEARNING OR IN TERMS OF REALITY IN
24 TERMS OF HOW YOU HAVE TO PAY FOR THINGS, JUST SOMETIMES
25 COMES OUT OF ONE POCKET RATHER THAN THE OTHER

1 Q IN YOUR EXPERIENCE DOES -- CAN HIGHER CAPITAL SPREAD
2 OPERATING COSTS OVER FUTURE PERIODS? IN OTHER WORDS, DOES
3 HIGHER CAPITAL SPREAD COST OVER TIME REMOVING THEM FROM
4 OPERATION?

5 A RIGHT RIGHT

6 Q IN TERMS OF COMPARING PER PUPIL SPENDING, CAN THAT
7 SKEW PER PUPIL SPENDING?

8 A YES, BECAUSE OLD BUILDINGS WILL REQUIRE MORE
9 MAINTENANCE COSTS YOU SEE THAT IN THE OPERATIONAL SIDE
10 NEW BUILDINGS WILL HAVE LESS OPERATIONS

11 MRS. GRAY YOUR HONOR, I'M GOING TO OBJECT
12 HERE I DON'T THINK DR. PETERSON IS A C P A , I DON'T
13 THINK HE HAS BEEN QUALIFIED AS A C P A , I THINK HE -- HE
14 CAN CERTAINLY TALK ABOUT FUNDING ISSUES, BUT TO -- TO GET
15 INTO HOW CAPITAL ACQUISITIONS OR BUILDINGS ARE TREATED FOR
16 FINANCIAL STATEMENT PURPOSES, I THINK GOES FAR BEYOND
17 THE -- THE QUALIFICATIONS OF THIS PARTICULAR EXPERT AND I
18 OBJECT

19 THE COURT ISN'T HE SIMPLY SAYING THAT THE --
20 THAT THE CAPITAL EXPENDITURES SPREAD OUT OVER -- OVER A
21 LONGER PERIOD OF TIME, WELL, IT CAN HAVE AN IMPACT ON --
22 ON -- ON WHAT'S AVAILABLE TO EDUCATE A CHILD YEAR-BY-YEAR
23 AND SKEWS SOMEWHAT THE AMOUNT OF MONEY THAT'S ACTUALLY
24 BEING SPENT ON INSTRUCTION AND THINGS OF THAT NATURE IF
25 YOU LOOK AT IT? DOES THAT

1 MRS GRAY YOUR HONOR, I MEAN, I THINK IF -- IT
2 SURE DOESN'T SHOW THAT ON THE IN-SITE REPORT AND THE --
3 THE --

4 MR MORRISON IT DOES

5 MRS GRAY HE HASN'T EVEN TESTIFIED THAT HE
6 REVIEWED THE FINANCIAL STATEMENTS UNTIL THIS VERY MINUTE
7 WHEN MR MORRISON HANDED IT TO HIM

8 THE COURT RIGHT I -- AND HE MAY NOT HAVE
9 OF COURSE HIS -- HIS ANSWERS UNDER THE RULES CAN BE BASED
10 ON -- AND HIS OPINIONS CAN BE BASED ON WHAT HE LEARNS
11 EITHER AT OR BEFORE, IF HE IS ABLE TO MAKE SUCH AN
12 ANALYSIS

13 I -- I DON'T THINK THAT WHAT HE'S TESTIFYING TO
14 REALLY IS -- REQUIRES A C P A 'S KNOWLEDGE, THEIR ASPECTS
15 OF IT, ACTUALLY THAT EVEN I UNDERSTAND AND I HAVE
16 ABSOLUTELY NO BACKGROUND IN THAT REGARD

17 I'M GOING TO ALLOW HIM TO -- TO CONTINUE ALONG THESE
18 LINES I THINK HE'S INTERPRETING THE FINANCIAL DATA, BUT
19 I DON'T THINK HE IS INTERPRETING IT SO MUCH FROM THE --
20 FROM THE PERSPECTIVE OF AN ACCOUNTANT AS HE IS THE -- THE
21 PERSPECTIVE OF AN EDUCATOR AND HOW THE DOLLARS EITHER ARE
22 AVAILABLE FOR CLASSROOM EDUCATION OR NOT AND WHAT IMPACT
23 THEY HAVE IN BEING CALCULATED AMONG THE VARIOUS SIZES OF
24 SCHOOLS, BUT AT LEAST THAT'S HOW I'M ACCEPTING IT SAYING
25 IT NOW

1 WORDS, HAVE YOU TAKEN ALL THE PLAINTIFF DISTRICTS TOGETHER
2 AND DETERMINED THE TOTAL PER PUPIL SPENDING FOR THE EIGHT
3 PLAINTIFF DISTRICTS?

4 A YES

5 Q LET'S LOOK AT 6625 AND THIS IS A CHART AGGREGATING
6 THE PLAINTIFF DISTRICTS VERSUS THE STATE AGGREGATE FOR
7 2001 IT'S THE 2001 IN-SITE DATA TOTAL EXPENDITURES
8 FOR -- FOR THE STATE AND THE NUMBER OF STUDENTS WE JUST
9 WENT OVER TO GET AN AVERAGE PER PUPIL, I MEAN PER PUPIL
10 SPENDING FOR THE STATE ALL IN OF \$8,921, RIGHT?

11 A THAT'S CORRECT

12 Q AND THEN YOU TOOK THE PLAINTIFF DISTRICTS, ADDED THEM
13 UP AND THE PLAINTIFF NUMBER OF STUDENTS AND DIVIDED TO GET
14 AVERAGE DISTRICTS, PLAINTIFF DISTRICTS PER PUPIL SPENDING,
15 RIGHT?

16 A THAT IS CORRECT

17 Q AND THE DIFFERENCE AND WHAT WAS THAT NUMBER, THE PER
18 PUPIL SPENDING?

19 A I THINK IT WAS A ROUNDING, BUT I HAVE 162 WITH A --
20 WITH THE

21 Q 162 IS THE DIFFERENCE BETWEEN THE AVERAGE PLAINTIFF
22 DISTRICTS SPENDING AND THE STATE AVERAGE?

23 A RIGHT, IT'S \$162 LESS

24 Q OKAY HAVE YOU LOOKED AT THE 2002 IN-SITE DATA IN
25 THE SAME WAY?

1 A YES

2 Q LET'S LOOK AT PLAINTIFFS' EXHIBIT 6626 WHICH SHOWS
3 THE ALL IN SPENDING FOR THE STATE TOTAL EXPENDITURES OF
4 6,000,396,806 -- I'M SORRY \$6,396,806,532, RIGHT?

5 A YES

6 Q DIVIDED BY THE TOTAL NUMBER OF STUDENTS GIVES YOU
7 WHAT PER PUPIL SPENDING TOTAL FOR THE STATE IN 2002?

8 A \$730 IS A LITTLE ROUNDING ERA BECAUSE OF --

9 Q I'M SORRY THE PER PUPIL SPENDING NUMBER FOR THE
10 STATE AVERAGE?

11 A OH, I'M SORRY THE PER PUPIL SPENDING AVERAGE FOR
12 THE STATE AVERAGE IS \$9,805

13 Q AND FOR THE DISTRICTS THE AVERAGE PER PUPIL SPENDING
14 WAS WHAT, ALL IN?

15 A FOR THE PLAINTIFF DISTRICTS \$9,075

16 Q AND THE DIFFERENCE OR THE GAP BETWEEN THE STATE
17 AVERAGE AND THE PLAINTIFF DISTRICT AVERAGE WAS WHAT?

18 A \$730

19 MR MORRISON OKAY YOUR HONOR, THE -- THE
20 STATEWIDE PAGE OF IN-SITE DATA FOR 2002 HAS BEEN MARKED AS
21 PLAINTIFFS' EXHIBIT 6627 AND WE WOULD OFFER THAT INTO
22 EVIDENCE ALONG WITH 6626 AND 6625

23 THE COURT MRS GRAY?

24 MRS GRAY YES, SIR THAT'S CORRECT

25 THE COURT WITHOUT OBJECTION THEN THANK YOU

1 BY MR MORRISON

2 Q THEN DID YOU -- DID YOU CAUSE TO BE PREPARED A
3 GRAPHIC REPRESENTATION OF THIS DATA FOR 2001 AND 2002 FOR
4 THE PLAINTIFF DISTRICTS AND THE STATE AVERAGE?

5 A YES

6 Q AND LET'S LOOK AT PLAINTIFFS' EXHIBIT 6730 SHOWING
7 THE 2001 STATE TO ALL IN PER PUPIL SPENDING VERSUS
8 PLAINTIFF IN 2002 ALL IN VERSUS PLAINTIFF THAT WAS
9 PLAINTIFFS' 6730

10 AND IS THIS A GRAPHIC REPRESENTATION OF WHAT WE JUST
11 DISCUSSED? NOT THE GAP BUT--

12 A RIGHT RIGHT JUST MAKING SURE, YES

13 Q OKAY AND THEN IF WE LOOK AT THE -- AT 6731,
14 PLAINTIFFS' EXHIBIT, DOES THIS SHOW THE GAPS IN -- THE GAP
15 IN TOTAL SPENDING FOR THE STATE, BETWEEN THE STATE AND US,
16 OUR AVERAGE DISTRICT IN 2001 AND 2002?

17 A THAT'S CORRECT

18 Q OKAY DR PETERSON, IN ADDITION TO LOOKING AT THE
19 IN-SITE DATA FOR THE STATE, AND LOOKING AT THE IN-SITE
20 DATA FOR THE PLAINTIFF DISTRICTS, AND COMPARING THOSE
21 AVERAGES, DID YOU ALSO REVIEW THE IN-SITE DATA FOR GOOD
22 AND EXCELLENT SCHOOLS FOR 2001 AND 2002?

23 A YES

24 Q OKAY WHY DID YOU DO THAT?

25 A FOR THE REASON THAT WE TALKED ABOUT EARLIER, THAT

1 THE -- THOSE DISTRICTS WHILE THEY HAVE LOWER PERCENTAGE OF
2 HIGH POVERTY STUDENTS THEY STILL -- THEY HAVE -- THEY DO
3 REFLECT A SET OF INDICATORS, LEARNING ENVIRONMENTS FOR
4 CHILDREN HAVE BEEN SUCCESSFUL

5 Q LET'S LOOK TOGETHER AT PLAINTIFFS' EXHIBIT 6732 WHICH
6 IS A COMPILATION OF THE TOTAL EXPENDITURE DATA OF GOOD AND
7 EXCELLENT SCHOOL DISTRICTS FOR '01 AND '02 IN CHART FORM

8 AND, YOUR HONOR, AS BACKUP MATERIAL FOR THIS CHART WE
9 WOULD SUBMIT PLAINTIFFS' EXHIBITS 6628-A THROUGH
10 6628-A B IT'S THE 28 GOOD AND EXCELLENT DISTRICTS FOR
11 '01 IN-SITE DATA AND FOR 2002 IT'S PLAINTIFFS' EXHIBIT
12 6629-A THROUGH 2000 -- THROUGH 6629-A D , THAT'S 30
13 DISTRICTS FOR 2002 THAT WERE GOOD AND EXCELLENT AND THEY
14 ARE SHOWN ON THIS COMPILATION, BUT THE BACKUP IS -- THAT
15 WE ARE SUBMITTING AT THIS TIME ALSO

16 BY MR MORRISON

17 Q DR PETERSON, LOOKING AT 6732, ARE THESE THE GOOD AND
18 EXCELLENT DISTRICTS WITH THE NUMBER OF PUPILS AND THE
19 TOTAL EXPENDITURES FOR '01 AND '02?

20 A YES

21 Q AND AT THE BOTTOM, HAVE YOU TOTALED THOSE UP?

22 A YES

23 Q AND DIVIDED TO GET A PER PUPIL SPENDING FOR THOSE TWO
24 YEARS?

25 A THAT'S CORRECT

1 Q WHAT WAS THE PER PUPIL SPENDING ALL IN ACCORDING TO
2 THE 2001 IN-SITE DATA FOR GOOD AND EXCELLENT SCHOOLS, '01?

3 A \$8,968

4 Q AND WHAT WAS IT IN 2002 FOR THE GOOD AND EXCELLENT
5 SCHOOLS?

6 A 9,903

7 Q OKAY LET'S LOOK AT A COMPARISON, PLAINTIFFS'
8 EXHIBIT 6633, OF THE IN-SITE DATA FOR THE PLAINTIFF
9 DISTRICTS' AVERAGE VERSUS THE GOOD AND EXCELLENT
10 DISTRICTS' AVERAGE IN PER PUPIL SPENDING ALL IN THIS,
11 THE CHART IS 66 -- 6733

12 DO YOU HAVE THAT? WHAT DOES THAT SHOW THE COMPARISON
13 IS BETWEEN THE GOOD AND EXCELLENT DISTRICTS IN '01 AND THE
14 PLAINTIFF DISTRICTS?

15 A IN 2001 THE GOOD AND EXCELLENT DISTRICTS ALL IN
16 SPENDING AND WAS \$8,968, ALL IN SPENDING PER PUPIL IN THE
17 PLAINTIFF DISTRICTS IS \$8,759 FOR A DIFFERENCE OF \$209

18 Q ALL RIGHT AND LET'S -- WE OFFER 6733 INTO EVIDENCE,
19 YOUR HONOR

20 THE COURT 6733 THANK YOU

21 MR MORRISON YES AND PLAINTIFFS -- LET'S
22 LOOK AT PLAINTIFFS' EXHIBIT 6734, WHICH WE ALSO OFFER INTO
23 EVIDENCE, THE SAME TYPE OF CHART FOR 2002

24 MRS GRAY YOUR HONOR, I OBJECT TO THAT IT'S
25 WRONG

1 THE COURT HAVE YOU HAD A CHANCE --

2 MRS GRAY YES, SIR I HAVE I FIGURED THIS
3 ONE OUT THIS ONE IS WRONG

4 THE COURT ALL RIGHT

5 MRS GRAY THE -- THE -- IF YOU LOOK BACK AT
6 EXHIBIT 6732, THE 2002 IN-SITE DATA FOR THE GOOD AND
7 EXCELLENT DISTRICTS SHOWS A PER PUPIL SPENDING OF \$9,903
8 ON THIS CHART IT'S SHOWING UP AS 10,213 SO IT'S WRONG
9 I OBJECT

10 MR MORRISON I OBJECT TO IT BEING WRONG, TOO,
11 YOUR HONOR I THINK IT OUGHT TO BE CONSISTENT AND SO BUT
12 WHAT WE NEED TO DO IS CHECK WHAT I SEE IS THAT -- IS THE
13 DIFFERENCE HERE IS THE NUMBER OF PUPILS AND IT LOOKS
14 LIKE IT'S EITHER 33 -- IT'S LOOKS LIKE IT'S EITHER 329,000
15 PUPILS OR 319,000 PUPILS ONE OF THOSE TWO NUMBERS IS
16 WRONG WHICH RESULTS IN THE DIFFERENCE

17 THE COURT SUSTAINED

18 MR MORRISON ALL RIGHT LET ME LOOK AT THAT

19 THE COURT THANK YOU, MRS GRAY

20 MR MORRISON IF I CAN GET SOMEBODY TO ADD UP
21 THE 2002 COLUMN AND BE SURE THAT IT'S THREE -- 329,452 AND
22 IF IT IS WE WILL SUBSTITUTE THE OTHER NUMBERS

23 THE COURT ALL RIGHT

24 MR MORRISON AND IF IT'S NOT -- IF IT'S 19, WE
25 WILL CHANGE IT BACK

1 THE COURT ALL RIGHT THANK YOU MR
2 MORRISON, WHEN YOU GET TO A GOOD STOPPING PLACE, WE WILL
3 STOP

4 MR MORRISON WHY DON'T I STOP HERE AND IF I --
5 IT LOOKS TO ME LIKE WHAT I HAVE USED FOR THE GRAPHS IS
6 9,903 AND I HAVE AN ERROR ON THIS ONE CHART, SO MAYBE IF I
7 MOVE TO THE GRAPHS, BOOKMARK THIS CHART OF 6634 AND LOOK
8 AT THE TOTAL PER PUPIL SPENDING GRAPHICALLY VERSUS GOOD
9 AND EXCELLENT DISTRICTS AT 6630

10 THE COURT OKAY

11 MR MORRISON I BELIEVE THIS SHOWS THE NUMBER
12 OFF OF THE -- OFF THE ORIGINAL CHART OF 9,903

13 THE COURT OKAY I WILL -- LET ME HAVE THOSE
14 FIGURES

15 MR MORRISON THE NUMBER, JUDGE, THAT WE WERE
16 CONCERNED ABOUT IS THE GOOD AND EXCELLENT IT SHOWS 9,903
17 HERE ON THE CHART, OBJECTED TO IT, WAS OVER 10,000 BECAUSE
18 I THINK THERE'S AN ERROR IN THE NUMBER OF STUDENTS

19 THE COURT RIGHT

20 MR MORRISON SO THE --

21 BY MR MORRISON

22 Q IS THIS A GRAPHIC REPRESENTATION, TO THE BEST OF YOUR
23 KNOWLEDGE, OF THE GOOD AND EXCELLENT VERSUS PLAINTIFFS'
24 SPENDING ALL IN AND GOOD AND EXCELLENT VERSUS PLAINTIFF
25 SPENDING ALL IN FOR 2002 AND 2001?

1 A YES

2 Q OKAY PER PUPIL? AND IF WE LOOK AT THE GAP CHART
3 WHICH IS PLAINTIFFS' EXHIBIT 6735 AND, YOUR HONOR, WE
4 WOULD OFFER INTO EVIDENCE 6630 AND 6735

5 MRS GRAY YOUR HONOR, I'M SORRY MR MORRISON
6 IS MOVING VERY FAST AND I CAN'T FIND THE CHARTS THAT HE
7 IS TALKING ABOUT AND --

8 THE COURT I DON'T HAVE THEM EITHER OR AT
9 LEAST -- THEY MIGHT BE UP HERE I JUST HAVEN'T BEEN ABLE
10 TO

11 MRS GRAY THE 6630 IS NOT CHRONOLOGICALLY IN
12 THE NOTEBOOK I'M LOOKING IN THAT WHAT WAS THE OTHER
13 ONE? I HAVE NOW FOUND 6630 WHAT'S THE OTHER ONE?

14 MR MORRISON THE OTHER ONE IS 6735

15 MRS GRAY OKAY THANK YOU I HAVE IT NOW
16 BY MR MORRISON

17 Q THEY BOTH USE WHAT I THINK IS THE CORRECT NUMBER FROM
18 6732, THE 9,903 IF YOU'D LOOK AT 6732, DR PETERSON,
19 JUST TO CONFIRM THAT IS THE -- THE CHART OF GOOD AND
20 EXCELLENT DISTRICTS WE WILL REACH A STOPPING POINT HERE

21 A 6735 MIGHT

22 Q 6732 IF YOU'D LOOK AT THAT THAT'S THE BIG CHART
23 OF --

24 A YES, YES, YES

25 Q ALL RIGHT AT THE BOTTOM OF THAT THE IN-SITE DATA

1 SHOWS PER PUPIL SPENDING FOR THE GOOD AND EXCELLENT
2 DISTRICTS FOR 2002 AT 9903, IS THAT CORRECT?

3 A THAT'S CORRECT

4 Q AND THEN IF YOU LOOK OVER AT 6630 AND CHECK THE GOOD
5 AND EXCELLENT, DOES THAT ALSO SHOW 9,903 PER PUPIL
6 SPENDING?

7 A YES, IT DOES

8 Q OKAY AND THEN THE 6630 THEN SHOWS THE GOOD AND
9 EXCELLENT, TOTAL SPENDING FOR PLAINTIFFS, TOTAL SPENDING
10 FOR GOOD AND EXCELLENT '01 AND '02 RIGHT?

11 A YES

12 Q AND THEN FINALLY THE 6735 ALSO USES THAT NUMBER
13 9,903, RIGHT?

14 A CORRECT

15 Q CORRECT NUMBER?

16 A YES

17 Q AND THAT SHOWS THE SIZE OF THE GAP IN '01 AND '02
18 BETWEEN PLAINTIFFS' TOTAL SPENDING AND GOOD AND EXCELLENT
19 TOTAL SPENDING FOR BOTH OF THOSE, RIGHT?

20 A YES

21 Q WHAT WERE THOSE GAPS IN '01 FIRST?

22 A IN 2001 THE GAP THE PLAINTIFF DISTRICTS HAD \$208 IN
23 LESS PER PUPIL SPENDING COMPARED TO THE GOOD AND EXCELLENT
24 DISTRICTS AND THE GAP IN 2002 WAS \$828 SO THE PLAINTIFF
25 DISTRICTS HAD \$828 IN TOTAL SPENDING LESS THAN THE GOOD

1 AND EXCELLENT DISTRICTS

2 Q AND, DR PETERSON, THIS INCLUDES FEDERAL DOLLARS,
3 RIGHT?

4 A IT DOES

5 Q AND SHOULD FEDERAL DOLLARS BE INCLUDED IN EVALUATING
6 THE ADEQUACY OF WHAT THE STATE IS PROVIDING TO THE
7 PLAINTIFF DISTRICTS?

8 A NO, BECAUSE IT'S THE STATE RESPONSIBILITY AND -- AND
9 IN ADDITION THE FEDERAL MONEY IS SUPPOSED TO SUPPLEMENT
10 NOT SUPPLANT LOCAL AND STATE SPENDING

11 Q LET'S BOOKMARK THAT AND TOMORROW MORNING WE WILL TAKE
12 A LOOK AT THIS SAME DATA WITHOUT FEDERAL DOLLARS IF WE
13 CAN

14 A OKAY

15 Q OKAY

16 MR MORRISON THANK YOU, YOUR HONOR

17 THE COURT THANK YOU, MR MORRISON ANYTHING
18 BEFORE WE BREAK FOR THE EVENING? YOU WILL CORRECT THAT
19 CHART OVERNIGHT, I WILL TAKE IT?

20 MR MORRISON YES YOUR HONOR IT'S, RIGHT NOW
21 PLAINTIFFS' EXHIBIT 6734 IS NOT IN EVIDENCE

22 THE COURT RIGHT

23 MR MORRISON I BELIEVE IT IS GOING TO BE OFF
24 IT SHOULD BE 9,903, BUT WE WILL DOUBLE CHECK IT AND SUBMIT
25 THAT OTHERWISE EVERYTHING THAT WE'VE MENTIONED WE HAVE

1 Q ALL RIGHT LET'S LOOK AT PLAINTIFFS' EXHIBIT 6740
2 AND PLAINTIFFS' EXHIBIT 6740 AND WE DID GIVE MRS GRAY --
3 WE GAVE YOU A CORRECTED COPY OF THIS LAST NIGHT CORRECT,
4 FOR THE 9903?

5 MRS GRAY RIGHT
6 BY MR MORRISON

7 Q AND, DR PETERSON, WITHOUT GOING THROUGH ALL OF THE
8 NUMBERS, WHAT IS THE TOTAL PLAINTIFF DISTRICT SPENDING
9 WITHOUT FEDERAL MONEY, STATE AND LOCAL MONEY ONLY?

10 A 7,696

11 Q AND THE GOOD AND EXCELLENT DISTRICT WITHOUT FEDERAL
12 MONEY ALL IN?

13 A \$9,345 PER PUPIL

14 Q AND THE STATE WITHOUT FEDERAL MONEY PER PUPIL
15 SPENDING TOTAL?

16 A \$9,053

17 Q ALL RIGHT AND WHAT IS THE DIFFERENCE OR THE GAP
18 BETWEEN THE PLAINTIFFS AND THE GOOD AND EXCELLENT
19 DISTRICT, JUST STATE AND LOCAL -- THE GAP BETWEEN STATE
20 AND LOCAL SPENDING?

21 A THE PLAINTIFFS HAVE \$1,649 LESS PER PUPIL

22 Q AND THE DIFFERENCE BETWEEN THE PLAINTIFFS AND THE
23 STATE AVERAGE, JUST STATE AND LOCAL?

24 A PLAINTIFF PER PUPIL SPENDING IS \$1,357 LESS THAN THE
25 STATE PER PUPIL

1 Q OKAY AND WE HAVE REPRESENTED THIS AGAIN
2 GRAPHICALLY, I THINK LET'S LOOK AT PLAINTIFFS' EXHIBIT
3 6632 AND DOES THAT GRAPHICALLY SHOW THE STATE AND LOCAL
4 MONEY PER PUPIL?
5 A YES, IT DOES
6 Q OKAY AND THAT IS WITH THE FEDERAL MONEY REMOVED,
7 RIGHT?
8 A THAT IS CORRECT
9 Q AND THEN EXHIBIT, I PRESUME, 6632-B IS THE GAP,
10 RIGHT?
11 A THAT IS THE GAP
12 Q ALL RIGHT AND THAT'S SHOWN GRAPHICALLY, RIGHT?
13 A THAT'S CORRECT
14 Q IT CAME UP --
15 A YEAH
16 Q -- CAME UP FOR A MINUTE, RIGHT?
17 A YES
18 Q I THOUGHT I SAW IT, BUT I -- I TURNED DOWN AND ASKED
19 A QUESTION, THEN I LOOKED UP AND IT WASN'T THERE AND WE
20 WILL -- YOUR HONOR, WE ARE HAVING THOSE PRINTED AND WE'LL
21 SUBMIT THOSE 6632 AND 6632-B OH THE CORRECTED COPIES
22 ARE HERE OKAY
23 THE COURT OKAY
24 MR MORRISON I THINK THESE WERE CORRECTED LAST
25 NIGHT, YOUR HONOR I APOLOGIZE

1 BY MR MORRISON

2 Q NOW, DID YOU ALSO, DR PETERSON, LOOK AT -- AT THIS
3 GAP COMPARING THE GAPS IN -- AND THE SPENDING IN 2002 AND
4 2001, GOOD AND EXCELLENT TO GOOD AND EXCELLENT AND STATE
5 TO STATE?

6 A YES, I DID

7 Q OKAY LET'S LOOK AT PLAINTIFFS' EXHIBIT 6741 AND
8 THIS IS SHOWING THE DIFFERENCE IN TOTAL SPENDING LESS
9 FEDERAL DOLLARS FOR 2001 AND 2002 COMPARING THE PLAINTIFFS
10 TO GOOD AND EXCELLENT AND THE PLAINTIFFS TO THE STATE
11 AVERAGES, RIGHT THAT?

12 A IS CORRECT

13 Q AND WHAT DO YOU OBSERVE ABOUT THOSE -- THOSE CHANGES
14 FROM YEAR TO YEAR?

15 A BETWEEN 2001 AND 2002 THE GAP, NOT QUITE BUT ALMOST
16 DOUBLED BETWEEN THE PLAINTIFF AND GOOD AND EXCELLENT
17 DISTRICTS AND BETWEEN -- BETWEEN THE PLAINTIFF AND THE
18 STATE AVERAGE

19 Q DR PETERSON, WHAT IS YOUR OVERALL CONCLUSION AFTER
20 LOOKING AT THIS MATERIAL SO FAR REGARDING PER PUPIL
21 SPENDING IN THE PLAINTIFF DISTRICTS?

22 A IT'S TAKING ALL RESOURCES INTO ACCOUNT LESS THE
23 FEDERAL, BE SUPPLEMENTAL THERE IS, AGAIN, LESS RESOURCES
24 PER PUPIL IN THE PLAINTIFF DISTRICTS AND YET THEY TRY TO
25 EDUCATE MANY MORE HIGH-POVERTY STUDENTS AND STUDENTS WHO

1 EXAMPLE, ON RANKINGS AND IT WOULD SHOW THAT THE STATE
2 AVERAGE VALUATION PER PUPIL IS 21,513 SO EVEN JASPER
3 WHICH IS THE -- HIGHER THAN THE REST OF THE PLAINTIFF
4 DISTRICTS IS STILL LOWER THAN THE STATE AVERAGE VALUATION
5 PER PUPIL

6 Q DR PETERSON, DID YOU ALSO LOOK AT THE TAX EFFORT
7 MADE BY THE -- BY THE PLAINTIFF DISTRICTS?

8 A YES

9 Q AND DID YOU MAKE A CALCULATION AS TO HOW MUCH MORE
10 TAX EFFORT ON AVERAGE THE PLAINTIFF DISTRICTS HAVE MADE
11 THAN THE STATE TAX EFFORT OF ONE?

12 A YES

13 Q LET'S LOOK AT THIS CALCULATION AT PLAINTIFFS' EXHIBIT
14 6742 AND DID YOU MAKE THIS CALCULATION?

15 A YES

16 Q WOULD YOU EXPLAIN TO THE COURT WHY YOU DID THIS
17 AND -- AND WHAT YOU HAVE DONE HERE?

18 A YES THE AREA OF INTEREST WAS GIVEN THE LOW ASSESSED
19 VALUATION PER PUPIL IN THE DISTRICTS AND TWO OTHER THINGS
20 HAVING REQUIREMENTS THAT THEIR STUDENTS ARE BEING ASKED TO
21 MEET IN THEIR -- THEIR SCHOOLS ARE BEING ASKED TO MEET TO
22 BECOME EXCELLENT OR GOOD HAVE INCREASED SIGNIFICANTLY

23 AT THE SAME TIME IN A NUMBER OF KEY AREAS SUCH AS
24 TRANSPORTATION, FRINGE BENEFITS, EDUCATION FINANCE ACT
25 ITSELF, COSTS FOR THOSE ACTS ARE NOT FULLY FUNDED ANY

1 LONGER BY THE STATE SO THOSE COSTS GET PUSHED DOWN TO
2 LOCAL DISTRICTS

3 SO FOR THEM TO BE ABLE TO PROVIDE AN EDUCATION GIVEN
4 THEIR LIMITED TAX BASE, THEY ATTEMPT TO EXERT MORE EFFORT
5 AND WHAT THAT SHOWS IS THAT ON AVERAGE THE PLAINTIFF
6 DISTRICTS TAX THEMSELVES AT 1 3 VERSUS THE STATE AVERAGE
7 OF ONE AND THEY SIMPLY NEED TO DO THAT TO COMPENSATE FOR
8 THE FACT THAT THEY ARE TRYING TO MEET STATE REQUIREMENTS
9 IN TERMS OF HELPING THEIR STUDENTS ACHIEVE

10 AND COSTS THAT THE STATE HAS BORNE MORE FULLY HAVE
11 BEEN PUSHED BACK TO LOCAL SCHOOL DISTRICTS

12 Q IF WE NORMALIZE THE EFFORT TO -- TO ONE, WHAT WOULD
13 YOU -- HOW MUCH EXTRA LOCAL EFFORT, MONEY IS RAISED BY THE
14 STATE DISTRICTS? I MEAN, BY THE PLAINTIFF DISTRICTS?

15 A RIGHT THE PLAINTIFF DISTRICTS EXERTING THE -- THE
16 LARGER EFFORT, THE 1 313 OR THAT'S REALLY 31 3 PERCENT
17 MORE EFFORT THEY RAISED \$1,888 COMPARED TO THE STATE
18 AVERAGE WHICH RAISES \$2,658 WITH A -- AN EFFORT OF ONE
19 SO IF YOU -- IF YOU SAID OKAY, WHAT ARE THESE LOCAL --
20 WHAT IF THE PLAINTIFF DISTRICTS DID JUST A ONE EFFORT, AN
21 AVERAGE EFFORT WHAT WOULD THEY RAISE AND THEN THAT'S THE
22 CALCULATION IN STEP TWO

23 SO THEY WOULD RAISE \$1,438 SO IF THEY WERE JUST
24 EXERTING THE AVERAGE -- IF THEY WERE EXERTING AN EFFORT OF
25 ONE, THEY'D RAISE 1,438

1 Q OKAY AND THEY--

2 A COMPARED TO, COMPARED TO THE STATE AVERAGE WHICH IS
3 22658

4 Q AND IT -- FOR THEIR EXTRA EFFORT THEY RAISED AN
5 ADDITIONAL \$450?

6 A THAT'S CORRECT

7 Q OKAY AND SO WITH THAT \$450 TO COMPARE THE STATE --
8 TRYING TO GET, TRYING TO ELIMINATE THE LOCAL EFFORT, THE
9 EXTRA LOCAL EFFORT AND NORMALIZE THE LOCAL EFFORT WOULD IT
10 BE REASONABLE TO PULL OUT THAT \$450 FROM THE PER PUPIL
11 SPENDING?

12 A YES, THAT REALLY MAKES IT APPLES AND APPLES SO YOU
13 ARE SAYING WITH AN EQUAL LOCAL EFFORT, THE FEDERAL MONEY
14 OUT --

15 Q RIGHT

16 A -- WHAT WOULD THE -- THESE STUDENTS HAVE IF EVERYONE
17 WAS PLAYING ON AN EVEN PLAYING FIELD

18 Q AND DID YOU MAKE THAT CALCULATION TO --

19 A YES

20 Q -- DETERMINE WHAT EVERYONE WOULD HAVE?

21 A YES

22 Q LET'S LOOK TOGETHER AT 6743 THIS APPLES-TO-APPLES
23 LEVEL PLAYING FIELD COMPARISON THE STATE VERSUS
24 PLAINTIFF --

25 MRS GRAY YOUR HONOR, I OBJECT TO THAT I

1 DISTRICTS IS GETTING HIGH QUALITY -- ATTRACTING AND
2 RETAINING HIGH-QUALITY TEACHERS FOR EVERY CLASSROOM, WOULD
3 YOU AGREE THAT'S THE CORE ISSUE?

4 A VERY IMPORTANT

5 Q CAN YOU USE FEDERAL GRANTS, FOOD MONEY OR TITLE ONE
6 TO ATTRACT AND RETAIN HIGH-QUALITY TEACHERS FOR THE
7 PLAINTIFF DISTRICTS?

8 A NO

9 Q CAN YOU USE THE SPECIAL E A A DOLLARS FOR ATTRACTING
10 AND RETAINING HIGH-QUALITY TEACHERS?

11 A NO YOU GET THE MONEY BECAUSE YOU ARE PERFORMING
12 POORLY FOR A CERTAIN -- CERTAIN DURATION

13 Q CAN YOU USE THE GRANTS THAT YOU RECEIVE FOR THE
14 VARIOUS PROGRAMS FOR ATTRACTING AND RETAINING HIGH-QUALITY
15 TEACHERS?

16 A NO

17 Q SO AS WE LOOK AT THIS TOTAL PER PUPIL SPENDING THAT'S
18 IN THIS IN-SITE DATA, IF WE DON'T PULL OUT THE E A A
19 SPECIAL MONEY, THE GRANT MONEY, THE FEDERAL MONEY, DO WE
20 GET ANY KIND OF A PICTURE AS TO WHAT THE PLAINTIFF
21 DISTRICTS REALLY HAVE TO ATTRACT AND RETAIN GREAT TEACHERS
22 IN EVERY CLASSROOM FOR EACH CHILD?

23 A YOU HAVE TO TAKE THEM OUT

24 Q AND YOU DON'T KNOW OF ANY REPORT THAT ALREADY PULLS
25 THOSE OUT, DO YOU?

1 A I DON'T KNOW THAT

2 Q OKAY WELL, WHAT WE DO KNOW IS THEY ARE INCLUDED IN
3 THIS AGGREGATE PER PUPIL SPENDING WE HAVE BEEN TALKING
4 ABOUT THROUGHOUT THE TRIAL SO FAR?

5 A YES

6 Q NOW, IF WE LOOK AT THIS ISSUE OF -- OF CAPITAL, DR
7 PETERSON, DOES CAPITAL MATTER IN ATTRACTING AND RETAINING
8 HIGH-QUALITY TEACHERS?

9 A YES

10 Q WHY?

11 A RELATES TO BOTH THE CLIMATE OF THE SCHOOL AND THE
12 WORKING CONDITIONS, TWO VERY IMPORTANT FACTORS IN
13 ATTRACTING AND HOLDING TEACHERS IF THE SCHOOL IS -- IS
14 NOT MODERN, UP-TO-DATE, IF IT'S -- THE FACILITIES ARE OUT,
15 OUT OF DATE, IT'S GOING TO BE DIFFICULT TO ATTRACT AND
16 HOLD TEACHERS

17 IF THE LABORATORIES ARE NOT UP-TO-DATE AND FULLY
18 EQUIPPED, IF THEY DON'T HAVE TECHNOLOGY, IT'S GOING TO BE
19 VERY DIFFICULT TO ATTRACT AND HOLD TEACHERS AND ALSO
20 THE -- OFTEN THE -- THERE'S BEEN STUDIES RELATED TO
21 COMMUNITY SCHOOLS

22 IF SCHOOLS AREN'T BUILT TO BE INVITING TO THE
23 COMMUNITY TO COME IN AND PARTICIPATE IN THE SCHOOL AS
24 LEARNERS IN THE EVENING AND SO ON, THEN IT'S -- IT'S LESS
25 LIKELY GOING TO HAVE PARENT AND COMMUNITY PARTICIPATION

1 SO THE -- THE SCHOOL FACILITIES BESIDES THE DIRECT
2 CONSEQUENCES OF HAVING A BUILDING THAT'S THE RIGHT
3 TEMPERATURE, WITHOUT A LOT OF NOISE, WITHOUT A LOT OF
4 DUST, WITHOUT LEAKS, THAT BASIC CONDITION OF SCHOOL IS
5 VERY, VERY IMPORTANT BUT ALL THESE OTHER FACTORS ARE AS
6 WELL

7 Q DR PETERSON, AS FORMER COUNSELOR TO THE UNITED
8 STATES DEPARTMENT OF EDUCATION SECRETARY OF EDUCATION,
9 WHAT ARE YOUR OBSERVATIONS ABOUT THE RELIABILITY OF
10 FUNDING THROUGH FEDERAL GRANTS?

11 A WELL, THE GRANTS TEND TO BE A CERTAIN TIME PERIOD,
12 TWO YEARS, THREE YEARS, FOUR YEARS, FIVE YEARS AND WHEN
13 THEY RUN OUT SOMETIMES YOU CAN APPLY AGAIN, SOMETIMES THE
14 PROGRAM HAS DISAPPEARED

15 SOMETIMES THE PROGRAM IN TERMS OF THE AFTER-SCHOOL
16 PROGRAM, THE 21ST CENTURY COMMUNITY LEARNING CENTER
17 PROGRAM CHANGED FROM A -- A GRANT PROGRAM THE DISTRICTS
18 COULD APPLY TO, DIRECTLY TO THE FEDERAL GOVERNMENT TO A
19 FORMULA TO THE STATES

20 AND AS A RESULT SOUTH CAROLINA LOST A LOT OF MONEY
21 COLLECTIVELY COMING BACK TO THE STATE THOSE TYPES OF
22 CHANGES ARE GOING ON ALL THE TIME WITH FEDERAL GRANT
23 FUNDS

24 Q IN TERMS OF BUILDING A STABLE INFRASTRUCTURE WITHIN
25 WHICH TO PROVIDE THE OPPORTUNITY TO ACQUIRE A MINIMALLY

1 ADEQUATE EDUCATION, SHOULD FEDERAL GRANT MONEY BE COUNTED?

2 A NO

3 Q ALL RIGHT HOW ABOUT STATE GRANTS? IN YOUR
4 EXPERIENCE WITH THE STATE GRANTS, IS THAT A RELIABLE
5 ONGOING SOURCE OF FUNDING?

6 A USUALLY THERE'S CONDITIONS ALSO PUT ON THE GRANT SO
7 IT'S NOT SOMETHING YOU CAN DEPEND ON YEAR AFTER YEAR TO
8 BUILD AN ONGOING INSTRUCTIONAL PROGRAM TO HIRE PEOPLE AND
9 ASSURE THEM THAT THEY ARE, IF THEY DO A GOOD JOB CAN BE
10 THERE FOR MULTIPLE YEARS

11 Q IN -- IN PROVIDING A CHILD, EACH CHILD WITH THE
12 OPPORTUNITY TO ACQUIRE A MINIMALLY ADEQUATE EDUCATION IN
13 THE PLAINTIFF DISTRICTS, SHOULD STATE GRANTS BE COUNTED?

14 A NO

15 Q AND DO YOU -- DO YOU KNOW OF ANY DOCUMENTATION WHERE
16 STATE AND FEDERAL GRANTS ARE PULLED OUT OF THE IN-SITE
17 DATA SO WE COULD GET A PER PUPIL SPENDING FOR THE
18 OPPORTUNITY TO ACQUIRE JUST THE MINIMALLY ADEQUATE
19 EDUCATION?

20 A I'M NOT AWARE OF ANY

21 Q IN TERMS OF -- OF TRYING TO PUT MONEY INTO HIGHER
22 QUALITY TEACHERS, CAN YOU TAKE ANY OF THE TITLE ONE --
23 WELL, I THINK I ALREADY ASKED YOU THAT, DIDN'T I?

24 A WELL, WE DIDN'T REALLY TALK ABOUT TITLE ONE IT'S A
25 LITTLE DECEPTIVE IN A SENSE IT'S A GRANT BUT IT'S ALSO

1 BASED ON YOUR ENROLLMENT THE TITLE ONE IS A PARTICULAR
2 PROGRAM WHERE IT NEEDS TO BE SUPPLEMENTAL

3 Q SO CAN YOU --

4 A NOT SUPPLANT

5 Q CAN YOU HIRE A BASIC TEACHER WITH TITLE ONE MONEY?

6 A NO NOT A -- NOT UNLESS IT'S SUPPLEMENTAL

7 Q AND YOU CAN'T HIRE TEACHERS WITH FOOD MONEY?

8 A NO

9 Q AND WE HAVE ALREADY HEARD YOU CAN'T HIRE TEACHERS
10 WITH THE SPECIAL E A A MONEY THAT'S ALLOCATED?

11 A RIGHT, RIGHT

12 Q OKAY DR PETERSON, I'D LIKE TO CHANGE THE SUBJECT
13 NOW AND TALK WITH YOU ABOUT THE EDUCATION POLICY
14 PARTICULARLY AS IT RELATES TO FUNDING IN THE STATE OF
15 SOUTH CAROLINA BASED ON -- BASED ON YOUR -- YOUR
16 EXPERIENCE

17 WHEN WE STARTED YOUR TESTIMONY WE TALKED ABOUT THE
18 E A A , THE E I A , AND THE E F A , PARTICULARLY THE
19 E F A EDUCATION FINANCE ACT AND THE EDUCATION IMPROVEMENT
20 ACT AND YOU MENTIONED A -- A RUBRICS CUBE OR A
21 THREE-DIMENSIONAL KIND OF POLICY MATRIX OR MODEL THAT YOU
22 WOULD LOOK AT

23 WHAT IS IT THAT IN YOUR OPINION MAKES EFFECTIVE
24 EDUCATION POLICY FOR THE PURPOSE OF DELIVERING TO EACH
25 CHILD IN SOUTH CAROLINA THE OPPORTUNITY TO ACQUIRE A

1 MINIMALLY ADEQUATE EDUCATION?

2 A ONE WAY TO LOOK AT IT IS JUST THINK OF A -- OF A ONE
3 PLANE, A PUZZLE AND IF -- IT'S IMPORTANT TO HAVE EACH
4 PIECE OF THE PUZZLE TO DELIVER TO THAT CHILD, LET'S SAY,
5 IN MIDDLE SCHOOL

6 ONE OF THE ELEMENTS THAT GO INTO A QUALITY MIDDLE
7 SCHOOL LEARNING EXPERIENCE FOR CHILDREN, PARTICULARLY
8 CHILDREN FROM LOW-INCOME BACKGROUND IN HIGH CONCENTRATIONS
9 OF POVERTY

10 SO LOOKING AT EACH OF THE OPPORTUNITIES, THE QUALITY
11 TEACHERS, THE AFTER-SCHOOL PROGRAMMING, BUILDING SCHOOLS
12 TO BE SMALLER UNITS, THE COUNSELING TO HELP YOUNG PEOPLE
13 AT THAT AGE STARTING TO THINK ABOUT CAREERS, EXTRA HELP
14 WHEN STUDENTS FALL BEHIND ACADEMICALLY, HAVING IN FACT
15 CHALLENGING STANDARDS, STATE STANDARDS AND ASSESSMENTS,
16 EACH OF THOSE ARE A PIECE AND THEY NEED TO FIT TOGETHER

17 THE INSTRUCTION NEEDS TO MATCH THE STANDARDS WHEN
18 STUDENTS FALL BEHIND THEY NEED TO BE GIVEN EXTRA TIME AND
19 SUPPORT EACH OF THOSE ARE A PIECE OF THE PUZZLE IF YOU
20 JUST HAVE ONE PIECE YOU REALLY AREN'T GOING TO HAVE THE --
21 THE COLLECTIVE IMPACT OF ALL OF THAT WORKING TOGETHER, BUT
22 THEN THAT HAS TO BE ALIGNED WITH WHAT HAPPENS BEFORE IN
23 ELEMENTARY SCHOOL, WHAT HAPPENS IN PRESCHOOL, WHAT HAPPENS
24 IN HIGH SCHOOL, WHAT IS THE CONNECTION TO POST SECONDARY
25 EDUCATION

1 THAT'S THE RUBRICS CUBE SO THEY HAVE TO BE LINED
2 UP AND THE -- WHEN THAT HAPPENS THEN YOU CAN KIND OF
3 IMAGINE THIS IF YOU START AT THE BEGINNING IF A CHILD
4 HAS A QUALITY THREE YEAR OLD PROGRAM AND THE PARENTS ARE
5 INVOLVED, LET'S SAY, THROUGH HOME VISITS AND PARTICIPATING
6 WITH THEIR OWN CHILD'S LEARNING AND SAME THING HAPPENS IN
7 THE FOUR YEAR OLD PROGRAM

8 WHEN THEY COME TO KINDERGARTEN THEY COME IN MUCH MORE
9 READY TO LEARN AND THEY HAVE MORE -- THEY KNOW SOME OF
10 THE ALPHABET MAYBE EVEN KNOW A FEW SIGHT WORDS THAT
11 MAKES THE JOB OF A KINDERGARTEN TEACHER EASIER AND EASIER
12 TO MOVE THE STUDENTS FORWARD

13 THEN WHEN THE STUDENT GETS TO ELEMENTARY SCHOOL, IF
14 THEY HAVE TEACHERS WHO HAVE SPECIAL READING PREPARATION
15 AND MORE STUDENTS THAN IN THE PAST COME READY TO LEARN,
16 YOU MAKE A WHOLE LOT MORE PROGRESS IN ELEMENTARY SCHOOL
17 SO JUST KIND OF ENVISION THAT ALL WORKING THAT'S THE
18 ALIGNMENT

19 BUT ALSO IN SUCCESSFUL IMPROVEMENT EFFORTS, THE
20 PEOPLE ON THE GROUND, THE TEACHERS, THE PRINCIPAL, THE
21 PARENTS, THE SUPERINTENDENTS, THEY NEED TO FEEL OWNERSHIP
22 OF THIS SET OF IMPROVEMENTS AND -- AND REFORM EFFORTS AND
23 INSTRUCTIONAL STRATEGIES IT CAN'T JUST BE LAID ON THEM
24 BECAUSE THEY HAVE TO CARRY IT OUT

25 AND THEN ALL THESE COMPONENTS HAVE TO BE FUNDED WITH

1 A RELIABLE SOURCE IF WE HAVE LAWS THAT SAY YOU NEED
2 STUDENT -- OR TEACHERS NEED TO DO THIS OR SCHOOL DISTRICTS
3 NEED TO DO THAT BUT FUNDING ISN'T PROVIDED THEN ON THE
4 GROUND YOU DON'T HAVE THE OWNERSHIP PEOPLE ARE SAYING,
5 WELL, IT'S JUST SORT OF A PAPER POLICY, IT'S NOT A REAL
6 POLICY, IT'S A PLATITUDE

7 AND THEN FINALLY IN SUCCESSFUL IMPROVEMENT EFFORTS
8 THERE HAS TO BE A WAY TO CONSTANTLY UPGRADE THE -- THE
9 EDUCATIONAL CHANGES, INCENTIVES, WAYS TO VISIT SUCCESSFUL
10 PROGRAMS AND LEARN FROM THEM, AND THEN UPGRADE THE PACKAGE
11 OF REFORMS PERIODICALLY

12 WE TEND UP TO UPGRADE THE STANDARDS PERIODICALLY
13 BUT THE FUNDING SYSTEM AND THE POLICIES WE TEND TO VERY
14 PIECEMEAL AND RARELY UPDATE TO MATCH THE NEW STANDARDS
15 AND AS A RESULT YOU HAVE A LOT OF MISALIGNMENT, YOU DON'T
16 HAVE ENOUGH RESOURCES

17 PEOPLE IN THE -- IN THE SCHOOLS DON'T NECESSARILY
18 FEEL THAT THEY ARE PART OF THIS ENTERPRISE IN A WAY THAT'S
19 GOING TO MAKE A DIFFERENCE AND YOU SEE LOW RATINGS LIKE
20 WE DID IN THE REPORT CARDS ABOUT SCHOOL CLIMATE,
21 CIRCUMSTANCES AND SO ON

22 Q DR PETERSON, YOU HAVE WORKED FOR AND COUNSELED
23 GOVERNORS OF THE STATE OF SOUTH CAROLINA, RIGHT?

24 A YES

25 Q WHAT IS THE GOVERNOR'S ROLE IN SETTING EDUCATION

1 POLICY IN YOUR OPINION?

2 A WELL, THE GOVERNOR IS -- IS KIND OF THE TEAM LEADER
3 SO HE OR SHE CAN RALLY A WHOLE SET OF PLAYERS BOTH IN AND
4 OUTSIDE OF EDUCATION TO MOVE FORWARD ON EDUCATION ISSUES

5 Q AS THE -- AS THE TEAM LEADER, COULD YOU AMPLIFY A
6 LITTLE BIT ABOUT WHAT THE GOVERNOR'S ROLE IS IN PROVIDING
7 THE OPPORTUNITY TO ACQUIRE A MINIMALLY ADEQUATE EDUCATION
8 TO EACH CHILD IN SOUTH CAROLINA IS? I MEAN, I KNOW HE'S A
9 CONSTITUTIONAL OFFICER BUT IF YOU COULD EXPAND ON THAT

10 A WELL, I WOULD EITHER HAVE TO LOOK HISTORICALLY BACK
11 OR LOOK AT SOME OTHER STATES WHAT GOVERNORS HAVE DONE AT
12 PERIODS OF TIME WHEN THERE NEED -- NEEDED TO BE MAJOR
13 CHANGES MADE IN EDUCATION, MAJOR IMPROVEMENTS, OFTEN THE
14 GOVERNOR HAS USED HIS OR HER KIND OF BULLY PULPIT TO BRING
15 IN LEADERS IN EDUCATION, THE BUSINESS COMMUNITY AND
16 LEGISLATURE TO HONESTLY LOOK AT THE ISSUES AND PROBLEMS
17 AND TO LAY THEM OUT TO THE BROADER PUBLIC

18 AND -- AND TO GO AROUND THE WHOLE STATE AND INTEREST
19 PEOPLE IN THE NEEDS -- IN THE IMPROVEMENTS THAT NEED TO BE
20 MADE IN THE STATE AND THEN COMING UP WITH A -- A OVERALL
21 PLAN, A -- A -- THE PIECES OF THE PUZZLE THAT WOULD TAKE
22 TO REALLY ADDRESS THE NEEDS THAT HAVE BEEN IDENTIFIED
23 AND THEN FUNDING, FINDING THE FUNDING SOURCES FOR THEM TO
24 PUT THEM IN PLACE IN A SUSTAINED WAY

25 Q ON A -- ON A MORE MUNDANE BASIS, DR PETERSON,

1 AND FUNDING BOTH TO THE LEGISLATURE AND TO THE GENERAL
2 PUBLIC AND TO KEEP ON BOARD A -- USUALLY A COALITION OFTEN
3 OF BUSINESS AND EDUCATIONAL LEADERS

4 Q AND DOES THE GOVERNOR HAVE THE ABILITY TO VETO
5 PORTIONS OF A BUDGET IF THEY ARE NOT PROVIDING THE
6 OPPORTUNITY TO ACQUIRE A MINIMALLY ADEQUATE EDUCATION?

7 A YES

8 Q GOING BACK TO THE -- TO THE E F A DAYS IN LIGHT OF
9 THE CHARACTERISTICS THAT WE JUST TALKED ABOUT OF THE -- OF
10 THE THREE DIMENSIONAL CATEGORIES, REGARDING EFFECTIVE
11 EDUCATION POLICY, LET'S LOOK AT TWO POLICIES THAT YOU
12 TESTIFIED YOU HELPED TO CRAFT, THE E F A BEGINNING WITH
13 THAT YOU PARTICIPATED IN DRAFTING IT, IS THAT RIGHT?

14 A YES AS I ON THE COMMITTEE THAT HELPED FORMULATE THE
15 PRINCIPLES, COMPONENTS OF THE FINANCE ACT AND THEN ALSO
16 HELPED WITH A TEAM OF PEOPLE WHO DRAFTED -- DID, NOT
17 NECESSARILY THE LEGAL LANGUAGE BUT THE -- THE COMPONENTS
18 OF THE EDUCATION FINANCE ACT

19 Q AND THE GOAL AT THAT TIME WAS WHAT?

20 A THE GOAL AT THE EDUCATION FINANCE ACT WAS TO PROVIDE
21 A -- A MINIMUM FLOOR OR FOUNDATION OF -- OF EDUCATION ONCE
22 STUDENTS ARRIVE AT THE SCHOOLHOUSE DOOR SO IT WASN'T
23 DESIGNED TO DEAL WITH FRINGE BENEFITS BUT THE ASSUMPTION
24 WAS MADE THAT FRINGE BENEFITS AT THAT TIME WERE FULLY
25 FUNDED BY THE STATE AND WOULD CONTINUE TO BE

1 THE ACT DIDN'T DEAL WITH TRANSPORTATION BUT THE
2 ASSUMPTION WAS MADE THAT THERE WOULD BE A FREE PUBLIC
3 SCHOOL TRANSPORTATION SYSTEM AND IT WOULD BE FULLY FUNDED
4 BY THE STATE AS WELL AS -- AS WELL AS TEXTBOOKS

5 SO THE IDEA WAS ONCE THE STUDENT GETS IN THE
6 SCHOOLHOUSE DOOR, WHAT WOULD BE A FLOOR OF -- OF --
7 FOUNDATION THAT STUDENTS SHOULD HAVE AVAILABLE TO THEM
8 THAT WOULD PROVIDE THEM WITH A SUITABLE EDUCATION FOR THE
9 MID 1970'S IT'S -- THE WORK STARTED IN '74, '75, '76 AND
10 THE ACT ACTUALLY PASSED IN '77

11 IT ALSO HAD ANOTHER FEATURE THAT THE COMMITTEE
12 RECOMMENDED THAT WASN'T ADOPTED AND THAT WAS THAT FOR
13 PROPERTY POOR DISTRICTS WHO MAY EXERT MORE EFFORT THAN IS
14 REQUIRED AT A MINIMUM, THAT THAT WOULD BE POWER EQUALIZED
15 SO THE INTENT OF THE COMMITTEE WASN'T THAT THE EDUCATION
16 FINANCE ACT WAS A CEILING BUT WAS A BARE MINIMUM FLOOR

17 AND A FINAL CONCERN WAS THAT SOMETHING NEEDED TO BE
18 DONE WITH -- IN SUPPORTING CAPITAL IMPROVEMENTS AT THE
19 SCHOOL DISTRICT LEVEL BUT THAT WAS NOT INCLUDED IN THE
20 FINANCE ACT

21 Q LET'S TALK ABOUT A FEW OF THOSE ITEMS INDIVIDUALLY
22 WE HAD BOOKED MARKED EARLIER FRINGE BENEFITS EARLIER FOR
23 EXAMPLE SO LET'S TURN TO THAT YOU MENTIONED EARLIER
24 THAT FRINGE BENEFITS ARE NO LONGER FULLY PAID FOR BY THE
25 STATE IS THAT TRUE?

1 A THAT'S TRUE

2 Q SO AS FAR AS THE E F A IS CONCERNED, STARTING AFTER
3 FRINGE BENEFITS ARE PAID TO THE DEGREE ANY FRINGE BENEFITS
4 HAVE BEEN PUSHED BACK TO THE INDIVIDUAL DISTRICTS, THAT'S
5 THE DISTRICTS' PROBLEM, RIGHT?

6 A DISTRICT PROBLEM, BUT IN A WAY IT UNDERMINES THE --
7 THE -- IT'S ALSO A PIECE OF THE FOUNDATION OF THE
8 EDUCATION FINANCE ACT

9 Q AND IT -- AND AS A PART OF THE FOUNDATION OF THE
10 EDUCATION FINANCE ACT, IF YOU ERODE THE HUNDRED PERCENT
11 PAYMENT BY THE STATE OF FRINGE BENEFITS, WHAT ARE YOU
12 DOING TO THE BASE EDUCATION?

13 A IT DRIVES THE COST DOWN TO LOCAL SCHOOL DISTRICTS, SO
14 PROPERTY POOR DISTRICTS, DISTRICTS WITH LITTLE ASSESSED
15 VALUATION HAVE TO USE THEIR SCARCE RESOURCES TO PAY FOR
16 FRINGE BENEFITS THAT USED TO BE PROVIDED BY THE STATE

17 Q AND ARE THE FRINGE BENEFITS INCLUDED IN THIS IN-SITE
18 DATA THAT YOU AND I HAVE BEEN GOING OVER --

19 A YES

20 Q -- IN THE PERSONNEL DATA?

21 A YES

22 Q AND WITH REGARD TO FRINGE BENEFITS, WHAT HAS HAPPENED
23 SINCE THE PASSAGE OF THE E F A WITH REGARD TO THE STATE'S
24 HUNDRED PERCENT PAYMENT OF FRINGE BENEFITS?

25 A SOMEWHERE IN THE MIDDLE 80'S, I DON'T QUITE REMEMBER

1 THE QUITE DATE, THE STATE GRADUALLY STOPPED INVESTING AS
2 MUCH OF ITS APPROPRIATION IN FRINGE BENEFITS SO MORE AND
3 MORE OF THE COSTS GOT SHIFTED TO LOCAL SCHOOL DISTRICTS
4 SO NOW I BELIEVE IT'S SOMETHING LIKE 60 OR 59 PERCENT
5 OF FRINGE BENEFITS ARE PAID FOR BY THE STATE AND THAT
6 MEANS FOR, ROUGHLY 40 PERCENT IS PAID FOR BY THE SCHOOL
7 DISTRICTS

8 AND I THINK JOHN COOLEY HAS SOME -- ONE OF HIS SLIDES
9 HAS THE CALCULATION WE NEED TO MAKE BUT THAT AMOUNTS TO
10 ABOUT A 230, \$260 MILLION SHIFT FROM WHAT THE STATE USED
11 TO COVER THAT IS NOW BORNE BY SCHOOL DISTRICTS

12 Q WHAT ABOUT TRANSPORTATION? WAS THAT A FOUNDATIONAL
13 ASPECT OF THE EDUCATION FINANCE ACT?

14 A YES, IT WAS ASSUMED THAT TRANSPORTATION WOULD STAY
15 FULLY FUNDED BY THE STATE SO IT'S, AGAIN, IT'S ANOTHER
16 PIECE OF THE FOUNDATION AND THAT ALSO HAS SHIFTED AS WE
17 SAW THE OTHER DAY IN THE CHARTS

18 Q AND WITH REGARD TO THE TRANSPORTATION, DESCRIBE FOR
19 US WHAT HAS HAPPENED TO THAT FOUNDATIONAL PIECE OF THE
20 E F A

21 A IF I REMEMBER CORRECTLY, WE HAD -- I THINK WE HAD
22 SOME SLIDES FROM DON TUDOR I BELIEVE IT'S NOW 60 PERCENT
23 OF THE COSTS IS BORNE BY THE DISTRICTS AND 40 PERCENT BY
24 THE STATE AND IT WOULD TAKE ABOUT 60 OR \$65 MILLION FOR
25 THE STATE TO PAY FOR THE COSTS THAT HAVE BEEN SHIFTED TO

1 THE SCHOOL DISTRICTS

2 Q AND WITH REGARD TO TEXTBOOKS, WHAT HAS HAPPENED IN
3 THAT REGARD?

4 A THAT IS KIND OF AN UP AND DOWN SITUATION I DON'T
5 THINK WE HAVE QUITE A GOOD PARAMETER OF THAT AS WE HAVE
6 WITH THE OTHER ITEMS

7 Q OKAY AND WHAT ABOUT CAPITAL? YOU SAID CAPITAL,
8 THEY WERE GOING TO DO SOMETHING ABOUT CAPITAL BUT IT'S NOT
9 PART OF THE E F A ?

10 A RIGHT THERE WAS INTEREST IN THE COMMITTEE TO TRY TO
11 ADDRESS IT BUT IT WAS -- THERE WAS SUFFICIENT DIFFICULTY
12 TO PASS THE EDUCATION FINANCE ACT WITHOUT IT INCLUDED THAT
13 THEY FELT THAT IT SHOULD BE LEFT FOR ANOTHER DAY

14 BUT AT THAT TIME THE STATE WAS PROVIDING, IF I
15 REMEMBER CORRECTLY, ROUGHLY \$30 A PUPIL FOR -- AND -- PER
16 PUPIL FOR BUILDING APPROPRIATIONS

17 Q AND AT THE PRESENT TIME?

18 A ALL THAT HAS EVAPORATED AND IF YOU THINK ABOUT IT,
19 \$30 A PUPIL IN THE GENERAL APPROPRIATION BILL, I DON'T
20 KNOW IF -- I KNOW BECAUSE IT'S A SIMPLE NUMBER TO REMEMBER
21 THE INFLATION FROM ABOUT 1983 TO TODAY IS ABOUT A HUNDRED
22 PERCENT

23 SO THIS WOULD BE ANOTHER TEN YEARS BEFORE THAT BUT
24 SO IF YOU JUST HAD IN REAL DOLLAR TERMS IT WOULD BE
25 SOMETHING OVER 60 OR \$70 A PUPIL

1 Q THAT'S GONE NOW?

2 A GONE NOW AND ALL THAT IS -- THERE IS SOME MONEY
3 FROM THE BARNWELL FUND WHICH IS -- IN THE CHART WE LOOKED
4 AT EARLIER TODAY HAS BEEN DIMINISHING EACH YEAR

5 Q SO IF -- IF THE FOUNDATION OF FRINGE BENEFITS HAS
6 BEEN ERODED, THE TRANSPORTATION FOUNDATION HAS BEEN
7 ERODED, THE CAPITAL PER PUPIL ALLOCATION HAS BEEN ERODED,
8 AND THIS WAS TO PROVIDE A FLOOR, WHAT HAS HAPPENED TO THE
9 E F A FLOOR NOW?

10 A WELL THAT -- THOSE COMPONENTS THAT -- THAT SHORT --
11 DIDN'T ADD THOSE ALL UP ON OUR LIST, BUT IT'S -- IT'S IN
12 THE -- THE -- THE 350S RANGE, I BELIEVE JUST, I DIDN'T
13 WRITE THOSE DOWN BUT IN THOSE ITEMS BUT ALSO THE FLOOR
14 IS -- IT'S -- IT'S IN THE EDUCATION FINANCE ACT IS -- IS
15 NOT FUNDED AT EVEN WHAT WAS ANTICIPATED TO BE THE MINIMUM
16 EDUCATION 30 YEARS AGO

17 IT'S -- IT'S FUNDED AT, I THINK IT'S A COUPLE
18 HUNDRED, I THINK IT'S \$200 MILLION IN WHICH WE COULD DO
19 THE CALCULATIONS IF WE HAD THE WEIGHTED PUPIL UNITS IN THE
20 CURRENT APPROPRIATION BILL BUT ROUGHLY EDUCATION FINANCE
21 ACT IS 200 ITSELF WHICH IS ANOTHER PART OF THE FOUNDATION
22 IS ABOUT \$200 MILLION SHORT OF WHAT IS CONSIDERED FULL
23 FUNDING, FULL FUNDING OF WHAT WAS CONSIDERED ADEQUATE IN
24 1975

25 Q SO THE FLOOR FROM 1975 IS -- IS SHORT ON ITS BASIC

1 FUNDING, NOT JUST IN FRINGE BENEFITS, TRANSPORTATION,
2 CAPITAL BUT IN THE ACTUAL FUNDING OF THE ACT ITSELF?

3 A THAT'S CORRECT

4 Q AND WHAT IS THIS -- WHAT HAPPENS TO THE FLOOR OF
5 EDUCATION OVER A PERIOD OF TIME FROM 1976 TO 2004? WHAT'S
6 HAPPENED TO THE FLOOR?

7 A WELL, SORT OF A MAYBE ANALOGY IS THINKING OF A HOUSE,
8 THE CONSTRUCTION OF A HOUSE, THE FOOTINGS AND -- AND THE
9 SUB-FLOORING AND SO ON AND WHAT WAS SOMEWHAT SOLID IN
10 '75 NOW IS MISSING PARTS OF IT 60 PERCENT IS MISSING,
11 PART OF IT, 40 PERCENT IS MISSING

12 IT'S LIKE YOU HAD, YOU KNOW, A LOT OF TERMITE DAMAGE
13 IN THE FOUNDATION, AND THAT -- IS THE REST OF THE SYSTEM
14 THEN IS -- IS -- IS BASED ON THOSE ELEMENTS BEING FULLY
15 FUNDED AND IT MAKES IT A VERY UNSOLID, UNSTABLE FOOTING
16 FOR EDUCATION

17 Q AND WHAT IS THE IMPACT OF THIS UNSTABLE FOOTING THAT
18 YOU JUST DESCRIBED ON THE PLAINTIFF DISTRICTS?

19 A IT'S MORE SEVERE, MUCH MORE SEVERE BECAUSE THEY DON'T
20 HAVE THE PROPERTY WEALTH, THE ASSESSED VALUATION PER
21 STUDENT TO RECOUP THE -- AND IN A EASY WAY THE COSTS
22 HAVE BEEN SHIFTED TO THEM, PLUS THEY ARE MISSING OUT ON
23 THE RESOURCES THEY WOULD HAVE HAD FOR THOSE ELEMENTS, THE
24 FINANCE ACT, FRINGE BENEFITS, TRANSPORTATION

25 SO THEY ARE BOTH HAVING TO PAY MORE AND THEY ARE

1 GETTING LESS STATE RESOURCES IN RETURN AT A TIME NOW WHEN
2 THEY ARE EXPECTED TO DO SO MUCH MORE IN TERMS OF EDUCATING
3 THEIR STUDENTS YOU KNOW, IN 1975 WHO WOULD HAVE THOUGHT
4 THAT COMPUTERS WOULD BE USED IN A DAY-TO-DAY BASIS

5 I USED TO -- I WAS WORKING MY DISSERTATION THEN I
6 USED TO HAVE TO LUG HUGE BOXES OF COMPUTER CARTS AROUND
7 AND NEVER WOULD HAVE TAKEN THEM TO THE ENGINEERING
8 BUILDING AT U S C , NEVER IMAGINING THAT YOU COULD
9 ACTUALLY GET ONLINE WITH A SMALL COMPUTER YOU COULD CARRY
10 AROUND

11 THE COST OF MEDIA MATERIALS THE EXPECTATION OF
12 BREADTH AND DEPTH KNOWLEDGE THAT YOU NOW EXPECT OF
13 STUDENTS IS DRAMATICALLY DIFFERENT, DEEPER AND HIGHER AND
14 YET THOSE FOUNDATION ELEMENTS ARE WEAKER AND ERODED AWAY

15 Q DR PETERSON, WAS IT ANTICIPATED IN THE -- BY THE
16 GOVERNOR'S COMMITTEE THAT DEVELOPED THE E F A AND BY THE
17 E F A LEGISLATION ITSELF THAT THERE WOULD BE ENHANCEMENT
18 OF THE FUNDING AND CONTINUOUS IMPROVEMENT OF THE E F A
19 FUNDING?

20 A THEY SAW IT AS A FIRST STEP, NOT AS A LAST STEP AND
21 THEY ALSO, AS I MENTIONED, THEY RECOMMENDED THAT ACTION BE
22 TAKEN TO DEAL WITH THE -- THE CAPITAL IMPROVEMENT NEEDS IN
23 THE STATE AT THAT TIME

24 Q HAS THE E F A , THE BASIC FORMULA, BEEN UPDATED?

25 A NOT REALLY IT'S -- THERE'S AN INFLATION FACTOR THAT

1 WAS BUILT IN FROM THE VERY BEGINNING SO WHAT WE HAVE NOW
2 IS -- IS BASICALLY THE BASE STUDENT COST THAT WAS COSTED
3 OUT 29, 30 YEARS AGO, UPDATED ONLY BY THE RATE OF
4 INFLATION SINCE THAT TIME

5 Q AND HAS THAT INFLATION FACTOR BEEN REGULARLY FUNDED
6 BY THE LEGISLATURE?

7 A SOMETIMES, SOMETIMES NOT GENERALLY MORE TIMES NOT
8 THAN IT HAS BEEN

9 Q OKAY AND EVEN IF THAT INFLATION FACTOR WAS FUNDED,
10 WE ARE STILL TALKING ABOUT THE BASE STUDENT COST AS
11 CALCULATE IN THE MID 70'S?

12 A WHAT WAS CONSIDERED A MINIMUM EDUCATION IN THE MID
13 70'S, IN THIS -- JUST ONCE YOU GOT STUDENTS TO THE SCHOOL,
14 IN THE SCHOOLHOUSE DOOR

15 Q YOU INDICATED ONE OTHER ITEM AS WE WERE TALKING ABOUT
16 THE E F A AND THAT WAS, I THINK YOU CALLED IT A POWER
17 EQUALIZATION OR MAYBE I --

18 A RIGHT

19 Q WHAT, WHAT WAS THAT?

20 A WELL, AGAIN, SHOWS -- THE COMMITTEE REALIZED THAT
21 THIS IS A FLOOR NOT A CEILING, AND THAT THE INTENT WAS NOT
22 TO STIFLE SCHOOL DISTRICTS INVESTING IN THEIR OWN
23 EDUCATIONAL IMPROVEMENTS

24 SO DISTRICTS WHO WEREN'T NECESSARILY -- THEY DIDN'T
25 WANT TO HAMPER DISTRICTS FROM PUTTING ON MORE MILLAGE IF

1 SOME IMPROVEMENT NEEDED TO BE MADE IN THE SCHOOLS BEYOND
2 WHAT THE FINANCE ACT PROVIDED BUT IF YOU DON'T TAKE INTO
3 ACCOUNT THE LOW PROPERTY WEALTH OF DISTRICTS LIKE THESE
4 PLAINTIFF DISTRICTS, THEY CAN'T REALLY GENERATE MUCH NEW
5 REVENUE WHEN THERE IS VERY LITTLE ASSESSED VALUATION PER
6 PUPIL

7 SO THE IDEA WOULD BE THAT UP TO SOME LEVEL BEYOND THE
8 MINIMUM REQUIRED FOR THE FINANCE ACT UP TO SOME HIGHER
9 LEVEL IF A PROPERTY POOR DISTRICT PUT ON MORE MILLAGE, THE
10 STATE WOULD IN A SENSE MATCH IT SO THAT THE PROPERTY
11 POORNESS OF THE DISTRICT WOULD NOT BE A HANDICAPPING
12 CONDITION AND THEY WOULD BE ABLE TO MAKE THEIR OWN
13 IMPROVEMENTS AND THEIR OWN DECISIONS TO MAKE ADDITIONAL
14 CHANGES TO BETTER THE EDUCATION OF CHILDREN IN THEIR
15 SCHOOLS

16 Q AND HAS THAT HAPPENED IN THE 30 YEARS SINCE THEN?

17 A NO

18 Q AND IT DIDN'T HAPPEN IN THE E F A ?

19 A NO

20 Q WHAT -- WHAT THINGS DO YOU NOW CONSIDER TO BE
21 OUTDATED? YOU MENTIONED COMPUTERS BUT WHAT THINGS THAT
22 ARE IN THE NATURE OF ESSENTIAL OPPORTUNITIES TO ACQUIRE A
23 MINIMALLY ADEQUATE EDUCATION OTHER THAN TECHNOLOGY WOULD
24 YOU CALL OUR ATTENTION TO THAT -- THAT WEREN'T CONSIDERED
25 BACK IN 1974, '75, '76 AT THE PASSAGE OF THE E F A ?

1 A THE INDIVIDUAL POVERTY OF STUDENTS THERE WAS SOME
2 DISCUSSION THEN, BUT WE DIDN'T HAVE AT THAT TIME THE
3 EVIDENCE WE NOW HAVE OF HOW IMPORTANT THAT IS TO TAKE INTO
4 ACCOUNT THE -- AND THEY COULD BE TWO WAYS BOTH IN TERMS
5 OF MODERATE POVERTY AND VERY HIGH POVERTY

6 THE CONCENTRATION OF POVERTY IN SCHOOLS ONCE
7 SCHOOLS GET OVER 50 PERCENT OF POVERTY THAT SHOULD BE
8 TAKEN INTO ACCOUNT

9 ENGLISH AS A SECOND LANGUAGE STUDENTS I'M SURE WE
10 HAD SOME IN THE STATE THEN BUT THEY WEREN'T IN INCREASING
11 NUMBER OF STUDENTS SO THERE'S NO WEIGHTING FOR THAT

12 AND THEN EACH OF THE -- THE TEN OPPORTUNITIES THAT I
13 PRESENTED WERE -- ARE CRITICAL FOR -- FOR CHILDREN, NEED
14 TO BE TAKEN INTO ACCOUNT IN THE FORMULA AND THAT COULD
15 BE DONE SOME -- IT COULD HAVE BEEN TWO WAYS

16 ONE, IT COULD BE BUILT INTO THE BASE STUDENT COST FOR
17 SOME OF THE ITEMS SO THE BASE STUDENT COST IS JUST BUILT
18 IN RIGHT ACROSS THE BOARD FOR ALL THE GRADES THAT'S --
19 OR YOU CAN INCLUDE WEIGHTS FOR THE VARIOUS COMPONENTS IN
20 THE -- IN THE FORMULA SO EITHER WAY OR BOTH DEPENDING ON
21 HOW POLICYMAKERS WANTED TO PROCEED

22 BUT EACH OF THOSE SHOULD BE ATTENDED TO IF WE ARE TO
23 PROVIDE A MODERN UP-TO-DATE EDUCATION FOR OUR CHILDREN

24 Q DR PETERSON, I'D LIKE TO GO THROUGH A COUPLE
25 DOCUMENTS WITH YOU ON THE E F A AND KIND OF AS IT'S

1 EVOLVED LET'S START WITH THE PLAINTIFFS' EXHIBIT 287,
2 THE 1976 REPORT OF THE GOVERNOR'S COMMITTEE ON
3 EQUALIZATION

4 AND JUST WANTED TO CALL YOUR ATTENTION TO A COUPLE OF
5 THINGS WE HAVE BEEN OVER SOME OF THIS WITH OTHER -- WITH
6 OTHER WITNESSES I'M JUST GOING TO CALL TO YOUR ATTENTION
7 A COUPLE NEW THINGS THAT WE HAVEN'T BEEN OVER

8 A OKAY

9 Q 287 AND I'M PARTICULARLY, DR PETERSON, GOING TO
10 REFER YOU TO PAGE 37 AND I GUESS, FIRST OF ALL, I MEAN,
11 YOU ARE FAMILIAR WITH THIS REPORT, RIGHT?

12 A YES

13 Q AND ARE YOU ONE OF THE CO-AUTHORS, EDITORS OF THIS?

14 A I WAS ON THE COMMITTEE

15 Q OKAY AND THIS IS -- LOOK WITH ME AT PAGE 37
16 OVERALL BEFORE I GO TO PAGE 37, DOES THIS, DOES THIS
17 DOCUMENT PROVIDE THE CASE FOR THE E F A BASICALLY?

18 A YES

19 Q OKAY AND AT PAGE 37 IT'S SUGGESTED THAT THERE IS

20 A -- SHOULD BE A CONTINUOUS EVALUATION AND IMPROVEMENT

21 SAYS ANY PLAN FOR FINANCING EDUCATION WHICH APPEARS

22 SATISFACTORY TODAY MAY NOT BE SATISFACTORY IN A SHORT

23 PERIOD OF TIME BECAUSE OF THE UNPRECEDENTED RATE OF CHANGE

24 TAKING PLACE IN AMERICA AT THE PRESENT TIME

25 CONSEQUENTLY IN ORDER TO ASSURE THAT THE FOUNDATION

1 THE TRUE COST OF PROVIDING A MINIMUM EDUCATION AS
2 SPECIFIED IN D M P OR THE DEFINED MINIMUM PROGRAM

3 WHATEVER STUDIES INDICATE THE BASE STUDENT COST AND
4 WEIGHTS ARE INSUFFICIENT TO COVER COSTS THE E F A 'S
5 INTENT TO FUND ALL OF THE PROGRAMS IS NOT MET
6 FURTHERMORE, DISTRICTS MUST PAY THE DIFFERENCE WITHOUT
7 STATE SUPPORT IN ORDER TO CONTINUE MEETING THE
8 REQUIREMENTS OF THE DEFINED MINIMUM PROGRAM

9 Q IS THAT PARTICULARLY TRUE IN 2004?

10 A YES

11 Q AND WHAT DOES THAT SAY ABOUT THE EFFECTIVENESS OF THE
12 EDUCATION FINANCE ACT AT THE PRESENT TIME IN FUNDING THE
13 OPPORTUNITY TO ACQUIRE A MINIMALLY ADEQUATE EDUCATION IN
14 THE PLAINTIFF DISTRICTS?

15 A IT'S NOT PROVIDING THAT OPPORTUNITY

16 Q IN TERMS OF THE DEFINED MINIMUM PROGRAM AS WE LOOK A
17 LITTLE FURTHER IN THE REPORT, I WOULD REFER YOU TO THE
18 SECTION ON DEFINED MINIMUM PROGRAM THAT BEGINS AT 3468 AND
19 GOES OVER TO 3469

20 AND IN JUST ONE SECTION THAT WE HAVE HIT ON SEVERAL
21 TIMES IN THE -- IN YOUR TESTIMONY AND IN THIS TRIAL AT THE
22 TOP OF PAGE 3469 COULD YOU READ THOSE SENTENCES IN
23 REGARDING THE HIGH SCHOOL GRADUATION REQUIREMENTS IN THE
24 AREAS OF COST IMPACTS? STARTING WITH S D E ALSO HAS NOT
25 REVIEWED

1 A S D E OR STATE DEPARTMENT OF EDUCATION ALSO HAS NOT
2 REVIEWED ALL AREAS IN WHICH COST IMPACTS FROM DEFINED
3 MINIMUM PROGRAM CHANGES CAN OCCUR FOR EXAMPLE, A 1983
4 STUDY OF THE EFFECTS OF INCREASING HIGH SCHOOL GRADUATION
5 REQUIREMENTS DID NOT ADDRESS COSTS FOR BUILDINGS,
6 EDUCATIONAL MATERIALS AND UTILITIES

7 Q OKAY AND IS THAT THE KIND OF THING THAT -- THAT HAS
8 CONSISTENTLY BEEN OVERLOOKED SINCE THE PASSAGE OF THE
9 E F A ?

10 A RIGHT AND IN FACT THE BIGGEST INCREASE IN HIGH
11 SCHOOL GRADUATION REQUIREMENTS HAS -- IS -- OCCURRED MOST
12 RECENTLY WHICH IS ADDING FOUR MORE UNITS FROM 20 TO 24 AND
13 IN EFFECT ALMOST ADDING A WHOLE YEAR ONTO HIGH SCHOOL
14 WITHOUT THOSE COSTS BEING REFLECTED EITHER IN THE BASE
15 STUDENT COST OR THE WEIGHTS FOR HIGH SCHOOL STUDENTS

16 Q OVERALL, LOOKING BACK AT THE E F A , DR PETERSON,
17 WHAT IS YOUR OPINION ABOUT THE ABILITY OF THE E F A AT
18 THE PRESENT TIME TO NOW FUND THE OPPORTUNITY TO ACQUIRE A
19 MINIMALLY ADEQUATE EDUCATION IN THE PLAINTIFF DISTRICTS?

20 A IT'S BADLY OUT OF DATE AND IT'S BADLY UNDER-FUNDED

21 Q AND DOES THAT -- THE NATURE OF THAT, IT BEING BADLY
22 OUT OF DATE AND BADLY UNDER-FUNDED IS THAT A DIRECT CAUSE
23 OF STUDENTS IN THE PLAINTIFF DISTRICT NOT RECEIVING THE
24 OPPORTUNITY TO ACQUIRE A MINIMALLY ADEQUATE EDUCATION?

25 A YES AND THE COMPANION PIECES, THE FRINGE BENEFITS,

1 TRANSPORTATION AND SCHOOL BUILDING FUNDS, ARE ALSO BADLY
2 UNDER-FUNDED OR NOT FUNDED AT ALL

3 Q DR PETERSON, EARLIER YOU -- YOU MADE REFERENCE TO A
4 COUPLE OF CHARTS AND I'D LIKE TO CALL UP EXHIBITS 6015,
5 FIRST (CONFERRING WITH STAFF) IS THE FIRST ONE AND
6 WITH THAT 6015 -- WELL, LET'S LOOK FIRST AT 6015

7 JUST LET ME ASK YOU, IS THIS ONE OF THE CHARTS YOU
8 WERE REFERRING TO ABOUT THE UNDER-FUNDING OF THE FLOOR
9 DEFINED MINIMUM PROGRAM OF THE E F A ?

10 A YES IT CALCULATES THE ORIGINAL BASE STUDENT COST

11 Q RIGHT

12 A SO IT'S THE -- THE -- FROM '75 WHAT WAS CONSIDERED
13 MINIMALLY ADEQUATE THEN SIMPLY ADDS -- ADDS TO IT OR
14 MULTIPLIES TO IT AN INFLATION FACTOR AND SO THE FIRST
15 COLUMN AFTER THE SCHOOL YEAR IS THE BASE STUDENT COST WITH
16 INFLATION IN IT SO IF YOU NEED, WE NEEDED IN 2003, 2004,
17 \$2,000, \$2,201 SIMPLY TO BUY WHAT WAS THE -- THE MINIMUM
18 PROGRAM BACK IN '75, '76 AT \$665

19 SO THAT'S -- IT'S NOTHING NEW IT'S JUST THE
20 INFLATION OVER THAT TIME, CALCULATED BY THE BUDGET AND
21 CONTROL BOARD

22 Q OKAY

23 A AND WHAT WE SEE BESIDE IT IS -- IS THE -- THERE IN
24 THE NEXT COLUMN OVER IS THE BASE STUDENT COST THAT WAS
25 ACTUALLY FUNDED FOR A PARTICULAR YEAR

1 Q OKAY AND LET'S LOOK -- SO THAT WAS ONE PIECE THAT
2 YOU WERE TALKING ABOUT EARLIER --

3 A YES

4 Q -- IN TERMS OF THE CHARTS, RIGHT?

5 A RIGHT

6 Q THAT WAS THE DEFINED MINIMUM PROGRAM SORT OF FLOOR
7 BEING UNDER-FUNDED, RIGHT?

8 A THAT'S RIGHT, 1975

9 Q AND THEN LET'S LOOK AT PLAINTIFFS' EXHIBIT 6022 --
10 WHOOPS MAYBE NOT WHICH I THINK IS THE FRINGE BENEFITS
11 CHART

12 A THAT'S CORRECT

13 Q AND THIS FRINGE BENEFITS CHART, IS THIS WHAT YOU WERE
14 REFERRING TO WHEN YOU INDICATED THAT THE STATE WAS NOW
15 FUNDING ONLY 60 PERCENT OF THE FRINGE BENEFITS?

16 A RIGHT YOU SEE UP TILL '81, '82 IT WAS A HUNDRED
17 PERCENT FUNDED AND IT'S BEEN GOING DOWN AND STAYED IN
18 THE 90'S FOR A COUPLE OF YEARS AND THEN IT'S BEEN DROPPING
19 EVERY YEAR SINCE

20 SO IN THE -- FOR THE LATEST YEARS WE HAVE HERE IS
21 2001, 2002, THE DISTRICTS WERE SPENDING FOR FRINGE
22 BENEFITS 682,561,611 BUT THE -- THE GENERAL FUND
23 APPROPRIATION FOR FRINGE BENEFITS WAS ONLY 411 MILLION, SO
24 IF YOU SUBTRACT THE TWO, THAT'S ABOUT \$271 MILLION

25 SO JUST TO -- TO GET BACK TO, TO WHERE WE WERE IN

1 '81, '82, WOULD TAKE \$271 MILLION, SO THAT'S IN ADDITION
2 TO THE 200-SOME MILLION WE ARE SHORT IN THE EDUCATION
3 FINANCE ACT

4 Q WITH NO CHANGE TO UPDATE THE NEEDS FOR EDUCATION?

5 A NO, I MEAN, THE FINANCE ACT, YOU THINK ABOUT IT, JUST
6 THINK ABOUT 75 THAT'S A PRE COMPUTER AGE FINANCE ACT
7 THAT'S FUNDED IN 80 OR 85 PERCENT OF PRE COMPUTER AGE AND
8 FRINGE BENEFIT HERE ARE FUNDED AT WHAT WAS FUNDED 20 YEARS
9 AGO

10 SO THERE'S NOTHING NEW IN FACT, IT'S BACKWARDS I
11 MEAN, WE HAVE GONE BACKWARDS IN A SENSE IN TERMS OF
12 PURCHASING POWER

13 Q LET'S TURN OUR ATTENTION TOGETHER TO THE EDUCATION
14 IMPROVEMENT ACT, DR PETERSON HAVING TALKED ABOUT THE --
15 THE FOUNDATION AND THE PROBLEMS WE HAD WITH THE FOUNDATION
16 OF THE E F A THE E I A NEARLY TEN YEARS AFTER THE
17 E F A YOU PARTICIPATED IN -- IN DRAFTING AND GETTING THAT
18 PASSED AND ACTUALLY IMPLEMENTING IT?

19 A YES, I WAS A -- WHEN I WAS IN THE GOVERNOR'S OFFICE I
20 WAS ASKED BY TWO DIFFERENT BLUE RIBBON COMMITTEES THAT
21 HELPED PUT THE ACT TOGETHER TO BE THE CHIEF STAFF OF
22 PUTTING THAT TOGETHER AND THEN AFTER THE ACT PASSED I WAS
23 ASKED TO BE THE DIRECTOR OF -- OF AN OVERSIGHT COMMITTEE
24 TO MONITOR THE IMPLEMENTATION OF THE EDUCATION IMPROVEMENT
25 ACT UNTIL ABOUT '91, '92

1 Q DID YOU -- WHEN YOU WERE WITH THE GOVERNOR'S OFFICE,
2 DID THE GOVERNOR OF SOUTH CAROLINA HAVE YOU ON STAFF IN
3 PART TO MONITOR THE EDUCATION BUDGETS?

4 A YES I -- THAT WAS PART OF MY JOB IS TO WATCH THE
5 EDUCATION BUDGETS AND LEGISLATION

6 Q OKAY AND EDUCATION PROGRAMS?

7 A YES

8 Q FOR K THROUGH 12 AND HIGHER EDUCATION?

9 A YES

10 Q AND HAS THAT REMAINED THE GOVERNOR'S JOB TODAY?

11 A YES

12 Q AT THE TIME THE -- TAKE US BACK TO THE TIME THE
13 E I A WAS PASSED WHAT WERE WE TRYING TO DO, WHAT WAS
14 THE -- WHAT WAS THE NATURE OF -- OF THE SOCIETY IF YOU
15 WILL AT THAT TIME? GIVE US A LITTLE DESCRIPTOR

16 A OKAY MAYBE I SHOULD BACK UP JUST A TAD MORE THE
17 FINANCE ACT PASSED IN '77 BUT IT WASN'T FUNDED THE FIRST
18 YEAR WHICH I -- I WAS VERY YOUNG THEN I GUESS I SHOULD
19 HAVE -- IT SHOULD HAVE BEEN A SIGN OF SOMETHING

20 IF YOU PASS AN ACT THAT PEOPLE WORK FOUR YEARS TO GET
21 PASSED OF, THAT IT WAS DESIGNED TO BE PHASED IN SO THAT
22 THERE WOULD BE AN INCREMENT EACH YEAR FOR -- FOR FIVE OR
23 SIX YEARS OR FOUR OR FIVE YEARS TO ADD THE ADDITIONAL
24 FUNDING THAT WOULD PRINCIPALLY GO TO THE MORE PROPERTY
25 POOR DISTRICTS TO BRING THEM UP TO THE BASE STUDENT COST

1 CHANGE AND IMPROVEMENT

2 SO THAT PACKAGE WAS PUT TOGETHER AND PRESENTED TO THE
3 GENERAL ASSEMBLY IN THE FALL AND EARLY WINTER OF 1983

4 Q ONE OF THE THINGS THAT YOU JUST -- YOU JUST INDICATED
5 WAS IMPORTANT WAS THIS IMPROVEMENT PART WERE THE
6 PROGRAMS FUNDED BY THE E F A -- I E A , EDUCATION
7 IMPROVEMENT ACT, JUST SAY THE WHOLE THING, THE EDUCATION
8 IMPROVEMENT ACT, WERE THOSE TO BE FUNDED IN PERPETUITY OUT
9 OF THE EDUCATION IMPROVEMENT ACT MONEY?

10 A THE NOTION WAS THAT THE EDUCATION IMPROVEMENT ACT
11 WOULD BE ON TOP OF THE EDUCATION FINANCE ACT AND THE
12 ASSUMPTION WAS MADE IT WOULD BE REGULARLY UPDATED AND
13 FULLY FUNDED AND THAT THE -- THE DETAILS OF THE EDUCATION
14 IMPROVEMENT ACT MAY CHANGE OVER TIME FROM TWO HAPPENINGS
15 ONE, PROGRAMS WEREN'T WORKING WELL OR THAT IF SOMETHING
16 WAS WORKING WELL IN A SMALLER SCALE THAT IT COULD BE MOVED
17 OVER TO THE EDUCATION FINANCE ACT

18 AND THIRD, THAT THERE WOULD BE NEW OPPORTUNITIES AND
19 IDEAS THAT WOULD COME UP THAT WOULD NEED TO BE TRIED OUT
20 OR -- OR WOULD BE A -- A NEW SOURCE OF INNOVATION FOR
21 EDUCATION IN SOUTH CAROLINA AND THAT FUNDING SOURCE COULD
22 PROVIDE THAT, THOSE INNOVATIONS AND INCENTIVES

23 Q AT THE BEGINNING, WAS THE EDUCATION IMPROVEMENT ACT
24 SUCCESSFUL?

25 A THE COMBINATION OF THE EDUCATION FINANCE ACT HAVING

1 BEEN JUST FULLY PHASED IN AND THE EDUCATION IMPROVEMENT
2 ACT WITH ITS PACKAGE OF THE -- THE PACKAGE OF -- OF WELL
3 THOUGHT OUT IMPROVEMENTS AND CHANGES THAT WERE
4 INTERRELATED, FOR EXAMPLE, THE STATE HAD PASSED A BASIC
5 SKILLS TEST IN THE LATE 70'S, I THINK '79, SO IN THE
6 EDUCATION IMPROVEMENT ACT YOU HAD FOR THE FIRST TIME SOME
7 MONEY FOR REMEDIAL AND COMPENSATORY EDUCATION TO HELP
8 STUDENTS WHO WEREN'T DOING WELL ON THE BASIC SKILLS TEST
9 OR THE EXIT EXAM

10 SO IT WAS A COMBINATION OF, YES, HIGHER STANDARDS AND
11 REQUIREMENTS BUT THEN ALSO NEW MONEY, NEW RESOURCES TO
12 HELP STUDENTS WHO WEREN'T SUCCESSFUL THE WHOLE AREA OF
13 TEACHER COMPENSATION WAS OF GREAT INTEREST AND CONCERN
14 BOTH THE BASE PAY OF TEACHERS HELPED LIFTING IT UP, BUT
15 THERE WAS THE EDUCATION IMPROVEMENT ACT ALSO INCLUDED A
16 STRONG INCLUSION OF INCENTIVES, INCENTIVE PAY FOR
17 TEACHERS, INDIVIDUAL AND GROUPS OF TEACHERS, INCENTIVE PAY
18 FOR PRINCIPALS, AND SCHOOL INCENTIVES

19 SO IT WAS -- IT WAS A PACKAGE OF CHANGES THAT WERE
20 DESIGNED TO MOVE EDUCATION FORWARD AND FOSTER INNOVATION
21 THE EARLY STAGES OF THE FOUR YEAR OLD CHILD DEVELOPMENT
22 PROGRAM, THE HALF-DAY PROGRAM WAS INCLUDED IN THE
23 EDUCATION IMPROVEMENT ACT

24 AND THE OTHER IDEA WOULD MAKE SENSE THAT IF IT WORKS
25 AT SOME POINT IN TIME TO MOVE IT OVER TO THE FINANCE ACT

1 INCENTIVES FOR CHANGE AND THESE THREE FOR EXAMPLE ARE
2 THREE BIG KEY INCENTIVE PROGRAMS THAT NO LONGER EXIST
3 AND THE FUNDING FOR THAT -- FOR THOSE PROGRAMS HAVE
4 BEEN TAKEN OVER BY OTHER ITEMS IN THE -- IN THE EDUCATION
5 IMPROVEMENT ACT FOR EXAMPLE --

6 Q WELL, LET ME ASK YOU, IN YOUR OPINION IS THE E I A
7 BEING USED TO FUND THINGS THAT SHOULD NOT BE FUNDED WITH
8 E I A FUNDS?

9 A WELL, YES A COUPLE BIG CATEGORIES FIRST THE --
10 THE EDUCATION ACCOUNTABILITY ACT IS ITS OWN ACT AND SHOULD
11 BE FUNDED FROM THE GENERAL FUND FUNDS THAT MEANS ITS
12 OWN, ITS OWN FOCUS IT'S BEING FUNDED IN PART OF THE
13 EDUCATION IMPROVEMENT ACT WHICH SCHOOLS WOULD HAVE GOTTEN
14 ANYWAY

15 SO IT'S SORTING -- IT'S ROBBING PETER TO PAY PAUL
16 THE SCHOOL DISTRICTS WOULD HAVE GOTTEN E I A FUNDS BUT
17 THE EDUCATION ACCOUNTABILITY ACT IS DRAWING OUT OF THE
18 E I A FUNDS WHICH SHOULD BE A GENERAL FUND OBLIGATION FOR
19 THE ACCOUNTABILITY ACT

20 ANOTHER FULL SET OF CATEGORIES IF YOU LOOK ON PAGE
21 FOUR OF PLAINTIFFS' EXHIBIT 6012, PAGE FOUR, 6012 THIS IS
22 THE FISCAL YEAR 2004 APPROPRIATION ACT, THERE IS A GROUP
23 CALLED OTHER AT THE BOTTOM OF PAGE FOUR AND THOSE ARE
24 EITHER -- ONLY A -- I BELIEVE THREE OF THOSE ITEMS MAY BE
25 INCORRECT JUST FOUR, THE SCHOOL IMPROVEMENT COUNCIL'S

1 INCENTIVES FOR EXCELLENCE, THE TEACHER RECRUITMENT CENTER
2 AND THE TEACHER LOAN PROGRAM, THOSE ARE PART OF THE
3 EDUCATION IMPROVEMENT ACT

4 BUT WHAT HAS BEEN DONE HERE IS THAT THE EDUCATION
5 IMPROVEMENT ACT MONIES ARE USED TO FUND VARIOUS OTHER
6 PROGRAMS AND INITIATIVES IN STATE AGENCIES
7 AND SO --

8 Q ARE --

9 A SO THAT CLEARLY WAS NOT THE INTENT OF THE EDUCATION
10 IMPROVEMENT ACT

11 Q IS THE EDUCATION IMPROVEMENT ACT FUNDS, ARE THEY
12 BEING USED FOR TECH PREP AT THIS POINT?

13 A THAT'S ALSO A CASE AND THAT SHOULD BE IN THE --
14 SHOULD BE IN THE GENERAL FUND THAT'S IN ADDITION TO,
15 SEPARATE FROM THIS OTHER CATEGORY

16 Q ARE THEY BEING USED TO FUND ACT 135?

17 A THAT'S CORRECT

18 Q HOW ABOUT 4-K PROGRAMS?

19 A RIGHT AS I SAID EARLIER, THE -- THE NOTION BEHIND
20 EDUCATION IMPROVEMENT ACT WAS THAT TO TRY OUT SOME NEW
21 IDEAS, LIKE THE FOUR YEAR OLD OR 4-K PROGRAM AND THEN IF
22 IT WORKED WELL TO FOLD IT INTO THE BASIC FORMULA LIKE THE
23 EDUCATION FINANCE ACT, BUT IT'S STILL BEING FUNDED BY THE
24 EDUCATION IMPROVEMENT ACT AND HAS REALLY NOT GROWN MUCH IN
25 THE LAST TEN OR 12 YEARS BECAUSE OF THAT

1 Q IS THE E I A BEING USED TO FUND FRINGE BENEFITS?

2 A YES

3 Q HOW ABOUT TEACHER SUPPLIES?

4 A YES

5 Q ARE EITHER OF THOSE APPROPRIATE?

6 A WELL, THE FRINGE BENEFITS FOR THE -- FOR THE PROGRAMS
7 THAT ARE FUNDED BY THE EDUCATION IMPROVEMENT ACT PROBABLY
8 MAKE SENSE TO DO THAT

9 Q OKAY HOW ABOUT BASIC PROGRAM DEVELOPMENT?

10 A NOT NECESSARILY I DON'T KNOW WHICH -- WHICH ITEM
11 THAT IS, BUT SO I PROBABLY SHOULDN'T COMMENT ON THAT I'M
12 NOT SURE ABOUT THAT

13 Q OVERALL, DR PETERSON, IS THE E I A AND THE FUNDING
14 UNDER THE E I A FULFILLING THE ROLE THAT IT WAS TO HAVE?

15 A NO, IT'S NOT

16 Q AND AS A RESULT OF THAT, WHAT HAS HAPPENED TO THE
17 E I A PORTION OF EDUCATION FUNDING IN SOUTH CAROLINA?

18 A IT -- IT LOOKS MORE AND MORE LIKE IT'S FUNDING THE
19 GENERAL FUND OBLIGATIONS AND IT WAS SUPPOSED TO BE SET
20 ASIDE IN DIFFERENT -- FROM THE GENERAL FUND AND THE -- BE
21 A CONSTANT FUND FOR IMPROVEMENT AND INNOVATION BUILT ON
22 TOP OF THE EDUCATION FINANCE ACT

23 Q TAKEN TOGETHER, IN YOUR OPINION DO THE E F A AND THE
24 E I A TOGETHER PROVIDE THE FUNDING NECESSARY TO THE
25 PLAINTIFF DISTRICTS TO PROVIDE THE OPPORTUNITY FOR EACH

1 CHILD IN THOSE DISTRICTS TO ACQUIRE A MINIMALLY ADEQUATE
2 EDUCATION?

3 A NO

4 Q AND WHY IS THAT HAPPENING? WHAT HAS HAPPENED?

5 A BOTH HAVE GONE BACKWARDS, THE EDUCATION FINANCE ACT
6 FUNDED AT 85 PERCENT IS BASICALLY A 85 PERCENT OF '75 --
7 1975 ADEQUACY STANDARD, A PRE COMPUTER AGE STANDARD SO
8 CLEARLY CAN'T BE ADEQUATE

9 THE EDUCATION IMPROVEMENT ACT, SEVERAL KEY PROVISIONS
10 HAVE BEEN ELIMINATED AND OTHER REQUIREMENTS PUT IN THE
11 EDUCATION IMPROVEMENT ACT IN TERMS OF FUNDING REQUIREMENTS
12 THAT TAKES AWAY FROM IT THE ABILITY TO FUND NEW
13 INNOVATIONS, NEW INCENTIVES, NEW IDEAS

14 Q DR PETERSON, IS THE -- THE EROSION THAT YOU HAVE
15 DESCRIBED OF THE E F A AND THE E I A FUNDING DIRECT --
16 DIRECTLY RELATED AND A DIRECT CAUSE OF THE CHILDREN IN THE
17 PLAINTIFF DISTRICTS NOT RECEIVING THE OPPORTUNITY TO
18 ACQUIRE A MINIMALLY ADEQUATE EDUCATION UNDER THE ABBEVILLE
19 STANDARD?

20 A YES

21 MR MORRISON YOUR HONOR, AT THIS POINT WE HAVE
22 A COUPLE MORE THINGS TO MOVE TO BUT IT IS 5 15 BE GLAD
23 TO GO FORWARD, BUT WANTED TO AT LEAST OFFER TO STOP

24 THE COURT ALL RIGHT, SIR THIS IS WILL BE A
25 GOOD PLACE FOR US TO STOP IN VIEW OF THE HOUR, I THINK I

1 FINALLY GOT MY WATCH SYNCHRONIZED WITH THE CLOCK IT'S
2 BEEN FIVE MINUTES AHEAD OF ME ALL DAY LONG I THOUGHT I
3 HAD THE RIGHT TIME BUT OBVIOUSLY I DIDN'T

4 THE COURTROOM TIME HAS ALWAYS THE RIGHT TIME AND I
5 APOLOGIZE THAT HAS CAUSED ME TO

6 (OFF-THE-RECORD DISCUSSION)

7 THE COURT BEFORE WE BREAK -- DR PETERSON, YOU
8 CAN STEP DOWN

9 THE WITNESS THANK YOU, SIR

10 THE COURT BEFORE WE BREAK FOR THE DAY THOUGH,
11 MR MORRISON, ARE THERE ANY HOUSEKEEPING MATTERS FROM THE
12 PLAINTIFFS' PERSPECTIVE THAT WE HAVEN'T ALL RIGHT TAKEN
13 CARE OF TODAY?

14 MR MORRISON I THINK AT THIS POINT WE HAVE
15 TAKEN CARE OF ALL OF THEM WE MAY DISCOVER SOMETHING
16 OVERNIGHT BUT I THINK THAT'S WHAT I KNOW OF NOW

17 THE COURT WELL, DON'T STAY UP LOOKING WHAT
18 ABOUT -- WHAT'S THE ANTICIPATED TIMEFRAME NOW WITH DR
19 PETERSON'S DIRECT EXAMINATION?

20 MR MORRISON I THINK I'M WITHIN MIDMORNING
21 BREAK OF WRAPPING UP, MAYBE BEFORE THAT, FRANKLY THE
22 E A A WE HAVE TO GET UP TO THE E A A

23 (OFF-THE-RECORD DISCUSSION)

24 THE COURT ALL RIGHT THANK YOU MRS GRAY,
25 ANYTHING FROM THE DEFENSE PERSPECTIVE?

1 ERODED AWAY

2 Q DR PETERSON, DO WE JUST NEED A LITTLE MORE TIME TO
3 PASS FOR THE E A A TO KIND OF KICK IN AND THESE
4 IMPROVEMENTS TO, YOU KNOW, WE WILL SEE THESE OPPORTUNITIES
5 AVAILABLE TO EACH CHILD IN THE PLAINTIFF DISTRICTS?

6 A NO

7 Q WHY NOT? I MEAN WHY WON'T A LITTLE MORE TIME RESOLVE
8 THIS?

9 A LOOK AT THE RESULTS 50 PERCENT OF THE STUDENTS
10 BELOW BASIC, 90 BELOW PROFICIENT THEY -- GRADUATION RATE
11 AND THAT IS REALLY A -- I DON'T KNOW HOW TO SAY IT IN MY
12 LOOKING AT THE TRENDS THOUGH THAT IT IS A VERY, VERY
13 TROUBLING SIGN WHEN IN THESE TIMES THE GRADUATION RATE
14 FROM 1990 TO PRESENT HAS BEEN GETTING WORSE AND ONLY AT
15 ABOUT 50 PERCENT OF STUDENTS WHO START NINTH GRADE END UP
16 GRADUATING

17 THAT'S -- THAT IS VERY, VERY TROUBLING I MEAN,
18 SEVERELY TROUBLING THAT'S ACTUALLY MOVING IN THE WRONG
19 DIRECTION SO THEIR TIME ISN'T WORK IT'S ACTUALLY
20 PROBLEMATIC IF THAT TREND CONTINUES AT THE SAME RATE OVER
21 TIME

22 Q HAVE YOU REACHED A CONCLUSION AS TO WHETHER OR NOT
23 FUNDING METHODS AND -- AND FUNDING OF EDUCATION IN SOUTH
24 CAROLINA BY THE GENERAL ASSEMBLY PROVIDES EACH CHILD WITH
25 THE OPPORTUNITY TO ACQUIRE A MINIMALLY ADEQUATE EDUCATION

1 OF EDUCATION, IS TO PREPARE CHILDREN FOR THE FUTURE

2 SO FUNDING A MODEL BUILT ON '75 AND '84 STANDARDS IS
3 NOT SUFFICIENT IT'S NOT GOING TO CUT IT IT'S NOT GOING
4 TO BE ADEQUATE

5 Q ARE YOU AWARE OF ANY STUDY DONE BY THE STATE OF SOUTH
6 CAROLINA TO DETERMINE WHAT THE COST IS TO PROVIDE EACH
7 CHILD WITH THE OPPORTUNITY TO ACQUIRE A MINIMALLY ADEQUATE
8 EDUCATION IN SOUTH CAROLINA?

9 A NO

10 Q IF YOU WERE ASKED TO DESIGN A STUDY, TO CREATE SUCH
11 A -- A -- TO DETERMINE WHAT IS THE COST TO PROVIDE A
12 MINIMALLY ADEQUATE EDUCATION, COULD YOU TELL US WHAT
13 METHODOLOGY YOU WOULD USE, HOW YOU WOULD GO ABOUT THAT?

14 A WHAT I WOULD DO, THE -- ONE METHODOLOGY -- THERE'S
15 PROBABLY TWO WAYS YOU COULD GO, BUT ONE WOULD BE FIRST
16 RESTORE THE FOUNDATION WE TALKED YESTERDAY ABOUT HOW
17 ERODING THE, UNDER-FUNDING THE EDUCATION FINANCE ACT,
18 PULLING MONEY OUT OF THE EDUCATION IMPROVEMENT ACT,
19 PUSHING COSTS BACK TO DISTRICTS FOR FRINGE BENEFITS,
20 TRANSPORTATION, TEXTBOOKS AND SO ON

21 IT'S LIKE A -- A -- AN -- UNDERMINING OR HAVING
22 TERMITES IN YOUR FOUNDATION OF YOUR HOUSE AND YOUR
23 SUB-FLOORING SO FIRST YOU GOT TO GET RID OF THE TERMITES
24 AND BUILD THE FOUNDATION BACK UP SO THAT WOULD BE IN THE
25 SIX TO 700 MILLION RANGE THERE NEEDS TO BE A PERMANENT

1 SOLUTION FOUND FOR SCHOOL BUILDINGS THAT'S ON TOP OF
2 THAT

3 PROBABLY WOULD COME IN TWO PARTS ONE, SOME ONGOING
4 FIXED SOURCE OF MONEY FOR EXAMPLE, IN -- IF YOU USE THE
5 '84 KIND OF AS A BENCHMARK AS YOUR BASE TO COMPUTE AT
6 THAT POINT IN 1984 THE STATE WAS PUTTING IN MONEY FROM THE
7 E I A AT ABOUT 55 MILLION FOR SCHOOL BUILDINGS AND ABOUT
8 18 MILLION FROM THE GENERAL FUND, FROM THE SO-CALLED 30
9 SLASH 15 FUND

10 SO ADDING THE 18 TO THE 55 MILLION, GET ABOUT
11 73 MILLION BUT THERE'S BEEN A HUNDRED PERCENT INFLATION
12 SINCE THEN SO IT WOULD TAKE ABOUT A \$150 MILLION NOW TO
13 BUY WHAT THAT 73 MILLION SO IT WOULD BE -- NEEDS TO BE
14 SOMETHING LIKE A 150 TO \$200 MILLION FUND IN MY
15 ESTIMATION, AN ONGOING FUND FOR SCHOOL BUILDINGS AND
16 RENOVATION

17 BUT THAT DOESN'T DEAL WITH THE DEFICIT WE SAW THAT
18 THERE'S SOMETHING LIKE A 2 4 TO \$2 7 BILLION NEED FOR
19 SCHOOL BUILDINGS IN SOUTH CAROLINA SO IT HAS TO BE SOME
20 ONGOING EFFORT TO PROVIDE A WAY TO GET RID OF THE BACKLOG
21 SO THAT THE 150 TO \$200 MILLION FUND CAN BE USED TO -- FOR
22 CONSTANT RENOVATION AND PERHAPS SCHOOL BUILDINGS ON
23 ONGOING BASIS

24 SO THAT GETS YOU THE FOUNDATION LITERALLY AND
25 FIGURATIVELY, YOU GOT THE BASICS RESTORED AND YOU GOT THE

1 COULD BE DETERMINED WHAT THAT COST TO PROVIDE THOSE
2 OPPORTUNITIES IS, RIGHT?

3 A CERTAINLY

4 Q AND IS THERE AN ALTERNATIVE WAY CALLED STANDARDS
5 BASED THAT COULD BE USED?

6 A YES

7 Q HOW --

8 A THAT'S ANOTHER WAY THAT ONE IN A SENSE IS SORT OF
9 STARTING FROM SCRATCH IT'S NOT QUITE, BUT WHAT -- WHAT
10 IS DONE NOW WHEN THE STANDARDS ARE SET FOR THE CONTENT OF,
11 LET'S SAY, ENGLISH OR SCIENCE OR MATH, LET'S SAY, EIGHTH
12 GRADE, WHAT'S GOING TO BE THE STANDARDS FOR SOUTH
13 CAROLINA

14 WHAT IS DONE IS YOU TAKE COMPETENT, IDENTIFIED GOOD
15 TEACHERS IN THOSE SUBJECT AREAS, USUALLY FEW FROM BELOW
16 THE GRADE YOU ARE LOOKING AT, LIKE FROM THE EIGHTH GRADE,
17 A FEW FROM -- MORE FROM THAT GRADE AND A FEW FROM ABOVE,
18 AND SOME OTHER PEOPLE PERHAPS EVEN INVOLVING SOME BUSINESS
19 PEOPLE AND SAY, OKAY, WHAT -- WHAT SHOULD STUDENTS KNOW
20 AND BE ABLE TO DO IN EIGHTH GRADE MATH

21 AND THAT'S -- SO YOU HAVE TO THINK ABOUT WHAT
22 WOULD -- WHAT SHOULD THEY DO IN SEVENTH GRADE AND SIXTH
23 GRADE WHAT SHOULD THEY BE PREPARED TO DO IN NINTH GRADE
24 WHAT'S HAPPENING IN THE WORLD OF BUSINESS AND ECONOMY AND
25 COLLEGES THAT'S HOW YOU SET THE STANDARDS AND THEN

1 FROM THAT YOU SAY, WHAT'S -- WHAT'S BELOW BASIC
2 ACHIEVEMENT, BASIC, PROFICIENT AND ADVANCED

3 YOU CAN TAKE A SIMILAR APPROACH TO SETTING WHAT
4 SHOULD THE EDUCATIONAL OPPORTUNITIES AND PROGRAMMING LOOK
5 LIKE SO YOU -- YOU START WITH, OKAY, HERE IS THE EIGHTH
6 GRADE SCIENCE STANDARDS AND HERE'S THE EIGHTH GRADE
7 READING OR LANGUAGE ARTS STANDARDS AND SO ON HERE'S WHAT
8 STUDENTS IN SOUTH CAROLINA HAVE TO MEET IN TECHNOLOGY
9 STANDARDS, COMPUTER STANDARD

10 TAKE ALL THOSE AND SAY THEN LOOK AT EACH GRADE,
11 SEVENTH GRADE, SIXTH GRADE, SAY, OKAY NOW, HOW IN MIDDLE
12 SCHOOL, WHAT IN THE MIDDLE SCHOOL IS NEEDED TO GIVE
13 STUDENTS THE OPPORTUNITY, THE SUPPORT, THE CURRICULUM, THE
14 TEACHING, THE TIME, THE HELP TO ACHIEVE THOSE STANDARDS

15 AND INCREASINGLY THE STANDARD OF ADEQUACY IS
16 PROFICIENT SO IT WOULD BE, WHAT WOULD IT TAKE TO PREPARE
17 OUR STUDENTS TO ACHIEVE AT A PROFICIENT LEVEL IN EACH OF
18 THOSE SUBJECT MATTERS IN EACH OF THE GRADES IN MIDDLE
19 SCHOOL

20 SO YOU TAKE A TEAM OF PEOPLE WHO KNOW MIDDLE SCHOOLS,
21 INCLUDING SOME OUTSIDE FOLKS LIKE BUSINESS PEOPLE, PEOPLE
22 WHO ARE FROM COLLEGE AND UNIVERSITIES AND PERHAPS EVEN
23 SOME LEADING CITIZENS AND YOU LOOK AT THAT AND THEN
24 DESCRIBE BASICALLY WHAT IS A SCHOOL, WHAT DOES THE SCHOOL
25 AND THE PROGRAMMING NEED TO CONTAIN FOR EACH STUDENT TO

1 ACHIEVE TO THOSE STANDARDS

2 NOW ONE -- OFTEN THAT METHODOLOGY PROBABLY DOESN'T
3 DEAL WITH FACILITIES WHICH IS A PROBLEM GIVEN THE
4 SITUATION IN THE PLAINTIFF DISTRICTS AND THE MASSIVE NEED
5 IN THE STATE SO THAT CAN BE -- PROBABLY HAS TO BE DEALT
6 WITH OUTSIDE THAT

7 ALSO IT WOULDN'T TYPICALLY DEAL WITH THE FRINGE
8 BENEFIT, THE THINGS OUTSIDE TYPICALLY THE EDUCATION
9 FINANCE ACT FORMULA TODAY THOSE SAME ITEMS VERY WELL
10 MIGHT BE OUTSIDE OF THIS DETERMINATION THAT -- AND THEY
11 STILL NEED TO BE CALCULATED ABOUT WHAT THEY ARE GOING TO
12 COST OR IT UNDERMINES -- IT WOULD UNDERMINE A NEW MODEL
13 JUST LIKE IT UNDERMINES THE CURRENT OLD MODEL SO THAT
14 WOULD BE A -- A SECOND WAY TO PROCEED

15 Q ARE BOTH OF THOSE METHODOLOGIES, THE STANDARDS-BASED
16 METHODOLOGY AND THE PUPIL WEIGHTINGS, LOOKING AT THE
17 OPPORTUNITIES OR PROGRAMMATIC OPPORTUNITIES BASED MODEL,
18 ARE BOTH OF THOSE ITEMS THAT BOTH CAN BE DONE AND HAVE
19 BEEN DONE IN OTHER AREAS?

20 A SURE

21 Q OF -- OTHER GEOGRAPHIES, I MEAN?

22 A YES

23 Q AND THE -- THAT KIND OF A STUDY COULD BE USED TO
24 DETERMINE WHAT SHOULD BE PROVIDED TO CREATE AN OPPORTUNITY
25 TO ACQUIRE A MINIMALLY ADEQUATE EDUCATION IN THE PLAINTIFF

1 DISTRICTS?

2 A YES

3 Q NOW, IF YOU JUST WANTED TO FOCUS ON TEACHING QUALITY,
4 ATTRACTING AND RETAINING THE TEACHERS NECESSARY TO -- TO
5 STAFF THE CLASSROOMS IN THE PLAINTIFF DISTRICTS, COULD YOU
6 DETERMINE THAT COST THROUGH STUDY?

7 A CERTAINLY WE TALKED ABOUT BRIEFLY THE OTHER DAY HOW
8 IN, HOW SUPERINTENDENTS IN THEIR TESTIMONY AND MY
9 DISCUSSIONS WITH THEM TALKED ABOUT HOW THEY OFTEN PREPARE
10 A BEGINNING TEACHER OR SOMEONE WHO CAME TO THEM WITHOUT A
11 FULL CERTIFICATION ONCE THEY GET EITHER THEIR FULL
12 CERTIFICATION THEY TYPICALLY GO TO ANOTHER DISTRICT THAT
13 MAY HAVE NEWER FACILITIES AND HIGHER PAY

14 AND SO ONE COULD LOOK AT THE -- THE MARKET AROUND
15 THESE DISTRICTS WHICH IN THIS CASE INCLUDES SOME TOUGH
16 COMPETITION LIKE MYRTLE BEACH AND THE HORRY COUNTY SCHOOLS
17 AND THE NORTH CAROLINA SCHOOLS AND THE CHATHAM COUNTY AND
18 GEORGIA SCHOOLS, SAVANNAH, HILTON HEAD

19 BUT YOU -- YOU CAN'T JUST MATCH THEIR SALARIES I
20 MEAN, THEY HAVE A LOT OF OTHER COMMUNITY CONDITIONS,
21 LIVING CONDITIONS THAT ARE GOING TO BE MORE ATTRACTIVE TO
22 TEACHERS AND UNLESS WE DO SOMETHING DRAMATICALLY TO
23 IMPROVE THE SCHOOL FACILITIES AND EQUIPMENT THAT'S GOING
24 TO BE A LIABILITY IN ATTRACTING TEACHERS

25 SO THAT'S THE OTHER -- UM, CONDITIONS ADDRESSED AS

1 THAT THEIR OBLIGATIONS TO MEET PROFICIENCY, ET CETERA,
2 AND BUT I DON'T THINK THAT HE ANSWERED THE QUESTION TO
3 WHETHER OR NOT THERE'S A DEBATE AS TO THE -- AS TO THE
4 STANDARDS THEMSELVES

5 I DON'T THINK THE QUESTION ACTUALLY ADDRESSED THAT,
6 AS I LOOK AT HIS ANSWER RIGHT NOW THAT -- IT DID NOT
7 ANSWER THAT SPECIFIC QUESTION ALTHOUGH HE EXPLAINED, I
8 THINK HE EXPLAINED AN ANSWER HE JUST GAVE THE
9 EXPLANATION WITHOUT GIVING THE ANSWER ALL RIGHT THANK
10 YOU

11 BY MRS GRAY

12 Q DR PETERSON, AS I SAY, THE WAY THIS WORKS AND I'M
13 SURE THAT I'M NOT TRYING TO SUPPLANT, AND WE WILL USE THAT
14 WORD SOME, TOO, THE JUDGE'S ROLE BUT I NEED AN ANSWER
15 FIRST AND THEN YOU CAN EXPLAIN IT YOU'RE ENTITLED TO
16 EXPLAIN IT AND I WILL GIVE YOU EVERY OPPORTUNITY

17 IF I INTERRUPT YOU I'M SURE THAT MR MORRISON WILL
18 STOP ME AND I CERTAINLY HAVE NO INTENTION TO INTERRUPT
19 YOU, BUT I DO NEED AN ANSWER TO MY QUESTION AND THEN YOU
20 CAN EXPLAIN IT HOWEVER YOU CHOOSE TO OKAY

21 A THERE IS NO CURRENT DEBATE

22 Q ALL RIGHT NOW, THE CONCEPT OF PROFICIENT IS A
23 NATIONAL AND A LOCAL STANDARD, CORRECT?

24 A IT'S A -- A NATIONAL AND A STATE STANDARD, YES

25 Q OKAY HAVE YOU -- HAVE YOU HEARD IF -- ARE WE

1 SPLITTING HAIRS ON THE USE OF THE WORD DEBATE? HAVE YOU
2 HEARD DISCUSSION THAT PERHAPS THE SOUTH CAROLINA STANDARD
3 IS TOO HIGH TO BE JUDGED AGAINST THE NATIONAL FUNDING OF
4 NO CHILD LEFT BEHIND?

5 A I HEARD THAT IN THE PAST BUT I DON'T HEAR THAT ANY
6 LONGER

7 Q OKAY BUT -- BUT IT IS A RIGOROUS STANDARD, SOUTH
8 CAROLINA'S, CORRECT?

9 A IT'S -- IT'S THE STANDARD THE STATE CHOSE

10 Q WELL, DO YOU HAVE AN OPINION AS TO WHETHER IT'S A
11 RIGOROUS STANDARD OR AN EASY STANDARD, DR PETERSON?

12 A IT'S NOT AN EASY STANDARD

13 Q OKAY WELL, DO YOU HAVE A PROBLEM WITH USING THE
14 WORD RIGOROUS?

15 A THAT'S FINE

16 Q OKAY AND THE -- AND THE PACT SCORES ARE TESTING
17 WHETHER OR NOT A STUDENT IS ACHIEVING THE CURRICULUM
18 STANDARDS THAT ARE IN PLACE AND BEING INSTRUCTED IN THESE
19 SCHOOLS, CORRECT?

20 A IT'S TESTING WHETHER THEY ARE BEING ACHIEVED, NOT
21 NECESSARILY WHETHER THEY ARE BEING INSTRUCTED IN SCHOOL

22 Q OKAY AND THE CONCEPT OF ALL OF THIS IS THAT YOUR
23 OPINIONS ARE BASED ON ACHIEVEMENT, RIGHT?

24 A ACHIEVEMENT AND COMPLETION

25 Q OKAY AND IT'S YOUR OPINION AS WELL, IF I HEARD YOU

1 ASKED YOU, I THINK YOU TESTIFIED -- I WANT TO MAKE SURE I
2 HEARD THIS RIGHT IS THERE ANY LITERATURE IN THE COUNTRY
3 THAT DISAGREES WITH THE POSITIONS THAT YOU ARE TAKING IN
4 CONNECTION WITH THE TEN PROGRAMS THAT YOU HAVE DEFINED?

5 A I HAVEN'T LOOKED FOR THEM

6 Q I -- I THOUGHT YOUR TESTIMONY WAS THERE WAS NO
7 LITERATURE --

8 A LITERATURE --

9 Q -- NO LITERATURE THAT DISAGREES WITH YOUR POSITION?

10 A -- I DON'T -- I DON'T REMEMBER SAYING THAT IF YOU
11 COULD SHOW THAT TO ME IN MY TESTIMONY, I WOULD LIKE TO SEE
12 THE CONTEXT OF THAT

13 Q WELL, IF I CAN FIND IT OVERNIGHT I WILL TRY TO SEE
14 IF I CAN FIND IT FOR YOU DO YOU KNOW OF ANY AGENCIES IN
15 SOUTH CAROLINA THAT PROVIDE HOME VISITS BESIDES THE
16 SCHOOLS?

17 A I'M SURE THERE ARE SOME, YES

18 Q DID YOU MAKE ANY EFFORT TO INVESTIGATE THE PRESENCE
19 OF HOME VISITS TO PARENTS OF YOUNG CHILDREN OTHER THAN
20 THOSE YOU THINK ARE REQUIRED BY THE -- TO BE DONE BY THE
21 SCHOOLS?

22 A WHAT I WAS LOOKING FOR IS A CONNECTION, WHAT KIND OF
23 CONNECTION CAN BE MADE BETWEEN PARENTS AND LEARNING AND
24 WITH OUR OWN CHILDREN AND ALSO MAKE A CONNECTION BETWEEN
25 PARENTS AND THE SCHOOLS STARTING AT A YOUNG AGE BECAUSE

1 THERE IS SORT OF A THREE -- THREE IMPORTANT DIMENSIONS
2 HERE

3 ONE IS THE PARENTS WORKING WITH THEIR OWN CHILDREN
4 AND FEELING -- FEELING COMFORTABLE ABOUT THAT, AND HAVING
5 ANY ENCOURAGEMENT OR RESOURCES SUCH AS BOOKS AND
6 EDUCATIONAL GAMES THAT THEY MIGHT FIND USEFUL

7 THE OTHER ONE IS TO -- IF PARENTS ARE INTERESTED, TO
8 ENCOURAGE THEM TO IMPROVE THEIR OWN EDUCATION AND WE
9 KNOW THERE'S A RELATIONSHIP BETWEEN PARENTS' EDUCATION
10 AND -- AND CHILDREN'S SUCCESS

11 AND THE THIRD ONE IS TO LITERALLY CONNECT THE SCHOOLS
12 WITH PARENTS STARTING AT AN EARLY AGE AND CONTINUING ON
13 ALL THE WAY THROUGH THE YEARS WHILE CHILDREN ARE IN
14 SCHOOL

15 HOME VISITS WORK BETTER AT THE -- AT THE EARLIER AGE
16 BUT YOU STILL WANT A GOOD RELATIONSHIP AND CONNECTION
17 AMONG PARENTS IN THE SCHOOLS AND THE TEACHERS THE FOCUS
18 OF WHAT THEY WOULD DO WOULD CHANGE OBVIOUSLY THE -- THE
19 EARLY YEARS, PARENTS IN PRESCHOOL YEARS YOU -- IT IS --
20 YOU LIKE PARENTS TO BE READING WITH THEIR CHILDREN,
21 TALKING TO THEM

22 LATER YEARS IN MIDDLE AND HIGH SCHOOL THE INVOLVEMENT
23 WOULD BE MORE LOOKING AT OUR CHILDREN TAKING COURSES THAT
24 HAVE A -- PUT THEM ON A PATH TO GO SOMEWHERE, DO THEY
25 ENCOURAGE THEM TO THINK ABOUT CAREERS BEYOND HIGH SCHOOL

1 AND FINISHING HIGH SCHOOL

2 SO THE -- THE FOCUS CHANGES BUT THE REASON WE HAVE
3 LOOKED AT THE HOME VISITORS CONNECT WITH THE SCHOOL
4 BECAUSE -- IT WAS BECAUSE OF THOSE THREE PURPOSES AND
5 THAT WORKS BEST FOR THOSE THREE PURPOSES HAVING IT
6 CONNECTED TO SCHOOLS SO THAT'S WHY WE HAVE LOOKED AT
7 THAT -- THOSE COMPONENTS

8 Q WELL, THERE'S ALSO A PRENATAL COMPONENT AS WELL,
9 ISN'T THERE?

10 A CERTAINLY

11 Q AND IN FACT A LOT OF THE GOOD THINGS OR BAD THINGS
12 THAT HAPPEN TO CHILDREN HAPPEN BEFORE THEY ARE BORN,
13 CORRECT?

14 A CORRECT

15 Q AND SO THE NEED FOR CONTACT WITH AN EXPECTANT MOTHER
16 STARTS LONG BEFORE THE BABY'S BORN?

17 A IT SHOULD -- IN TERMS OF SOME -- SOME ENTITY, THAT'S
18 USUALLY BEFORE THE SCHOOLS GETS INVOLVED ALTHOUGH RIGHT
19 HERE IN MANNING THEY HAVE HAD AN EFFORT WHERE THEY IN FACT
20 WORK WITH OR WHEN BABIES ARE IN THE HOSPITAL THEY SEND
21 THEM SOME INFORMATION ABOUT -- PARENTS, WHEN THE BABY IS
22 IN THE HOSPITAL THEY SEND THEM INFORMATION ABOUT WHAT THEY
23 CAN DO TO BE CONNECTED TO THEIR CHILDREN'S LEARNING
24 SO SOME INDIVIDUAL PLACES ARE DOING THAT, BUT WE DID
25 NOT LOOK AT THAT

1 Q OKAY AND WHEN YOU'RE REFERENCING THE MANNING
2 EXPERIENCE, THAT'S DONE BY SOMEBODY OR SOME AGENCY OTHER
3 THAN THE SCHOOL SYSTEM?

4 A THAT'S ACTUALLY DONE BY THE SCHOOLS HERE AS PART OF
5 THEIR EARLY CHILDHOOD PROGRAM

6 Q WELL, I WANT TO -- I WANT TO LOOK A LITTLE BIT MORE
7 AT THE DETAILS OF THE PROGRAMS WHEN YOU WERE TALKING
8 WITH MR MORRISON, I'M NOT SURE THAT IT WAS CLEAR, YOU
9 KNOW, THE -- THE MEAT THAT YOU THINK NEEDS TO BE ON THE
10 BONES OF THESE PROGRAMS

11 SO I WANT TO TALK WITH YOU IN MORE DETAIL ABOUT WHAT
12 EXACTLY IT IS YOU THINK NEEDS TO BE DONE IN ORDER FOR
13 THESE CHILDREN IN YOUR OPINION TO BE PROVIDED THE
14 OPPORTUNITY FOR A MINIMALLY ADEQUATE EDUCATION OKAY?

15 A OKAY

16 Q NOW, LET'S TALK FIRST ABOUT THE GENERAL CATEGORY OF
17 PRE-KINDERGARTEN SERVICES, BUT I WANT TO TALK ABOUT HOME
18 VISITS

19 A OKAY

20 Q NOW IT'S MY UNDERSTANDING THAT YOU THINK THAT HOME
21 VISITS SHOULD TAKE PLACE ONCE A WEEK FROM, STARTING AT
22 BIRTH UNTIL THEY ENTER THE SCHOOL SYSTEM AT AGE SIX,
23 CORRECT?

24 A I THINK THAT'S A GOOD IDEA BUT I BELIEVE I HAD --
25 WOULD BE HAPPY TO LOOK BACK AT OUR NOTES BUT I BELIEVE I

1 WAS TALKING ABOUT THE SCHOOLS BEING INVOLVED FROM ABOUT
2 AGE TWO ON NOW SOME OF THEM, SOME DISTRICTS DO IN FACT
3 WORK WITH, AS I MENTIONED HERE AND IN A COUPLE OF THE
4 PLAINTIFF DISTRICTS THEY WORK WITH PARENTS OF ZERO TO TWO

5 Q OKAY SO -- AND WHAT CHILDREN SHOULD BE VISITED IN
6 THEIR HOMES, WHAT CHILDREN AND THE PARENTS SHOULD BE
7 VISITED IN THEIR HOMES, ALL CHILDREN?

8 A WELL, SOME PARENTS WON'T WANT HOME VISITS AND
9 THAT'S -- AND THAT'S A -- A -- PERFECTLY UNDERSTANDABLE
10 AND PERFECTLY ACCEPTABLE PARENTS ARE THEIR CHILDREN'S
11 FIRST AND MOST IMPORTANT TEACHER

12 IN THESE DISTRICTS BECAUSE OF THE HIGH RATE OF
13 POVERTY AND LOW EDUCATION LEVELS, IT WOULD BE IMPORTANT TO
14 MAKE AN ATTEMPT TO REACH ALL THE FAMILIES AND THEN
15 BETWEEN, AMONG THE VISITOR AND THE FAMILY THEY CAN DECIDE
16 IF THEY WANT TO CONTINUE OR NOT

17 Q AND THAT'S -- THAT'S THE CASE REGARDLESS OF
18 ELIGIBILITY, SO TO SPEAK?

19 A I DON'T -- RIGHT I DON'T SEE THIS AS SORT OF AN
20 ELIGIBILITY ISSUE THAT'S HOW PRACTICALLY THE PROGRAM
21 COULD BE CARRIED OUT

22 Q SO IF THE PARENT SAYS THANKS BUT NO THANKS, I REALLY
23 DON'T WANT YOU COMING TO VISIT ME ONCE A WEEK, THEN THE
24 SCHOOL CAN'T COME, RIGHT?

25 A WELL, YOU CAN'T FORCE YOUR WAY INTO A PARENT'S HOME

1 AND YOU WOULDN'T WANT TO

2 Q BECAUSE YOU NEED THE PARENT TO BE VOLUNTARILY
3 PARTICIPATING IN THIS PROCESS, RIGHT?

4 A THAT'S CORRECT

5 Q NOW -- NOW WHAT IS IT THAT GOES ON IN THE ONCE-A-WEEK
6 SCHOOL VISIT -- I MEAN, A HOME VISIT HOW LONG DOES THAT
7 LAST, THE VISIT?

8 A IT MAY LAST FROM A HALF AN HOUR TO AN HOUR

9 Q AND WHAT TAKES PLACE IN THAT HOME VISIT?

10 A TYPICALLY THE -- THE HOME VISITOR WHO HAS BEEN
11 TRAINED IN WORKING WITH PARENTS AND WITH THE AGE GROUP OF
12 THE -- THAT THE CHILD IS IN IN THE HOME, THEY WOULD
13 TYPICALLY TAKE SOME, A BOOK OR SOME ACTIVITY THAT WOULD BE
14 APPROPRIATE FOR THAT AGE

15 AND AS TIME WOULD GO ON THE VISITOR WOULD BE MORE AND
16 MORE KNOWLEDGEABLE ABOUT WHAT THE FAMILY OR THE MOTHER WAS
17 INTERESTED IN, IT'S TYPICALLY THE MOTHER, AND THE CHILD,
18 AND THEY WOULD ENGAGE THE PARENT AND THE CHILD IN
19 ACTIVITIES, LEARNING ACTIVITIES TOGETHER AND -- AND FIND
20 OUT IN ONE VISIT WHAT MIGHT BE HELPFUL IN THE NEXT VISIT

21 Q AND WHAT IF THE -- AND IF THE MOTHER DOESN'T READ, IF
22 THE MOTHER IS ILLITERATE --

23 A UH-HUH

24 Q -- WHAT USE IS THE BOOK THAT THE HOME VISITOR BRINGS
25 INTO THE --

1 ARE WORKING WITH AND THEY ALSO NEED TO UNDERSTAND HOW
2 PARENTS LEARN, ADULTS LEARN, AND ALSO UNDERSTAND THAT THEY
3 CAN'T INTERFERE IN THE -- IN THE RIGHTS OF PARENTS

4 Q SO THEY NEED -- THEY NEED TO BE KNOWLEDGEABLE AND
5 SKILLED IN THE AREA OF EARLY CHILDHOOD EVEN THOUGH THEY
6 MAY NOT HAVE A FORMAL CERTIFICATION?

7 A RIGHT

8 Q AND THEY NEED TO BE ABLE TO DEAL WITH PARENTS AND
9 HAVE GOOD INTERPERSONAL SKILLS IN DEALING WITH PARENTS AS
10 THEY GO TO THESE ONE-HOUR-A-WEEK HOME VISITS?

11 A YES

12 Q AND WHO -- WHO DOES THE TRAINING FOR THESE HOME
13 VISITORS?

14 A THAT -- THAT CAN BE DONE VARIETY OF WAYS THE SCHOOL
15 DISTRICT COULD SET THAT UP YOU COULD HAVE -- IT WAS A --
16 IT WAS A -- IF IT WAS A WELL THOUGHT OUT STATEWIDE
17 INITIATIVE, THERE COULD BE STATEWIDE SEMINARS, WORKSHOPS
18 THERE COULD BE EFFORTS TO HAVE REGIONAL CENTERS WHERE
19 PEOPLE ARE -- WHO ARE EMPLOYED IN THE HOME VISITS COULD
20 ACTUALLY MEET AND WORK WITH OTHER PEOPLE WHO ARE DOING
21 SIMILAR WORK, SHARE MATERIALS, SHARE WHAT WORKS

22 THE -- A WHOLE SET OF WAYS AND PROBABLY THE MORE WAYS
23 WITH THE MORE PEOPLE INVOLVED THE BETTER

24 Q HOW MANY STUDENTS OR HOW MANY HOME VISITS, MAYBE
25 THAT'S THE WRONG QUESTION HOW MANY CHILDREN CAN A HOME

1 VISITOR HAVE RESPONSIBILITY FOR AT ANY GIVEN YEAR?

2 A IT -- IT WOULD VARY, BUT PROBABLY TYPICALLY YOU WOULD
3 HAVE 15 TO 20 TO 25

4 Q OF -- SO YOU WOULD HAVE ONE HOME VISITOR PER 20 TO 25
5 OR 15? I MEAN, THAT'S A PRETTY LARGE RANGE

6 A WELL, THAT'S GOING TO BE BECAUSE YOU GOT TO HAVE
7 DIFFERENT SPARSITY, TRAVEL TIME IS IMPORTANT, DENSITY IT
8 DEPENDS ON WHAT THE SITUATION IS IN THE COMMUNITY

9 Q OKAY AND DOES THIS GO ON YEAR ROUND REGARDLESS OF
10 SUMMER? THIS WOULD BE A 365 DAY OR 52-WEEK-A-YEAR VISIT?

11 A WELL I THINK TYPICALLY PROBABLY BE 180 DAY, MAYBE
12 SHOULDN'T BE, BUT THAT'S -- WE SEEM TO BE LOCKED INTO THAT
13 MENTALITY

14 Q WELL, WHY IS THAT? I MEAN, YOU ARE TALKING ABOUT
15 EIGHT WEEKS OF SUMMER SCHOOL I MEAN, WHY WOULDN'T YOU
16 REQUIRE HOME VISITS TO BE 52 WEEKS A YEAR?

17 A I'M JUST TELLING YOU THE REALITY

18 Q SO REALITY WOULD DICTATE THAT IT WOULD LAST THE
19 SCHOOL YEAR AND NO -- NO MORE?

20 A I -- I DIDN'T SAY NO MORE I SAID IT'S REALITY
21 WOULD TYPICALLY BE THE SCHOOL YEAR AND THEY COULD
22 OBVIOUSLY INCLUDE IT OVER THE SUMMER AS WELL

23 Q OKAY AND PART OF THE TASK OF THIS HOME VISITOR IS
24 NOT ONLY TO, I GUESS, VISIT THE CHILD AND THE PARENT BUT
25 ALSO TO -- TO TEACH THE PARENT HOW TO BECOME THE FIRST

1 Q CAN YOU POINT TO ME A DISTRICT ANYWHERE IN THE
2 COUNTRY WHERE EVERY CHILD BETWEEN THE AGES OF TWO AND FIVE
3 ARE VISITED ONCE A WEEK, EVERY CHILD IN THE DISTRICT?

4 A NO, I CAN'T

5 Q DO YOU KNOW HOW MUCH IT WOULD COST TO PROVIDE THAT
6 SERVICE TO VISIT EVERY CHILD BETWEEN THE AGES OF TWO AND
7 FIVE?

8 A I CAN CALCULATE IT I HAVEN'T CALCULATED IT

9 Q AND HOW WOULD YOU CALCULATE IT?

10 A YOU WOULD LOOK AT THE NUMBER OF STUDENTS WHO AND
11 FAMILY -- RATHER, THE NUMBER OF FAMILIES WHO WOULD BE
12 VISITED AT HOME AND -- AND THEN YOU WOULD TAKE INTO
13 ACCOUNT THE NUMBER OF VISITS A WEEK AND -- TIMES THE
14 SALARY AND MATERIALS OF THE PERSON SUPPLYING THE HOME
15 VISITS

16 Q NOW -- NOW, NOT JUST THE HOME VISITS BETWEEN THE AGES
17 OF TWO AND FIVE, CORRECT? YOU -- YOU -- IT'S YOUR OPINION
18 THAT UNLESS THOSE VISITS CONTINUE THROUGH THE FIFTH GRADE
19 WHICH I GUESS IS, WHAT, AGE 11, YES?

20 A MORE OR LESS, YES

21 Q THAT THAT SAME OPPORTUNITY IS DEPRIVED OF THOSE
22 CHILDREN IN THESE DISTRICTS BECAUSE THEY DON'T HAVE HOME
23 VISITS THAT CONTINUE UNTIL THE AGE OF 11 ALBEIT TWICE A
24 MONTH INSTEAD OF EVERY WEEK?

25 A I THOUGHT I SAID ONCE A MONTH, BUT I COULD STAND

1 CORRECTED I THINK I SAID ONCE A MONTH YES, IT'S AN --
2 IT'S A --

3 Q YOU DID AND I STAND CORRECTED I LOOKED AT MY NOTES
4 WRONG

5 A THE -- IT'S A -- IT IS AN EFFECTIVE STRATEGY TO KEEP
6 PARENTS ENGAGED WITH THEIR CHILDREN AND CONNECTED TO THE
7 SCHOOL AND THAT'S A VERY IMPORTANT PART OF KEEPING PARENTS
8 AS A PARTNER IN EDUCATION

9 Q NOW, WHO DOES THE HOME VISITS FOR THE CHILDREN WHO
10 ARE ENROLLED IN ELEMENTARY SCHOOL BETWEEN THE AGES OF
11 KIND -- WELL, I GUESS -- WELL, LET ME BACK UP AND ASK YOU
12 THIS

13 YOU ARE NOT RECOMMENDING A HOME VISIT -- WELL, YOU
14 START YOUR PRESCHOOL RECOMMENDATION AT AGE THREE, RIGHT?

15 A CORRECT

16 Q AND WE WILL TALK ABOUT THAT IN A MINUTE AND THE
17 HOME VISITS CONTINUE WHILE THAT THREE YEAR OLD IS IN
18 PRESCHOOL, RIGHT?

19 A CORRECT

20 Q WHO IS THE VISITOR WHEN THE THREE YEAR OLD IS IN
21 PRESCHOOL, IS IT THE KINDERGARTEN TEACHER OR IS IT THE
22 HOME VISITOR?

23 A I THINK THERE IT WOULD HAVE TO BE WORKED OUT WHAT
24 WORKS BEST FOR THE -- THE CIRCUMSTANCES IN THAT COMMUNITY
25 AND WITH THE -- THE TEACHERS IN THAT PARTICULAR PRESCHOOL

1 PLAINTIFF DISTRICTS, BUT THEY IN FACT USE TEACHERS TO DO

2 THE HOME VISITS

3 Q AND IT'S ONCE A MONTH?

4 A ONCE A MONTH AS I UNDERSTAND

5 Q AND WHAT KIND OF TEACHERS, FIRST, SECOND THIRD GRADE
6 TEACHERS OR KINDERGARTEN TEACHERS?

7 A I DON'T RECALL IF IT'S KINDERGARTEN OR IT'S A --
8 FIRST THROUGH FIFTH GRADE

9 Q IS IT THE TEACHER WHO IS TEACHING THE CHILD WHO GOES
10 INTO THE HOME OR IS IT A CERTIFIED TEACHER WHO GOES INTO
11 THE HOME TO VISIT THESE CHILDREN?

12 A AS I UNDERSTAND THE TEACHERS WHO ARE TEACHING THE
13 CHILDREN

14 Q OKAY AND THE FREQUENCY IS WHAT?

15 A I UNDERSTAND IT'S ONCE A MONTH

16 Q FOR HOW LONG?

17 A THAT I DON'T RECALL

18 Q ALL RIGHT THE SECOND ASPECT OF THE PRE-KINDERGARTEN
19 SERVICES THAT YOU TALKED ABOUT WAS PARENTAL OUTREACH AND
20 PARENTAL LITERACY PROGRAMS WHICH AS I UNDERSTAND IT IS
21 SOMEWHAT DIFFERENT THAN THE HOME VISITS, RIGHT? THERE'S A
22 DIFFERENT EMPHASIS?

23 A THE -- THAT'S PART OF THE -- THE PACKAGE THAT -- THAT
24 CLEARLY IF PARENTS DO NOT HAVE A LITERACY LEVEL THAT'S
25 ADEQUATE OR HAVE A -- DON'T HAVE A -- HAVEN'T BEEN

1 SUCCESSFUL IN GETTING A HIGH SCHOOL DIPLOMA, THAT THEN
2 THERE WOULD BE AN ATTEMPT TO COUPLE THAT WITH A COMPANION
3 LITERACY PROGRAM FOR ADULTS OR ENROLL THEM IN ADULT BASIC
4 EDUCATION OR SOME OTHER EFFORT TO ENCOURAGE THEM TO
5 IMPROVE THEIR OWN EDUCATION

6 Q AND THAT IS COMBINED WITH HOME VISITS AS WELL AS
7 PARENTING CLASSES IN A COMMUNITY CENTER OR THE SCHOOL OR
8 SOMEWHERE?

9 A OH, THEY COULD BE SEPARATE I MEAN, EACH ONE IS
10 IMPORTANT THEY COULD BE SEPARATE AND LIKE ANYTHING,
11 IT'S -- THE IDEAL WOULD BE TO DO THEM TOGETHER BUT IF --
12 IF YOU CAN'T, YOU CAN'T THEN YOU DO AS MANY OF THEM AS
13 YOU CAN

14 Q BUT WHAT I'M SAYING IS THIS PARENTAL OUTREACH AND
15 LITERACY PROGRAM IS OVER AND ABOVE THE HOME VISITS, THIS
16 IS NOT IN PLACE OF, CORRECT?

17 A THAT'S CORRECT IT'S SEPARATE IT'S A -- IT'S A --
18 IT WAS A -- IT'S A WAY THE HOME VISITS ARE A WAY TO --
19 TO REACH OUT TO FAMILIES AND IF THEY DO NOT HAVE
20 ADEQUACY -- ADEQUATE LITERACY SKILLS OR ARE INTERESTED IN
21 IMPROVING THEIR SKILLS IT'S SIMPLY A WAY TO CONNECT THEM
22 UP BACK TO THE SCHOOL BUT SEPARATE FROM THAT THERE NEEDS
23 TO BE THE OPPORTUNITY IN THE SCHOOLS FOR STUDENTS TO --
24 FOR PARENTS TO UPGRADE THEIR LITERACY SKILLS, THEIR
25 EDUCATION SKILLS THEY -- PARENTS MAY WANT TO LEARN HOW

1 TO BETTER DEAL WITH DISCIPLINE ISSUES

2 SO THERE COULD BE PARENT WORKSHOPS THAT, AGAIN, IS
3 NOT NECESSARILY CONNECTED TO HOME VISITS THE HOME VISITS
4 IS JUST A WAY TO CARRY THE INFORMATION BACK AND FORTH IN A
5 PERSONAL WAY

6 Q OKAY AND THE -- THE CLASSES OR THE LITERACY CLASSES
7 OR THE PARENTING CLASSES YOU NEED TO PROVIDE
8 TRANSPORTATION FOR THE PARENTS IF THEY CAN'T GET THERE ON
9 THEIR OWN, RIGHT?

10 A IDEALLY YOU'D LIKE TO PROVIDE TRANSPORTATION BECAUSE
11 IF THEY DON'T HAVE, IF THEY CAN'T GET THERE, THEN THEY'RE
12 NOT GOING TO DO MUCH GOOD TO HAVE THE COURSES OFFERED

13 Q AND YOU NEED TO PROVIDE CHILDCARE FOR THEM BECAUSE
14 OBVIOUSLY IF THEY ARE GOING TO GO TO CLASS AND THEY HAVE A
15 CHILD THEY HAVE GOT TO HAVE CHILDCARE?

16 A THAT, AGAIN, WOULD BE THE IDEAL TO HAVE IF YOU'RE
17 GOING TO GET GOOD ATTENDANCE AND PARTICIPATION, IT NEEDS
18 TO BE MADE POSSIBLE THAT THEY CAN ACTUALLY PARTICIPATE
19 AND THE -- CLEARLY THE EVIDENCE, AS YOU REFERENCED, IS
20 VERY POWERFUL THAT WHEN PARENTS ARE INVOLVED, THEIR
21 CHILDREN DO BETTER

22 Q ARE YOU AWARE THAT SOME OF THESE DISTRICTS ACTUALLY
23 HAVE CHILDCARE IN THE HIGH SCHOOLS SO THAT THE -- THE
24 STUDENTS WHO ARE ENROLLED IN HIGH SCHOOL CAN BRING THEIR
25 CHILDREN TO CLASS?

1 A I WASN'T AWARE OF THAT THAT DOESN'T SURPRISE ME
2 THAT'S NOT UNCOMMON THESE DAYS

3 Q AND I THINK THE -- THE -- IT'S YOUR BELIEF THAT THE
4 PARENT LITERACY CLASSES SHOULD TAKE PLACE NOT ONLY AT THE
5 SCHOOL BUT AT COMMUNITY CENTERS AND IN THE HOME AND A
6 NUMBER OF PLACES TO MAKE IT USER FRIENDLY FOR THE PARENT?

7 A WELL, FROM THE -- I DON'T KNOW IF I SAID THAT IN THE
8 HOME BUT THE -- IT NEEDS TO BE EASILY ACCESSIBLE TO THE
9 PARENT AND THAT THEN TAKES IT BACK, AS I MENTIONED
10 EARLIER, MANY OF THESE OPPORTUNITIES ARE GREATLY ENHANCED
11 IF IT'S -- IF THEY ARE DONE IN COOPERATION WITH COMMUNITY
12 GROUPS, WITH A FAITH COMMUNITY, WITH A CIVIC COMMUNITY

13 THE -- WE NEED TO LOOK AT EDUCATION AS A WAY TO OPEN
14 UP OPPORTUNITY, NOT AS A WAY IN THAT -- AS CLOSING DOWN OR
15 MAKING IT DIFFICULT TO GET TO IN THIS ECONOMY PARTICULARLY
16 AND FOR PARENTS IN PARTICULAR BECAUSE IF WE ARE GOING TO
17 BREAK THE POVERTY CYCLE, WE NEED TO ENCOURAGE THE PARENTS
18 TO BETTER THEMSELVES AND WE NEED TO ENCOURAGE THE CHILDREN
19 TO BETTER THEMSELVES

20 Q NOW, THE PARENTAL OUTREACH PROGRAM IS IMPORTANT IN
21 THE EARLY YEARS, CORRECT? I MEAN IN THE INFANCY THROUGH
22 ELEMENTARY SCHOOL, BUT IN YOUR OPINION IT IS EQUALLY
23 IMPORTANT IN THE MIDDLE AND HIGH SCHOOLS, CORRECT?

24 A CORRECT

25 Q AND THE POINT OF THAT IS THAT IT'S -- IT'S ESSENTIAL

1 STRENGTHEN THEIR OWN SKILLS AND EDUCATION LEVEL AND
2 PARENTING SKILLS

3 Q AND YOU DIDN'T TAKE THAT INTO CONSIDERATION, THE
4 EXISTENCE, IF ANY, EVEN START PROGRAMS WHEN YOU WERE DOING
5 YOUR ANALYSIS OF WHAT WAS IN PLACE IN THE PLAINTIFF
6 DISTRICTS, DID YOU?

7 A NO, I DID NOT BECAUSE I WAS LOOKING AT OPPORTUNITIES
8 THAT WOULD BE THERE FROM YEAR TO YEAR, MONTH TO MONTH, DAY
9 TO DAY AND EVEN START IS A GRANT PROGRAM AND IT'S A -- A
10 PROGRAM THAT RUNS FOR A DURATION AND THEN IT HAS TO BE
11 REAPPLIED FOR IT'S VERY COMPETITIVE SO THE ODDS AREN'T
12 PARTICULARLY GOOD THAT A SCHOOL DISTRICT THAT HAS AN EVEN
13 START GRANT WOULD GET ANOTHER GRANT

14 SO IT'S NOT A RELIABLE FUNDING SOURCE IT DOESN'T
15 SERVE LARGE NUMBERS OF STUDENTS AND IT'S NOT -- IT
16 DOESN'T REALLY HELP IN TERMS OF COVERING LARGE NUMBERS OF
17 STUDENTS IT'S A GOOD WAY TO LEARN ABOUT HOW TO DO THIS,
18 BUT IT ISN'T A PROGRAM THAT SERVES ALL THE CHILDREN IN
19 THE -- IN THE PLAINTIFF DISTRICTS OR EVEN IN -- EVEN A
20 SIGNIFICANT NUMBER OF CHILDREN IN THE PLAINTIFFS'
21 DISTRICTS

22 Q ALL RIGHT AND WITHOUT THE PARENTAL OUTREACH AND
23 PARENT LITERACY PROGRAMS THAT YOU TALKED ABOUT, THEN IT'S
24 YOUR OPINION THAT THE CHILDREN IN THE PLAINTIFFS'
25 DISTRICTS ARE NOT RECEIVING THE OPPORTUNITY FOR A

1 MINIMALLY ADEQUATE EDUCATION?

2 A THEY ARE NOT

3 Q NOW, DR PETERSON, I FOUND THE EXHIBIT THAT I WAS
4 LOOKING FOR WHICH IS EXHIBIT 1540 I CAN'T FIND MY COPY
5 OF IT BUT I'M GOING TO WALK OVER HERE I THINK YOU
6 RECOGNIZE THAT IT WAS ATTACHED TO A PRESENTATION, I THINK,
7 THAT YOU MADE AND WE TALKED ABOUT IT WITH --

8 A RIGHT

9 Q WHEN YOU WERE ON DIRECT AND IT IS EXHIBIT 1540 AND
10 THE PAGE NUMBER THAT I'M REFERENCING IS E X P P L T
11 HYPHEN T P 15049 AND THIS CHART SEEKS TO SHOW THE ACTUAL
12 IMPACT OF PARENTAL INVOLVEMENT ON STUDENT ACHIEVEMENT,
13 CORRECT?

14 A CORRECT

15 Q AND THE COPY THAT I HAVE IS NOT IN COLOR AND I DON'T
16 BELIEVE THE COPY THAT YOU USED WITH MR MORRISON WAS IN
17 COLOR EITHER BUT I'M SURE YOU ARE FAMILIAR WITH THIS CHART
18 BECAUSE YOU USED IT IN YOUR OWN PRESENTATIONS, CORRECT?

19 A CORRECT

20 Q AND WHAT IT'S SHOWING, I GUESS, IS THAT WHEN BOTH
21 PARENTS HAVE HIGH INVOLVEMENT IN THE SCHOOLS, THE
22 PERCENTAGE OF CHILDREN WHO GET MOSTLY A'S IS LIKE
23 50 PERCENT, RIGHT?

24 A CORRECT

25 Q AS OPPOSED TO WHEN BOTH PARENTS HAVE LOW INVOLVEMENT

1 Q BUT 4-K WHICH I WILL CALL IT IS NOT NECESSARILY,
2 IT'S CERTAINLY NOT REQUIRED TO BE FULL DAY, IT'S HALF-DAY?

3 A IT'S HALF-DAY FOR -- AND THEN MAYBE CHILDREN DON'T
4 PARTICIPATE IN THAT

5 Q AND SO YOUR --

6 MR MORRISON YOUR HONOR, I JUST, I JUST NOTE
7 I THINK WE STEPPED ON AN ANSWER HERE INADVERTENTLY THE
8 WITNESS WAS TRYING TO RESPOND, I THINK, TO WHETHER OR NOT
9 KINDERGARTEN PROGRAMS FOR FIVE YEAR OLDS IS FULL DAY AND I
10 THINK WE -- THE ANSWER WAS CUTOFF

11 MRS GRAY IF I DID I APOLOGIZE, YOUR HONOR
12 THE COURT THE ANSWER WAS KINDERGARTEN PROGRAM
13 IS FOR FIVE YEAR OLDS DR PETERSON, DO YOU WANT TO ADD
14 ANYTHING TO THAT ANSWER?

15 THE WITNESS YES, IT'S A FULL-DAY PROGRAM NOW
16 IT USED TO BE HALF-DAY
17 BY MRS GRAY

18 Q OKAY ARE YOU DONE?

19 A YES

20 Q OKAY AND THE FOUR YEAR OLD IS CURRENTLY HALF-DAY
21 BUT YOUR OPINION IS THAT BOTH THREE YEAR OLD AND FOUR YEAR
22 OLD NEED TO BE FULL DAY?

23 A YES, GIVEN THE CIRCUMSTANCES OF THE COMMUNITIES AND
24 SCHOOLS IN WHICH THE PLAINTIFF DISTRICTS PARTICULARLY ARE
25 LOCATED IN, GIVEN THAT THE -- MANY OF THE PARENTS TRAVEL A

1 LONG DISTANCE TO JOBS

2 SO HAVING A HALF-DAY PROGRAM MEANS THAT THERE HAS TO
3 BE THEN SOME SECOND PLACE THAT THE CHILDREN HAVE TO GO AND
4 THAT JUST DISRUPTS THEIR DEVELOPMENT IN EDUCATION

5 Q AND I BELIEVE YOU THINK THAT THAT'S TRUE FOR BOTH
6 THREE YEAR OLD AND FOUR YEAR OLD FULL DAY?

7 A CORRECT

8 Q AND BOTH SHOULD BE TAUGHT BY FULLY CERTIFIED EARLY
9 CHILDHOOD TEACHERS?

10 A YES

11 Q AND THEY SHOULD NOT OR THAT REQUIREMENT SHOULD NOT BE
12 SATISFIED BY ATTENDANCE EITHER IN A HEAD START PROGRAM OR
13 A PRIVATE NURSERY SCHOOL OR KINDERGARTEN?

14 A I DIDN'T PUT IT THAT WAY I DIDN'T PUT THIS AS A
15 REQUIREMENT I LAID THIS OUT AS AN OPPORTUNITY IF A
16 PARENT WANTS TO SEND THEIR CHILD TO A PRIVATE KINDERGARTEN
17 THAT'S TOTALLY IN THEIR RIGHT THIS IS MAKING THE
18 OPPORTUNITY EASILY ACCESSIBLE FOR PARENTS TO PARTICIPATE
19 IN THE THREE AND FOUR YEAR OLD PROGRAMS

20 Q BUT YOUR OPINION THOUGH IS THAT IF A CHILD IS NOT
21 BEING TAUGHT BY A CERT -- FULLY CERTIFIED EARLY CHILDHOOD
22 TEACHER, THAT THEY ARE NOT RECEIVING THE OPPORTUNITY FOR A
23 MINIMALLY ADEQUATE EDUCATION, CORRECT?

24 A THE EVIDENCE IS -- IS PRETTY POWERFUL ABOUT THE
25 IMPORTANCE OF HAVING A FULLY CERTIFIED TEACHER WORKING

1 Q AND PART OF THIS FULL-DAY PROGRAM THAT YOU ENVISIONED
2 FOR THREE YEAR OLDS AND FOUR YEAR OLDS INCLUDES NOT EIGHT
3 HOURS OF INSTRUCTION, CORRECT?

4 A NO

5 Q YOU ENVISION THERE'S REST TIME?

6 A ABSOLUTELY

7 Q AND PLAY TIME?

8 A AGE-APPROPRIATE ACTIVITIES

9 Q AND MEALTIME?

10 A CERTAINLY

11 Q AND -- AND THEN THEY GO HOME AT THE END OF THE DAY TO
12 BE WITH THEIR PARENTS?

13 A CERTAINLY

14 Q AND WITHOUT THE THREE YEAR OLD AND FOUR YEAR OLD
15 PROGRAM, FULL DAY, IT'S YOUR OPINION THAT THE CHILDREN ARE
16 NOT RECEIVING THE OPPORTUNITY FOR A MINIMALLY ADEQUATE
17 EDUCATION?

18 A YES I BELIEVE I DEFINED FULL DAY AS SIX HOURS BUT I
19 ALSO RAISED THE ISSUE ABOUT THE CHALLENGE OF WHAT WE DO IN
20 GENERAL WITH CHILDREN AFTER THE PROGRAM ENDS, BE IT THREE
21 YEAR OLDS OR SEVEN YEAR OLDS AND PARTICULARLY IN RURAL
22 COMMUNITIES

23 Q SO YOU HAVE GOT TO KEEP THEM ALL DAY OR THE PARENTS
24 DON'T HAVE A PLACE TO LEAVE THEM?

25 A WELL, YOU MIGHT BE ABLE TO WORK OUT OTHER

1 ARRANGEMENTS, BUT I'M JUST SAYING THAT'S AN ISSUE THAT HAS
2 TO BE DEALT WITH

3 Q NOW, THE NEXT THING THAT YOU INCLUDE IN YOUR
4 REQUIREMENTS IS THE READING SPECIALISTS FOR ALL
5 KINDERGARTEN THROUGH THIRD GRADE TEACHERS?

6 MR MORRISON YOUR HONOR, I APOLOGIZE FOR
7 INTERRUPTING I DO OBJECT TO THE CONTINUED USE OF THE
8 WORD REQUIREMENTS HE'S CORRECTED HER MANY TIMES TO SAY
9 HE'S TALKED ABOUT OPPORTUNITIES THAT SHOULD BE MADE
10 AVAILABLE

11 THE COURT I THINK WE ARE TALKING ABOUT THESE,
12 THIS --

13 MR MORRISON THE OPPORTUNITIES THAT WE
14 DISCUSSED WITH HIM AND WE -- AND WE CONSISTENTLY
15 CHARACTERIZE THEM AS OPPORTUNITIES I MEAN, I GUESS WE
16 CAN JUST KEEP PUTTING REQUIREMENTS IN THE QUESTION BUT TO
17 KEEP

18 THE COURT HE CALLED THEM REQUIREMENTS -- I
19 MEAN, OPPORTUNITIES BUT THE ESSENCE OF HIS ANSWERS WERE IF
20 THEY WERE NOT THERE, THEN -- THEN THE OPPORTUNITY FOR A
21 MINIMALLY ADEQUATE EDUCATION WAS NOT THERE EITHER AND SO
22 I GUESS YOU COULD SAY IT'S A REQUIREMENT FOR A MINIMALLY
23 ADEQUATE EDUCATION

24 MR MORRISON WELL, I DON'T -- DON'T WANT TO
25 SPLIT HAIRS WITH THE COURT OBVIOUSLY BUT HE SAID IF THAT

1 OPPORTUNITY IS NOT THERE YOU DON'T HAVE TO WASTE THE
2 CHILD THAT'S WHAT HE CONTINUALLY TALKED ABOUT YOU TAKE
3 OTHER OPPORTUNITIES

4 AND SO THIS IS THE IDEA OF A PACKAGE OF
5 OPPORTUNITIES WE ALSO TALKED ABOUT THESE AS INDICATORS
6 OF WHETHER OR NOT THE OPPORTUNITY WAS PRESENT

7 THE COURT RIGHT

8 MR MORRISON SO I THINK WHEN YOU PUSH IT OVER
9 TO HERE IS A BODY OF REQUIREMENTS AND IF ANY ONE OF THEM
10 IS MISSING THAT'S NOT THE GIST OF HIS TESTIMONY

11 MRS GRAY MAYBE NOT IN TRIAL, YOUR HONOR, BUT
12 IT CERTAINLY WAS IN HIS DEPOSITION AND I WILL BE HAPPY TO
13 WALK HIM THROUGH ALL OF THAT

14 MR MORRISON THAT WILL BE FINE

15 THE COURT I THINK THE BEST WAY TO DO IS WHEN
16 YOU SAY REQUIREMENT WE ARE TALKING ABOUT OPPORTUNITY OR
17 WE'RE TALKING ABOUT THESE OPPORTUNITIES ACROSS THE TOP,
18 WHATEVER WAS THERE

19 AND I NOTE THE OBJECTION TO THE FORM OF THE QUESTION,
20 BUT IF IT'S NECESSARY, BUT I DON'T THINK WE NEED TO -- TO
21 PLOW THAT -- ALL THAT WE ARE TALKING ABOUT IS OF COURSE AS
22 I TELL YOU I WILL, I WILL INSTRUCT THE JURY AT THE END OF
23 THE DAY THAT IT'S THE ANSWER THAT'S THE EVIDENCE
24 BY MRS GRAY

25 Q DR PETERSON, ONE OF THE ESSENTIAL INDICATORS THAT

1 YOU DISCUSSED ON YOUR DIRECT TESTIMONY IS THAT THERE MUST
2 BE A READING SPECIALIST FOR EVERY TEACHER IN THE PLAINTIFF
3 DISTRICTS FOR -- BETWEEN THE AGES OF KINDERGARTEN AND
4 THIRD GRADE, CORRECT?

5 A I SAID THAT TEACHERS WHO HAD SPECIAL TRAINING IN
6 READING AND THAT MAY OR MAY NOT BE SOMEONE WITH A MASTER'S
7 DEGREE IN READING, BUT SOMEONE WITH IN-DEPTH UNDERSTANDING
8 OF READING INSTRUCTION AND HAS BEEN THROUGH IN-DEPTH
9 TRAINING IN READING INSTRUCTION SO IT'S TEACHERS WITH A
10 SPECIALTY IN TRAINING IN READING

11 Q AND THAT CAN BE A YEAR AFTER -- WELL, LET ME BACK UP
12 CAN THAT TRAINING BE OBTAINED, IN YOUR OPINION, THROUGH
13 THE COLLEGE EDUCATION PROCESS FOR TEACHERS?

14 A IT NORMALLY IS NOT BECAUSE THE -- THERE ARE SO MANY
15 REQUIREMENTS JAMMED INTO THE TEACHER PREPARATION PROGRAM
16 THAT THEY TYPICALLY ONLY HAVE MAYBE ONE OR TWO COURSES IN
17 READING

18 AND WHAT WE HEARD FROM THE SUPERINTENDENTS IN THE
19 DISTRICTS AND THE READING SCORES REFLECT THIS, AND I THINK
20 SUZETTE LEE'S WORK IN THE STATE DEPARTMENT OF EDUCATION
21 REFLECTS THAT, THAT CHILDREN COMING FROM LOW-INCOME
22 BACKGROUNDS AND THEN ON TOP OF THAT HAVING HIGH
23 CONCENTRATIONS OF THOSE CHILDREN, THEY ENTER SCHOOL WITH
24 MANY FEWER LETTER SOUNDS, KNOWLEDGEABLE ABOUT LETTER
25 SOUNDS, VERY FEW SIGHT WORDS, THEY DON'T HAVE MANY OF

1 TRAINING CAN TEACH A CHILD TO READ?

2 A WHAT I'M SAYING IS THAT EACH CHILD SHOULD HAVE THE
3 OPPORTUNITY TO HAVE A TEACHER IN THOSE GRADES WHO HAVE --
4 WHO -- WHO HAS HAD SPECIAL TRAINING IN READING,
5 PARTICULARLY INSTRUCTION TO MEET THE STATE STANDARDS

6 Q AND WITHOUT THAT SPECIALLY TRAINED TEACHER THEY ARE
7 NOT BEING ABLE TO LEARN, THEY ARE NOT BEING TAUGHT TO
8 READ, IS THAT YOUR TESTIMONY?

9 A THEY ARE NOT HAVING THE OPPORTUNITY TO READ

10 Q MARION SEVEN, ALL OF ITS TEACHERS IN KINDERGARTEN
11 THROUGH THIRD GRADE ARE SPECIALIZED READING TEACHERS,
12 AREN'T THEY?

13 A AGAIN I'D HAVE TO SEE THAT, THE NUMBERS, BUT IF I
14 RECALL CORRECTLY THAT THEY SAID THEY HAVE BEEN THROUGH
15 SPECIALITY -- THEIR TEACHERS HAVE BEEN THROUGH THE
16 SPECIALITY READING TRAINING BUT THEY ALSO TOLD ME THAT IF
17 YOU LOOK AT THE -- THE NOTES THAT I MADE ON THE COPIES WE
18 GAVE YOU REGARDING THE CALL BACKS TO VERIFY THE
19 INFORMATION, THEY SAID THAT THE PROBLEM WAS HOWEVER THAT
20 ALL THOSE TEACHERS DON'T COME BACK EACH YEAR

21 SO THEY HAVE -- BECAUSE OF TEACHER TURNOVER, THEN
22 THEY HAVE A SET OF NEW TEACHERS WHO HAVE, WHO HAVE NOT
23 BEEN THROUGH THE -- THE READING TRAINING SO THAT -- AND
24 THIS IS -- AND THIS IS AN ONGOING PROBLEM IN THESE
25 DISTRICTS WITH TEACHING IN GENERAL IS THAT IT'S NOT

1 SO THEY -- I THINK THERE WOULD NEED TO BE A VARIETY
2 OF ALTERNATIVES PRESENTED RATHER THAN A COOKIE CUTTER
3 APPROACH OFTEN WE NEED TO GIVE, WITHIN SOME BROAD
4 PARAMETERS, FOLKS ON THE GROUND DIFFERENT OPTIONS TO HELP
5 PREPARE, COACH, REINFORCE THE TEACHING OF READING AND THE
6 SPECIALITY TRAINING

7 Q ALL RIGHT LET'S -- LET'S MOVE ON TO THE MIDDLE
8 SCHOOL CURRICULUM THAT YOU TALKED ABOUT AND LET'S SEE
9 IF -- IF WE HAVE ALL THE DETAILS OF THE PROGRAMS THAT YOU
10 THINK ARE REQUIRED IN ORDER FOR THE DISTRICTS TO DELIVER
11 THE OPPORTUNITY FOR A MINIMALLY ADEQUATE EDUCATION

12 AND I THINK THAT THE FIRST THING ON YOUR LIST,
13 ALTHOUGH WE DON'T HAVE THE POWERPOINT ANYMORE, AND I WANT
14 TO MAKE SURE MR MORRISON THAT POWERPOINT IS NOT IN
15 EVIDENCE, CORRECT?

16 MR MORRISON THAT'S RIGHT

17 MRS GRAY OKAY

18 BY MRS GRAY

19 Q YOU NEED FULLY EQUIPPED SCIENCE LABS IN ALL MIDDLE
20 SCHOOLS, CORRECT?

21 A CORRECT

22 Q YOU NEED A HUNDRED PERCENT CERTIFIED SCIENCE
23 TEACHERS, RIGHT?

24 A CORRECT

25 Q YOU NEED AT LEAST, I THINK YOU SAID, 85 PERCENT

1 SHOULD BE TAKING ALGEBRA IN THE EIGHTH GRADE?

2 A YES, AS AN INDICATOR OF THE RIGOR OF THE MIDDLE
3 SCHOOL

4 Q RIGHT THAT ALL CHILDREN SHOULD BE OFFERED FOREIGN
5 LANGUAGE IN THE MIDDLE SCHOOL IN GRADES SIX THROUGH EIGHT,
6 RIGHT?

7 A YES

8 Q BUT NOT ONLY SHOULD YOU OFFER ALGEBRA AND REQUIRE IT
9 OF MOST OF THE STUDENTS IN THE MIDDLE GRADE, BUT YOU ALSO
10 HAVE TO WORK THROUGH YOUR PARENTAL OUTREACH TO CONVINCE
11 PARENTS AS WELL AS STUDENTS OF THE NEED TO TAKE ALGEBRA,
12 RIGHT?

13 A I -- I DON'T THINK I -- I DON'T KNOW IF I SAID
14 REQUIRE ALGEBRA I -- I DON'T BELIEVE I SAID THAT I
15 WAS -- WHAT WE WERE TALKING ABOUT HERE ARE WHAT WOULD BE
16 THE IDEAL IF WE WANT TO HAVE STUDENTS BE PREPARED IN HIGH
17 SCHOOL TO BE SUCCESSFUL AND COMPLETE HIGH SCHOOL WITH A
18 DIPLOMA AND THEN BE -- HAVE ENOUGH BACKGROUND AS SO THEY
19 COULD CONTINUE ON THEIR EDUCATION OR THEIR SPECIALITY
20 TRAINING OR TECHNOLOGY TRAINING

21 Q WELL, ALGEBRA IS ALREADY BEING OFFERED IN THE EIGHTH
22 GRADE I THINK THAT YOUR SURVEY SHOWS THAT THERE'S SOME
23 PERCENTAGE OF KIDS TAKING ALGEBRA IN EVERY DISTRICT,
24 CORRECT?

25 A VERY SMALL

1 Q BUT IT'S THERE IT'S A COURSE BEING OFFERED?

2 A BEING OFFERED AND HAVING A LARGE PERCENTAGE OF
3 STUDENTS TAKING IT ARE TWO DIFFERENT THING

4 Q WELL, I UNDERSTAND THAT BUT HOW DO YOU -- HOW DO
5 YOU -- WELL, YOUR TESTIMONY IS THAT UNTIL STUDENTS ARE
6 TAKING ALGEBRA IN LARGE NUMBERS AND I THINK YOU SAID ABOUT
7 85 PERCENT, THAT THE OPPORTUNITY FOR A MINIMALLY ADEQUATE
8 EDUCATION IS NOT BEING PROVIDED TO THE STUDENTS IN THE
9 PLAINTIFFS' DISTRICTS, RIGHT?

10 A THEY NEED TO BE -- THE EVIDENCE IS VERY POWERFUL THAT
11 ALGEBRA AND A FOREIGN LANGUAGE IN THE EIGHTH GRADE ARE
12 GATE OPENING COURSES IT'S -- REALLY MAKES A DIFFERENCE
13 PARTICULARLY FOR LOW-INCOME CHILDREN.

14 SO SCHOOLS, THEIR CURRICULUM, THEIR ADVISORS,
15 TEACHERS, PRINCIPALS, NEED TO MAKE CERTAIN THAT THE
16 COURSES ARE BEING OFFERED IN SUFFICIENT NUMBERS AND
17 QUALITY AND ENGAGING WAYS SO STUDENTS ENROLL WHILE A LOT
18 OF ENROLLMENT DECISIONS IN MIDDLE AND HIGH SCHOOL I GUESS
19 ARE MADE BY THE STUDENTS, BUT PARENTS CAN INFLUENCE THAT

20 SO PART OF THE EFFORT TO UPGRADE MIDDLE SCHOOL NEEDS
21 TO BE TO REACH OUT TO FAMILIES, ENCOURAGE THEM AND THROUGH
22 THEIR EMPLOYERS AND COMMUNITY GROUPS AND CHURCHES TO
23 UNDERSTAND HOW IMPORTANT MIDDLE SCHOOL IS WE CAN'T JUST,
24 AS WE PROBABLY HAVE DONE FOR FAR TOO MANY STUDENTS IN THE
25 PAST JUST SORT OF NOT PAID MUCH ATTENTION TO THEIR

1 A FOUNDATION IN GRADES FIVE, SIX AND SEVEN WITH THE
2 SKILLS, THE EXTRA HELP AFTER SCHOOL AND SUMMER SCHOOL,
3 HELPING YOUNG PEOPLE SEE THE POSSIBILITIES THAT THEIR
4 EDUCATION COULD BRING IF THEY DO IN FACT TAKE THESE TYPES
5 OF COURSES, HOW THAT LEADS THEM IN HIGH SCHOOL TO -- TO
6 FINISH HIGH SCHOOL AND PASS THE EXIT EXAM, GRADUATE AND
7 THEN HOPEFULLY GO ON TO SOME FURTHER TRAINING

8 THEY ARE GOING TO NEED ALL OF THAT REGARDLESS OF IT'S
9 REQUIRED OR NOT JUST THE REQUIREMENT DOESN'T SIMPLY MAKE
10 IT HAPPEN

11 Q AND -- AND YOU ALSO BELIEVE THAT YOU NEED TO HAVE
12 CERTIFIED TEACHERS IN SCIENCE, CORRECT?

13 A I WOULD CERTAINLY HOPE SO IN MIDDLE SCHOOL, WE ARE
14 TALKING ABOUT ADDING SCIENCE EXAMS TO THE PACT TEST IF
15 SOMEONE DOESN'T KNOW THEIR CONTENT IT'S GOING TO BE TOUGH
16 TO TEACH IT

17 AND THE MIDDLE SCHOOL STUDENTS INCREASINGLY AND IN
18 THE STATE ITSELF IS REALIZING THAT IF WE ARE GOING TO
19 TEACH CONTENT IN SCIENCE OR MATH AND OTHER SUBJECT, THE
20 TEACHERS ACTUALLY NEED TO KNOW THE CONTENT AND SO HAVING
21 A CERTIFIED SCIENCE TEACHER IS VERY IMPORTANT, A VERY
22 IMPORTANT OPPORTUNITY

23 Q HASN'T THE STATE BOARD OF EDUCATION ALREADY PASSED
24 REQUIREMENTS THAT BY OCTOBER OF 2008 TEACHERS WHO TEACH
25 FIFTH THROUGH EIGHTH GRADE HAVE TO BE CERTIFIED IN THEIR

1 CONTENT AREA?

2 A YES

3 Q AND THAT'S PART OF THE NO CHILD LEFT BEHIND
4 REQUIREMENT AS WELL, RIGHT?

5 A YES, IT IS

6 Q SO TEACHERS ARE ON THEIR WAY TO BEING CERTIFIED IN
7 MIDDLE SCHOOL IN THEIR CONTENT AREA IF THEY ARE NOT
8 ALREADY, CORRECT?

9 A I WOULDN'T SAY THAT WE HAVE HAD A LOT OF EXAMPLES
10 FOR -- IN OUR DISCUSSION THE LAST COUPLE OF DAYS THAT JUST
11 BECAUSE WE PUT SOMETHING IN POLICY DOESN'T MEAN IT TURNS
12 UP IN THE PLAINTIFF DISTRICTS' SCHOOLS IT'S GOING TO BE
13 VERY DIFFICULT FOR THESE SCHOOLS TO -- TO GET AND HOLD
14 SCIENCE TEACHERS WHO ARE CERTIFIED BY SIMPLY DOING THE
15 SAME OLD THINGS WE HAVE DONE IN THE PAST TO GET SCIENCE
16 TEACHERS IN THESE DISTRICTS

17 THERE'S GOING TO HAVE TO BE SPECIAL EFFORTS TAKEN
18 THAT WE TALKED ABOUT SOME EARLIER WE'RE PROBABLY GOING
19 TO NEED TO LOOK AT PAYING TEACHERS ON DIFFERENT PAY
20 SCHEDULES BASED ON HIGH-NEED AREAS LIKE SCIENCE AND MATH
21 IN RURAL AREAS SUCH AS THE PLAINTIFF DISTRICTS IF -- IF
22 THOSE STUDENTS ARE GOING TO GET AND HOLD SCIENCE TEACHERS

23 AND 2008 IS A LONG WAYS AWAY SO WE ARE GOING TO
24 MISS -- WE ARE GOING TO MISS A WHOLE GROUP OF MIDDLE
25 SCHOOL STUDENTS IF WE WAIT FOR -- THAT REQUIREMENT KICKS

1 TECHNOLOGICAL ERA AND A LOT OF TIMES IT WOULD BE NICE TO
2 PASS A LAW AND SAY I DON'T WANT TO PLAY, I DON'T WANT TO
3 BE IN THIS 21ST CENTURY ECONOMY

4 KIDS SHOULDN'T HAVE TO DO THIS BUT THE REALITY OF
5 THAT ECONOMY IS GOING FULL BLAST WITH OR WITHOUT US AND
6 THESE CHILDREN HAVE A RIGHT TO, AN OPPORTUNITY TO BE
7 INVOLVED IN THAT ECONOMY

8 Q ALL RIGHT, SIR LET'S MOVE ON TO THE HIGH SCHOOL
9 RIGOR, MAYBE WE CAN GET THROUGH THAT TODAY MAYBE ANOTHER
10 ONE IF I HURRY ALONG IT SEEMS TO ME THAT THE ELEMENTS OF
11 YOUR HIGH SCHOOL RIGOR ARE THAT EVERY STUDENT SHOULD -- AT
12 LEAST EVERY STUDENT SHOULD TAKE AT LEAST ONE A P COURSE
13 IN ORDER TO SAY THAT THEY ARE RECEIVING AN OPPORTUNITY FOR
14 A MINIMALLY ADEQUATE EDUCATION AND THAT EVENTUALLY
15 85 PERCENT OF THE KIDS SHOULD BE TAKING A P COURSES,
16 CORRECT?

17 A I DIDN'T UNDERSTAND THE QUESTION

18 Q OKAY ON A P COURSES --

19 A YES

20 Q -- ONE OF THE FACTORS THAT YOU THINK IS ESSENTIAL IN
21 THE HIGH SCHOOL RIGOR PORTION OF YOUR TESTIMONY IS THAT
22 CHILDREN SHOULD BE TAKING A P COURSES IN LARGE NUMBERS,
23 RIGHT?

24 A CORRECT

25 Q AND I BELIEVE THAT WHILE 85 PERCENT IS A GOAL YOU

1 INTERESTED IN ART AND MUSIC

2 SINCE IT WAS A FAMILY FOUNDATION, THEY FUNDED BOTH
3 THE EFFORTS, THESE VERTICAL TEAMS AND TEACHERS WORKING
4 TOGETHER AND BOTH WERE SUCCESSFUL AND HAD A VERY POSITIVE
5 IMPACT

6 Q ALL RIGHT MOVING ON TO FOREIGN LANGUAGE IT'S YOUR
7 BELIEF, I BELIEVE, THAT IN ORDER TO PROVIDE AN OPPORTUNITY
8 FOR A MINIMALLY ADEQUATE EDUCATION THERE MUST BE FOUR
9 YEARS OF A FOREIGN LANGUAGE PROVIDED TO THE STUDENTS AND
10 THAT WOULD BE FOUR YEARS IN THE SAME LANGUAGE, CORRECT?

11 A THAT WOULD BE OFFERED, YES

12 Q AND SO HAVING TWO YEARS OF SPANISH AND TWO YEARS OF
13 FRENCH OR WHATEVER IS NOT SUFFICIENT?

14 A PEOPLE WHO STUDY FOREIGN LANGUAGE SAY THAT YOU NEED
15 TO HAVE FOUR YEARS OF THE SAME FOREIGN LANGUAGE

16 Q OKAY AND WITHOUT FOUR YEARS OF A -- THE SAME
17 FOREIGN LANGUAGE BEING OFFERED IN A HIGH SCHOOL, THEY ARE
18 NOT PROVIDING THE OPPORTUNITY FOR A MINIMALLY ADEQUATE
19 EDUCATION?

20 A NOT FOR THE 21ST CENTURY WHEN WE ARE IN A GLOBAL
21 ECONOMY, INTERNATIONAL MARKETPLACE AND THAT'S PART OF
22 THE, ACTUALLY NOW THAT THE ACADEMIC AND VOCATIONAL SKILLS
23 TALKED ABOUT IN THE ABBEVILLE DECISION, LANGUAGE, FOREIGN
24 LANGUAGE ACQUISITION HAS BECOME PART OF THAT JUST BY THE
25 NATURE OF THE ECONOMY AND REQUIREMENTS THAT COLLEGES

1 PREFER STUDENTS WHO HAVE FOREIGN LANGUAGES IN THEIR
2 APPLICATION, EMPLOYERS LIKE STUDENTS WHO HAVE HAD SOME, A
3 FOREIGN LANGUAGE PREPARATION OR TRAINING

4 Q AND I BELIEVE YOU NEED TO OFFER MORE THAN ONE KIND OF
5 LANGUAGE, RIGHT, SO HOW MANY LANGUAGES DO WE HAVE TO OFFER
6 IN THESE HIGH SCHOOLS?

7 A WELL, YOU HAVE TO TAKE AN ASSESSMENT OF WHAT THE
8 INTEREST IS IN A PARTICULAR SCHOOL COMMUNITY AND MAKE THAT
9 DETERMINATION RATHER THAN HAVING IT SET OUT STATEWIDE BUT
10 I THINK THE RESOURCES NEED TO BE THERE SO THE SCHOOLS
11 COULD HAVE THAT OPTION TO OFFER ONE OR MORE FOREIGN
12 LANGUAGES

13 Q WELL, IS IT ONE OR MORE OR?

14 A MORE THAN ONE

15 Q MORE THAN ONE?

16 A MORE THAN ONE I'M SORRY

17 Q ALL RIGHT AND THE ABSENCE OF HAVING MORE THAN ONE
18 FOREIGN LANGUAGE BEING OFFERED IN A HIGH SCHOOL DEPRIVES
19 THE STUDENTS THERE OF THE OPPORTUNITY TO RECEIVE A
20 MINIMALLY ADEQUATE EDUCATION?

21 A FOR THE 21ST CENTURY, YES

22 Q BECAUSE THEY NEED THAT CHOICE IN FOREIGN LANGUAGE?

23 A YES

24 Q AND THEN MOVING ON TO ADVANCED MATH COURSES, ONE THAT
25 IS AFTER MY OWN HEART SINCE I TOOK NEITHER OF THESE

1 COURSES, IS YOUR TESTIMONY THAT STUDENTS IN HIGH SCHOOL
2 NOW MUST TAKE EITHER TRIGONOMETRY OR CALCULUS OR BOTH OR
3 THEY ARE NOT BEING OFFERED THE OPPORTUNITY FOR A MINIMALLY
4 ADEQUATE EDUCATION?

5 A OR PRE-CALCULUS THEY NEED TO BE OFFERED THAT EACH
6 OF THEM DOESN'T NECESSARILY HAVE TO TAKE THAT AGAIN, I
7 THINK I SAID IN EARLIER TESTIMONY THE IDEAL WOULD BE THAT
8 IT WOULD BE UP IN THE SAME 85 PERCENT RANGE BECAUSE AGAIN
9 IT MATCHES -- IT CATCHES WHAT THE REAL WORLD ECONOMIC
10 REQUIREMENTS ARE

11 AGAIN, I WISH WE COULD GET OFF OF THIS ECONOMIC TRAIN
12 AND I WISH WE COULD GET OFF OF THIS INTERNATIONAL
13 COMPETITION TRAIN BUT WE CAN'T BUT TO THE DETRIMENT OF THE
14 CHILDREN IN OUR STATE AND THAT IN THE SHORT RUN, I THINK
15 I BELIEVE I SAID THAT WE SHOULD BE SHOOTING FOR 50 PERCENT
16 OF THE STUDENTS, BUT 85 WOULD BE THE IDEAL LONG TERM

17 Q TAKING AT LEAST ONE OF THOSE COURSES, RIGHT?

18 A YES

19 Q EITHER PRE-CALCULUS, CALCULUS OR TRIG -- IS
20 PRE-CALCULUS AND TRIGONOMETRY THE SAME THING?

21 A NOT NECESSARILY

22 Q I WOULDN'T KNOW OKAY AND THE LAST SUBJECT THAT
23 YOU BELIEVE NEEDS TO BE PART OF THE HIGH SCHOOL RIGOR AND
24 REQUIRE BOTH THESE COURSES IS PHYSICS AND CHEMISTRY?

25 A I DON'T THINK I SAID REQUIRE BUT THEY NEED TO BE

1 OFFERED AND, YES, BECAUSE PHYSICS IS A VERY IMPORTANT
2 COURSE AS IS CHEMISTRY AND IN BOTH THE MANY OCCUPATIONS
3 TODAY SO FOR VOCATIONAL EDUCATION AS WELL AS FOR COLLEGE
4 ACCESS AND YOU MAY RECALL THAT THE RESEARCH ON THIS AGAIN
5 IS VERY POWERFUL FROM THE U S DEPARTMENT OF EDUCATION
6 THAT IT MAKES A TREMENDOUS DIFFERENCE IN THE ODDS OF
7 LOW-INCOME CHILDREN IN PARTICULAR

8 WHILE ALL STUDENTS BENEFIT FROM TAKING THESE COURSES,
9 LOW-INCOME CHILDREN IN PARTICULAR, IT MAKES A TREMENDOUS
10 DIFFERENCE IN TERMS OF, SOME CASES EVEN ALMOST DOUBLING
11 THE ODDS THAT THEY WILL FINISH HIGH SCHOOL AND GO ON TO
12 POST -- SOME EDUCATION BEYOND HIGH SCHOOL

13 SO THEY NEED TO BE OFFERED THEY NEED TO BE TAUGHT
14 BY QUALIFIED PERSONNEL AND -- AND -- AND THIS WHOLE HIGH
15 SCHOOL RIGOR SET OF INDICATORS I THINK TELLS YOU A LOT
16 ABOUT THE HIGH SCHOOL

17 IN OTHER WORDS, IF YOU WOULD TAKE THIS TO MOST
18 SUBURBAN PARENTS AND TELL THEM THIS IS LIKE THE MAKEUP IN
19 ALLENDALE, THAT THIS IS OUR HIGH SCHOOL, THIS IS WHAT
20 HAPPENED IN THE SENIOR YEAR, THEY WOULD EITHER CRY OR
21 LAUGH, ONE OF THE TWO, THAT THIS WOULD BE TOTALLY
22 UNACCEPTABLE

23 Q THAT WHAT WOULD BE UNACCEPTABLE?

24 A IF THEY SAW PERCENTAGES OF 2 PERCENT TAKING --

25 Q WHAT ARE YOU REFERRING TO, DOCTOR?

1 CORRECT?

2 A YES, THEY ARE BUT I DON'T KNOW HOW MANY PERIODS THEY
3 ARE BEING OFFERED SO WHAT HAPPENS IS WHEN YOU OFFER IT,
4 LET'S SAY, ONE PERIOD, THAT MAKES IT VERY DIFFICULT FOR --
5 FOR A LARGE PERCENTAGE OF STUDENTS TO TAKE IT EVEN IF THEY
6 ARE INTERESTED

7 SO YOU NEED TO HAVE COURSES OFFERED DURING A VARIETY
8 OF PERIODS AND YOU NEED TO HAVE THAT PIPELINE BUILT UP
9 AS I DESCRIBED BEFORE FOR THESE COURSES, OTHERWISE IT'S
10 REALLY NOT A TRUE OPPORTUNITY IF THEY AREN'T OFFERED A
11 VARIETY OF TIMES AND YOUNG PEOPLE DON'T HAVE THE
12 PREPARATION AND HAVEN'T BEEN INTERESTED IN THE COURSES

13 Q NOW, JUST SO THAT I MAKE SURE THAT I HAVE THIS
14 QUANTITY RIGHT I THINK YOUR TESTIMONY IS THAT AT LEAST
15 PRAGMATICALLY 50 PERCENT OF THE STUDENTS IN HIGH SCHOOLS
16 SHOULD BE TAKING A P COURSES OBVIOUSLY PREFERABLY 85 BUT
17 AT LEAST 50 PERCENT, RIGHT?

18 A YES

19 Q AND 85 PERCENT IN THE ADVANCED MATH RANGE?

20 A I BELIEVE I -- I HAD THE SAME QUALIFICATION THAT --
21 50 PERCENT, IDEALLY 85

22 Q AND THE SAME THING GOES FOR TAKING BOTH PHYSICS AND
23 CHEMISTRY IS 50 PERCENT?

24 A YES

25 Q WITH THE GOAL TOWARDS 85?

1 A CORRECT

2 Q AND HOW LONG WOULD IT TAKE TO ACHIEVE THIS GOAL,
3 THIS -- TO -- TO MOVE 50 PERCENT TAKING TO 85 PERCENT AND
4 I ASSUME THIS IS VOLUNTARILY, YOU WOULDN'T REQUIRE IT
5 BEING MANDATORY?

6 A NO, I WOULD NOT REQUIRE IT BUT THIS GETS VERY
7 INTERRELATED WITH SOME OF THE OTHER OPPORTUNITIES,
8 PARTICULARLY THE ONE THAT'S RELATED TO CAREER AND COLLEGE
9 EXPLORATION THAT FOR STUDENTS TO SEE THE SIGNIFICANCE
10 AND IMPORTANCE OF TAKING THESE COURSES, THEY NEED TO SEE
11 THAT IT'S LINKED TO SOME FUTURE GOAL OR -- OR CHANCE FOR
12 THEM SO THESE COURSE TAKING NEEDS TO BE INTERMIXED WITH
13 THE -- THE COLLEGE AND CAREER PATHWAY EFFORTS

14 ALL THAT THEN REQUIRES RESOURCES YOU NEED RESOURCES
15 FOR THE PATHWAYS TO COLLEGE ACTIVITIES, COLLEGE
16 VISITATIONS WE TALKED ABOUT, CHANCES FOR PARENTS AND THE
17 STUDENTS TO LEARN ABOUT OCCUPATIONS AND CAREERS AND WHAT
18 KIND OF REQUIREMENTS, COURSE REQUIREMENTS ARE NEEDED
19 STARTING IN EIGHTH GRADE FORWARD SO THAT THEY CAN BE
20 PREPARED

21 THEY NEED ADVISORS AND COUNSELORS WHO TRULY
22 UNDERSTAND THE CONNECTION BETWEEN THESE COURSES AND -- AND
23 THEIR FUTURE THERE NEEDS TO BE RESOURCES FOR THE
24 TEACHERS AND -- AND TIME SO THEY CAN CREATE THESE VERTICAL
25 TEAMS WHICH ALSO TAKES RESOURCES

1 SO YOU NEED ALL OF THAT AS A PACKAGE TO CHANGE THE
2 CHARACTER OF THE HIGH SCHOOL CURRICULUM RIGHT NOW WE ARE
3 NOT SERVING MANY, MANY STUDENTS WELL AND THEY ARE DROPPING
4 OUT AND NOT PREPARED FOR REALLY MUCH IN THIS ECONOMY

5 Q OKAY SO WITHOUT A P COURSES, FOUR YEARS OF A
6 FOREIGN LANGUAGE, PHYSICS AND CHEMISTRY AND ADVANCED MATH
7 BEING TAKEN IN LARGE NUMBERS BY LOW-INCOME CHILDREN IN THE
8 PLAINTIFFS' DISTRICTS AND ELSEWHERE, THEY ARE NOT
9 RECEIVING THE OPPORTUNITY FOR A MINIMALLY ADEQUATE
10 EDUCATION?

11 A THEY ARE NOT FOR THIS CENTURY, NO

12 Q ALL RIGHT LET'S -- LET'S MOVE ON TO ARTS AND I
13 WILL COME BACK TO THE COLLEGE AND CAREER TOMORROW BECAUSE
14 THAT'S GOING TO TAKE A WHILE

15 YOUR TESTIMONY ABOUT THE ARTS THAT ARE ESSENTIAL TO
16 THE PROVISION OF AN OPPORTUNITY FOR A MINIMALLY ADEQUATE
17 EDUCATION IN THE PLAINTIFF DISTRICTS IS A LITTLE BIT
18 DIFFERENT FOR THE TYPE SCHOOL -- TYPE SCHOOL YOU ARE
19 DEALING WITH

20 IN ELEMENTARY SCHOOL YOU BELIEVE THAT THEY NEED 50
21 MINUTES OF ART AND/OR MUSIC EITHER SEPARATELY OR TOGETHER
22 EACH DAY THROUGHOUT THE ELEMENTARY SCHOOL PROCESS, RIGHT?

23 A RIGHT

24 Q AND EVEN THOUGH THERE IS AN EMPHASIS ON THE CORE
25 CURRICULUM OF MATH AND ENGLISH AND LANGUAGE ARTS AND

1 SCIENCE AND SOCIAL STUDIES, YOU NEED TO CHANGE AND
2 INCORPORATE THE ARTS THROUGHOUT THE DAY AND THROUGHOUT THE
3 CURRICULUM, CORRECT?

4 A THROUGHOUT THE DAY I DON'T KNOW IF I SAID
5 THROUGHOUT THE CURRICULUM IT CAN BE DONE THAT WAY BUT
6 ARTS ACTUALLY ARE VERY -- AND MUSIC ARE A VERY GOOD WAY TO
7 ACTUALLY TEACH READING AND WRITING SKILLS

8 Q WELL, IF YOU ADD 50 MINUTES OF ART AND MUSIC EVERY
9 DAY TO AN ELEMENTARY SCHOOL'S DAY, YOU ARE GOING TO HAVE
10 TO LENGTHEN THE DAY BY AN HOUR OTHERWISE INCORPORATE IT
11 INTO THE CURRICULUM, RIGHT, DR PETERSON?

12 A NOT NECESSARILY THEY ARE ALREADY GETTING 50
13 MINUTES

14 Q A DAY?

15 A OF ONE -- OF ONE -- ONE DAY A WEEK THEY ARE GETTING
16 50 MINUTES TYPICALLY AND ONE, ONE DAY A WEEK THEY ARE
17 GETTING 50 MINUTES OF MUSIC A DAY

18 Q RIGHT BUT YOUR TESTIMONY IS THAT YOU NEED TO HAVE
19 THAT EVERY DAY, NOT ONCE A WEEK, RIGHT?

20 A THAT, EITHER ONE OR TOGETHER SO THAT YOU WOULD, LET'S
21 SAY THIS CASE IS A HUNDRED MINUTES IF THE CASE WE ARE
22 TALKING ABOUT -- I'M SORRY, I CAN'T SEE MY CHART
23 ALLENDALE, SO I'M TALKING ABOUT 250 MINUTES A WEEK INSTEAD
24 OF A HUNDRED MINUTES

25 Q RIGHT SO YOU'RE MORE THAN DOUBLING THE TIME SPENT

1 IN ART AND MUSIC EACH WEEK IN THE ELEMENTARY SCHOOL
2 CONTEXT?

3 A RIGHT AND THAT MAKES SENSE IN THAT THE EDUCATION
4 FINANCE ACT WAS ACTUALLY THE ONE THAT INCLUDED ART AND
5 MUSIC 30 YEARS AGO AND SINCE THEN WE HAVE A WHOLE BODY OF
6 RESEARCH AND INFORMATION THAT INDICATES THAT ART AND MUSIC
7 BOTH ENHANCES THE ACHIEVEMENT OF THE CORE SUBJECTS AS WELL
8 AS DEVELOPS OTHER SKILLS LIKE PERSISTENCE AND CREATIVITY
9 AND KNOWLEDGE OF THESE PARTICULAR ART FORMS

10 AND FROM THE -- THE -- SOME OF THE STUDIES WE
11 INTRODUCED THAT SOME OF THE SKILLS THAT THE WORKFORCE FOR
12 TOMORROW NEEDS THAT, YES, THEY DO NEED THE BASIC SKILLS
13 AND, BUT THEY ALSO NEED CREATIVITY -- CREATIVITY SKILLS
14 AND PERSISTENCE SKILLS THESE ARE THE TYPE OF SKILLS THE
15 ART AND MUSIC ALSO DEVELOP

16 Q AND WITHOUT 50 MINUTES OF ART AND MUSIC EVERY DAY IN
17 THE ELEMENTARY SCHOOLS, CHILDREN IN THE PLAINTIFFS'
18 DISTRICTS ARE NOT RECEIVING THE OPPORTUNITY FOR A
19 MINIMALLY ADEQUATE EDUCATION?

20 A THAT'S CORRECT

21 Q AND MOVING ON TO MIDDLE SCHOOL, I THINK IT'S YOUR
22 BELIEF THAT YOU NEED AN HOUR A DAY FOR MUSIC AND ART IN
23 MIDDLE SCHOOL AS WELL, CORRECT?

24 A RIGHT I THINK I -- I THINK I USED THE 50 MINUTES
25 BAROMETER

1 STUDENTS IN LEARNING AND KEEP THEM IN SCHOOL UNTIL
2 GRADUATION

3 Q SO THIS IS AN ENTICEMENT FOR HIGH SCHOOL KIDS TO KEEP
4 THEM IN SCHOOL?

5 A YES

6 Q OKAY AND SO WHAT YOUR POSITION IS IS THAT WE NEED
7 NOT ONLY CHORUS AND BAND AND ART BUT WE NEED DRAMA AND
8 PHOTOGRAPHY AND PUPPETRY AND WHATEVER OTHER POSSIBLE ART
9 COURSES AND MUSIC COURSES MIGHT BE, WHETHER IT'S ORCHESTRA
10 OR WHATEVER, TO APPEAL TO HIGH SCHOOL STUDENTS SO THEY
11 WON'T DROP OUT?

12 A NOT ONLY NOT DROP OUT BUT ENGAGE THEM IN POSITIVE
13 LEARNING, SELF-DISCIPLINE, PERSISTENCE ARTS ARE AN
14 INTERESTING SUBJECT MATTER, PROBABLY UNLIKE ANY OTHER WE
15 WANT OUR CHILDREN TO PERSIST AND WORK ON SOMETHING TILL
16 THEY GET IT RIGHT

17 WHEN STUDENTS ARE TOLD THEY ARE GOING TO PUT TOGETHER
18 A -- IT'S A VISUAL ART SHOW IF THEY'RE IN VISUAL ARTS OR A
19 PLAY OR ORCHESTRA OR CHORUS AND THEY KNOW THAT THEY ARE
20 GOING TO MAKE -- HAVE TO MAKE A PUBLIC PRESENT
21 PRESENTATION, WITHOUT EVEN STRESSING MUCH TO THE YOUNG
22 PEOPLE YOU HAVE TO WORK TOGETHER, YOU HAVE TO PERSIST, YOU
23 HAVE TO WORK LONG HOURS TO GET IT RIGHT, THEY TEND TO DO
24 THAT AND SO THE ARTS AND MUSIC TEACH A WHOLE SET OF
25 SKILLS THAT IN FACT THE EMPLOYERS ARE SAYING THEY NEED

1 YES THEY NEED BASIC SKILLS BUT THEY WANT EMPLOYEES
2 WHO ARE ON TIME, PERSISTENT, CREATIVE IN THE ARTS AND
3 MUSIC TO GET LABELED AS FRILLS, BUT IN THIS ECONOMY THEY
4 ARE ONE OF THE CORE SUBJECTS

5 AND AS I -- IF YOU LOOK AT THE -- AT THE ELEMENTARY
6 SECONDARY EDUCATION ACT, THE ARTS ARE ACTUALLY NOW
7 INCLUDED AS ONE OF THE -- IN THE NATIONAL LEGISLATION AS
8 ONE OF THE CORE SUBJECTS

9 Q WHEN YOU OFFER THESE MULTIPLE MUSIC AND ART AND DRAMA
10 COURSES IN HIGH SCHOOL, DO THEY NEED TO BE TAUGHT BY A
11 CERTIFIED TEACHER, ISN'T THAT A REQUIREMENT OF THE STATE
12 DEPARTMENT OF EDUCATION THAT ALL TEACHERS ARE CERTIFIED?

13 A THAT IS TRUE IN SOME AREAS, IN SOME SUBJECT AREAS
14 THAT THERE IS -- HAS BEEN AN ARRANGEMENT WITH THE SOUTH
15 CAROLINA ARTS COMMISSION TO ALLOW ARTISTS AND MUSICIANS TO
16 TEACH IN SCHOOLS THAT, IF THEY ARE -- IF THE REQUIREMENTS
17 BETWEEN EDUCATION AND ART AND MUSIC ARE WORKED OUT SO I
18 THINK IF YOU -- IF YOU LOOK AT THIS AS BOTH AN ACADEMIC
19 AND VOCATIONAL SKILL SIMILAR TO SOME OF THE VOCATIONAL
20 AREAS, IN PARTICULAR HIGH SCHOOL STUDENTS, YOU WANT THOSE
21 STUDENTS TO BE ENGAGED IN THE WORKPLACE AND THE ARTS COULD
22 BE CONSIDERED A WORKPLACE, WITH REAL PEOPLE WHO DO THAT
23 KIND OF WORK

24 SO THIS IS ONE AREA WHERE IT'S SORT OF LIKE THE
25 VOCATIONAL AREA WHERE THERE IS OFTEN SOME FLEXIBILITY AND

1 A MIXTURE OF USE OF TYPICAL CERTIFIED TEACHERS AND PEOPLE
2 WHO ARE GOOD IN THE FIELD IF THEY GO THROUGH THE PROPER
3 SCREENING FOR, FINGERPRINTING AND TRAINING AND SO ON

4 Q WELL, WHEN YOU TALK ABOUT THE NEED FOR 85 PERCENT OF
5 THE KIDS IN HIGH SCHOOL TO GO ON TO POST SECONDARY
6 EDUCATION, AND THE NEED TO HAVE 85 PERCENT OF THEM
7 THEREFORE TAKING ART COURSE -- ARTS COURSES, HOW DO YOU
8 GET THERE WITHOUT MAKING IT MANDATORY?

9 A WELL, SOME STATES HAVE THEM MANDATORY THEY REQUIRE
10 ONE OR TWO ART COURSES, ART AND MUSIC AND THEN MAYBE A
11 WAY TO GO I'M NOT A -- I'M NOT OPPOSED TO THAT AT ALL
12 I'M JUST SAYING THAT BEFORE THAT IS DONE, PERHAPS THE
13 BETTER WAY TO PROCEED IS TO OFFER THE COURSES, PROVIDE THE
14 COUNSELING AND INTEREST AND GET QUALITY TEACHERS AND SEE
15 WHAT CAN BE DONE WITHOUT MAKING IT A REQUIREMENT

16 Q HOW MANY CHOICES SHOULD A HIGH SCHOOL STUDENT BE
17 GIVEN IN THE ARTS?

18 A THAT AGAIN WOULD HAVE TO BE DETERMINED AT THE LOCAL
19 SCHOOL AND COMMUNITY LEVEL THERE'S -- DIFFERENT COURSES
20 IN ARTS WORK BETTER, DIFFERENT SCHOOLS AND COMMUNITIES,
21 BUT -- BUT IF THE RESOURCES WERE MADE AVAILABLE, THE LOCAL
22 SCHOOL DISTRICT AND LOCAL PRINCIPAL AND WITH THE PARENTS
23 COULD MAKE THAT DETERMINATION

24 Q WELL, DR PETERSON, YOUR TESTIMONY HAS BEEN THAT
25 UNLESS THIS ARTS CURRICULUM IS MADE AVAILABLE TO THE

1 CHILDREN IN THE PLAINTIFFS' DISTRICTS THEY ARE NOT BEING
2 PROVIDED WITH THE OPPORTUNITY FOR A MINIMALLY ADEQUATE
3 EDUCATION

4 I'M ASKING YOU YOUR OPINION ON THE NUMBER OF ARTS
5 COURSES AND MUSICS COURSES THAT NEED TO BE OFFERED IN HIGH
6 SCHOOL IN ORDER FOR THAT OPPORTUNITY TO BE PRESENT

7 A IT WILL VARY SOMEWHAT BY THE SIZE OF THE SCHOOL AND
8 BY THE NATURE OF THE COMMUNITY WHAT I'M SAYING IS THAT
9 YOU NEED TO OFFER A VARIETY OF COURSES AND I CAN'T SAY
10 IF YOU SHOULD HAVE A -- A CREATIVE WRITING VERSUS DRAMA
11 BUT THERE SHOULD BE A VARIETY OF COURSES OFFERED AND THE
12 RESOURCES SHOULD BE THERE SO THAT THE LOCAL SCHOOL
13 PRINCIPAL WITH THE PARENTS AND TEACHERS CAN OFFER AN ARRAY
14 OF ART AND MUSIC COURSES

15 Q WHEN YOU SAY RESOURCES, DOES THAT TRANSLATE INTO
16 MONEY?

17 A THAT TRANSLATES INTO MONEY AND SUPPORT AND TRAINING
18 LIKE IN -- IN ANY OF THESE AREAS, THERE'S A -- A NEED TO
19 DEVELOP THE CURRICULUM THE STATE HAS SOMETHING CALLED
20 THE ARTS AND BASIC CURRICULUM PROJECT THAT'S BEEN VERY
21 SUCCESSFUL

22 AND, BUT IT'S ONLY IN A FEW DISTRICTS AND A FEW
23 SCHOOLS WHERE THEY PROVIDE TRAINING TO -- TO PRINCIPALS
24 AND LEARNING HOW TO USE ART AND MUSIC TO ENHANCE NOT ONLY
25 ART AND MUSIC INSTRUCTION WITH THE REGULAR SCHOOL DAY AND

1 LINK IT TO THE COMMUNITY TO GET MORE COMMUNITY
2 INVOLVEMENT

3 THAT PROJECT DEVELOPS CURRICULUM WITH TEACHERS IT
4 DEVELOPS TEACHER TRAINING SO THAT TYPE OF PROGRAM COULD
5 BE -- IT'S ALREADY IN IT'S PART OF THE STATE POLICY
6 COULD BE EXPANDED IN SUCH A WAY THAT IT WOULD BE AVAILABLE
7 TO ALL SCHOOLS IN THE STATE, NOT JUST A HANDFUL ON A
8 COMPETITIVE BASIS

9 Q AND I THINK YOU BELIEVE THAT STUDENTS NEED TO PERFORM
10 SOMEWHERE OUTSIDE OF THE SCHOOL ENVIRONMENT?

11 A THAT WOULD BE A PART OF AN APPROACH SO THAT STUDENTS
12 SEE THE REAL WORLD CONSEQUENCES OF THEIR WORK THAT'S AN
13 IMPORTANT PART IN FACT OTHER SUBJECTS THIS WORKS IN AS
14 WELL I MEAN, THERE'S A NUMBER OF -- OF SCHOOLS IN THE
15 COUNTRY THAT HAVE AT THE END OF THEIR SENIOR YEAR PRESENT
16 A SENIOR PROJECT TO THEIR PARENTS OR TO THE COMMUNITY
17 ABOUT WHAT THEY HAVE LEARNED

18 SO THE NOTION OF -- OF DEMONSTRATING WHAT YOU HAVE
19 DONE, EITHER AS A GROUP OR SEPARATELY IS A GOOD WAY FOR
20 YOUNG PEOPLE TO LEARN RESPONSIBILITY IN THE REAL WORLD OF
21 WORK

22 Q AND I'M NOT SUGGESTING THAT IT SHOULDN'T BE SOME SORT
23 OF A PERFORMANCE BUT I THOUGHT YOUR TESTIMONY WAS THAT IT
24 NEEDED TO BE OUTSIDE THE SCHOOL, SOMEWHERE ELSE WHERE
25 TRANSPORTATION WAS REQUIRED?

1 A I DON'T KNOW IF I SAID TRANSPORTATION WAS REQUIRED
2 BUT IT'S ALWAYS GOOD TO DO OUTSIDE THE SCHOOL SO THAT THE
3 COMMUNITY AND THE STUDENTS INTERACT WHEN THEY SEE THE
4 PRODUCT OF THEIR WORK AND REACT WITH PEOPLE, NOT JUST IN
5 THE CLOSE ENVIRONMENT OF THE SCHOOL

6 Q WITHOUT THE ARTS BEING OFFERED AT THE ELEMENTARY AND
7 MIDDLE SCHOOL LEVEL OF 50 MINUTES A DAY, 250 MINUTES A
8 WEEK FOR ART AND MUSIC OR BOTH, AND A VARIETY OR AN ARRAY
9 OF CHOICES, UNSPECIFIED AS TO NUMBER, DEPENDING UPON THE
10 INDIVIDUAL DISTRICT, I PRESUME, IN WHICH LARGE PORTIONS OF
11 THE STUDENT POPULATION, UP TO 85 PERCENT PERHAPS, TAKE --
12 THE CHILDREN ARE NOT BEING OFFERED AN OPPORTUNITY FOR A
13 MINIMALLY ADEQUATE EDUCATION, THAT'S YOUR TESTIMONY?

14 A THAT'S CORRECT FOR THIS CENTURY THEY NEED TO HAVE
15 THESE SKILLS AND BACKGROUND IN CREATIVITY

16 MRS GRAY OKAY YOUR HONOR, I'M GETTING READY
17 TO MOVE TO ANOTHER SUBJECT THAT'S GOING TO BE LONGER IF
18 IT'S OKAY TO STOP TODAY

19 THE COURT IT'S A GOOD TIME OF THE DAY AND THE
20 STATUS OF THE EXAMINATION AS WELL DR PETERSON, YOU CAN
21 STEP DOWN

22 (OFF-THE-RECORD DISCUSSION)

23 THE COURT MRS GRAY, ANY HOUSEKEEPING MATTERS
24 FROM YOUR PERSPECTIVE?

25 MRS GRAY NOT UNLESS MR STEPP --

1 Q AND WHAT YOU THINK NEEDS TO BE IN PLACE IS MORE OF A
2 SUSTAINED PROGRAM STARTING IN THE MIDDLE SCHOOL AND
3 CONTINUING THROUGH THE 12th GRADE WHICH EXPOSES CHILDREN
4 TO CAREER OPPORTUNITIES, COLLEGE OPPORTUNITIES IN A
5 SUSTAINED WEEKLY OR REGULAR BASIS, CORRECT?

6 A ON A REGULAR BASIS, YES

7 Q ALL RIGHT AND PART -- PART OF THE COMPONENTS OF
8 THAT PROGRAM IS THAT YOU WANT THE SCHOOL SYSTEM TO TAKE
9 CHILDREN TO COLLEGES, RIGHT, SO THAT THEY CAN UNDERSTAND
10 THAT THERE IS A COLLEGE AND WHAT HAPPENS IN COLLEGE IS
11 THAT CORRECT?

12 A IT COULD BE TECHNICAL SCHOOL, IT COULD BE A --
13 SPECIALIZED TRAINING PROGRAMS IN THE AREA IT'S NOT JUST
14 A COLLEGE, FOUR YEAR COLLEGES, IT'S -- AND THAT GOES BACK
15 TO THE -- THE EVIDENCE THAT THE STUDY THAT HAS BEEN DONE
16 BY THEN THE GOVERNOR'S OFFICE WITH THE SOUTH CAROLINA
17 CHAMBER OF COMMERCE AND INDICATES THAT 75 TO 85 PERCENT OF
18 JOBS IN THE YEAR 2010 WILL NECESSITATE BOTH THE HIGH
19 SCHOOL DIPLOMA AND SOME TRAINING BEYOND HIGH SCHOOL SO
20 THAT'S -- THAT'S THE REASON FOR THAT, YES

21 Q AND PART OF IT YOU ARE SAYING IS THAT YOU -- IT'S NOT
22 JUST A COLLEGE TRIP, FOR EXAMPLE, IT'S -- IT'S REPEATED
23 VISITS TO COLLEGES OR POST SECONDARY EDUCATION FACILITIES?

24 A IT'S, YES -- BUT IT -- IT'S TO LEARN ABOUT THE
25 IMPORTANCE OF FINISHING HIGH SCHOOL AND GOING ON FOR SOME

1 POST SECONDARY EDUCATION AND TO LEARN ABOUT OPTIONS AND
2 OPPORTUNITIES, TO LEARN ABOUT FINANCIAL AID, MANY OF THE
3 STUDENTS IN THESE SCHOOLS HAVE NOT GONE OUT, ON TO
4 COLLEGE, MAYBE FAMILY MEMBERS HAVE NOT FINISHED HIGH
5 SCHOOL, SO GIVE THEM A REAL HANDS-ON CHANCE, AND SORT OF
6 GOES TO THE -- THE SECOND AREA OF THE ABBEVILLE DECISION,
7 THAT IS TO -- TO HELP STUDENTS UNDERSTAND ECONOMIC
8 PROCESSES, AND PART OF THE ECONOMIC PROCESSES IS TO
9 UNDERSTAND THE COSTS AND BENEFITS OF YOUR OWN EDUCATION
10 AND -- AND JOB OPPORTUNITIES

11 Q AND PART OF WHAT YOU THINK THESE -- THESE DISTRICTS
12 NEED TO DO IS TO PROVIDE THAT SAME EDUCATION FOR PARENTS,
13 WHICH IS TO MAKE PARENTS FAMILIAR WITH THE FINANCIAL
14 OPPORTUNITIES FOR CHILDREN IN THEIR POST SECONDARY
15 EDUCATIONS, RIGHT?

16 A THAT'S CORRECT, AND THAT COMES OUT OF A WORK THAT I
17 ACTUALLY HELPED DIRECT AT THE U S DEPARTMENT OF EDUCATION
18 WHEN I WORKED THERE AND -- THAT I DIRECTED OUR RESEARCH
19 DEPARTMENT TO CARRY OUT STUDIES RELATED TO PARENTS AND
20 PARTICULARLY LOW-INCOME PARENTS AND PARENTS OF EIGHTH
21 GRADERS, AND THEY CARRIED OUT SUCH A STUDY AROUND THE
22 COUNTRY AND FOUND THAT MOST EIGHTH GRADE PARENTS OF
23 LOW-INCOME MEANS DID IN FACT WANT THEIR CHILDREN TO -- TO
24 FINISH HIGH SCHOOL AND GO ON TO SOME FURTHER EDUCATION,
25 BUT THEY HAD LITTLE OR NO KNOWLEDGE OF WHAT COURSES THEY

1 SHOULD TAKE, THEY HAD LITTLE OR NO KNOWLEDGE OF FINANCIAL
2 AID

3 I'M TALKING ABOUT COURSES THE STUDENTS SHOULD TAKE IN
4 MIDDLE AND HIGH SCHOOL SO THEY DIDN'T HAVE THE BASIC
5 KNOWLEDGE TO BE SUPPORTIVE AND ENCOURAGING OF THEIR
6 CHILDREN

7 AND BECAUSE OF THAT, THE U S DEPARTMENT OF EDUCATION
8 PUBLISHED A PUBLICATION ABOUT PREPARING, HELPING PREPARE
9 YOUR CHILD TO BE READY FOR COLLEGE AND HAD NUMEROUS
10 REPRINTINGS OF IT BECAUSE IT LAYS OUT SOME OF THESE BASIC
11 FACTS AND FIGURES THAT PARENTS AND YOUNG PEOPLE NEED, SO
12 THAT'S THE REASON THAT PARENTS NEED TO BE INCLUDED

13 AND PARENTS NEED -- PARENT INVOLVEMENT, AS WE
14 DISCUSSED YESTERDAY, IS VERY, VERY IMPORTANT IN CHILDREN'S
15 EDUCATION JUST CHANGES -- THE TOPICS CHANGE WHEN
16 CHILDREN GET INTO MIDDLE AND HIGH SCHOOL

17 Q AND PART OF THE EXPOSURE OF CHILDREN TO COLLEGE
18 INCLUDES NOT ONLY CHILDREN GOING TO COLLEGE OR POST
19 SECONDARY INSTITUTIONS, BUT ALSO BRINGING PROFESSORS AND
20 COLLEGE AND POST SECONDARY INSTITUTIONS STUDENTS INTO THE
21 SCHOOLS WHERE THE CHILDREN ARE, CORRECT?

22 A THE PROGRAMS THAT HAVE BEEN SUCCESSFUL HAVE TURNED
23 AROUND TERRIBLY LOW HIGH SCHOOL COMPLETION RATES AND
24 INCREASE THE COLLEGE -- COLLEGE-GOING RATES HAVE IN FACT
25 DONE THAT THAT ISN'T AS EASY TO DO, BUT IT WOULD BE THE

1 IDEAL TO INCLUDE THOSE COMPONENTS IN A STRATEGIC PLAN TO
2 ENCOURAGE STUDENTS TO FINISH HIGH SCHOOL AND CONTINUE
3 THEIR EDUCATION OR TRAINING BEYOND HIGH SCHOOL

4 Q AND -- AND THIS IS NOT THE KIND OF THING THAT -- THAT
5 I BELIEVE WOULD BE A COLLEGE -- COMING IN TO DO A COLLEGE
6 SHOW IS THE WRONG WORD, BUT A COLLEGE EXPO, IF YOU WILL,
7 WHERE ALL THE COLLEGES COME AND THE CHILDREN ARE EXPOSED
8 YOU'RE THINKING ABOUT SOMETHING MUCH MORE SUSTAINED AND
9 ORGANIZED THAN THAT, CORRECT?

10 A IT COULD INCLUDE THAT, BUT YES, IT WOULD BE MORE
11 SUSTAINED AND ORGANIZED AND STARTING A -- MUCH EARLIER IN
12 MIDDLE SCHOOL AND HIGH SCHOOL AND IT WOULD -- THE
13 ACTIVITIES WOULD VARY AND BE APPROPRIATE FOR THE AGE GROUP
14 OF THE -- OF THE STUDENTS

15 FOR EXAMPLE, PROBABLY WOULDN'T HAVE REGULAR VISITS
16 FROM MIDDLE HIGH SCHOOL STUDENTS TO GO TO COLLEGE, MAYBE
17 THAT WOULD BE ONE OR TWO DURING THE COURSE OF A YEAR BUT
18 AS CHILDREN GOT OLDER, THERE WOULD BE MORE THAN ONE OR TWO
19 BUT NOT -- WE ARE NOT TALKING ABOUT DOING WEEKLY, BUT
20 HAVING AT LEAST A SET OF OPTIONS INCLUDING NEARBY
21 TECHNICAL COLLEGES AND OTHER TRAINING PROGRAMS THAT MIGHT
22 BE IN THE AREA TO HELP THEM SEE THE POSSIBILITIES AND THE
23 BENEFITS OF GOING TO COLLEGE AND -- AND I USE THAT TERM
24 COLLEGE NOT TO MEAN FOUR YEAR COLLEGES

25 AS THE CHAMBER OF COMMERCE AND GOVERNOR'S OFFICE

1 STUDY FOUND IS THAT ABOUT 65 PERCENT OF THE -- THE JOBS IN
2 THE FUTURE WILL -- WILL NEED AN ASSOCIATE DEGREE WHICH CAN
3 BE GOTTEN IN A TECHNICAL COLLEGE

4 Q RIGHT NOW, THE CAREER PART OF THIS PROGRAM THAT YOU
5 THINK IS ESSENTIAL FOR THESE SCHOOLS IN ORDER TO PROVIDE
6 AN OPPORTUNITY FOR A MINIMALLY ADEQUATE EDUCATION INVOLVES
7 MORE THAN EXPOSURE TO EMPLOYMENT, IT IS -- AND MORE THAN
8 JOB SHADOWING YOU ARE TALKING ABOUT AN APPRENTICESHIP OR
9 AN INTERNSHIP THAT IS SUSTAINED AND ONGOING OVER A PERIOD
10 OF YEARS, CORRECT?

11 A THAT'S CORRECT THE SAME STUDY OF GOVERNOR'S
12 COMMISSION, CHAMBER OF COMMERCE IN FACT SUGGESTED
13 SOMETHING LIKE THAT SO STUDENTS WOULD GET A REAL HANDS-ON
14 VIEW OF WHAT REAL WORK IS LIKE, WHAT IT TAKES TO PREPARE
15 FOR THAT IN HIGH SCHOOL, WHAT GOOD WORK HABITS AND
16 PERSISTENCE ARE LIKE, IS LIKE

17 AND THIS IS PARTICULARLY IMPORTANT IN THE PLAINTIFF
18 DISTRICTS BECAUSE THEY -- THERE ARE SO MANY -- THAT
19 HIGH -- SUCH HIGH UNEMPLOYMENT IN THESE AREAS AND ALSO
20 SUCH LOW EDUCATION LEVEL OF THE PARENTS SO THAT IF THESE
21 CHILDREN ARE GOING TO BE MOTIVATED TO TAKE THE COURSES TO
22 PASS THE PACT TEST, THE -- PASS THE EXIT EXAM, THEY NEED
23 TO SEE SOME LIGHT AT THE END OF THE TUNNEL AND NOT JUST
24 SAYING PASS THE TEST, YOU NEED TO PASS THE TEST

25 FOR MANY OF US IN OUR FAMILIES WHO WERE RAISED WITH

1 INTERNSHIPS IN BUSINESSES OR EVEN PARTICIPATE IN THE YOUTH
2 ENTERPRISE BUSINESSES IN THE SCHOOL ITSELF, THAT WOULD
3 NEED TO BE A VOLUNTARY, BUT I WOULD THINK IF THE PROGRAMS
4 WERE OF HIGH QUALITY AND THE PARENTS WERE HEAVILY
5 INVOLVED, MOST STUDENTS WOULD REALLY LIKE TO BE LEARNING
6 THAT WAY RATHER THAN SITTING BEHIND A DESK FOR SIX OR
7 SEVEN HOURS A DAY

8 Q AND IN YOUR INVESTIGATION OF THE KIND OF PROGRAMS
9 THAT WERE AVAILABLE IN THE PLAINTIFF DISTRICTS, THERE WERE
10 IN FACT CAREER AND COLLEGE PROGRAMS IN EACH OF THESE
11 DISTRICTS, THEY JUST WEREN'T AT THE LEVEL YOU THOUGHT THEY
12 SHOULD BE, CORRECT?

13 A THEY WERE VERY, VERY LIMITED IN TERMS OF THE BREADTH
14 OF OFFER -- OFFERINGS, AND VERY FEW STUDENTS PARTICIPATED

15 Q ALL RIGHT SO NOW LET'S MOVE ON TO THE AFTER SCHOOL
16 PROGRAM IN YOUR VIEW THE AFTER SCHOOL PROGRAMS THAT ARE
17 IN PLACE IN THE PLAINTIFFS' DISTRICTS DO NOT MEET YOUR
18 STANDARD OF WHAT IS NECESSARY FOR AFTER SCHOOL PROGRAMS,
19 CORRECT?

20 A THAT'S CORRECT

21 Q AND WHAT YOU BELIEVE IS NECESSARY IS A FIVE DAY A
22 WEEK PROGRAM, CORRECT?

23 A CORRECT

24 Q FOR EVERY GRADE FROM AT LEAST FIRST GRADE THROUGH
25 12th GRADE DEPENDING UPON THE NEED OF THE CHILD,

1 CORRECT?

2 A YES

3 Q IT SHOULD LAST AT LEAST TWO AND A HALF TO THREE HOURS
4 EVERY DAY, THOSE FIVE DAYS AFTER SCHOOL, CORRECT?

5 A I WOULD SAY TWO TO TWO AND A HALF HOURS

6 Q TWO TO TWO AND A HALF OKAY AND IT SHOULD LAST THE
7 ENTIRE DURATION OF THE SCHOOL YEAR, THE 180 DAY SCHOOL
8 YEAR?

9 A YES

10 Q AND IN YOUR VIEW, ANY CHILD WHO IS SCORING BELOW
11 PROFICIENT ON THE PACT TEST SHOULD PARTICIPATE IN THE
12 AFTER SCHOOL PROGRAMS?

13 A YES

14 Q AND THE REST, IF THEY ARE ABOVE PROFICIENT, THEY CAN
15 BENEFIT FROM IT BUT YOU DON'T THINK THAT THEY OUGHT TO
16 HAVE TO GO?

17 A WELL, I -- I WOULDN'T NECESSARILY REQUIRE THE
18 STUDENTS BELOW PROFICIENT OR BELOW BASIC EITHER, THAT
19 MATTER, TO HAVE TO GO I WOULD TRY TO MAKE IT -- A
20 PROGRAM INTERESTING AND ENGAGING

21 AND THERE'S A GOOD DEAL OF BOTH RESEARCH AND BEST
22 PRACTICE AVAILABLE NOW FROM SUCCESSFUL PROGRAMS THAT CAN
23 INFORM SCHOOLS AND DISTRICTS HOW TO RUN AND OPERATE A
24 SUCCESSFUL AFTER SCHOOL PROGRAM WHERE STUDENTS WANT TO
25 ATTEND AND MAKE PROGRESS THAT PARENTS WANT THEIR CHILDREN

1 TERRIBLY INADEQUATE PERFORMANCE, THAT IT WOULD MAKE SENSE
2 TO MAKE SURE THAT PARENTS UNDERSTOOD HOW IMPORTANT IT
3 WOULD -- IT IS FOR THOSE STUDENTS TO READ AND WRITE AND DO
4 MATH WELL, AND BE MADE FULLY AWARE OF THE OPPORTUNITIES
5 AND AS I SAID -- VOLUNTARY APPROACH DIDN'T WORK, I WOULD
6 ADD ANOTHER FEATURE TO THAT AND -- AND ASK PARENTS TO COME
7 IN AND -- AND SIGN A STATEMENT THAT THEY UNDERSTAND THAT
8 THEIR CHILD'S BEHIND AND THAT THEY DON'T WANT THEIR CHILD
9 ENROLLED IN THE AFTER SCHOOL PROGRAM

10 Q AND I THINK YOU BELIEVE THAT THE AFTER SCHOOL PROGRAM
11 NEEDS FAIRLY LOW PUPIL TEACHER RATIOS, CORRECT?

12 A NEEDS TO -- YES, IT NEEDS TO BE -- WELL, IT DEPENDS
13 ON THE ACTIVITY CERTAIN ACTIVITIES -- STUDENTS HAVE BEEN
14 IN SCHOOL ALL DAY FOR SIX, SIX AND A HALF HOURS, AND THEY
15 AREN'T GOING TO LEARN MORE OR BETTER BY SIMPLY REPEATING
16 THE SAME THING IN A LOUDER VOICE AFTER SCHOOL

17 THAT -- THE DESIGN OF THE INSTRUCTION HAS TO BE
18 DIFFERENT, IT HAS TO BE MORE INTERESTING, ACTIVE,
19 ENGAGING, AND SO SOME OF THE ACTIVITIES MAY INCLUDE
20 FITNESS ACTIVITIES

21 AND YOU CAN EMBED LEARNING IN THAT FOR EXAMPLE, ONE
22 AFTER SCHOOL PROGRAM I VISITED RECENTLY, STUDENTS IN ALL
23 THE DIFFERENT AFTER SCHOOL ACTIVITIES WERE ASKED TO WRITE
24 AT THE END OF THE DAY ABOUT THAT ACTIVITY, WHETHER IT WAS
25 FITNESS, THEIR COMPUTER LAB, THEIR HOMEWORK ASSIGNMENT,

1 WHATEVER SO THERE'S WAY YOU CAN EMBED LEARNING RIGHT
2 WITHIN ALL THESE ACTIVITIES, BUT THE STAFFING WOULD DIFFER
3 BY THE TYPE OF ACTIVITY

4 SO FITNESS, FOR EXAMPLE, YOU WOULDN'T NEED -- PERHAPS
5 YOU NEED ONE PERSON FOR 20, 25 STUDENTS FOR THAT CLASS A
6 CLASS THAT INVOLVED TUTORING FOR STUDENTS WHO WERE WAY
7 BEHIND IN PARTICULAR SKILL AREAS, THAT MIGHT BE A TEACHER
8 AND MAYBE THREE OR FOUR VOLUNTEERS WITH EIGHT OR NINE
9 STUDENTS, SO THE ACTIVITIES WOULD INDICATE THE TYPE OF
10 STAFFING THAT WOULD BE NEEDED

11 Q AND YOU -- AND THIS AFTER SCHOOL PROGRAM YOU BELIEVE
12 SHOULD BE -- INVOLVE THE ARTS AND MUSIC AND COMMUNITY
13 SERVICE AND SPORTS AND OTHER ENRICHMENT ACTIVITIES THAT
14 WOULD OTHERWISE NOT BE AVAILABLE TO THESE CHILDREN,
15 CORRECT?

16 A IT SHOULD INVOLVE THOSE ACTIVITIES BECAUSE THE
17 SUCCESSFUL PROGRAMS THAT HAVE ACTUALLY -- AS A RESULT OF
18 THE PROGRAM, THE ACHIEVEMENT IN THE BASIC SKILLS, HAS
19 IMPROVED DURING THE SCHOOL DAY AND ATTENDANCE HAS IMPROVED
20 BECAUSE IT ENHANCES THE OVERALL LEARNING CLIMATE IN THE
21 SCHOOL AND FOR THE CHILDREN

22 CHILDREN THAT -- WHO HAVE BEEN SITTING, AS I SAID
23 BEFORE, BEHIND A DESK FOR SIX HOURS, TO THEN HAVE THEM SIT
24 TWO MORE HOURS BEHIND A DESK IS NOT GOING TO BE SUCCESSFUL
25 AND THEY WON'T ATTEND THEY LIKE TO BE INVOLVED

1 THE ARTS, MUSIC, TECHNOLOGY, COMMUNITY SERVICE ARE
2 WAYS IN WHICH YOU CAN BOTH TEACH THOSE PARTICULAR SKILLS
3 AND COMMUNITY SERVICE, BY THE WAY, IS A GREAT WAY TO DEAL
4 WITH THE PART OF THE ABBEVILLE DECISION LIKE -- RELATE TO
5 CITIZENSHIP AND UNDERSTANDING GOVERNMENT, BUT ALSO THROUGH
6 THOSE MEDIUMS THAT ARE MORE ACTIVE, STUDENTS CAN WRITE,
7 READ, MAKE PRESENTATIONS, USE MATHEMATICS

8 AND THOSE ARE ACTUALLY GOOD WAYS TO TEACH STUDENTS
9 AFTER SCHOOL THE BASIC SKILLS IS TO DO ACTIVITIES THAT
10 THEY ARE INTERESTED IN

11 Q AND YOU SHOULDN'T NECESSARILY USE THE SAME TEACHERS
12 THAT ARE IN THE SCHOOL, SO YOU NEED OTHER TEACHERS, RIGHT?

13 A YOU COULD USE SOME OF THEM YOU ALSO CAN USE PEOPLE
14 FROM THE COMMUNITY WHO HAVE PARTICULAR SKILLS AND
15 INTERESTS THE GOODS PROGRAMS TEND TO USE A MIXTURE OF
16 CERTIFIED TEACHERS, PARAPROFESSIONALS, COMMUNITY MEMBERS,
17 VOLUNTEERS, COMMUNITY ORGANIZATIONS

18 IT'S A -- IT'S A MIXTURE WITH OVERALL GOAL IN MIND
19 THAT EACH PERSON KNOWS THEIR ROLES AND RESPONSIBILITY AND
20 ARE NATURALLY SCREENED AND -- AND FOR SECURITY REASONS FOR
21 THE CHILDREN -- BUT IT'S A WELL THOUGHT OUT PROGRAM, IT'S
22 NOT A FRILL, IT'S NOT AN ADD-ON, IT'S A -- IT'S ANOTHER
23 LEARNING VENUE THAT'S WELL ORGANIZED AND WELL
24 ORCHESTRATED

25 Q WHICH REQUIRES THE COMMITMENT OF THE COMMUNITY AND

1 FUNDING TO PROVIDE CHILDREN AFTER SCHOOL LEARNING
2 OPPORTUNITIES

3 IT'S A -- AND SO THE QUALITY THEN SUFFERS BECAUSE YOU
4 ARE NOT SURE FROM YEAR TO YEAR IF YOU ARE GOING TO HAVE
5 THE MONEY, SO IT'S DIFFICULT TO HIRE A STAFF, TRAIN A
6 STAFF, HAVE THE ORGANIZED CURRICULUM, DEVELOP THE
7 PARTNERSHIPS THAT I DESCRIBED, SO THEY -- THEY DO HAVE
8 PROGRAMS OF A SHORTER DURATION IN TIME THAT I -- THAT IT'S
9 IMPORTANT FOR THEM TO HAVE, AND NOT ALL THE STUDENTS ARE
10 BEING SERVED AND THE FUNDING IS VERY TEMPORARY

11 Q WELL, NOT ALL STUDENTS BELOW PROFICIENT ARE BEING
12 SERVED, RIGHT? THAT WAS THE -- THAT WAS THE SURVEY THAT
13 YOU ASKED?

14 A THAT'S CORRECT

15 Q OKAY LET'S MOVE ON TO SUMMER SCHOOL JUST BRIEFLY,
16 DR PETERSON SUMMER SCHOOL IN YOUR VIEW SHOULD BE A FIVE
17 DAY A WEEK PROGRAM, RIGHT?

18 A YES

19 Q IT SHOULD LAST FIVE TO SIX HOURS A DAY, RIGHT?

20 A YES

21 Q DO YOU FEED THEM BREAKFAST AND LUNCH OR JUST LUNCH?

22 A THAT WOULD BE UP TO THE DISTRICT TYPICALLY JUST
23 LUNCH, BUT THEY COULD DO BREAKFAST THERE'S A -- A GREAT
24 CONCERNS IN SOME HIGH POVERTY COMMUNITIES UNFORTUNATELY
25 THAT CHILDREN IN THE SUMMERTIME -- AND THERE'S QUITE A BIT

1 OF EVIDENCE ON THIS -- THAT CHILDREN -- THEIR NUTRITIONAL
2 LEVEL ACTUALLY GOES DOWN IN THE SUMMER BECAUSE THEY DON'T
3 HAVE ACCESS TO THE TYPICAL SCHOOL BREAKFAST AND LUNCH
4 PROGRAM

5 BUT THEY -- THEY WOULD INCLUDE LUNCH FOR SURE AND
6 PERHAPS A SNACK DEPENDING ON HOW LONG THEY WENT IN THE
7 DAY, BUT THE OPTION WOULD BE AT THE -- IF THEY CAME EARLY,
8 CAN PROVIDE BREAKFAST, BUT THOSE FUNDS ARE IN FACT
9 PROVIDED BY THE FEDERAL LUNCH AND BREAKFAST PROGRAM

10 Q AND THE -- YOUR CONCEPT OF A -- OF A NECESSARY SUMMER
11 SCHOOL PROGRAM FOR THESE DISTRICTS WOULD INCLUDE SOME
12 ACADEMIC INSTRUCTION, SOME REMEDIAL WORK, CORRECT?

13 A CORRECT

14 Q AND HANDS-ON OPPORTUNITIES, FIELD TRIPS, EXPOSING
15 CHILDREN TO LEARNING, ENGAGING CHILDREN IN LEARNING AND
16 OTHERWISE MAKING AN INTERESTING EXPERIENCE FOR THE
17 CHILDREN FOR THAT FIVE DAY A WEEK FIVE TO SIX HOUR A DAY
18 PROGRAM, RIGHT?

19 A CORRECT

20 Q AND THE DURATION YOU BELIEVE -- I THINK YOU SAID SIX,
21 BUT IT WOULD BE BETTER TO BE SEVEN OR EIGHT WEEKS, RIGHT?

22 A THAT IS CORRECT, AND THAT'S BECAUSE AS WE HAVE SEEN
23 IN THE RESEARCH THAT LOW-INCOME STUDENTS LOSE BETWEEN 2
24 AND 3 YEARS OF LEARNING OVER THE SUMMER WHICH IS
25 EQUIVALENT TO TWO OR THREE MONTHS OF LEARNING OVER THE

1 SUMMER

2 THE TENDENCY IS TO TRY TO DO SOMETHING SHORT LIKE
3 THREE WEEKS, BUT THREE WEEKS IS NOT GOING TO ACCOUNT --
4 COUNTERACT THE TWO TO THREE MONTH LOSS SO THE PROGRAM
5 HAS TO BE OF -- OF SUFFICIENT DURATION TO MAKE A
6 DIFFERENCE

7 PLUS WE HAVE THE -- THE ADDED PROBLEM IN THE
8 PLAINTIFF DISTRICTS -- YOU RECALL THAT THE AVERAGE STUDENT
9 IN THE PLAINTIFF DISTRICTS MISSED -- MISSES ABOUT A WEEK
10 AND A HALF MORE OF SCHOOL THAN STUDENTS IN OTHER PARTS OF
11 THE STATE, SO THEY -- NOT ONLY DO THEY COME TO SCHOOL
12 BEHIND NOT HAVING EARLY CHILDHOOD EXPERIENCES, THEY LOSE
13 GROUND OVER THE SUMMER IF THEY -- YOU DON'T HAVE SUMMER
14 SCHOOL PROGRAM

15 AND THEY ATTEND LESS DAYS DURING THE SCHOOL YEAR
16 WHICH MAKES -- THAT PACKAGE ALTOGETHER MAKES IT TERRIBLY
17 IMPORTANT TO HAVE BOTH SUMMER SCHOOL OF A HIGH QUALITY AND
18 AFTER SCHOOL PROGRAMS IF THESE CHILDREN ARE GOING TO --
19 GOING TO HAVE AN ADEQUATE OPPORTUNITY TO ACQUIRE THE
20 SKILLS THEY NEED TO BE SUCCESSFUL IN LIFE AND TO MEET
21 REALLY THE -- WHAT THE ABBEVILLE DECISION LAYS OUT

22 Q AND THE CHILDREN WHO SHOULD ATTEND SUMMER SCHOOL --
23 AND WHAT WE ARE TALKING ABOUT RIGHT NOW IS THE -- I GUESS
24 KINDERGARTEN TO EIGHTH GRADE?

25 A I WOULD--

1 Q WE WILL TALK ABOUT THE HIGH SCHOOL IN A SECOND

2 A OKAY PROBABLY FIRST TO EIGHTH GRADE

3 Q FIRST THROUGH EIGHTH GRADE AND THEN ANYONE SCORING
4 BELOW PROFICIENT SHOULD ATTEND SUMMER SCHOOL?

5 A YES

6 Q AND THAT WOULD -- THE MANDATORY NATURE OF THAT WOULD
7 BE THE SAME AS YOU HAVE SUGGESTED IN THE AFTER SCHOOL
8 PROGRAM WHICH IS BASICALLY MAKE THE PARENTS SIGN SOMETHING
9 THAT SAYS THEY UNDERSTAND IT'S BEING OFFERED BUT THEY
10 DECLINE IT?

11 A THAT WOULD BE MY -- MY FIRST -- SO THIS WOULD BE A
12 LITTLE BIT DIFFERENT OBSERVING SOME DISTRICTS THAT HAVE
13 DONE THIS IN OTHER STATES, BUT FIRST ATTEMPT -- ATTEMPT TO
14 MAKE AN ONGOING PROGRAM, SO IT'S PREDICTABLE ONE OF THE
15 REASONS PARENTS DON'T NECESSARILY ENROLL THEIR CHILDREN IN
16 AFTER SCHOOL AND SUMMER PROGRAM IS SO TRANSITORY, YOU
17 CAN'T BE COUNTED ON, AND THEY NEED TO MAKE SURE THEIR
18 CHILDREN ARE TAKEN CARE OF

19 BUT IF IN FACT THE STATE PROVIDED A RELIABLE, STEADY
20 STREAM OF FUNDING FOR AFTER SCHOOL AND SUMMER SCHOOL AND
21 PARENTS COULD COUNT ON THEM AND THE PROGRAMS OF A HIGH
22 QUALITY THAT INVOLVE THE PARENTS, MOST PARENTS AND
23 STUDENTS WOULD IN FACT ENROLL

24 IN THE SUMMER PROGRAM, PARTICULARLY GIVEN THE NATURE
25 OF THE -- THE SUMMER LEARNING LOSS FOR LOW-INCOME

1 HOW -- AND IN THE PLAINTIFF DISTRICTS WE LOOK AT THE
2 GENERAL DATA SHEET, THAT TYPICALLY IN THE PLAINTIFF
3 DISTRICTS, NATIONAL CENTER FOR EDUCATIONAL STATISTICS'
4 DATA INDICATE THAT THE GRADUATION RATE OF -- RANGES FROM A
5 LOW OF ABOUT 30 -- LITTLE FAR TO READ I BELIEVE IT'S 33
6 OR 39 PERCENT, UP AROUND 56

7 SO YOU KIND OF AVERAGE THOSE OUT, MAY BE AROUND 45 OR
8 SO PERCENT GRADUATION RATE WHICH IS -- MAY BE EVEN 50 --
9 LET'S SAY THE MINIMUM IS NOW, WHICH WOULD BE CLOSE TO THE
10 STATE AVERAGE, THIS IS DRAMATICALLY BELOW WHERE THE STATE
11 NEEDS TO BE AND IS -- IS, IF YOU RECALL, FROM 1990 TO THE
12 NEAR FUTURE, THE DROPOUT RATE IN THE STATE OR THE
13 GRADUATION RATE IS DECREASED SUBSTANTIALLY ONE -- BY ONE
14 COUNT I BELIEVE IT'S 8 PERCENT, ANOTHER ONE 15 PERCENT

15 AND YET IN THE REAL WORLD OF WORK, IN THE REAL WORLD
16 OF GOING ON A POST SECONDARY EDUCATION, THE HIGH SCHOOL
17 DIPLOMA HAS BECOME REALLY A PASSPORT TO GET INTO THE 21ST
18 CENTURY ECONOMY

19 AND PART OF THE -- TWO PARTS OF THE PROBLEM IS THAT
20 WE HAVE STUDENTS ENTERING NINTH GRADE UNPREPARED TO HANDLE
21 NINTH GRADE WORK, SO WE HAVE A VERY LARGE BULGE OF NINTH
22 GRADERS IN OUR HIGH SCHOOL BECAUSE THEY HAVE -- THEY
23 AREN'T ADEQUATELY PREPARED

24 AND ONE WAY TO HELP THEM GET PREPARED TO MOVE ON IS
25 TO PROVIDE THEM WITH THE OPPORTUNITY BETWEEN THE EIGHTH

1 FOR LIFE THAT'S VERY VERY IMPORTANT TO READ WELL COMING
2 OUT OF THE THIRD GRADE

3 BUT THERE IS NOW GROWING EVIDENCE IN THE EIGHTH AND
4 NINTH GRADE AND TENTH GRADE THAT THE CONTENT BECOMES MORE
5 RIGOROUS AT THAT POINT AND STUDENTS DO NOT HAVE THE
6 COMPREHENSION AND READING SKILLS THEY NEED TO HANDLE THE
7 CONTENT AND COURSES

8 SO HERE AGAIN, THE SUMMER PROGRAMS AND AFTER SCHOOL
9 PROGRAM FOR HIGH SCHOOL STUDENTS COULD HELP THEM DEVELOP
10 THESE ADOLESCENT LITERACY SKILLS, SO THAT WOULD BE A
11 DESCRIPTION OF ACTIVITIES FOR SUMMER SCHOOL

12 Q WELL, WHAT KIND OF COURSES DO YOU ENVISION BEING
13 TAUGHT IN THIS SUMMER SCHOOL, ALL THE COURSES THAT ARE
14 TAUGHT DURING THE REGULAR SCHOOL?

15 A NO, YOU WOULD -- YOU WOULD FOR SURE TRY TO OFFER THE
16 COURSES THAT ARE -- ARE REQUIRED

17 Q FOR EACH GRADE YEAR?

18 A AT LEAST CORE ONES LIKE ENGLISH AND MATH SO THEY HAVE
19 A CHANCE AND ALSO, MANY OF THE CREDIT RECOVERY
20 COURSES -- THERE ARE A VARIETY OF COMPUTER COMPANIES THAT
21 OFFER THOSE AND COMPUTERIZED PACKAGE OBVIOUSLY YOU CAN'T
22 JUST HAVE A COMPUTER IN A PACKAGE, YOU NEED SOMEONE IN
23 THOSE COMPUTER LABS WORKING WITH THE STUDENTS, ENCOURAGING
24 THEM AND ANSWERING THEIR QUESTIONS

25 ALSO THE SUMMER SCHOOL TIME WOULD BE A GOOD TIME TO

1 WEAVE IN SOME OF THE YOUTH APPRENTICESHIP WORK OR
2 CONNECTIONS WITH COLLEGES, UNIVERSITIES IN FACT, MOST OF
3 THE SUCCESSFUL COLLEGE ACCESS PROGRAMS OR POST SECONDARY
4 ACCESS PROGRAMS THAT ARE BEING RUN IN THE COUNTRY SUCH AS
5 GEARUP, THE FEDERAL PROGRAM, AND A NUMBER OF FOUNDATIONS,
6 SOME UNIVERSITY SYSTEMS OFFER THEM, HAVE IN FACT FOR
7 SUMMER PROGRAM INCLUDES ACTIVITIES TO VISIT CAMPUSES,
8 TO -- TO MAYBE DO SOME WORK WITH A PROFESSOR FOR A DAY OR
9 TWO ON CAMPUS

10 SO SUMMER IS REALLY A GOOD TIME FOR HIGH SCHOOL
11 STUDENTS TO GET BACK ON TRACK TO FINISH HIGH SCHOOL AND
12 ALSO GIVE WAY FOR THEM TO EX -- DO SOME OF THEIR CAREER
13 EXPLORATION THAT WE TALKED ABOUT AND COLLEGE EXPLORATION

14 Q SO THIS SUMMER SCHOOL PROGRAM SHOULD BE ACADEMIC AND
15 CAREER AND COLLEGE EXPLORATION AND OTHER ENRICHMENT
16 PROGRAMS AVAILABLE FOR THESE HIGH SCHOOL STUDENTS IN THESE
17 DISTRICTS?

18 A YES, AND THAT'S BECAUSE RIGHT NOW WE ARE -- WE ARE
19 FAILING MISERABLY IN OUR HIGH SCHOOL STUDENTS IF WE KNOW
20 THAT -- KIND OF BREAK DOWN THE -- THE GOVERNOR'S COMMITTEE
21 AND CHAMBER OF COMMERCE STUDY INTO TWO PARTS, MIGHT -- YOU
22 MIGHT HELP EXPLAIN WHY THIS WOULD BE IMPORTANT

23 YOU MIGHT RECALL THAT I MENTIONED A NUMBER OF TIMES
24 THAT ABOUT 85 PERCENT OF THE FUTURE JOB NEEDS IN THE STATE
25 BY 2010 NEED A HIGH SCHOOL DIPLOMA PLUS SOME POST

1 THEIR OWN STUDY IS JUST A BARE MINIMUM

2 Q THE CONCEPT OF PICKING UP CREDIT OR CREDIT RECOVERY
3 AND TAKING OTHER ACADEMIC COURSES WOULD SEEM TO OBVIOUSLY
4 REQUIRE CERTIFIED TEACHERS IN THE SUMMER SCHOOLS, CORRECT?

5 A IT WOULD

6 Q AND SO IN ESSENCE WHAT YOU ENVISION IS MAY -- MAYBE
7 NOT THE ENTIRE CURRICULUM IN HIGH SCHOOL BEING OFFERED IN
8 THE SUMMER, BUT LARGE CHUNKS OF IT, RIGHT?

9 A I WOULD SAY PROBABLY MAYBE HALF OF IT

10 Q OKAY NOW, WITHOUT THE PRESENCE OF THE AFTER SCHOOL
11 PROGRAMS WITH CHARACTERISTICS THAT YOU DESCRIBED AND THE
12 SUMMER SCHOOL PROGRAMS WITH CHARACTERISTICS YOU HAVE
13 DESCRIBED IN EACH AND EVERY PLAINTIFF SCHOOL DISTRICT --
14 AND IT'S YOUR TESTIMONY THAT -- THAT NO OPPORTUNITY FOR A
15 MINIMALLY ADEQUATE EDUCATION EXISTS IN ANY OF THE
16 PLAINTIFF DISTRICTS UNLESS THEY HAVE THESE PROGRAMS THAT
17 YOU HAVE DESCRIBED?

18 A THAT'S ONE OF THE COMPONENTS AND THAT WOULD BE WHAT
19 WOULD BE THE IDEAL OR -- AND NEEDED IF WE'RE REALLY GOING
20 TO CHANGE THE HIGH SCHOOL GRADUATION AND COMPLETION RATE

21 Q DR PETERSON, WE HAVE TALKED FOR THE LAST DAY, DAY OR
22 SO AND EARLIER WITH -- IN YOUR CONVERSATIONS WITH MR
23 MORRISON ABOUT HOME VISITS, MANDATORY THREE AND 4K
24 PROGRAMS, PARENT OUTREACH AND LITERACY PROGRAMS, READING
25 SPECIALISTS OR TEACHERS WITH ADVANCED STUDY IN TEACHING OF

1 READING, INCREASED MIDDLE SCHOOL RIGOR, INCREASED HIGH
2 SCHOOL RIGOR, SUBSTANTIAL AND SIGNIFICANT AND ONGOING
3 COLLEGE AND CAREER EXPLORATION PROGRAMS FROM THE SEVENTH
4 GRADE ON, INTENSIVE ARTS TRAINING, INTENSIVE AFTER SCHOOL
5 TRAINING THE -- OR AFTER SCHOOL PROGRAMS AND SUMMER SCHOOL
6 PROGRAMS

7 DO YOU KNOW OF A SINGLE DISTRICT IN THE COUNTRY THAT
8 HAS EACH AND EVERY ONE OF THESE PROGRAMS THAT YOU THINK
9 ARE ESSENTIAL IN PLACE?

10 A I HAVEN'T LOOKED FOR THEM, BUT THAT WOULDN'T MEAN
11 THAT WE SHOULDN'T DO THAT HERE THESE DISTRICTS MORE THAN
12 ANY NEED THESE OPPORTUNITIES WE DO HAVE EVIDENCE THAT --
13 THAT EACH ONE OF THESE MAKES A DIFFERENCE FOR LOW-INCOME
14 CHILDREN AND PARTICULARLY LOW-INCOME CHILDREN IN HIGH
15 POVERTY SITUATIONS AND IN HIGH CONCENTRATIONS OF POVERTY

16 SO WHAT -- THE RESULTS NOW ARE DISMAL THEY ARE --
17 THEY -- THEY -- THEY ARE NOT SATISFACTORY WHEN YOU HAVE
18 50 PERCENT OF THE STUDENTS BELOW BASIC AND THE
19 LEGISLATURE IN ITS OWN DEFINITION SAID THAT IS TERRIBLY
20 INADEQUATE

21 90 PERCENT BELOW PROFICIENT PROBABLY LOWER THAN A
22 50 PERCENT GRADUATION RATE, LOWER THAN A -- A ROUGHLY
23 25 PERCENT RATE OF STUDENTS BOTH FINISHING HIGH SCHOOL AND
24 GOING ON TO POST SECONDARY EDUCATION, THOSE RESULTS DON'T
25 MATCH AT ALL WHAT IS NEEDED IN TODAY'S ECONOMY AND TODAY'S

1 SOCIETY AND TO BE A PRODUCTIVE MEMBER OF A FAMILY

2 SO THE FACT THAT I HAVEN'T LOOKED FOR AND DON'T KNOW
3 OF A SCHOOL OR DISTRICT THAT'S DOING ALL OF THESE, THERE
4 ARE EXAMPLES OF PLACES DOING EACH OF THEM AND EVIDENCE
5 THAT EACH OF THEM MAKES A DIFFERENCE AND SO WE -- WE DO
6 KNOW WHAT TO DO AND WE DO NEED WHAT IS NEEDED, IT JUST
7 TAKES THE WILL TO MAKE IT HAPPEN

8 Q BUT IT'S YOUR TESTIMONY THAT UNLESS ALL OF THEM ARE
9 PRESENT, THERE IS NO OPPORTUNITY FOR A MINIMALLY ADEQUATE
10 EDUCATION?

11 A IDEALLY YOU LIKE ALL OF THEM THEY ALL HAVE VALUE
12 AND EACH ONE ADDS VALUE MORE TO THE ONE THAT PRECEDES IT
13 FOR EXAMPLE, IF A STUDENT COMES IN AND HAS A THREE AND
14 FOUR YEAR OLD EARLY CHILDHOOD BACKGROUND, THEY ARE GOING
15 TO COME IN WITH MORE VERBAL SKILLS AND READINESS SKILLS
16 AND SOCIAL SKILLS WHEN THEY HIT THE KINDERGARTEN THROUGH
17 THIRD GRADE, SO THEIR READING SPECIALISTS CAN MOVE THEM
18 ALONG FASTER

19 IF THEY HAVE A SUMMER PROGRAM AND AFTER SCHOOL
20 PROGRAM AND HAVE HAD THE PRESCHOOL EXPERIENCE AND READING
21 SPECIALISTS, THEY CAN GO EVEN FURTHER IN THE AFTER SCHOOL
22 AND SUMMER PROGRAM, THEN THAT MEANS WHEN THEY GET TO
23 MIDDLE SCHOOL, THE COURSES THAT WE ARE LOOKING AT AND THE
24 TYPE OF EXPERIENCE THEY NEED, MIDDLE SCHOOL IS MUCH EASIER
25 TO HAPPEN AND OCCUR BECAUSE A FOUNDATION HAS BEEN LAID

1 AND COUPLING ALL THAT TOGETHER MEANS WHEN STUDENTS
2 GET TO HIGH SCHOOL, INSTEAD OF HAVING A HUGE BULGE AT THE
3 NINTH GRADE, STUDENTS WOULD BE PROGRESSING, THEY WOULD
4 HAVE SOME REASON TO STAY IN SCHOOL, STUDY HARD, TAKE THESE
5 COURSES, THINK ABOUT THEIR FUTURE, GET ON A PATHWAY TO
6 FINISH HIGH SCHOOL, GET ON A PATHWAY THAT MIGHT GET THEM
7 SOME ADDITIONAL CAREER TRAINING OR EDUCATION BEYOND HIGH
8 SCHOOL SO THEY WOULD GRADUATE

9 AND THE ARTS BECOME AN INTEGRAL PART OF A LOT OF
10 THIS SO THEY -- THEY EACH ADD VALUE IN THIS CASE
11 THE -- THE -- THE TOTAL IS MUCH GREATER THAN THE SUM OF
12 THE PARTS, NOT -- OBVIOUSLY ONE COULD BE LEFT OUT, BUT
13 THAT'S GOING TO DIMINISH THE IMPACT AND THE MORE YOU
14 LEAVE OUT, THE MORE WE ARE GOING TO END UP WHERE WE
15 STARTED WHICH IS FAR -- IN THESE DISTRICTS -- FAR BEHIND
16 WHERE THEY SHOULD BE

17 Q YOU DONE?

18 A YES

19 Q OKAY DR PETERSON, I WANT TO SHOW YOU SOME CHARTS
20 NOW THAT WE HAVE PREPARED THAT -- THAT ILLUSTRATE SOME OF
21 THE INFORMATION THAT YOU HAVE BEEN REFERENCING AND I'M
22 GOING TO ASK TO PULL UP DEFENDANTS' EXHIBIT 3254B R AND
23 I WILL TELL YOU THIS CAME FROM THE RANKINGS DATA AND I
24 THINK YOU WILL RECOGNIZE THIS INFORMATION BECAUSE YOU
25 CERTAINLY RELIED ON IT, BUT I THOUGHT IT WOULD BE HELPFUL

1 HERE THE POOL IS MUCH SMALLER THAN THE STATE AVERAGE,
2 BUT GIVEN THE SMALLER POOL THAT -- THAT'S WHAT YOU FIND

3 Q BUT IF WE CAN KEEP THEM IN SCHOOL, THEN 50,
4 69 PERCENT OF THEM GO ON TO POST SECONDARY EDUCATION OF
5 SOME SORT, CORRECT?

6 A IF -- RIGHT, BUT WE LOST 60 PERCENT OF THEM BEFORE,
7 SO THE -- WHAT -- YOU ARE CORRECT IN FACT, THAT'S WHY
8 I -- I MENTIONED THE WAY TO LOOK AT THE -- THE DATA FROM
9 THE STATE CHAMBER OF COMMERCE AND GOVERNOR'S STUDY FOR THE
10 YEAR 2010 IS TO THINK OF -- THEY STATE THAT 85 PERCENT OF
11 THE JOBS IN THE FUTURE WILL NEED A HIGH SCHOOL DIPLOMA
12 PLUS SOME POST SECONDARY EDUCATION, SO THEY NEED BOTH
13 THIS IS JUST -- THIS IS JUST ONE

14 BUT ONE WAY TO LOOK AT THEIR DATA IS TO DIVIDE THE
15 TWO PIECES TO GET TO THE 80, 81 PERCENT I MENTIONED SO
16 TO GET TO THE 81 PERCENT OF STUDENTS FINISHING HIGH SCHOOL
17 AND POST -- AND GOING ON TO POST SECONDARY EDUCATION, YOU
18 NEED ABOUT A 90 PERCENT GRADUATION RATE AND YOU NEED ABOUT
19 A 90 PERCENT GOING ON TO POST SECONDARY EDUCATION

20 SO HERE THE 55 AND 14, 69 PERCENT WOULD BE NEEDED TO
21 BE COMPARED TO THE 90 PERCENT, BUT KEEPING IN MIND THAT WE
22 LOST 50 PERCENT OF THE STUDENTS IN THE POOL BEFORE WE GOT
23 TO THIS STAGE

24 Q YES, SIR AND -- I'M SORRY

25 A SO IF THEY WERE IN FACT TAKE A NUMBER OF THE

1 STRATEGIES, I RECOMMEND ALL THE STRATEGIES I HAVE LAID OUT
2 HERE, THEY WOULD VERY LIKELY INCREASE THEIR HIGH SCHOOL
3 GRADUATION RATE, AND THEN IF THEY COULD KEEP THEIR POST
4 SECONDARY OR EFFORT HERE AND ADD TO IT, THEN THEY WOULD BE
5 ON THE TRACK TO MEET THE GOALS OF THE STATE CHAMBER OF
6 COMMERCE BY 2010

7 Q KIDS DROP OUT OF HIGH SCHOOL FOR A LOT OF REASONS,
8 DON'T THEY, DR PETERSON?

9 A YES

10 Q NOT ALL OF THEM ARE EDUCATION RELATED?

11 A NOT ALL OF THEM ARE, BUT MANY OF THEM ARE

12 Q ALL RIGHT LET'S MOVE ON TO DILLON, DEFENDANTS'
13 EXHIBIT 3554B T (SIC) SO WE CAN LOOK AT THIS ONE IN
14 DILLON WE HAVE 40 PERCENT GOING ON TO JUNIOR AND SENIOR
15 COLLEGE, 2 PERCENT OF THEM SECONDARY AND 58 PERCENT IN
16 EMPLOYMENT AND OTHER ACTIVITIES CORRECT?

17 A THAT'S CORRECT

18 Q AND FLORENCE FOUR WHICH IS EXHIBIT 3254B U WE HAVE
19 36 PERCENT GOING ON TO JUNIOR AND SENIOR COLLEGES AND
20 15 PERCENT IN FLORENCE FOUR GOING ON TO OTHER POST
21 SECONDARY SCHOOLS FOR A TOTAL OF 51 PERCENT OF THE HIGH
22 SCHOOL COMPLETERS GOING ON TO SOME SORT OF POST SECONDARY
23 EDUCATION, CORRECT?

24 A THIS IS ANOTHER DISTRICT WHERE THIS GETS DISTORTED
25 BECAUSE OF THEIR VERY LOW GRADUATION RATE FOR FLORENCE

1 CORRECT?

2 A NO

3 Q ALL RIGHT I WANT TO MAKE SURE BECAUSE WHEN I READ
4 THIS, DR PETERSON, QUITE FRANKLY I COULDN'T FIGURE OUT
5 WHAT THE HUNDRED PERCENT WAS TRYING TO COMMUNICATE

6 A THAT WAS TO SHOW THAT THE -- THE WHOLE -- THE WHOLE
7 PIE IS 39 59 MILLION AND THE PLAINTIFF DISTRICTS, A PIECE
8 COMPARABLE TO THAT WHOLE PIE IS 19 51 PERCENT OR FOR THE
9 AVERAGE AND GOOD, AVERAGE OF THE GOOD AND EXCELLENT
10 DISTRICTS SPENDS 5 13 TIMES MORE THE AVERAGE PLAINTIFF
11 DISTRICTS ON INSTRUCTIONAL TEACHERS

12 Q ALL RIGHT AND THAT -- THAT WOULD BE THE SAME
13 EXPLANATION FOR ALL OF THE CHARTS, BOTH IN 2001 AND 2002,
14 THAT HAVE BEEN PUT INTO THE RECORD, THAT HUNDRED PERCENT
15 IS NOT SEEKING TO IMPLY THAT SOMEHOW THE PLAINTIFFS' MONEY
16 IS COMING OUT OF THE GOOD AND EXCELLENT MONEY?

17 A NO

18 Q IT'S A COMPARISON?

19 A COMPARISON

20 Q OKAY NOW, I WANT TO MOVE ON AND TALK TO YOU A
21 LITTLE BIT ABOUT MONEY LET'S TALK A MINUTE ABOUT FEDERAL
22 MONEY WHEN YOU WERE AT THE STATE, THE U S DEPARTMENT OF
23 EDUCATION, WHILE WE HAVE TALKED TODAY ABOUT OR YESTERDAY
24 THAT HEAD START AND EVEN START AND ALL OF THAT WERE NOT
25 PART OF THE DEPARTMENT OF EDUCATION, TITLE ONE IS PART OF

1 THE DEPARTMENT OF EDUCATION, RIGHT?

2 A THAT'S PART OF THE -- EVEN START IS ALSO PART OF THE
3 DEPARTMENT OF EDUCATION EVEN START IS PART OF THE
4 DEPARTMENT OF EDUCATION

5 Q HEAD START IS NOT?

6 A HEAD START IS NOT

7 Q OKAY YOU TESTIFIED THAT THE TITLE ONE MONEY NEEDED
8 TO SUPPLEMENT AND NOT SUPPLANT STATE FUNDS, RIGHT?

9 A STATE AND LOCAL

10 Q STATE AND LOCAL FUNDS HOW DO YOU DEFINE SUPPLANT?

11 A SUPPLANT WOULD BE IF A PROGRAM WAS OFFERED AND THEN
12 YOU -- WHEN THE FEDERAL MONEY CAME IN, YOU PULLED THE
13 LOCAL OR STATE MONEY OUT

14 Q OKAY AND SO WHAT YOU CAN'T DO IS SAY HAVE A FOUR
15 YEAR OLD KINDERGARTEN PROGRAM AND GET FEDERAL MONEY AND
16 THEN SAY, OH GOOD, WE DON'T HAVE TO FUND FOUR YEAR OLD
17 KINDERGARTEN ANY MORE?

18 A THAT'S CORRECT

19 Q AND THE STATE STARTS PAYING LESS?

20 A THAT'S CORRECT

21 Q ALL RIGHT WHAT KIND OF PROGRAMS CAN TITLE ONE FUNDS
22 BE USED FOR? AND I DON'T MEAN THE GRANT MONEY I MEAN
23 THE UNRESTRICT -- THE QUASI UNRESTRICTED TITLE ONE MONEY

24 A FOR EXAMPLE, IN A -- LET'S SAY A CHILDREN IN THE HIGH
25 POVERTY SCHOOLS MIGHT NEED A PARAPROFESSIONAL HELP IN A --

1 IN A READING CLASSROOM, THAT WOULD BE -- THAT WOULDN'T BE
2 UNUSUAL TO -- IN A -- AND THAT THE STATE WASN'T PROVIDING
3 A LOCALITY PARAPROFESSIONALS IN LET'S SAY THE THIRD GRADE
4 READING CLASSROOM, THEN TITLE ONE CAN PAY FOR THE
5 PARAPROFESSIONAL

6 Q IF WE CAN BACK UP A MINUTE SO THAT I CAN UNDERSTAND
7 THE DISTINCTION TITLE ONE MONEY WORKS DIFFERENTLY IN A
8 SCHOOL THAT HAS LOW PERCENTAGES OF LOW-INCOME CHILDREN,
9 RIGHT?

10 A RIGHT THEN THAT'S EVEN MORE RESTRICTIVE IN HOW YOU
11 USE IT

12 Q TITLE ONE MONEY GETS DISTRIBUTED TO EVERY SCHOOL THAT
13 HAS FREE AND REDUCED LUNCH CHILDREN, CORRECT?

14 A NO, NOT NECESSARILY

15 Q OKAY WHAT IS THE PERCENTAGE THAT TRIGGERS--

16 A IT'S -- IT'S -- THERE ISN'T A PERCENTAGE IT'S
17 THE -- IT'S WITHIN A DISTRICT, THE HIGHEST POVERTY SCHOOLS
18 GET RANKED AND THOSE WITH THE HIGHEST POVERTY GET SERVED
19 GIVEN THE AMOUNT OF MONEY THAT'S ALLOCATED

20 Q WHO MAKES THAT DECISION?

21 A A COMBINATION OF LOCAL DISTRICT AND THE STATE TITLE
22 ONE COORDINATOR

23 Q OKAY AND SO -- BUT IN A PLACE LIKE FOR EXAMPLE
24 DILLON, LET'S JUST USE DILLON FOR NO PARTICULAR REASON
25 IF THEY ARE A HIGH POVERTY DISTRICT, ARE THE FUNDS

1 DISTRIBUTED PER CAPITA TO THOSE SCHOOLS BASED ON THE
2 POPULATION OF THE FREE AND REDUCED LUNCH CHILDREN OR IN
3 SOME OTHER WAY?

4 A THE SCHOOLS WOULD HAVE TO BE RANKED AND THEN -- IT'S
5 A COMPLICATED FORMULA I DON'T REMEMBER THE DETAILS BUT
6 IT'S BASICALLY THE HIGHEST POVERTY SCHOOLS GET THE MOST
7 MONEY AND THE LOWEST POVERTY SCHOOLS -- UNLESS THEY ARE
8 VERY CLOSE IN PERCENTAGE, THE LOWEST POVERTY SCHOOLS DON'T
9 GET ANY TITLE ONE MONEY

10 Q OKAY AND IN THE CIRCUMSTANCE OF LOWER PROPORTIONS
11 OF FREE AND REDUCED LUNCH CHILDREN, WHAT KIND OF
12 LIMITATIONS ARE PLACED ON THE USE OF TITLE ONE MONEY AND
13 WHEN DOES THAT LIMITATION LIFT, IF YOU WILL?

14 A AT 50 PERCENT THEN WHEN YOU GET TO A -- A -- A
15 LOW -- LOWER HIGH POVERTY SCHOOL IS WHAT WE ARE TALKING
16 ABOUT BECAUSE THE LOW POVERTY SCHOOLS BASICALLY WON'T GET
17 ANY TITLE ONE MONEY

18 Q WELL, SUPPOSE YOU HAVE A SCHOOL THAT HAS 49 PERCENT
19 FREE AND REDUCED LUNCH CHILDREN IN ITS POPULATION AND --
20 AND BECAUSE OF THE CHARACTERISTICS OF THE DISTRICT OR
21 WHATEVER IT DOES RECEIVE TITLE ONE MONEY

22 A RIGHT

23 Q WHAT LIMITATIONS ARE PLACED ON THE USE OF TITLE ONE
24 MONEY IN THAT CIRCUMSTANCE?

25 A IT -- IT'S MORE RESTRICTIVE IN TERMS OF SUPPLANTING

1 SUPPLEMENTAL, THAT THEN THE SERVICES ARE RESTRICTED ONLY
2 TO THE TITLE ONE CHILDREN SO IT'S -- IT'S THOSE THAT
3 NEED EXTRA HELP LET'S SAY YOU HAVE -- SO IT'S NOT IN
4 WHAT'S CALLED WHOLE SCHOOL TITLE ONE IT'S NOT WHOLE
5 SCHOOL

6 Q CAN I TRY AN EXAMPLE? FOR EXAMPLE, READING RECOVERY
7 DO YOU HAVE -- YOU CAN USE THE TITLE ONE MONEY TO HIRE A
8 READING RECOVERY TEACHER WHO THEN GOES AND PULLS CHILDREN,
9 THE LOW-INCOME CHILDREN, OUT TO HELP THEM INDIVIDUALLY BUT
10 NOT THE WHOLE SCHOOL AS A -- AT LARGE? WOULD THAT BE AN
11 EXAMPLE OF THAT?

12 A THAT COULD BE AN EXAMPLE, YES

13 Q ARE THERE OTHER KINDS OF EXAMPLES LIKE THAT?

14 A THAT WOULD BE -- THAT'S TYPICALLY THE PULLOUT MODEL
15 IS WHAT'S USED IN A SCHOOL THAT DOESN'T HAVE THE WHOLE
16 SCHOOL OR 50 PERCENT DESIGNATION

17 Q IS THERE ANY WAY THAT IN A LESS THAN 50 PERCENT
18 DESIGNATION THE FEDERAL FUNDS CAN BENEFIT THE REST OF THE
19 POPULATION?

20 A YOU COULD PERHAPS IF YOU WERE DOING LET'S SAY A -- A
21 PARTICULAR TEACHER TRAINING ON A TOPIC THAT THE TITLE ONE
22 STUDENTS NEEDED LET'S SAY THAT THEY WERE PARTICULARLY
23 WEAK IN MATH FRACTIONS, SO YOU HAD A WORKSHOP FOR THE --
24 THE TEACHER THAT MIGHT BE WORKING WITH PULLING KIDS OUT
25 AND WORKING WITH THEM ON MATH FRACTIONS

1 AND IF THERE IS ROOM IN THE WORKSHOP FOR OTHER
2 TEACHERS, OTHER TEACHERS COULD PARTICIPATE IN THE
3 WORKSHOP

4 Q OKAY YOU USE THE WORD HOME SCHOOL MODEL, I GUESS
5 I'M NOT SURE MODEL WAS THE WORD YOU USED, BUT IN THE WHOLE
6 SCHOOL FORMAT WHICH WOULD BE IN A SCHOOL THAT HAD MORE
7 THAN 50 PERCENT FREE AND REDUCED LUNCH CHILDREN?

8 A YES, AND ELIGIBLE THERE'S SCHOOLS THAT ARE -- GIVEN
9 THE TITLE ONE IS NOT FULLY FUNDED -- I THINK IT'S -- I
10 CAN'T REMEMBER THE PERCENTAGE ANY MORE, BUT IF YOU COULD
11 HAVE SCHOOLS THAT HAVE 50 PERCENT POVERTY AND STILL NOT BE
12 ELIGIBLE FOR TITLE ONE IF YOU HAD -- IF YOU HAD LET'S SAY
13 A -- A NUMBER OF SCHOOLS THAT ARE IN THE 80 OR 90 POVERTY
14 RANGE

15 Q EIGHTY OR 90?

16 A LET'S SAY YOU HAD TEN SCHOOLS IN A DISTRICT AND FIVE
17 OF THEM HAD -- FIVE OF THE SCHOOLS HAD 80 OR 90 PERCENT OF
18 THE CHILDREN IN POVERTY, STILL POSSIBLE THE SCHOOL WITH
19 FIFTY PERCENT OF CHILDREN IN POVERTY MIGHT NOT GET TITLE
20 ONE MONEY TO GO FAR ENOUGH

21 YOU RANK THEM FROM THE HIGHEST POVERTY DOWN TO LOWEST
22 IN YOUR DISTRICT OF -- IT'S NOT ALWAYS FAIR THAT WAY, BUT
23 THAT'S THE FORMULA

24 Q ALL RIGHT SO -- BUT WHEN YOU GET -- WELL, LET'S USE
25 A DIFFERENT MODEL BUT LET'S -- LET'S ASSUME THEN THAT

1 THE SCHOOL HAS SUFFICIENT FREE AND REDUCED LUNCH
2 POPULATION THAT IT DOES RECEIVE TITLE ONE MONEY, OKAY?

3 A UH-HUH

4 Q AND IT THEN BECOMES A WHOLE SCHOOL PLAN AS OPPOSED TO
5 THIS LIMITED ONE THAT WE JUST TALKED ABOUT?

6 A THEY CAN OPT TO DO THAT MOST PLACES DO

7 Q AND HOW DOES THAT WORK?

8 A WELL THEN LET'S USE YOUR -- LET'S SAY THE MATH
9 TEACHERS -- A LARGE, HIGH PERCENTAGE OF STUDENTS IN
10 POVERTY AND A -- THE ANALYSIS OF THE MATH CURRICULUM IS
11 SUCH THAT STUDENTS IN THE THIRD GRADE ARE HAVING -- OR
12 FOURTH GRADE ARE HAVING GREAT TROUBLE WITH FRACTIONS

13 YOU WOULDN'T HAVE TO WORRY ABOUT IN THAT CASE IF YOU
14 BROUGHT IN A -- FOLKS TO WORK WITH TEACHERS TO SHOW THEM
15 HOW TO TEACH FRACTIONS AND COACH THEM THROUGH, THROUGHOUT
16 THE YEAR, YOU WOULDN'T HAVE TO WORRY ABOUT DO -- DOES
17 EVERY TEACHER TEACH TITLE ONE STUDENTS OR NOT THEY COULD
18 JUST WORK WITH ALL THE TEACHERS IN THAT SCHOOL TO HELP
19 THEM LEARN TO TEACH FRACTIONS BETTER

20 Q ALL RIGHT WHAT OTHER KINDS OF PROGRAMS CAN TITLE
21 ONE MONEY BE USED FOR? WE MENTIONED THE PARAPROFESSIONAL
22 HELP

23 A PARAPROFESSIONAL SOMETIMES THEY ARE USED FOR AFTER
24 SCHOOL HELP AND SUMMER HELP PULLOUT MODEL IS MOST
25 COMMON, BUYING COMPUTERS AND EQUIPMENT AND HERE AGAIN