

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 VII 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

NELSON MULLINS RILEY & SCARBOROUGH LLP

Carl B Epps, III

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

Attorneys for Appellants-Respondents

SOWELL, GRAY, STEPP AND LAFITTE, L L C

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

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

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

Attorney for the State

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

Attorney for the Governor

1 SCHOOL THAT HAS A GOOD INSTRUCTIONAL PROGRAM THAT'S NOT
2 WELL, THAT'S NOT CLEAN

3 Q NOW, YESTERDAY -- AND I'M JUST TRYING TO BRING SOME
4 PERSPECTIVE TO THIS YESTERDAY WE ESTABLISHED THAT IN
5 YOUR OBSERVATIONS, MANY, MANY OF THE TEACHERS IN THE
6 PLAINTIFF DISTRICTS WERE NOT TEACHING, RIGHT?

7 A WHILE WE WERE THERE, THAT'S TRUE

8 Q AND THEY WERE EITHER NOT TEACHING TOTALLY OR THEY
9 WERE TEACHING AT A -- AT SUCH A LOW LEVEL THAT THE
10 STUDENTS WERE NOT LEARNING WHAT THEY NEEDED TO LEARN,
11 CORRECT?

12 A THAT THE -- THERE WERE A FEW OF THOSE BUT THAT WAS,
13 YES, THAT WAS MY OBSERVATION

14 Q WELL, YOU -- I THINK YOU SAID IN LOOKING AT THE
15 STUDENTS THAT SOME WERE ASLEEP, SOME WERE OFF TASK, SOME
16 WERE DOING MINDLESS WORK, BUT THEY WEREN'T LEARNING WHAT
17 THEY NEEDED TO LEARN RIGHT?

18 A I DID -- I DID SAY THAT

19 Q NOW, IN TRYING TO PUT OUR ARMS AROUND WHAT WE ARE
20 TALKING ABOUT IN TERMS OF QUANTITY, IT'S YOUR -- YOU
21 UNDERSTAND, DO YOU NOT, DR. SMITH, THERE WERE FAR, FAR TOO
22 MANY TEACHERS WHO EITHER WERE NOT TEACHING OR WERE
23 TEACHING AT SUCH A LOW LEVEL WITH SUCH LOW EXPECTATIONS
24 THAT THE STUDENTS WERE NOT GOING TO LEARN WHAT THEY NEEDED
25 TO LEARN?

1 A BASED ON MY LIMITED OBSERVATION, THAT WAS -- WAS MY
2 CONCLUSION

3 Q NOW, MRS GRAY ASKED YOU WHETHER YOU KNEW WHAT
4 HAPPENED BEFORE OR WHAT HAPPENED AFTER YOU LEFT, RIGHT?

5 A THAT'S CORRECT

6 Q AND YOU OF COURSE DON'T KNOW, RIGHT?

7 A I DON'T KNOW

8 Q BUT WHEN YOU WALKED INTO THE SCHOOL AND SAW THE
9 CLASSROOMS AND SAW TEACHERS WHO WERE EITHER NOT
10 INSTRUCTIVE OR WERE INSTRUCTING AT SUCH LOW LEVELS, AT
11 LEAST YOU SAW THAT DURING YOUR VISIT, DID YOU NOT?

12 A ON OUR BRIEF OBSERVATION, I DID SEE THAT

13 Q AND YOU SAW STUDENTS THROUGHOUT THE SCHOOLS WHO WERE
14 EITHER DOING MINDLESS WORK OR WERE NOT BEING CHALLENGED OR
15 WERE NOT BEING ENGAGED BY THE TEACHER STAFF CORRECT?

16 A SURE WE SAW THE OPPOSITE, TOO WE SAW HIGH QUALITY
17 INSTRUCTION AND WE SAW KIDS ON HIGH LEVEL TASKS

18 Q IT'S A MIXED BAG RIGHT?

19 A IT WAS A MIXED BAG

20 Q BUT FAR, FAR TOO MANY TEACHERS IN THE PLAINTIFF
21 DISTRICTS ARE AT THE BOTTOM OF THAT BAG ARE THEY NOT, DR
22 SMITH?

23 A WELL, YES, FAR TOO MANY ARE I DON'T KNOW ABOUT FAR
24 TOO MANY, BUT TOO MANY ARE

25 Q DR SMITH, I DON'T WANT TO QUIBBLE WITH YOU ABOUT

1 THIS AND I CAN PULL OUT YOUR DEPOSITION WHEN I ASKED YOU
2 THAT QUESTION IN YOUR DEPOSITION YOU SAID FAR TOO MANY
3 WERE AT THE BOTTOM OF THE BAG RIGHT?

4 A I DON'T REMEMBER, BUT I -- IF YOU SAY SO, I DON'T
5 WANT TO TAKE YOUR TIME TO LOOK AT IT

6 Q WELL, WILL YOU AGREE WITH ME, DR. SMITH, THAT FAR TOO
7 MANY OF THE TEACHERS IN THE PLAINTIFF DISTRICTS WERE AT
8 THE BOTTOM OF THAT BAG?

9 A I DO

10 Q WHEN WE WERE LOOKING, DR. SMITH, AT WHY SO MANY
11 CHILDREN IN THE PLAINTIFF DISTRICTS WERE FAILING, WERE NOT
12 SUCCEEDING IN SCHOOL, YOU OFFERED AS A REASON THE FACT
13 THAT THEY WERE NOT BEING TAUGHT, CORRECT?

14 A CORRECT

15 Q AND I THINK YOU HAD SAID, DR. SMITH, THAT THERE IS NO
16 EXCUSE FOR STUDENTS NOT BEING TAUGHT DO YOU REMEMBER
17 THAT?

18 A I DON'T REMEMBER THAT, BUT I -- I WOULD AGREE WITH
19 THAT

20 Q DR. SMITH, YOU MADE THE STATEMENT YESTERDAY THAT
21 DISTRICTS CHOOSE TO PAY TEACHERS WHAT THEY PAY THEM?

22 A YES

23 Q DO DISTRICT FINANCES AND ABILITY TO PAY DICTATE WHAT
24 THEY PAY TEACHERS?

25 A WELL ULTIMATELY BUT THERE IS -- THERE ARE CHOICES

1 OR CENSUS TRACK INFORMATION AND I'M -- I'M -- CAN I BE
2 HEARD ALL RIGHT?

3 Q YEAH SPEAK UP A LITTLE BIT

4 A THANK YOU SO I'M GOING BEYOND SOCIOECONOMIC STATUS
5 AND THAT'S THE TERM, AND RELATED FACTORS AND
6 PSYCHOLOGISTS HAVE STUDIED A NUMBER OF THINGS THAT ARE
7 ASSOCIATED WITH SOCIOECONOMIC STATUS SUCH AS LOW BIRTH
8 WEIGHT BABIES AND VARIOUS PROBLEMS THAT MOTHERS IN POVERTY
9 HAVE IN RAISING THEIR CHILDREN

10 SO BROADLY SPEAKING A GREAT NUMBER OF STUDIES HAVE
11 SHOWN THAT SOCIOECONOMIC FACTOR AND RELATED FACTORS HAVE
12 HUGE IMPACTS ON LEARNING AND GENERALLY EXPLAIN THE LOW
13 PERFORMANCE OF CHILDREN IN POVERTY

14 AND I'VE ALSO ADDED HERE THAT IT -- PER STUDENT
15 SPENDING HAS NOT BEEN IN A VERY MAJOR WAY, HAS NOT BEEN
16 ABLE TO, WELL, TO OVERCOME THAT PROBLEM SOMETIMES CAN
17 DIMINISH IT SOMEWHAT BUT IT HASN'T BEEN ABLE TO REDUCE THE
18 EFFECTS -- TO ELIMINATE THE EFFECTS OF POVERTY

19 Q AND WHEN YOU SAY PER PUPIL SPENDING AND THE BEST
20 EFFORTS, THE BEST EFFORT, IS THAT SOMETHING OTHER THAN
21 SPENDING?

22 A YES IT, VARIOUS PROGRAMS AND PRACTICES THAT HAVE
23 BEEN ESPECIALLY DESIGNATED FOR POVERTY CHILDREN BUT BEST
24 PRACTICES AND POLICIES IN GENERAL HAVE OFTEN NOT BEEN ABLE
25 TO SUBSTANTIALLY DIMINISH THE PROVIDENCE OF POVERTY

1 Q IS IT YOUR OPINION THEN, DR WALBERG, THAT THE S E S
2 FACTORS ARE THE FACTORS THAT EXPLAIN THE GENERALLY LOW
3 PERFORMANCE OF CHILDREN IN POVERTY?

4 MR MORRISON OBJECTION LEADING

5 THE COURT YES, SIR THAT IS A LEADING
6 QUESTION REPHRASE, PLEASE, SIR

7 MR BARNES OKAY

8 BY MR BARNES

9 Q DR WALBERG, DO YOU HAVE AN OPINION WITH REGARD TO
10 WHAT S E S FACTORS EXPLAIN ABOUT THE PERFORMANCE OF
11 CHILDREN IN POVERTY?

12 A YES

13 MR MORRISON SAME OBJECTION, YOUR HONOR

14 THE COURT I WILL ALLOW THAT THAT'S AN
15 OPEN-ENDED QUESTION I TAKE IT

16 BY MR BARNES

17 Q AND WHAT IS THAT OPINION?

18 A IT IS THAT SOCIOECONOMIC STATUS AND RELATED FACTORS
19 AND PARTICULARLY POVERTY EXPLAIN THE -- EVEN MORE THAN THE
20 LION'S SHARE OF THE VARIANTS IN SCHOOL ACHIEVEMENT

21 Q ALL RIGHT I WANT TO TURN TO THE NEXT SLIDE IN THE
22 POWERPOINT WHICH IS T E X 13902 DR WALBERG, DID YOU
23 CREATE THIS SLIDE?

24 A I DID

25 Q AND WHAT DOES THIS SLIDE REPRESENT?

1 A THIS SLIDE REPRESENTS THE EFFECTS OF POVERTY ON
2 VARIOUS TYPES OF FACTORS THAT ARE RELATED TO IT AND SHOWS
3 THE IMPACT OF POVERTY ON FIVE SETS OF CONDITIONS THAT
4 CHILDREN AND THE NEONATES ARE EXPOSED TO AND THEN IT SHOWS
5 THE, IN TURN, THE EFFECTS OF THOSE FACTORS, MANY OF WHICH
6 ARE PSYCHOLOGICAL ON CHILDREN'S ABILITIES TO DO WELL IN
7 SCHOOL AND ALSO THEIR ACHIEVEMENT IN SCHOOL

8 Q OKAY LET'S JUST GO THROUGH IT A LITTLE MORE SLOWLY
9 IF YOU WOULD, PLEASE, BEGINNING WITH THE LEFT-HAND SIDE,
10 POVERTY AND EXPLAIN HOW THIS CHART IS SET UP

11 A SO WHAT WE'RE DOING IS TALKING ABOUT CAUSATION HERE
12 AND POVERTY IS, SO TO SPEAK, THE FIRST CAUSE AND THE MOST
13 GENERAL CAUSE AND IT CAUSES THESE INTERMEDIATE FACTORS
14 LIKE PRENATAL FACTORS SUCH AS LOW BIRTH WEIGHT BABIES OR
15 OTHER, AND PRENATAL DIFFICULTIES OF ONE KIND OR ANOTHER

16 IT EXPLAINS FAMILY STATUS WHICH IS FOR SOCIOLOGISTS
17 SUCH THINGS AS, WELL I THINK I MENTIONED EARLIER INCOME,
18 OCCUPATION, NUMBER OF YEARS IN EDUCATION AND SOMETIMES
19 THIS -- I WOULD SAY IF IT'S INCOME IT MIGHT BE DIVIDED BY
20 THE NUMBER OF CHILDREN IN THE FAMILY SO IT'S THE AMOUNT
21 OF MONEY THAT COULD BE ALLOCATED TO EACH CHILD

22 AND -- AND THEN IF -- AND THERE ARE OTHER THINGS THAT
23 GO WITH IT SUCH AS THE PSYCHOLOGICAL FACTORS THAT I HAD
24 MENTIONED EARLIER

25 Q EXPLAIN THE LAST TWO, FREQUENT MOVING AND CHILD

1 RARING IF YOU WOULD

2 A WELL, A NUMBER OF VERY LARGE SCALE STUDIES IN THE
3 UNITED STATES OF CENSUS TRACKS IN INDIVIDUALS DONE OVER
4 THE LAST 20 YEARS HAVE INDICATED THAT MOVING HAS A, OFTEN
5 HAS A SLIGHTLY NEGATIVE EFFECT ON MIDDLE CLASS CHILDREN,
6 BUT FOR POOR CHILDREN MOVING FROM ONE SCHOOL TO ANOTHER OR
7 JUST THE EFFORT, MOVING EVEN IF YOU STAY IN THE SAME
8 SCHOOL CAN HAVE A NEGATIVE CONSEQUENCES

9 SOME OF THE CONSEQUENCES ARE PARTICULARLY BAD IF A
10 CHILD MOVES FROM ONE DISTRICT TO ANOTHER OR FROM ONE
11 SCHOOL TO ANOTHER OR FROM ONE STATE TO ANOTHER AND AS I
12 SAID, THIS IS CONFINED TO A LARGE EXTENT FOR POOR
13 CHILDREN AND HERE I'M AGAIN FOCUSING ON THINGS THAT HAVE
14 TO DO WITH ACHIEVEMENT

15 Q OKAY AND IS FREQUENT MOVING SOMETHING THAT'S
16 ASSOCIATED WITH -- WITH POVERTY MORE CLOSELY THAN OTHER
17 SOCIOECONOMIC GROUPS?

18 A YES POOR PEOPLE MOVE MORE OFTEN

19 Q AND WHAT ABOUT CHILD REARING, WHAT IS THAT IN
20 PARTICULAR?

21 A THESE ARE SPECIFIC CHILD REARING PRACTICES SUCH AS
22 DISCIPLINE, ENCOURAGING THE CHILD'S VOCABULARY
23 DEVELOPMENT, CHOOSING GOOD TELEVISION PROGRAMS FOR YOUR
24 CHILDREN TO WATCH, WHERE POSSIBLE, TAKING CHILDREN ON
25 VACATIONS, HELPING THEM PLAN FOR THE FUTURE, THINGS OF

1 THIS NATURE SO THAT IT'S -- YOU MIGHT SAY PARENTING IS
2 ANOTHER TERM WE USE IN MORE MODERN TERMS

3 Q AND WHAT IS YOUR RESEARCH AND STUDY OF -- OF THE WAY
4 CHILDREN IN POVERTY ARE REARED AS OPPOSED TO OTHER S E S
5 GROUPS?

6 A WELL AGAIN, I'M SPEAKING STATISTICALLY NOW NOT
7 MATHEMATICALLY OR CATEGORICALLY, BUT GENERALLY SPEAKING
8 CHILDREN IN POVERTY ARE HIGHLY DISADVANTAGED WITH RESPECT
9 TO CHILD REARING AND -- AND THESE OTHER FACTORS

10 Q MOVING OVER -- WELL, LET ME ASK YOU BEFORE WE MOVE
11 ON, DR WALBERG ARE THERE DEGREES OF POVERTY?

12 A YES

13 Q AND WHERE THERE'S A HIGHER DEGREE OF POVERTY, WHAT DO
14 YOU FIND WITH REGARD TO THESE FACTORS?

15 A WELL, THE HIGHER THE DEGREE OF POVERTY, THE MORE
16 ADVERSE THE CONSEQUENCES AGAIN, I NEED TO KEEP REMINDING
17 MYSELF ANYWAY THAT I'M TALKING ABOUT STATISTICAL
18 GENERALIZATIONS AND THERE MAY BE RELATIVELY RARE
19 EXCEPTIONS TO IT

20 Q WELL, DO YOU -- IN YOUR RESEARCH, DO YOU FIND THAT
21 MORE OF THESE FACTORS EXIST IN GREATER NUMBERS WHERE
22 THERE'S HIGHER LEVELS OF POVERTY?

23 A WE'RE STILL TALKING ABOUT INDIVIDUAL FAMILY, ARE WE
24 NOT OR ARE WE TALKING ABOUT A NEIGHBORHOOD?

25 Q INDIVIDUAL FAMILIES?

1 A YES THERE ARE MORE OF THESE FACTORS IN THE SECOND
2 COLUMN THAN IT HAS MORE ADVERSE CONSEQUENCES IN FACT,
3 SOME THINK THAT IT EVEN HAS MULTIPLICATIVE (SIC)
4 CONSEQUENCES

5 THAT IS TO SAY IF ONE THING -- IF THESE EFFECTS ARE
6 NOT ADDITIVES BUT RATHER ONE MULTIPLIES ANOTHER AND IF YOU
7 HAVE -- THE MORE YOU HAVE, THE FAR WORSE IT IS FOR THE
8 CHILD

9 Q OKAY AND SPEAK NOW TO THESE SAME ISSUES WITH REGARD
10 TO NEIGHBORHOODS OR COMMUNITIES

11 A WELL, IF WE -- SOMETIMES WE MIGHT AGGREGATE DATA TO A
12 SCHOOL LEVEL OR TO A COMMUNITY LEVEL OR TO A CENSUS TRACT
13 OR TO A STATE AND THE HIGHER THE CONCENTRATIONS OF
14 POVERTY OR THE HIGHER THE CONCENTRATIONS UNDER THESE
15 FACTORS, THE LOWER THE ACHIEVEMENT LEVELS TEND TO BE,
16 STRONGLY TEND TO BE

17 Q OKAY MOVE NOW IF YOU WOULD, PLEASE, TO THE NEXT
18 COLUMN WHICH IS CHILD'S ABILITIES AND EXPLAIN HOW YOU GET
19 FROM THE FACTORS TO CHILD'S ABILITIES

20 A WELL, I'M -- I DIDN'T SAY EXPLICITLY HERE BUT LET ME
21 TAKE THE OPPORTUNITY TO SAY IT NOW THAT THE FIRST FOUR
22 TO SIX YEARS OF LIFE ARE CAN BE VERY DECISIVE IN A CHILD'S
23 DEVELOPMENT THEY ARE THE FORMATIVE YEARS WHERE THEY'RE
24 EXPOSED MAINLY TO THE PARENTS ALTHOUGH OF COURSE THERE ARE
25 EXCEPTIONS SUCH AS EARLY CHILDHOOD CENTERS AND SO ON

STATE OF SOUTH CAROLINA)
) COURT OF COMMON PLEAS
COUNTY OF LEE)

ABBEVILLE, ET AL,)
) PLAINTIFFS,) TRANSCRIPT OF RECORD
VS)
)
STATE OF S C , ET AL,)
) DEFENDANTS)

JULY 2ND, 2004
MANNING, SOUTH CAROLINA

B E F O R E

HONORABLE THOMAS W COOPER, JR ,
PRESIDING JUDGE

A P P E A R A N C E S

CARL EPPS, ESQUIRE
LAURA HART, ESQUIRE
STEVE MORRISON, ESQUIRE
ATTORNEYS FOR THE PLAINTIFFS

ELIZABETH VAN DOREN GRAY, ESQUIRE
ROBERT STEPP, ESQUIRE
JACKSON BARNES, ESQUIRE
TRACEY GREEN, ESQUIRE
ATTORNEYS FOR THE DEFENDANTS

KATHLEEN RICHARDSON, RPR
OFFICIAL COURT REPORTER

REC014035

1 MR BARNES NOW, WITH REGARD TO T E X 13934,
2 THAT IS A PORTION OF DEFENDANTS' 3154 AND THE 13935
3 THROUGH 13939, THOSE ARE PORTIONS OF DEFENDANTS' 3148
4 AND IT LOOKS LIKE, YOUR HONOR, THE ZERO -- THE 2000, 2001
5 IN-SITE DATA FOR MARION FOUR WAS NOT INCLUDED IN 2800

6 IT WAS LEFT OUT, BUT THAT'S CONTAINED IN DEFENDANTS'
7 EXHIBIT NUMBER 3147 AND I THINK THAT WRAPS UP ALL THE
8 LOOSE ENDS ABOUT THAT

9 THE COURT ALL RIGHT THANK YOU
10 BY MR BARNES

11 Q I WANT TO MOVE ON NOW, IF I COULD, DR WALKOLF (SIC),
12 TO T E X 13942 WOULD YOU READ THIS, PLEASE, SIR, DR
13 WALBERG?

14 A RECENT EDUCATIONAL ACCOUNTABILITY AND STANDARDS
15 LEGISLATION IN SOUTH CAROLINA AND OTHER STATES IS LIKELY
16 TO RAISE BUT NOT NECESSARILY EQUALIZE STUDENTS'
17 ACHIEVEMENT

18 Q AND WHAT DOES THAT MEAN, DOCTOR? OR, FIRST OF ALL,
19 IS THAT YOUR OPINION?

20 A YES

21 Q AND DID YOU WRITE THAT ACTUALLY?

22 A I DID

23 Q WHAT DOES THIS MEAN, DR WALBERG?

24 A WELL, THE OTHERS -- WE'VE HAD A VERY UNUSUAL
25 ACCOUNTABILITY MOVEMENT IN THE UNITED STATES STARTING WITH

1 TEXAS WHICH IS NOW REPRESENTED IN THE NO CHILD LEFT BEHIND
2 FEDERAL LEGISLATION WHICH IS NOW BEING REQUIRED OF ALL
3 STATES

4 ONCE -- AND PARTLY BECAUSE OF THE NATIONAL ASSESSMENT
5 OF EDUCATIONAL PROGRESS STATES CAN COMPARE THEMSELVES WITH
6 NEIGHBORS AND THE NATIONAL AVERAGES AND SO ON SO THERE
7 IS AN INCREASING CRESCENDO OF INTEREST IN IMPROVING
8 ACHIEVEMENT

9 AND IN ORDER TO STUDY THAT PROBLEM WE HAVE TO KNOW
10 THE INFORMATION ABOUT IT AND WE HAVE TO KNOW WHAT WORKS
11 AND WHAT DOESN'T WORK AND WE LIKE TO MAKE THESE
12 COMPARISONS TO SEE WHAT ARE THE CHARACTERISTICS OF
13 EXEMPLARY PLACES

14 AND -- AND ALSO IF WE HAVE A UNIFORM STANDARD OF
15 COMPARISON BECAUSE IN THE PAST MOST STATES SIMPLY USED
16 A -- A COMMERCIAL TEST SUCH AS THE STANFORD ACHIEVEMENT
17 TEST OR THE METROPOLITAN ACHIEVEMENT TEST OR THE IOWA TEST
18 AND THESE WERE NON-UNIFORMLY GIVEN EVEN WITHIN THE STATES
19 SO THERE WAS NO OBJECTIVE AND SCIENTIFIC WAY TO COMPARE,
20 LET'S SAY, FROM SCHOOL TO SCHOOL AND FROM STATE TO STATE
21 AND SO ON

22 WELL, AND PARTICULARLY FROM NOT SO MUCH STATE TO
23 STATE BUT -- UNTIL MORE RECENTLY BUT NOW WE'VE HAD A
24 HUGE SHIFT SO I THINK THAT ALL 50 STATES NOW HAVE STATE
25 TESTING SYSTEMS AND THEY ALSO HAVE ACCOUNTABILITY SYSTEMS

1 SO WE WANT TO KNOW IF THEY'RE WORKING OR NOT AND SO THERE
2 HAVE BEEN SEVERAL MAJOR STUDIES TO LOOK AT THAT QUESTION

3 AND I'M SAYING HERE THAT THESE ARE GOING TO IMPROVE
4 ACHIEVEMENT, BUT NOT NECESSARILY EQUALIZE ACHIEVEMENT

5 Q WHEN YOU SAY EQUALIZE STUDENTS' ACHIEVEMENT, WHAT ARE
6 YOU REFERRING TO THERE?

7 A WELL, I THINK HUMAN NATURE IS WE'RE ALWAYS GOING TO
8 HAVE INDIVIDUAL DIFFERENCES IN PERFORMANCE SOME STUDENTS
9 SAY MAY BE MORE WILLING TO PUT THE TIME IN, THEY DIFFER IN
10 MOTIVATION, THEY MAY DIFFER IN ABILITY AND INTERESTS AND
11 THINGS OF THAT NATURE

12 AND SO YOU TAKE ANY GROUP THAT IS PRESUMABLY THE
13 WORST OF THE WORST OR THE BEST OF THE BEST, YOU'RE STILL
14 GOING TO, IF YOU STUDY THE FINE-GRAIN DETAIL YOU'RE GOING
15 TO FIND THAT THERE ARE GOING TO BE DIFFERENCES AMONG THEM

16 AND WHEN YOU TALK ABOUT A SCHOOL OR A DISTRICT WHEN
17 COMPARING DISTRICTS YOU'RE ALWAYS GOING TO FIND HUMAN
18 VARIATIONS

19 Q AND ARE YOU TALKING ABOUT AN ACHIEVEMENT GAP HERE?

20 A I -- IT CAN -- THIS SAME KIND OF THINKING I USUALLY
21 THINK ABOUT RAISING EVERYBODY'S ACHIEVEMENT AND ESPECIALLY
22 RAISING THE STUDENTS -- THE ACHIEVEMENT OF STUDENTS IN
23 POVERTY BUT ONE WAY TO THINK ABOUT IT IS THE COMPARISON

24 AND WE CAN THINK ABOUT TRYING TO RAISE MORE QUICKLY
25 THE LEVELS OF ACHIEVEMENT IN STUDENTS WITH POVERTY

1 Q OKAY LET'S TURN TO T E X 13946 WHAT IS THIS
2 SLIDE?

3 A WELL, THESE ARE WHAT I CONSIDER TO BE THE HIGH POINTS
4 OF THE MAJOR -- THE ACCOUNTABILITY MOVEMENT IN THE LAST,
5 WELL, LET'S SAY SINCE 1983

6 Q OKAY BEGINNING WITH THE NATION AT RISK?

7 A YES

8 Q OKAY THE SECOND ITEM THERE, NEEDS TO IMPROVE
9 PRODUCTIVITY, WHAT IS THAT?

10 A WELL, I THINK THAT THERE WAS AN INCREASING
11 REALIZATION THAT NOT ONLY DID OUR STUDENTS FALL FURTHER
12 AND FURTHER BEHIND AS THEY PROCEEDED THROUGH SCHOOL
13 COMPARED TO OTHER COUNTRIES, BUT OUR -- OUR PER STUDENT
14 COSTS WHEN ADJUSTED EVEN FOR THE COST OF LIVING OTHER THAN
15 THEY -- THE WAY THIS HAS BEEN PURCHASING POWER PARODY
16 ACCORDING TO STUDIES THAT HAVE BEEN DONE BY THE O E C D ,
17 THE ORGANIZATION FOR ECONOMIC AND COOPERATIVE DEVELOPMENT

18 SO THAT WE WERE CLEARLY NOT ONLY INEFFECTIVE BUT
19 HIGHLY INEFFICIENT BUT THE OTHER EVIDENCE THAT HAS BEEN
20 CARRYING MORE AND MORE MOMENTUM AS MORE STUDIES HAVE BEEN
21 MADE IS THE HIGHER AND HIGHER EXPENDITURES WITHIN OUR OWN
22 COUNTRY AND AT THE SAME TIME THE FLAT TEST SCORES

23 SO I THINK THAT THERE -- I THINK THERE IS A
24 RECOGNITION SPECIALLY BY BUSINESS PEOPLE BUT ALSO
25 TAXPAYERS, PARENTS, LEGISLATORS TO HAVE A BETTER

1 STEWARDSHIP OF THE FUNDS TO SEE THAT WE'RE USING THEM --
2 USING THEM IN THE MOST EFFICIENT WAY TO HELP OUR CHILDREN
3 LEARN

4 Q AND NOW TODAY ALL 50 STATES HAVE SOME TYPE OF SYSTEM,
5 STANDARDS-BASED SYSTEM?

6 A YES, IN HIGHLY VARYING DEGREE OF COURSE

7 Q OKAY WELL, DR WALBERG, HAVE YOU ACTUALLY STUDIED
8 THE REASON -- WELL, FIRST OF ALL, LET ME ASK YOU THIS DO
9 YOU BELIEVE THAT ACCOUNTABILITY IS A GOOD THING?

10 A OH, ABSOLUTELY

11 Q AND HAVE YOU STUDIED THE -- DO YOU HAVE AN OPINION AS
12 TO WHETHER OR NOT ACCOUNTABILITY, AN ACCOUNTABILITY SYSTEM
13 CAN IMPROVE THE ACHIEVEMENT LEVEL OF THE STUDENTS IN THE
14 STATE?

15 A WELL, I THINK -- I THINK THERE IS EVIDENCE FOR IT

16 Q OKAY AND HAVE YOU ACTUALLY STUDIED THAT?

17 A YES

18 Q OKAY AND YOU'VE STUDIED THE REASONS WHY THAT THE
19 ACCOUNTABILITY OR COMMON ELEMENTS OF ACCOUNTABILITY
20 SYSTEMS THAT YOU BELIEVE IN YOUR OPINION TO BE THE REASONS
21 FOR THIS SUCCESS OF THOSE?

22 A YES

23 Q OKAY LET ME GET YOU, IF I COULD, NOW TO TURN TO
24 T E X 13947 ACCOUNTABILITY EVIDENCE DID YOU CREATE
25 THIS SLIDE, DR WALBERG?

1 A I DID

2 Q OKAY AND WHAT IS THIS SLIDE?

3 A THIS IS AN ASSEMBLY OF THE EVIDENCE BOTH BROAD, VERY
4 BROAD EVIDENCE, AND ALSO IT'S -- IN THE CASE OF THE FIRST
5 ITEM AND THEN THE OTHER ITEMS ARE SPECIFIC TO EDUCATION
6 AND EDUCATIONAL ACHIEVEMENT

7 Q OKAY AND IS IT YOUR OPINION THAT -- THAT THE
8 EVIDENCE CONTAINED IN THIS SLIDE ARE THE REASONS FOR
9 IMPROVING -- REASONS WHY ACCOUNTABILITY DOES MAKE
10 IMPROVEMENT?

11 A YES, ESPECIALLY IN ITS SUM AND ITS CONSISTENCY

12 Q OKAY AND YOU'VE REFERENCED SEVERAL STUDIES IN HERE
13 WHICH WE'LL GET TO IS THIS YOUR INDEPENDENT OPINION?

14 A YES

15 Q OKAY AND IS IT ALSO THE OPINION OF OTHER FOLKS IN
16 YOUR FIELD?

17 A YES

18 Q OKAY

19 A AND WHEN I'M SAYING YES TO THESE QUESTIONS, I'M
20 ALWAYS THINKING OF PEOPLE WHO ARE WELL INFORMED AND WHO
21 HAVE DONE WORK IN THE AREA, THEY SHOULD BE FAMILIAR WITH
22 THESE IDEAS AND AGAIN WITH THE EXCEPTION THAT -- THAT
23 ECONOMISTS DON'T READ PSYCHOLOGICAL STUDIES MUCH AND VICE
24 VERSA

25 Q AND IS THAT ONE OF THE THINGS THAT YOU WOULD -- THAT

1 YOUR EARLIER SLIDES?

2 A YES

3 Q AND THE ONES THAT -- THE THINGS THAT DID NOT MAKE A
4 DIFFERENCE, PER PUPIL SPENDING, PUPIL TEACHER RATIOS,
5 PROPORTION OF TEACHERS WITH ADVANCED DEGREES AND TEACHER
6 EXPERIENCE, DO YOU AGREE THAT THOSE THINGS DO NOT MAKE A
7 DIFFERENCE?

8 A ONLY UNDER SPECIAL CIRCUMSTANCES AND A FEW STUDIES
9 MIGHT SHOW A LITTLE BIT OF AN EFFECT OF THE FIRST AND
10 SECOND YEAR OF EXPERIENCE, BUT EVEN MANY DO NOT SHOW THAT,
11 AND THE RELATIONS ARE HIGHLY INCONSISTENT SUCH THAT SOME
12 STUDIES EVEN SUGGEST THAT THE ABSENCE OF THESE FACTORS IS
13 ASSOCIATED WITH MORE -- WITH HIGHER LEVELS OF ACHIEVEMENT

14 BUT ONCE YOU'VE TAKEN INTO CONSIDERATION ALL OF THESE
15 OF COURSE ARE CONTROLLED STUDIES SO YOU NEED TO -- YOU
16 NEED TO CONSIDER SOCIOECONOMIC FACTORS AS WE'VE STRESSED

17 Q OKAY WELL, DR WALBERG, ARE YOU AWARE OF ANY
18 PARTICULAR ACCOLADES THAT THE SOUTH CAROLINA
19 ACCOUNTABILITY PROGRAM HAS RECEIVED?

20 A YES, I HAVE A NOTE ABOUT THEM

21 Q OKAY AND WHAT SPECIFICALLY HAVE YOU DONE IN THAT
22 REGARD IN TERMS OF RESEARCHING SOUTH CAROLINA'S?

23 A WELL, AS I MENTIONED, THERE'S AN EXTRAORDINARY AMOUNT
24 OF INTEREST IN ACCOUNTABILITY THESE DAYS SO
25 ORGANIZATIONS AND INDIVIDUALS ARE STUDYING THE COMPARATIVE

1 CHARACTERISTICS OF THE STATES AND ATTEMPTING TO MEASURE
2 THE QUALITY OF THEIR ACCOUNTABILITY SYSTEMS, HOW
3 SYSTEMATIC THEY ARE AND RIGOROUS AND SO ON

4 SO THEY HAVE SPECIFIED CRITERIA FOR GOOD
5 ACCOUNTABILITY SYSTEMS AND THEN RANKED THE STATES IN ORDER
6 OR IN SOME CASES HAVE PUT THEM INTO VARIOUS CATEGORIES

7 Q WELL, AND DID YOU CREATE A COUPLE OF SLIDES ON THESE
8 PARTICULAR ISSUES?

9 A I DID

10 Q OKAY LET'S TURN TO T E X 13950 WHY SOUTH
11 CAROLINA'S TESTING AND ACCOUNTABILITY PROGRAM RANKED 11TH
12 BEST IN THE NATION WHAT IS THIS SLIDE, DR WALBERG?

13 A THESE ARE THE CHARACTERISTICS OR THE FEATURES OR
14 CRITERIA FOR THE GRADES THAT WERE GIVEN AND THEN THE
15 GRADES FOR THESE FOUR FEATURES WITH RESPECT TO THEIR
16 EXCELLENCE OR QUALITY AND THEN THE GRADES WERE WEIGHTED
17 AND SUMMED TO FORM AN OVERALL COMPOSITE SCORE FOR EACH
18 STATE

19 Q OKAY AND THE SOURCE FOR THIS PARTICULAR SLIDE WAS
20 THE PRINCETON REVIEW IN 2003?

21 A YES

22 Q AND IS THAT A RELIABLE SOURCE?

23 A I BELIEVE IT IS

24 Q OKAY AND WHAT WAS THE PURPOSE OF THAT PARTICULAR
25 STUDY, DO YOU KNOW?

1 A WELL, AGAIN, I THINK THERE'S SUCH A GIGANTIC AMOUNT
2 OF INTEREST AND IT WAS RESPONDING SO THAT THE STATES,
3 HOPEFULLY THE STATES WOULD CONSIDER THESE THINGS AND WOULD
4 NOT ONLY THEIR OVERALL STANDING BUT THEIR STRENGTHS AND
5 WEAKNESSES BY AN INDEPENDENT GROUP AND COULD TAKE THESE
6 THINGS INTO CONSIDERATION

7 AND THEY COULD SEE EVEN WHERE THEIR RELATIVE STANDING
8 ON EACH ONE OF THESE AND THIS IS SUGGESTION -- SUGGESTION
9 BY AN OBJECTIVE ORGANIZATION ON HOW, THEIR WEAKNESSES AND
10 STRENGTHS

11 Q OKAY AND WHAT WOULD YOU EXPECT TO HAPPEN IN SOUTH
12 CAROLINA AS A RESULT OF WHAT THE PRINCETON REVIEW CALLS
13 US, THE 11TH BEST ACCOUNTABILITY SYSTEM IN THE COUNTRY?

14 A I WOULD EXPECT TWO THINGS ONE IS THE GENERAL RISE
15 IN THE AVERAGE ACHIEVEMENT OF ALL THE STUDENTS IN THE
16 STATE AND SECONDLY I WOULD EXPECT A RISE IN THE
17 PERFORMANCE OR THE ACHIEVEMENT OF CHILDREN IN POVERTY

18 AND IF YOU WANT TO PUT IT THIS WAY IT WOULD -- SINCE
19 THOSE TWO THINGS WOULD BE HAPPENING, IT -- MORE BENEFICIAL
20 TO THE CHILDREN IN POVERTY SUCH THAT THE -- YOU HAVE THE
21 GAP REDUCTION BETWEEN THE TWO

22 Q OKAY AND LET'S JUST TAKE A LOOK AT ONE MORE SLIDE
23 ON THIS, THE ISSUE OF QUALITY OF STANDARDS AND
24 ACCOUNTABILITY, T E X 13951 DID YOU CREATE THIS?

25 A I DON'T KNOW IF YOU WANT ME TO SAY THIS OR NOT, BUT

1 READING IF I'VE NOTIFIED THE HOUSE I'M GOING TO DO SO

2 Q SLOW DOWN A LITTLE BIT ON THIRD READING?

3 A THERE'S SOME AMENDMENTS ON SECOND READING ACTUALLY
4 AND THEN IT GOES TO THIRD READING AT THIRD READING THE
5 CHAIRMAN IS ALLOWED TO OFFER AMENDMENTS IF I'VE GIVEN THE
6 HOUSE NOTICE THAT I INTEND TO DO SO WHICH I USUALLY DO
7 THEN AFTER THIRD READING IT'S SENT OVER TO THE SENATE

8 Q SO DURING THAT WHOLE PROCESS, THAT'S IN THE FULL
9 HOUSE OF REPRESENTATIVES, RIGHT?

10 A YES THE SECOND AND THIRD -- ALL OF THE READINGS
11 FIRST, SECOND, THIRD READING ARE IN THE FULL HOUSE, THAT'S
12 CORRECT

13 Q OKAY AND SO ESPECIALLY ON SECOND READING I GATHER
14 IS THERE DEBATE ON THE HOUSE FLOOR?

15 A YES

16 Q OKAY AND EVENTUALLY THE HOUSE PASSES SOME FORM OF
17 BUDGET BILL, IS THAT RIGHT?

18 A THAT'S CORRECT

19 Q AND SENDS IT TO THE SENATE?

20 A THAT'S CORRECT

21 Q ALL RIGHT NOW --

22 A AND THAT SECOND READING DEBATE GENERALLY TAKES A
23 NUMBER OF DAYS

24 Q RIGHT OKAY NOW, DURING THE TIME THAT YOU'VE BEEN
25 IN THE HOUSE AND PARTICULARLY DURING THE TIME THAT YOU'VE

1 BEEN ON WAYS AND MEANS, HAS THAT BUDGET PROCESS RESULTED
2 IN INCREASED APPROPRIATIONS FOR K-12 EDUCATION IN SOUTH
3 CAROLINA?

4 A YES

5 Q ALL RIGHT IF -- ARE WE RUNNING? (CONFERRING WITH
6 STAFF) LET'S SEE IF I CAN DO SOMETHING ELSE ALL RIGHT
7 LET ME ASK YOU THIS, MR HARRELL WE ARE MISSING A CABLE
8 TO BE ABLE TO HAVE OUR TELEVISION SHOW BUT THERE ARE A
9 COUPLE OTHER QUESTIONS I CAN ASK YOU

10 IS EDUCATION -- WHAT PRIORITY -- IN THE BUDGETING
11 PROCESS, WHAT PRIORITY DOES EDUCATION HAVE?

12 A IT IS THE TOP PRIORITY

13 Q ALL RIGHT AND WELL WHAT ABOUT PROPERTY TAX RELIEF?
14 IS PROPERTY TAX RELIEF, DOES IT HAVE A HIGHER PRIORITY
15 THAN EDUCATION?

16 A IT DOESN'T HAVE A HIGHER PRIORITY BUT IT IS IMPORTANT
17 AS WELL

18 Q IS THE MONEY NECESSARY TO FUND PROPERTY TAX RELIEF,
19 IS THAT SOMEHOW TAKEN OFF THE TOP OF THE BUDGET IN THE
20 PROCESS?

21 A IT IS -- IT IS IN THE PART -- THE AMOUNT THAT'S
22 REQUIRED TO CONTINUE THE PREVIOUS FUNDING PROPERTY TAX
23 RELIEF IS -- IS IN A TRUST FUND, AND ALL TRUST FUNDS ARE
24 TAKEN OFF THE TOP

25 Q ALL RIGHT WELL, WHAT OTHER -- SO -- SO, THE

1 TO TIME ELSEWHERE SO I -- I FUNDAMENTALLY DON'T DISAGREE
2 WITH MR MORRISON, BUT I'M JUST TRYING TO RESPOND TO THE
3 RECORD THAT THE PLAINTIFFS HAVE MADE

4 THE COURT THE -- ON THE ISSUE OF NOT RECEIVING
5 SUFFICIENT FUNDS, I THINK THAT THAT'S AN APPROPRIATE AREA
6 TO GO INTO I DON'T THINK YOU NEED TO SPEND A WHOLE LOT
7 OF TIME ON THE LEGISLATIVE PROCESS, QUITE FRANKLY

8 MR STEPP I'M DONE WITH IT AT THIS POINT, YOUR
9 HONOR

10 THE COURT GOOD THANK YOU

11 MR STEPP THANK YOU

12 BY MR STEPP

13 Q MR HARRELL, LET ME CALL YOUR ATTENTION TO SLIDE
14 NUMBER TWO, I'VE GIVEN YOU A HARD COPY OF THE POWERPOINT
15 YOU ALSO SHOULD BE ABLE TO SEE THIS ON THE SCREENS TO YOUR
16 LEFT AND TO YOUR RIGHT

17 AND LET ME ASK YOU -- LOOK AT SLIDE NUMBER TWO WHICH
18 IS LABELED APPROPRIATIONS BY FUNCTIONAL GROUP FROM TOTAL
19 FUNDS, EDUCATIONAL WHAT DOES THIS REPRESENT? AND I'M
20 SORRY

21 BEFORE YOU ANSWER THAT, LET ME JUST SAY FOR THE
22 RECORD THAT -- THAT THIS WAS COMPILED FROM THE DATA IN
23 EXHIBIT 3220

24 A LOOKING AT THE GROUP IT LOOKS TO ME LIKE IT'S THE
25 AMOUNT OF MONEY THAT WE SPEND ON EDUCATION IN THE STATE

1 BUDGET

2 Q APPROPRIATED?

3 A APPROPRIATED

4 Q OKAY

5 A RIGHT

6 Q AND DO YOU KNOW WHAT -- WHETHER THIS INCLUDES FEDERAL
7 MONEY OR NOT?

8 A I DON'T KNOW IF THIS INCLUDES FEDERAL MONEY

9 Q OKAY NOW, WHAT DO YOU OBSERVE -- I MEAN, AS A
10 POLICYMAKER, AS A LAWMAKER, AS THE CHAIRMAN OF THE WAYS
11 AND MEANS COMMITTEE IN THE SOUTH CAROLINA HOUSE OF
12 REPRESENTATIVES, HOW DO YOU USE DATA LIKE THIS IF YOU --
13 DO YOU USE DATA LIKE THIS TO INFORM YOUR ONGOING POLICY
14 JUDGMENTS?

15 A THIS IS -- THIS DATA IS REALLY USED MORE AS A MEASURE
16 OF WHAT WE'VE DONE WELL, LET ME PUT IT THIS WAY
17 THIS -- THESE NUMBERS TELL US WHAT WE'VE DONE OVER TIME AS
18 WE BEGIN TO MAKE THE DECISION OF WHAT WE NEED TO DO GOING
19 FORWARD

20 Q OKAY AND LOOKING AT THIS GRAPHIC REPRESENTATION OF
21 APPROPRIATIONS BY FUNCTIONAL GROUP EDUCATION, FROM '93,
22 '94 TO 2003, '04, WHAT DOES THAT TELL YOU AS A
23 POLICYMAKER?

24 A FUNDING FOR EDUCATION HAS INCREASED DRAMATICALLY OVER
25 THIS PERIOD OF TIME

1 Q NOW, WE HAVE HAD SOME TESTIMONY THAT WE ARE CURRENTLY
2 IN SOME SORT OF BUDGET CRUNCH IN SOUTH CAROLINA, IS THAT
3 CORRECT?

4 A THAT'S CORRECT

5 Q WHEN DID THAT START?

6 A I BELIEVE IN THE -- THE -- EITHER 2000, 2001 FISCAL
7 YEAR OR 2001, 2002 FISCAL YEAR

8 Q OKAY AND NOTWITHSTANDING -- AND I'VE USED THE TERM
9 BUDGET CRUNCH HOW WOULD YOU DESCRIBE IT?

10 A BUDGET CRUNCH WORKS

11 Q OKAY

12 A I MEAN, IT WAS A -- WELL, WE HAD A CONSIDERABLE
13 SLOWDOWN -- FIRST OF ALL, IT WAS A CONSIDERABLE SLOWDOWN
14 IN REVENUES COMPARED TO PREVIOUS YEARS AND THEN WE HAD
15 ACTUALLY LESS REVENUE COME IN THAN THE B E A HAD -- BOARD
16 OF ECONOMIC ADVISORS, HAD ESTIMATED WOULD COME IN CAUSING
17 ACROSS-THE-BOARD BUDGET CUTS IN A NUMBER OF THESE YEARS

18 Q OKAY AND DO YOU RECALL WHEN THAT FIRST TOOK PLACE,
19 THAT --

20 A I -- I DON'T RECALL FOR SURE, BUT I BELIEVE THE FIRST
21 ONE WAS IN 2001

22 Q OKAY WELL, IF YOU LOOK AT SLIDE TWO, WHAT DO YOU
23 OBSERVE ABOUT THE DIFFERENCE IN APPROPRIATIONS BETWEEN THE
24 2000 FISCAL YEAR AND THE 2001 FISCAL YEAR?

25 A THE FUNDING INCREASED DRAMATICALLY

1 Q OKAY NOTWITHSTANDING STANDING THE BUDGET CRUNCH?

2 A DESPITE THE BUDGET CRUNCH

3 Q AND --

4 A WHAT THIS DOCUMENT TELLS ME IS THAT EVEN DURING THESE
5 DIFFICULT BUDGET YEARS WE'VE STILL MAINTAINED THE
6 PRIORITY

7 Q ALL RIGHT, SIR NOW, HELP ME PUT THESE FIGURES INTO
8 PERSPECTIVE IN -- STARTING IN '02, AND WHEN I SAY '02
9 I'M TALKING ABOUT THE LAST NUMBER OF THE FISCAL YEAR IS
10 THAT THE WAY --

11 A THAT'S THE WAY WE DO IT, YES

12 Q OKAY SO STARTING '02, THIS -- THE APPROPRIATIONS
13 FOR EDUCATION JUST TOPPED \$3 BILLION DO YOU SEE THAT?

14 A THAT'S CORRECT

15 Q THAT RIGHT?

16 A RIGHT

17 Q HELP ME UNDERSTAND HOW MUCH MONEY IS \$3 BILLION?

18 A THERE ARE 4 MILLION PEOPLE IN SOUTH CAROLINA THREE
19 BILL DOLLARS COMPARED TO 4 MILLION PEOPLE AND IT IS A --
20 IT IS A LOT OF MONEY

21 Q OKAY WELL, LET'S LOOK AT SLIDE THREE AND SEE IF WE
22 CAN QUANTIFY THAT SOME MORE FROM THE SAME SOURCE
23 DOCUMENT THIS IS APPROPRIATIONS BY FUNCTIONAL GROUP FROM
24 TOTAL FUNDS PER CAPITA EDUCATIONAL DO YOU SEE THAT?

25 A OH, I'M SORRY LET'S SEE YES, I DO

1 Q AND WHAT IS YOUR UNDERSTANDING OF WHAT THESE DATA
2 REPRESENT?

3 A THIS IS THE AMOUNT OF MONEY I ASSUME -- WHAT IT LOOKS
4 LIKE IT IS TO ME IS THE AMOUNT OF MONEY THAT WE SPEND PER
5 PERSON IN SOUTH CAROLINA, PER CAPITA

6 Q ALL RIGHT AND IF YOU LOOK AT '03, '04, THAT IS
7 ABOUT \$750?

8 A YES

9 Q OKAY AND NOW I NOTICE BOTH PER CAPITA AND, BACK ON
10 THE PRIOR SLIDE, THINGS LEVELED OFF APPARENTLY BETWEEN
11 FISCAL YEAR '03 AND '04 WHAT -- WHY DIDN'T IT GO UP SOME
12 MORE?

13 A REVENUE DROPPED DRAMATICALLY DURING THAT PERIOD OF
14 TIME AND I DON'T KNOW IF IT'S INCLUDED IN THE NUMBERS
15 THAT YOU'VE SHOWN ME BUT THE NUMBER -- THE MONEY THAT WE
16 HAVE TO SPEND INCLUDES THE GENERAL FUND DOLLAR AMOUNT,
17 WHATEVER THAT IS, AND I CAN'T RECALL EXACTLY WHAT THAT IS
18 OFF THE TOP OF MY HEAD NOW, BUT ALSO GENERALLY INCLUDES IN
19 ADDITION TO THAT SUPPLEMENTAL APPROPRIATION MONEY WHICH
20 WOULD BE MONEY THAT CAME IN MORE THAN THE ESTIMATE THE
21 PREVIOUS YEAR THE CAPITAL RESERVE FUND BECOMES AVAILABLE
22 FOR EXPENDITURES THAT MONEY WOULD BE INCLUDED IN THE
23 AMOUNT OF MONEY WE HAD AVAILABLE

24 WHEN YOU INCLUDE ALL SOURCES OF REVENUE FROM -- I
25 DON'T REMEMBER THE EXACT AMOUNTS -- YEAR, BUT SOMEWHERE

1 AROUND 2000, 2001 TO THE CURRENT YEAR, WE ARE ACTUALLY
2 FOUR, \$500 BILLION BELOW WHAT WE WERE SPENDING AS A STATE
3 AT THE HIGH POINT DURING THAT PERIOD OF TIME

4 SO WHAT THIS TELLS ME IS THAT IN '03, '04, THE AMOUNT
5 OF MONEY DID GO DOWN A LITTLE BIT, BUT DID NOT GO DOWN AS
6 MUCH AS THE REST OF GOVERNMENT HAD TO HAVE GONE DOWN
7 BECAUSE ALL OF GOVERNMENT TOOK US SUBSTANTIAL DECREASE
8 DURING THESE LAST FEW YEARS THAT YOU'RE TALKING ABOUT

9 Q DOES THAT TELL US ANYTHING ABOUT THE PRIORITY THAT
10 EDUCATION HAS RECEIVED?

11 A IT TELLS YOU THAT EDUCATION IS CLEARLY THE PRIORITY
12 OF STATE GOVERNMENT

13 Q ALL RIGHT LET'S LOOK AT SLIDE FOUR PLEASE SAME
14 SOURCE -- NO, I'M SORRY THIS IS A SOURCE FROM THE
15 RANKINGS WHICH ARE ALREADY IN EVIDENCE ARE YOU FAMILIAR
16 WITH, MR HARRELL, WITH THE RANKINGS BOOK THAT IS
17 PUBLISHED ANNUALLY BY THE DEPARTMENT OF EDUCATION?

18 A I'M FAMILIAR WITH IT I CAN'T RECITE IT TO YOU, BUT
19 I'M FAMILIAR WITH IT

20 Q WELL, THE SLIDE FOUR WHICH WE PREPARED FROM THE
21 RANKINGS TRACKS EDUCATIONAL APPROPRIATIONS FROM STATE
22 SOURCES OVER THE SAME PERIOD OF TIME, FISCAL YEAR '94 TO
23 '02, WHICH IS THE MOST RECENT RANKINGS DATA THAT WE HAVE

24 AND WHAT DO YOU OBSERVE ABOUT THE APPROPRIATION FROM
25 STATE SOURCES OVER THAT PERIOD OF TIME?

1 APPROPRIATIONS FROM STATE SOURCES BUT THIS IS ON A PER
2 PUPIL BASIS DOES THIS TRACK THE DATA THAT WE JUST LOOKED
3 AT --
4 A YES, IT DOES
5 Q -- FOR TOTAL APPROPRIATIONS?
6 A YES, IT DOES
7 Q AND WOULD THE SAME REASONING APPLY, SAME EXPLANATION
8 APPLY TO THE DROP OFF BETWEEN '01 AND '02?
9 A YES
10 Q NOW, YOU MENTIONED EARLIER THAT EDUCATION WAS THE
11 FIRST BUDGET PRIORITY HOW DOES EDUCATION STACK UP AS A
12 PERCENTAGE OF GENERAL FUND APPROPRIATIONS IN SOUTH
13 CAROLINA?
14 A IT IS THE SINGLE BIGGEST PIECE OF THE PIE SO TO
15 SPEAK
16 Q OKAY IS THAT ACCIDENTAL OR DELIBERATE?
17 A THAT'S ON PURPOSE
18 Q OKAY HOW HAS THAT CHANGED OVER TIME, DO YOU KNOW?
19 A AS LONG AS I'VE BEEN THERE IT'S BEEN THE BIGGEST
20 PORTION OF THE BUDGET THE MAIN THING THAT'S CHANGED OVER
21 TIME IS THAT IT HAS INCREASED AS A PERCENTAGE OF THE
22 BUDGET DURING THIS -- DURING THE LAST NUMBER OF YEARS
23 AND -- AND WHERE WE TAKE IT UP IN THE BUDGET PROCESS HAS
24 CHANGED ALSO SINCE I HAVE BEEN IN THE GENERAL ASSEMBLY
25 Q WHAT DO YOU MEAN BY THAT LAST STATEMENT? WHERE DO

1 YOU TAKE IT UP IN THE BUDGET?

2 A IN 1994 WE MADE A CHANGE TO MOVE EDUCATION TO THE
3 FRONT OF THE BUDGET BILL SO THAT IT WOULD BE THE FIRST
4 ITEM THAT WAS TAKEN UP IN THE STATE BUDGET EVERY YEAR
5 PRIOR TO THAT I BELIEVE IT WAS SECTION 19

6 THAT YEAR WE MOVED IT TO THE FRONT AND THE FOLLOWING
7 YEAR IT WAS ACTUALLY GIVEN A NUMBER OF SECTION ONE IN THE
8 BUDGET FROM THAT POINT GOING FORWARD

9 Q OKAY WELL, LET'S LOOK AT SLIDE SIX AND THIS IS --
10 WE TRACKED THIS FOR THE -- FROM '94 FORWARD AND WHAT
11 DOES THIS INFORMATION REPRESENT?

12 A THAT'S A PIE CHART OF THE VARIOUS AREAS OF STATE
13 GOVERNMENT AND WHAT PERCENTAGE OF THE BUDGET OR THE -- OR
14 WHAT THE PERCENTAGE OF APPROPRIATIONS FROM THE GENERAL
15 FUND THEY REPRESENT

16 Q OKAY NOW, WHEN WE TALK ABOUT GENERAL APPROPRIATION
17 FROM THE GENERAL FUND, IS THAT ALL THE MONEY THAT'S
18 APPROPRIATED FOR EDUCATION?

19 A NO, IT'S NOT

20 Q OKAY WHAT OTHER SOURCES BESIDES THE GENERAL FUND --

21 A IN YEARS WHEN WE'VE HAD SUPPLEMENTAL MONEY AVAILABLE
22 OR THE CAPITAL RESERVE FUND AVAILABLE, THERE WOULD BE, IN
23 ADDITION TO THIS MONEY, ANOTHER SOMEWHERE BETWEEN A
24 HUNDRED AND \$200 MILLION GENERALLY OF MONEY AVAILABLE THAT
25 COULD BE SPENT BUT THE BIGGEST THING THIS DOESN'T

1 INCLUDE, SINCE IT SAYS GENERAL FUND, I ASSUME IT DOESN'T
2 INCLUDE IS THE E I A

3 THE E I A IS ANOTHER, CURRENTLY -- IN THE CURRENT
4 FISCAL YEAR IS WELL OVER HALF A BILLION DOLLARS WHICH
5 WOULD MOVE, I'M SURE WOULD MOVE THAT PERCENTAGE HIGHER

6 Q OKAY WELL, JUST GO THROUGH THESE SLIDES NUMBER
7 SIX WE'VE GOT THE '94 FISCAL YEAR AND EDUCATION IS SHOWN
8 AS 33 PERCENT OF THE GENERAL FUND IS THAT RIGHT?

9 A YES

10 Q AND IF WE LOOK AT SLIDE SEVEN FOR '95, IS IT THE
11 SAME?

12 A YES, IT IS

13 Q AND IN '96 WHAT'S THE PERCENTAGE? I'M SORRY SLIDE
14 EIGHT?

15 A 32 PERCENT

16 Q IT WENT DOWN A PERCENT DO YOU KNOW WHAT HAPPENED
17 THERE?

18 A I DON'T RECALL

19 Q LOOK AT NUMBER NINE FOR '97 IT'S STILL 32, IS THAT
20 RIGHT?

21 A RIGHT

22 Q AND NUMBER TEN FOR 1998, WHAT HAPPENS?

23 A WENT BACK UP TO 33 PERCENT

24 Q NOW, IN 1998 WAS THERE ANY SIGNIFICANT PIECE OF
25 EDUCATION POLICY LEGISLATION ADOPTED BY THE GENERAL --

1 A 1998 IS THE YEAR WE PASSED THE EDUCATION
2 ACCOUNTABILITY ACT

3 Q OKAY LET'S GO TO SLIDE 11 FOR 1999, WHAT IS THE
4 PERCENTAGE OF THE GENERAL FUND?

5 A IT JUMPED TO 35 PERCENT

6 Q THAT'S AN INCREASE OF 2 PERCENT FROM PRIOR YEAR?

7 A YES WELL, IT'S AN INCREASE OF TWO PERCENTAGE
8 POINTS IT'S AN INCREASE OF ALMOST 8 PERCENT RIGHT?

9 Q YEAH SO -- TO -- INCREASE OF TWO PER PERCENT IN
10 TERMS OF ITS PROPORTION OF THE GENERAL FUND?

11 A RIGHT RIGHT

12 Q BUT AGAIN WE'RE NOT TALKING ABOUT E A A ?

13 A I DON T -- IT SAYS GENERAL FUNDS I ASSUME THEY'RE
14 NOT

15 Q ALL RIGHT AND LOOK AT SLIDE 12 FOR 2000 WHERE IS
16 IT THEN?

17 A 35 PERCENT

18 Q AND 2001?

19 A 36 PERCENT

20 Q AND 2002?

21 A 36 PERCENT

22 Q AND 2003?

23 A 36 PERCENT

24 Q AND FINALLY 2004?

25 A 36 PERCENT

1 A I'VE SEEN IT, YES

2 Q AND DOES THIS, AS FAR AS YOU KNOW, ACCURATELY REFLECT
3 INCREASES IN REVENUE FROM STATE SOURCES TO THE PLAINTIFF
4 DISTRICTS OVER THE PERIOD FISCAL YEAR '76 TO 2002
5 CUMULATIVE?

6 A YES, I BELIEVE IT DOES

7 Q OKAY NOW, DO YOU KNOW HOW REVENUE FROM STATE
8 SOURCES TO NON-PLAINTIFF DISTRICTS COMPARES WITH THESE
9 NUMBERS?

10 A YOU MEAN IS IT MORE OR LESS?

11 Q YES

12 A THIS IS A PER PUPIL EXPENDITURE, FROM THE
13 NON-PLAINTIFF DISTRICTS IT WOULD PROBABLY BE LESS MONEY

14 Q OKAY IS THAT AN ACCIDENT?

15 A NO, THAT'S ON PURPOSE

16 Q OKAY AND TELL ME A LITTLE BIT MORE ABOUT HOW THAT
17 HAPPENS HOW DO THE PLAINTIFF DISTRICTS GET MORE REVENUE
18 FROM THE STATE?

19 A THE 70-30 SPLIT ON THE BASE STUDENT COST I WAS
20 TALKING ABOUT A MINUTE AGO, FOR THE EIGHT PLAINTIFF
21 DISTRICTS THEY WOULD RECEIVE A HIGHER PERCENTAGE OF THEIR
22 MONEY THAN 30 THEY WOULD BE REQUIRED TO PAY LESS THAN
23 30 PERCENT SO THE STATE WOULD BE SENDING MORE THAN
24 70 PERCENT TO THOSE PARTICULAR DISTRICTS

25 SO THE FORMULA -- TO PUT IT SIMPLY, THE FORMULA FOR

1 THE BASE STUDENT COST IS WEIGHTED TOWARD THE POOR
2 DISTRICTS THE POOR DISTRICTS GET MORE MONEY AND THE
3 RICHER DISTRICTS GET LESS MONEY FROM THE STATE FOR THE
4 BASE STUDENT COST THAT'S ONE AREA

5 NOW, ANOTHER AREA IS WE HAVE A NUMBER OF PROGRAMS IN
6 THE STATE GOVERNMENT WHERE THE MONEY IS DISTRIBUTED BASED
7 ON FREE AND REDUCED LUNCH OR OTHER POVERTY RELATED FACTORS
8 SO THAT THE PLAINTIFF DISTRICTS BEING POOR AREAS WOULD
9 RECEIVE MORE MONEY FOR ANYTHING THAT'S DISTRIBUTED BASED
10 ON FREE AND REDUCED LUNCH OR OTHER POVERTY-TYPE
11 DISTRIBUTION METHODS

12 Q ALL RIGHT WELL, WHAT ABOUT THE TAX BASE IN THE
13 PLAINTIFF DISTRICTS, HOW WOULD YOU DESCRIBE THEIR TAX BASE
14 GENERALLY?

15 A LOWER THAN THE TAX BASE OF THE NON-PLAINTIFF
16 DISTRICTS

17 Q AND DOES THAT HAVE SOME IMPACT ON THE ABILITY OF THE
18 PLAINTIFF DISTRICTS TO RAISE LOCAL REVENUE?

19 A IT DOES

20 Q LET'S LOOK AT --

21 A AND IF I MAY, AND BECAUSE OF THAT --

22 Q SURE

23 A -- THAT IS THE REASON WHY THEY END UP HAVING TO PAY
24 LESS THAN 30 PERCENT IS THEIR SHARE OF THE BASE STUDENT
25 COST

1 A THAT'S EXACTLY WHAT I'M TALKING ABOUT IF YOU LOOK
2 AT THIS DOCUMENT YOU'LL SEE DIFFERENT STATE SOURCES, ALL
3 OF THE SCHOOL DISTRICTS ARE RECEIVING MORE MONEY FROM THE
4 STATE THAN THE STATE AVERAGE

5 Q OKAY

6 A ALL EIGHT SCHOOL DISTRICTS RECEIVE MORE MONEY PER
7 PUPIL FROM THE STATE THAN THE AVERAGE DISTRICT DOES IN THE
8 STATE

9 Q AND AGAIN IS, THAT AN ACCIDENT OR IS THAT --

10 A IT'S BY DESIGN

11 Q NOW LET'S LOOK AT THESE DIFFERENCES AND LET'S
12 QUANTIFY LET ME ORIENT YOU TO THE CHART LET'S LOOK AT
13 FIRST THE '01 FISCAL YEAR, THE BLUE BAR HERE UNDER STATE
14 AVERAGE THAT'S SOMETHING JUST IN EXCESS OF \$4000 PER
15 PUPIL DO YOU SEE THAT?

16 A YES, I DO

17 Q AND HOW MUCH MORE THAN THAT ARE THE VARIOUS PLAINTIFF
18 DISTRICTS GETTING FROM THE STATE?

19 A VARYING AMOUNTS, BUT THE HIGHEST -- THE HIGHEST IS
20 OVER \$6,000 THE LOWEST IS ONE DISTRICT WHICH -- DILLON
21 TWO WOULD BE JUST UNDER IT AND TALKING ABOUT THE BLUE BAR
22 PARTICULARLY --

23 Q RIGHT

24 A -- ONE FISCAL YEAR ALL THE REST OF THE DISTRICTS
25 ARE RECEIVING SUBSTANTIALLY MORE, ANYWHERE FROM, LOOKING

1 A I AM I AM

2 Q TELL ME A LITTLE BIT ABOUT WHY THE E O C UNDERTOOK
3 THIS EFFORT AND WHAT THE OBJECTIVE WAS

4 A I BELIEVE WHAT WE WERE DOING WAS TRYING TO DETERMINE
5 WHAT IS THE AMOUNT OF MONEY NECESSARY TO REACH, TO -- WHAT
6 IS THE AMOUNT OF MONEY NECESSARY TO REACH -- TO EDUCATE A
7 CHILD TO THE LEVELS OF THE GOALS WE WERE TRYING TO ATTAIN
8 IN THE EDUCATION OVERSIGHT COMMITTEE

9 Q OKAY

10 A WE HAVE SET GOALS FOR STUDENT ACHIEVEMENT IN FUTURE
11 YEARS AND I BELIEVE THAT THE DETERMINATION OF THAT
12 NUMBER WAS BASED ON WHAT'S NECESSARY TO REACH THOSE GOALS
13 OR WHAT WE BELIEVE IS NECESSARY TO REACH THOSE GOALS

14 Q ALL RIGHT WELL, I WANT TO SHOW YOU NOW --

15 A AND I SAY WE, I'M A MEMBER OF THE COMMITTEE, BUT I
16 DIDN'T ACTUALLY PARTICIPATE IN THE -- PUTTING TOGETHER OF
17 THE FORMULA

18 Q OKAY HOW LONG HAS E O C HAD THIS UNDER
19 CONSIDERATION?

20 A A NUMBER OF YEARS BUT I DON'T KNOW EXACTLY

21 Q LET ME SHOW YOU PLAINTIFFS' EXHIBIT 6790 WHICH IS
22 EDUCATION OVERSIGHT COMMITTEE DOCUMENT DATED DECEMBER 5TH,
23 2003 ARE YOU FAMILIAR WITH THIS?

24 A I AM

25 Q AND IS THIS THE FUNDING MODEL AS DEVELOPED BY E O C ?

1 A I BELIEVE IT IS

2 Q NOW, THIS IS DATED DECEMBER 5, 2003, FIRST AND
3 FOREMOST WELL, LET ME WITHDRAW THAT AND ASK YOU THIS
4 WHAT IS THE CURRENT STATUS OF THIS? HAS THIS BEEN
5 PRESENTED TO THE GENERAL ASSEMBLY BY E O C ?

6 A I BELIEVE IT WAS PRESENTED TO, PROBABLY PRESENTED TO
7 THE EDUCATION COMMITTEE AND PROBABLY WAS PRESENTED TO ONE
8 OF OUR SUBCOMMITTEES, TO THE K THROUGH 12 SUBCOMMITTEE
9 AND I RECEIVED A COPY OF IT AND I KNOW THEY HAD A
10 MEETING WHERE THEY TALKED ABOUT IT

11 SO I GUESS OFFICIALLY IT HAS BEEN PRESENTED TO THE
12 GENERAL ASSEMBLY, BUT I DON'T KNOW WHICH DETAIL THAT --
13 HOW MUCH DETAIL OTHER THAN SIMPLY QUOTE/UNQUOTE PRESENTING
14 IT OR GIVING IT TO US

15 Q WELL, WAS THE -- WAS THIS PROPOSAL TAKEN UP BY THE
16 GENERAL ASSEMBLY DURING THE LAST SESSION?

17 A NO

18 Q WHY NOT?

19 A WELL, BY THE TIME WE WOULD HAVE RECEIVED THIS, I
20 DON'T REMEMBER EXACTLY WHEN IT WAS, BUT I'M SURE WE WOULD
21 HAVE BEEN -- WE WERE IN THE PROCESS OF WRITING THE BUDGET
22 AT THAT POINT IN TIME AND A STUDY OF THIS MAGNITUDE
23 WILL TAKE A WHILE TO DIGEST AND UNDERSTAND TO DECIDE
24 WHETHER OR NOT TO USE IT OR MODIFY IT OR SOME VERSION OF
25 IT

1 RESULT THEY'RE SCORING BASIC OR ABOVE ON THE P A C T TEST
2 WHEN THEY TAKE IT

3 Q YOU'VE BEEN TALKING ABOUT THE OPPORTUNITY TO LEARN
4 WHAT ABOUT ACHIEVEMENT? I THINK I ALREADY ASKED YOU ARE
5 YOU SATISFIED WITH THE LEVELS OF ACHIEVEMENT IN SOUTH
6 CAROLINA?

7 A NO, NOT AT ALL

8 Q WHAT DO YOU THINK THE BEST WAY TO IMPROVE STUDENT
9 ACHIEVEMENT ACROSS THE BOARD IN THE PLAINTIFF DISTRICTS
10 AND IN EVERY DISTRICT IN THE STATE, WHAT IS YOUR VIEW OF
11 THE BEST WAY TO DO THAT?

12 A FIRST OF ALL, THERE IS NO SILVER BULLET I MEAN YOU
13 CAN'T -- THERE IS NO MAGICAL PROGRAM THAT YOU CAN CREATE
14 AND ALL OF A SUDDEN EVERYBODY LEARNS AND, YOU KNOW, WE'RE
15 HAPPY BECAUSE THE ACHIEVEMENT IS FINALLY THERE BECAUSE WE
16 DID X THAT JUST ISN'T -- THAT JUST ISN T REALITY

17 IT IS A LONG INVOLVED ARDUOUS PROCESS WHERE WE HAVE
18 TO PUT THE -- HAD TO, IN THE PAST TENSE, PUT THESE
19 RIGOROUS STANDARDS IN PLACE, TEST THOSE CHILDREN TO SEE IF
20 THEY ARE LEARNING IT, HAVE THE INTESTINAL FORTITUDE TO
21 REPORT THOSE RESULTS BECAUSE SOMETIMES THEY'RE NOT FUN TO
22 SEE WHEN THEY GET REPORTED AND THEN DOING WHAT WE HAVE TO
23 DO WHERE WE HAVE IDENTIFIED THE PROBLEMS TO HELP RAISE
24 THOSE CHILDREN UP

25 YOU GOT TO START THAT WHICH WE'VE STARTED AND THEN

1 A RIGHT THE '02, '03 YEAR IS 40,000 I MEAN, YOU
2 WANT -- IF YOU WANT THAT YEAR THAT'S FINE THERE'S MORE
3 CURRENT DATA HERE BUT USING THE OLDER DATA THE AMOUNT WAS
4 39,923

5 Q 39,923 AND THE UNITED STATES AVERAGE WAS

6 A FORTY -- 44,632

7 Q AND YOU WERE ON ANOTHER PAGE AND WHAT PAGE WERE YOU
8 ON? WHAT CHART WERE YOU LOOKING ON FOR MORE UP-TO-DATE
9 DATA?

10 A ON C 11 IT'S SOUTH CAROLINA 43062 AND THE NATIONAL
11 AVERAGE IS 45,891

12 Q OKAY GOOD THANK YOU FOR -- FOR POINTING THAT OUT

13 A THEN ON -- THEN WHEN YOU LOOK AT THOSE NUMBERS THE
14 WAY MR STEPP AND I WERE LOOKING AT THEM AS A COMPARISON
15 TO THE -- WHERE WE COMPARE THE NATIONAL AVERAGE OF TEACHER
16 SALARIES AS COMPARED TO WHERE WE IN SALARIES GENERALLY
17 COMPARE TO NATIONAL AVERAGE, WHILE I THINK WE OUGHT TO BE
18 PAYING TEACHERS MORE THE TEACHERS ARE, I THINK THEY'RE AT
19 ABOUT 87 PERCENT OR 88 PERCENT, THAT NUMBER IS IN HERE
20 SOMEWHERE

21 Q RIGHT YOU AND MR STEPP ALREADY COVERED THAT?

22 A RIGHT SO IT WAS IN 2001, 2002, CHART C 17 SHOWS
23 THE -- THAT WE WERE 89 6 PERCENT OF THE NATIONAL AVERAGE
24 WHERE ON THE OTHER SALARIES GENERALLY ARE 81 7 WHILE I
25 DO BELIEVE WE NEED TO PAY TEACHERS MORE MONEY IN THIS

1 STATE, CLEARLY THEY'RE, AS COMPARED TO THE REST OF THE
2 POPULATION, THEY'RE CLOSER TO THE NATIONAL AVERAGE
3 Q IN TERMS OF THE CHANGE, IN TERMS OF CURRENT CHANGE,
4 LET'S LOOK AT C 22 THIS IS A CHANGE IN INSTRUCTIONAL
5 STAFF SALARY '01 TO '02, TO '02, '03 WHERE DID SOUTH
6 CAROLINA RANK IN TERMS OF THE CHANGE WE MADE IN THIS PAST
7 YEAR ACCORDING TO THIS DATA?

8 A FORTY-NINTH

9 Q FORTY-NINTH AND OUR INCREASE WAS WHAT?

10 A 1 PERCENT

11 Q 1 PERCENT AND THE NATIONAL AVERAGE WAS WHAT?

12 A 2 8 PERCENT

13 Q NOW, LET'S LOOK AT WHERE WE STAND IN TOTAL PERSONAL
14 INCOME AT D 1 IT LOOKS LIKE WE'RE THE 27TH WEALTHIEST
15 STATE IN THE NATION RIGHT?

16 A NO, I DON'T AGREE WITH THAT AT ALL WE RANK 27TH IN
17 TOTAL PERSONAL INCOME

18 Q RIGHT

19 A BUT THAT'S NOT TAKING INTO ACCOUNT HOW MANY PEOPLE
20 LIVE HERE AND -- AND THOSE KINDS OF THINGS I MEAN, I
21 WOULDN'T SAY THAT WE'RE 27TH RICHEST IN THE COUNTRY
22 BECAUSE I -- I THINK YOU NEED TO LOOK AT THAT NUMBER MORE
23 BY INDIVIDUAL PEOPLE

24 Q ALL RIGHT I WILL -- I WILL TAKE AWAY THE
25 CHARACTERIZATION OF IT WE ARE 27TH IN TOTAL PERSONAL

1 BELIEVE THAT THE TWO OF US ARE SAYING, WHAT I THINK I HEAR
2 YOU SAYING IS THAT THE PURPOSE OF EDUCATION IS TO DO ALL
3 OF THESE THINGS AND I'M SAYING THAT THE PURPOSE OF
4 EDUCATION IS TO PUT THE CHILD IN A POSITION WHERE THEY CAN
5 DO WHAT'S NECESSARY TO PREPARE THEMSELVES TO DO ALL THESE
6 THINGS

7 NOW, I THINK THERE'S A HUGE DIFFERENCE BETWEEN US
8 MAKING SURE THE OPPORTUNITY EXISTS AND US MAKING SURE THE
9 OUTCOME OCCURS I THINK THERE'S A MASSIVE DIFFERENCE
10 BETWEEN THOSE TWO THINGS

11 Q WELL, LET S STOP ON AND TALK ABOUT THAT FOR A MINUTE
12 IN -- IN -- ONE OF THE REASONS THAT YOU AND I WENT THROUGH
13 ALL OF THESE OUTCOMES JUST A MINUTE AGO IS ONE OF THE KEY
14 THINGS THAT YOU LOOK AT IN MAKING PUBLIC POLICY FOR THE
15 STATE OR THE OUTCOMES FROM THE EDUCATION SYSTEM, RIGHT?

16 A THAT'S TRUE

17 Q AND YOU'RE DEEPLY CONCERNED ABOUT THE DROPOUT RATE,
18 AREN'T YOU?

19 A I AM YES, I AM

20 Q YOU'RE DEEPLY CONCERNED ABOUT THE BULGE OF PEOPLE IN
21 THE NINTH GRADE THAT ARE STALLED THERE, UNABLE TO
22 PROGRESS, RIGHT?

23 A THAT I BELIEVE LEADS TO THE DROPOUT RATE ACTUALLY,
24 YES

25 Q RIGHT AND YOU RE DEEPLY CONCERNED ABOUT THE DROP

1 WHOOPS SHE SAYS, SORRY, IT'S PLAINTIFFS' EXHIBIT 111

2 THE COURT OKAY

3 MR MORRISON I APOLOGIZE

4 BY MR MORRISON

5 Q NOW, IN THE AREA OF CAPITAL NEEDS WE HAVE HAD SOME
6 CHANGES IN THE METHODOLOGY BY WHICH THE STATE HELPS TO
7 FUND CAPITAL NEEDS OF THE SCHOOLS IS THAT RIGHT?

8 A I'M NOT SURE WHAT YOU MEAN

9 Q WELL, LET'S LOOK TOGETHER AT PLAINTIFFS' EXHIBIT
10 6108, CAPITAL OUTLAY SCHOOL BUILDING HISTORICAL DATA AND
11 THIS IS A CHART THAT SHOWS AN OLD PER HEAD FUND THAT WAS
12 APPROPRIATED IN THE GENERAL FUND FROM 1985 TO 1991 WHERE
13 THE SCHOOLS OR CAPITAL THE GENERAL FUND APPROPRIATED A
14 CERTAIN AMOUNT DO YOU SEE THAT, FROM 1985 TO 1991?

15 A I DO

16 Q AND IT WAS ON A -- IT WAS CALLED 3015 AND IT WAS A
17 PER HEAD AMOUNT JUST -- JUST PER STUDENT YOU HAD A SORT
18 OF A SINKING FUND DO YOU REMEMBER THAT AT ALL?

19 A I DO

20 Q OKAY

21 A IT WAS DISTRIBUTED \$30 FOR EACH STUDENT AND \$15 FOR
22 EACH KINDERGARTEN STUDENT, I BELIEVE, IS WHAT THAT MEANT

23 Q THAT'S RIGHT AND THEN IN 1992 THE E I A ALSO
24 APPROPRIATED A 3015 AND THAT WENT ON NOT ALSO BUT IT WAS
25 SHIFTED OVER TO THE E I A AS PART OF THAT ACT?

1 A THAT'S CORRECT

2 Q IN 1992 WE CONTINUED THAT TO THE YEAR 2000 \$30 PER
3 STUDENT AND 15 PER KINDERGARTEN STUDENT, RIGHT?

4 A THAT'S RIGHT

5 Q AND IT WAS GIVEN ON A PER HEAD BASIS?

6 A THAT'S CORRECT

7 Q OKAY THEN THERE WAS SOME BARNWELL REVENUE THAT CAME
8 IN FOR CAPITAL NEEDS, RIGHT?

9 A THAT'S RIGHT

10 Q AND THE BARNWELL REVENUE IS NOW OVER WITH, RIGHT, OR
11 IS THERE A LITTLE BIT LEFT?

12 A I THINK IT'S -- STILL GETS APPROPRIATED I DON'T
13 BELIEVE IT'S OVER WITH

14 Q OKAY DO YOU KNOW HOW THAT'S DISTRIBUTED?

15 A I DON'T -- I DON'T RECALL THE DISTRIBUTION METHOD

16 Q THE LAST DISTRIBUTION OR THE LAST AMOUNT WE HAVE HERE
17 IS \$21 MILLION

18 A THAT SOUNDS RIGHT

19 Q OKAY ARE YOU AWARE THAT RECENT HIGH SCHOOL
20 BUILDINGS HAVE COST \$21 MILLION OR MORE JUST FOR ONE
21 BUILDING?

22 A YES I'M CERTAINLY AWARE OF THAT THAT \$21 MILLION
23 IS THE AMOUNT OF PROFIT THAT COMES IN FROM THE --

24 Q BARNWELL?

25 A -- FROM BARNWELL THAT CAN GO TO A BUILDING IT ISN'T

1 CORRELATED TO THE COST OF THE SCHOOL IT'S JUST A SOURCE
2 OF FUNDS AND THAT SOURCE OF FUNDS IS DEDICATED TO SCHOOL
3 BUILDINGS

4 Q RIGHT

5 A WHATEVER IT GENERATES

6 Q RIGHT WHATEVER IT'S GENERATES IS THERE AND IT
7 HAPPENED TO GENERATE 21 MILLION IN 2003?

8 A THAT'S RIGHT

9 Q WHICH MAY OR MAY NOT BE ROUGHLY THE AMOUNT OR IT MAY
10 BE ROUGHLY THE AMOUNT IT COSTS TO BUILD A HIGH SCHOOL,
11 SOMETHING IN THE ZONE OF 20 TO 25 MILLION?

12 A THAT'S RIGHT

13 Q OKAY WITH REGARD TO THE -- OTHER THAN THE BARNWELL
14 21 MILLION IN 2003, THERE WAS NO MONEY SET ASIDE BY THE
15 STATE FOR CAPITAL OUTLAY OR CAPITAL NEEDS, RIGHT?

16 A WE DID THE -- THE HUGE BOND ISSUANCE

17 Q THERE WAS A BOND BILL WHICH I WAS GOING TO GET TO BUT
18 I'M IN '03, RIGHT? I WAS TRYING TO COVER THAT 21 MILLION
19 I HAVE A ZERO THERE ON THE BOTTOM

20 THE BOND BILL IS THE THREE YEARS BEFORE THAT DO YOU
21 SEE THAT?

22 A I DO I DON'T REMEMBER THE YEARS THAT THE MONEY WAS
23 ACTUALLY DISTRIBUTED

24 Q OKAY

25 A SO I -- I DON'T KNOW I'M NOT SURE THAT THAT'S RIGHT

1 BUT I DON'T HAVE ANY REASON TO CHALLENGE WHAT YOU SAID
2 Q OKAY AND I THINK THE PRIOR TESTIMONY IN, LET ME
3 JUST CHECK THIS WITH YOU THERE WAS A ONE TIME
4 \$750 MILLION BOND BILL DISTRIBUTED THREE YEARS, 250,000 --
5 250 MILLION EACH YEAR?
6 A THAT'S CORRECT
7 Q OKAY DO YOU KNOW HOW THAT WAS DISTRIBUTED?
8 A I CAN'T REMEMBER IF IT WAS -- I THINK IT WAS
9 DISTRIBUTED PER CAPITA, BUT I'M NOT -- SIMILARLY TO THE
10 WAY THE 30 AND THE 15 WORK
11 Q RIGHT
12 A I THINK IT WAS SIMILAR TO THAT I DON'T KNOW FOR
13 SURE, THOUGH
14 Q OKAY YOU AND MR STEPP SPENT A LITTLE BIT OF TIME
15 TALKING ABOUT THE E A A AND I THINK YOU MENTIONED THAT
16 IT HAD BEEN FULLY FUNDED RIGHT?
17 A YES
18 Q NOW, THE E A A REQUIRES, I THINK, EXTRA DAYS IN THE
19 SCHOOL YEAR IS THAT RIGHT?
20 A I DON'T REMEMBER
21 Q YOU DON'T REMEMBER AN EXTRA FIVE DAYS IN THE SCHOOL
22 YEAR?
23 A I -- I'M NOT CHALLENGING YOU, STEVE I DON'T
24 REMEMBER IF IT DOES THAT OR NOT
25 Q OKAY LET'S LOOK AT -- AT SECTION 59-1-420 TOGETHER

1 MR STEPP MAY IT PLEASE THE COURT

2 THE COURT YES, SIR

3 DIRECT EXAMINATION

4 BY MR STEPP

5 Q DR GUTHRIE, I WANT TO ASK YOU THIS QUESTION RIGHT
6 OFF THE BAT DOES EACH CHILD IN THE PLAINTIFF DISTRICTS
7 IN THIS LAWSUIT HAVE THE OPPORTUNITY TO ACQUIRE A
8 MINIMALLY ADEQUATE EDUCATION?

9 A YES

10 Q DO YOU HAVE ANY DOUBT ABOUT THAT?

11 A I HAVE NO DOUBT WHATSOEVER

12 Q WELL, TELL ME AT LEAST GENERALLY HOW YOU HAVE ARRIVED
13 AT THAT CONCLUSION WHAT DO YOU BASE THAT ON?

14 A I BASE THAT CONCLUSION ON THREE STREAMS OF EVIDENCE
15 ONE STREAM INVOLVES THE GOVERNMENTAL ARRANGEMENTS THAT
16 SOUTH CAROLINA HAS ENACTED THAT GUIDE SCHOOLS AND I'M
17 TALKING PARTICULARLY ABOUT THE CURRICULUM STANDARDS AND
18 THE ASSESSMENT MECHANISMS AND THE MEANS OF ASSISTANCE

19 I WON'T GO INTO DETAIL, BUT I'VE SATISFIED MYSELF
20 THAT THE STATE POLICY IS APPROPRIATE TO GUARANTEE THE
21 OPPORTUNITY FOR A MINIMALLY ADEQUATE EDUCATION THAT'S
22 ONE STREAM

23 Q OKAY WE'LL TALK SOME MORE ABOUT THAT LATER WHAT'S
24 THE SECOND STREAM THAT YOU'RE REFERRING TO?

25 A A SECOND STREAM TO WHICH I'M REFERRING IS THAT LEVELS

1 OF FINANCIAL RESOURCES AVAILABLE TO SCHOOL DISTRICTS AND
2 SCHOOLS AND ULTIMATELY TO STUDENTS IN THIS STATE, IN MY
3 JUDGMENT THOSE ARE SUFFICIENT TO ENSURE THE OPPORTUNITY
4 FOR A MINIMALLY ADEQUATE EDUCATION

5 Q WE'LL ALSO DEAL WITH THAT IN MORE DETAIL LATER, BUT
6 TELL ME WHAT THE THIRD STREAM IS

7 A AND THE THIRD STREAM IS THE PERFORMANCE OF SOUTH
8 CAROLINA ELEMENTARY AND SECONDARY SCHOOL STUDENTS ON THE
9 PACT TEST THAT THE -- THE PERFORMANCE SUGGESTS TO ME
10 STRONGLY THAT THERE IS A MINIMALLY ADEQUATE -- PARDON ME,
11 THAT THERE'S AN OPPORTUNITY TO ACQUIRE A MINIMALLY
12 ADEQUATE EDUCATION IN THIS STATE

13 Q WELL, WHAT ABOUT IN THE PLAINTIFF DISTRICTS IN THIS
14 STATE?

15 A AND WITHOUT QUESTION, WITHIN THE PLAINTIFF DISTRICTS
16 IN THE STATE

17 Q NOW, YOU MENTIONED THIS, THE LAST COMPONENT OF YOUR
18 ANSWER, DR GUTHRIE, THE PACT SCORES, THE ACHIEVEMENT
19 RESULTS CAN YOU MEASURE EDUCATIONAL OPPORTUNITY BY
20 LOOKING AT ACHIEVEMENT?

21 A YOU CAN AND THERE IS A PARADOX HERE THAT GETS
22 REFERRED TO AS THE OPPORTUNITY ACHIEVEMENT PARADOX

23 Q TELL ME WHAT THAT MEANS WHAT IS THE PARADOX ABOUT,
24 OPPORTUNITY AND ACHIEVEMENT?

25 A THE PRESENCE OF ACHIEVEMENT IS EVIDENCE OF

1 OPPORTUNITY THE ABSEN -- HERE'S THE PARADOX THE
2 ABSENCE OF ACHIEVEMENT IS NOT EVIDENCE OF THE ABSENCE OF
3 OPPORTUNITY

4 Q WELL, WHY DOESN'T IT WORK BOTH WAYS? WHY ISN'T LOW
5 ACHIEVEMENT OR POOR ACHIEVEMENT EVIDENCE OF THE ABSENCE OF
6 OPPORTUNITY?

7 A BECAUSE WE KNOW OR -- I CAN'T UNDERSCORE SUFFICIENTLY
8 HOW -- HOW WELL WE KNOW THAT THE ACHIEVEMENT OF STUDENTS
9 IS A PRODUCT OF FACTORS IN ADDITION TO SCHOOLS SCHOOLS
10 DO NOT HAVE UNIFORM CONTROL THEY DON'T HAVE PROPERTY

11 THEY DON'T HAVE EXCLUSIVE DOMINATION OVER WHAT IT IS
12 THAT ENABLES YOUNGSTERS TO LEARN AND TO ACHIEVE

13 Q WELL, THAT'S SOMETHING I WANT TO EXPLORE WITH YOU NOW
14 IN MORE DETAIL IF WE CAN, DR GUTHRIE, THE FACTORS THAT
15 INFLUENCE STUDENT ACHIEVEMENT AND SORT OF BY WAY OF
16 BACKGROUND TO THIS DISCUSSION, I WANT TO CALL YOUR
17 ATTENTION TO DEFENDANTS EXHIBIT 3338 WHICH IS A REPORT
18 ENTITLED A NATION AT RISK, PUBLISHED APRIL OF 1983 AND
19 I'LL PROVIDE YOU A COPY AS WELL

20 A THANK YOU

21 Q AND THIS REPORT HAS BEEN MENTIONED PREVIOUSLY IN THE
22 CASE, BUT I DISCOVERED THAT IT'S NEVER ACTUALLY BEEN PUT
23 IN EVIDENCE JUST BY WAY OF BACKGROUND FOR OUR
24 DISCUSSION, I WANT TO ASK YOU ABOUT A NATION AT RISK
25 WHAT -- WHEN DID IT COME OUT? WHAT IS IT? AND HOW DOES

1 NEGATIVELY AND CAN YOU -- IS IT POSSIBLE TO GROUP THOSE
2 INTO CATEGORIES AND IF SO CAN YOU TELL ME WHAT CATEGORIES
3 THERE ARE?

4 A I KNOW THE WORLD IS DIVIDED INTO LUMPERS AND
5 SPLITTERS BUT HERE FOR A MOMENT I'LL BE A LUMPER AND I
6 THINK THERE ARE THREE MAJOR CATEGORIES OF -- OR
7 CONDITIONS LET ME CALL THEM THREE MAJOR CONDITIONS,
8 THAT -- THAT EXPLAINS STUDENT ACHIEVEMENT

9 ONE IS THE CONTEXT, THE ENVIRONMENT IN WHICH -- INTO
10 WHICH A STUDENT IS BORN, RAISED, REARED, PLAYS OUT IN A
11 COMMUNITY THAT -- THE ENVIRONMENT OF A STUDENT AND IF
12 APPROPRIATE I'LL GO INTO DETAIL

13 Q WELL, GIVE US THE -- GIVE US THE OTHERS FIRST AND
14 WE'LL COME BACK AND TALK ABOUT EACH ONE OF THEM

15 A ALL RIGHT FINE A SECOND CONDITION OR CATEGORY
16 HERE ARE THE ATTRIBUTES OR CHARACTERISTICS OF THE STUDENT
17 HIMSELF OR HERSELF WHATEVER HE OR SHE HAS INSIDE OF HIM
18 OR HER

19 AND THE THIRD ARE THE CONDITIONS AND CHARACTERISTICS
20 OF SCHOOLS THAT CAN AFFECT THE, I DO BELIEVE, SCHOOLS CAN
21 EFFECT ACHIEVEMENT I THINK THOSE WHO DON'T BELIEVE THEY
22 CAN ARE MISTAKEN I THINK THERE'S EVIDENCE THEY CAN

23 BUT THOSE ARE THE THREE THINGS THAT OPERATE IN THEIR
24 INTERACTION TO EXPLAIN, TO CAUSE, TO EFFECT ACADEMIC
25 ACHIEVEMENT

1 Q ALL RIGHT I WANT TO GO BACK TO YOUR FIRST ONE,
2 THIS -- THIS ENVIRONMENT CAN WE CALL THOSE ENVIRONMENTAL
3 FACTORS IS THAT OKAY?

4 A THAT'S FINE BY ME

5 Q ALL RIGHT NOW, WHAT SORTS OF ENVIRONMENTAL FACTORS
6 ARE WE TALKING ABOUT THAT HAVE AN EFFECT ON ACHIEVEMENT?

7 A THESE ENVIRONMENTAL FACTORS COME INTO PLAY VIRTUALLY
8 COINCIDENT WITH CONCEPTION AT THE TIME SOME OVUM IS
9 FERTILIZED, THIS HAPPENS IN THE -- THE WOMB OF A MOTHER
10 AND THE PHYSICAL CONDITION THE HEALTH OF THE MOTHER, THE
11 NUTRITION OF THE MOTHER, THE ACCESS TO MEDICAL CARE AND
12 HEALTH KNOWLEDGE OF THE MOTHER IMMEDIATELY BEGINS TO
13 INFLUENCE WHAT HAPPENS TO THIS EMBRYO AND ULTIMATELY WHAT
14 HAPPENS TO THIS INFANT AND WHAT HAPPENS TO THIS CHILD

15 SO LITERALLY FROM THE WOMB WE START TO HAVE
16 ENVIRONMENTAL INFLUENCES ON CHILDREN WHO BECOME --
17 SUBSEQUENTLY BECOME STUDENTS

18 NOW, THESE ENVIRONMENTAL INFLUENCES TAKE PLACE ALL
19 THROUGHOUT PREGNANCY, THE PRENATAL VISITS OF A MOTHER, THE
20 PRENATAL HEALTHCARE OF A MOTHER, THE PRENATAL PHYSICAL
21 CONDITION OF A MOTHER, THE NUTRITION OF A MOTHER ALL
22 THIS BEGINS TO SHAPE THE CAPACITIES OF CHILDREN TO BENEFIT
23 FROM SCHOOLS

24 BUT UPON BIRTH, OF COURSE, IT ALL BEGINS TO FLOWER IN
25 A MUCH WIDER SETTING BECAUSE NOW THAT THE HEALTH OF THE

1 CHILD, THE HEALTHCARE OF THE CHILD, THE NUTRITION OF THE
2 CHILD, ALL OF THAT BEGINS TO MATTER THE INTERACTION WITH
3 ADULTS ARE -- AND THE STABILITY OF THAT INTERACTION DO
4 WE HAVE A MOTHER PRESENT? DO WE HAVE A MOTHER AND FATHER
5 PRESENT? WHAT -- WHAT KIND OF -- THE ADULTS IN THIS
6 CHILD'S LIFE, ARE THEY RELATIVELY STABLE OR DO THEY FLOW
7 IN AND OUT WITH -- IN VARIOUS DEGREES

8 HOW MANY SIBLINGS ARE THERE IN THIS HOUSEHOLD? DOES
9 THE PARENT ATTENTION HAVE TO BE DIVIDED AND SPREAD,
10 DISTRIBUTED OVER MULTIPLE CHILDREN, LARGE NUMBERS OF
11 CHILDREN OR CAN IT BE FOCUSED ON ONE OR A FEW CHILDREN?

12 AND THE FINANCIAL WELL-BEING OR THE ABSENCE OF
13 WELL-BEING OF THE HOUSEHOLD BEGINS TO MATTER WE KNOW
14 THAT READING MATERIALS AVAILABLE, WE KNOW THAT JUST THE
15 MATERIAL COMFORT IN A HOUSEHOLD, WE KNOW THE NUTRITION IS
16 TIGHTLY TIED TO HOUSEHOLD INCOME

17 AND I -- I COULD GO ON BUT I'M SURE THAT THE PICTURE
18 GETS PAINTED HERE THAT WHAT TAKES PLACE EVEN -- RIGHT
19 AFTER -- BEFORE A CHILD'S BORN, AFTER CHILD IS BORN,
20 BEFORE A CHILD GOES TO SCHOOL, ALL OF THESE NEIGHBORHOOD
21 EFFECTS, ALL THESE ENVIRONMENTAL EFFECTS CONDITION, THEY
22 SHAPE, THEY AFFECT THE CAPACITY OF A CHILD TO BENEFIT FROM
23 FORMAL INSTRUCTION IN A SCHOOL

24 NOW, THIS IS WHAT I -- WHAT I LABEL OR ANYONE WOULD
25 THE SOCIAL AND ECONOMIC ENVIRONMENT OF THE CHILD,

1 SOCIOECONOMIC STATUS, S E S , IF YOU WILL NOW, THE
2 INFLUENCE OF THESE -- THIS CONSTELLATION OF CONDITIONS,
3 THE INFLUENCE OF THIS ON ACHIEVEMENT, ON ACADEMIC
4 ACHIEVEMENT, IS ONE OF THE MOST STRONGLY UNDERSTOOD SOCIAL
5 SCIENCE FINDINGS WE HAVE IN THE WORLD

6 NOW, JAMES S COLEMAN IN THE COLEMAN REPORT TO WHICH
7 I MADE EARLIER MENTION THIS MORNING, THAT 1966 COLEMAN
8 REPORT IS OUR MOST RIGOROUS INITIAL ANALYSES OF THESE
9 CONDITIONS AND THEIR EFFECT ON STUDENT ACHIEVEMENT

10 BUT EVER SINCE THEN WE'VE HAD OTHER ANALYSES THAT
11 ALMOST NEVER DO THEY DIFFER IN ANY SIGNIFICANT WAY, IN ANY
12 SIGNIFICANT MANNER FROM WHAT JAMES S COLEMAN PUBLISHED IN
13 1966, ALMOST 40 YEARS AGO, ABOUT THIS

14 Q DR GUTHRIE, YOU HAVE SORT OF TRIED TO CAPTURE THIS
15 CONSTELLATION OF EFFECTS UNDER THE LABEL SOCIOECONOMIC
16 CONDITIONS DID I UNDERSTAND YOU CORRECTLY?

17 A THAT'S CORRECT THAT IS CORRECT

18 Q AND THEN HOW DO -- YOU USED THE PHRASE, I THINK, THAT
19 THE -- THAT THESE CONDITIONS RESTRICT THE CAPACITY OF
20 STUDENTS TO BENEFIT FROM FORMAL INSTRUCTION DID I HEAR
21 THAT RIGHT?

22 A IN THE INSTANCE OF THOSE STUDENTS WHO DON'T HAVE
23 OPTIMUM OR COMFORTABLE OR EFFECTIVE CIRCUMSTANCES IN THIS
24 ENVIRONMENT, IT CAN RESTRICT THEIR CAPACITY TO BENEFIT
25 FROM SCHOOLING

1 Q DOES THAT MEAN, DR GUTHRIE, THAT THESE STUDENTS
2 CANNOT LEARN?

3 A BY NO MEANS DOES IT MEAN THAT

4 Q DOES IT MEAN THAT STUDENTS WHO SHARE THOSE
5 CHARACTERISTICS DO NOT HAVE THE OPPORTUNITY TO ACQUIRE AN
6 EDUCATION WITHIN A FORMAL STRUCTURED SCHOOL ENVIRONMENT?

7 A NO, IT DOES NOT MEAN THAT IT -- IT MEANS THAT WHEN
8 THEY GET TO SCHOOL, THE CHALLENGE OF EDUCATORS IS
9 INTENSIFIED BUT IT DOESN'T MEAN THAT THEY CAN'T LEARN AND
10 IT DOESN'T MEAN THAT THEY WON'T HAVE, DON'T HAVE
11 OPPORTUNITY

12 Q OKAY WELL, HOW DO WE MEASURE THIS? THERE ARE A
13 VARIETY OF SOCIOECONOMIC FACTORS YOU MENTIONED NUMBER OF
14 SIBLINGS IN THE HOUSEHOLD IN SOCIAL SCIENCE RESEARCH AND
15 EDUCATION, IS THERE SOME PROXY FOR ALL OF THOSE FACTORS
16 THAT IS TYPICALLY USED TO -- TO EVALUATE THE MAGNITUDE OF
17 THOSE CHARACTERISTICS ON STUDENTS IN THE SCHOOL?

18 A THE CONVENTIONAL SHORTHAND WHICH CERTAINLY DISTORTS
19 SOME OF THE -- OF THE DETAIL, BUT THE CONVENTIONAL
20 ACADEMIC SHORTHAND IS TO TALK ABOUT THE DEFICIENT
21 SITUATION AS BEING POVERTY IMPACT ON STUDENTS BECAUSE
22 THE -- THE AGGREGATE ENVIRONMENT OF STUDENTS FROM
23 LOW-INCOME HOUSEHOLDS GENERALLY, THERE ARE IMPORTANT
24 EXCEPTIONS, BUT THEIR AGGREGATE ENVIRONMENT IS ONE WHICH
25 IS DEFICIENT ON THESE CATEGORIES OF NUTRITION AND

1 THE PERCENTAGE OF STUDENTS WHO ARE ELIGIBLE FOR FREE AND
2 REDUCED LUNCH, AND DR HAWKINS PUT PARENS POVERTY YOU
3 SEE THAT?

4 A YES

5 Q NOW, IS THIS A PERFECT MEASURE OF POVERTY?

6 A NO, IT -- IT'S AN IMPERFECT MEASURE, BUT -- BUT IT'S
7 COMMONLY USED I'M NOT HERE TO QUIBBLE ABOUT IT
8 COMMONLY USED

9 AND THE PATTERN THAT -- THAT HE DISCERNs, THIS
10 INVERSE RELATIONSHIP, THE HIGHER THE LEVEL OF POVERTY, THE
11 LOWER THE PERCENT OF STUDENTS PASSING PACT IS A
12 CONVENTIONAL FINDING I'M NOT DENIGRATING IT BY SAYING
13 CONVENTIONAL IT'S A FREQUENT FINDING

14 Q AND I THINK -- WE DON'T HAVE EXACTLY THIS SLIDE BUT I
15 THINK IN DR HAWKINS' ANALYSIS THIS FREE AND REDUCED LUNCH
16 STATUS ACCOUNTS FOR ABOUT 62 PERCENT OF THE VARIATION ON
17 THE PACT SCORES IN SOUTH CAROLINA IS THAT YOUR
18 UNDERSTANDING OF HIS CONCLUSION?

19 A THAT IS AND --

20 Q AND --

21 A PARDON ME

22 Q GO AHEAD

23 A WELL, 62 PERCENT IS WELL WITHIN THE RANGE OF WHAT
24 RESEARCHERS FIND REPEATEDLY FOR THE RELATIONSHIP BETWEEN
25 POVERTY AND ACHIEVEMENT THAT'S A LITTLE BIT ON THE LOW

1 SIDE OF THE RANGE BUT IT'S WITHIN -- IT'S WITHIN THE --
2 THE BALL PARK AND I WOULDN'T FIND FAULT WITH THIS FOR A
3 MOMENT

4 Q WELL NOW, IS THIS -- DR HAWKINS FOR PURPOSES OF THIS
5 CASE AND IN HIS WORK IN SOUTH CAROLINA HAS LOOKED AT PACT
6 SCORES AND HE'S LOOKED AT FREE AND REDUCED LUNCH
7 ELIGIBILITY AND HE'S COME TO THIS STATISTICAL RELATIONSHIP
8 THAT HE HAS DISCOVERED

9 IS THERE ANYTHING FUNDAMENTALLY DIFFERENT ABOUT WHAT
10 DR HAWKINS DETERMINED IN SOUTH CAROLINA FROM WHAT YOU
11 HAVE OBSERVED IN DATA ACROSS THE COUNTRY?

12 A NONE, NONE AT ALL I MENTIONED ON THE LOW END
13 SLIGHTLY, BUT VERY CONSISTENT WITH OTHER FINDINGS

14 Q IS THIS RELATIONSHIP BETWEEN SOCIOECONOMIC CONDITIONS
15 AS MEASURED OR TRIED PURPORTEDLY CAPTURED BY POVERTY, IS
16 THE RELATION BETWEEN ALL OF THAT AND ACHIEVEMENT IS THAT A
17 UNIVERSALLY-RECOGNIZED RELATIONSHIP IN EDUCATION SCIENCE?

18 A IT IS INTERESTINGLY IN THE UNITED STATES AND
19 OVERSEAS IT'S INTERNATIONALLY THESE FINDINGS ARE FOUND
20 ON -- I DON'T KNOW IF IT MATTERS, BUT LOCKSBY AND
21 HEINEMANN FINDS THE SAME THINGS IN 50 OTHER NATIONS

22 Q OKAY WELL NOW, HELP ME UNDERSTAND THE POWER OF THIS
23 RELATIONSHIP IF YOU CAN, DR GUTHRIE WHAT DOES IT MEAN
24 TO SAY THAT FREE AND REDUCED LUNCH STATUS IN SOUTH
25 CAROLINA EXPLAINS 62 PERCENT OF THE VARIATION IN PACT

1 VERY LOW LEVELS AND REMARKABLY HIGH LEVELS AND WE CAN
2 TALK ABOUT TEN AND 20 PERCENT PASSING GRADES AND 90,
3 95 PERCENT PASSING GRADES WE GET A VERY WIDE SPECTRUM OF
4 PASSING UNDER PRESENT CIRCUMSTANCES

5 UNDER MY HYPOTHETICAL, THAT WOULD BE SUBSTANTIALLY
6 COLLAPSED IT'S WOULD DROP BY TWO-THIRDS

7 Q THAT WOULD DROP BY TWO-THIRDS WHAT DO YOU HAVE TO
8 CHANGE IN THE SCHOOLS TO DROP THAT BY TWO-THIRDS?

9 A WELL, STOP ME IF I DON'T UNDERSTAND YOUR QUESTION
10 CORRECTLY BUT FRANKLY UNDER CURRENT CONDITIONS, THERE IS
11 VIRTUALLY NOTHING SCHOOLS CAN DO TO COLLAPSE IT THAT FAR
12 UNDER CURRENT CONDITIONS

13 Q OKAY BUT WHAT I WAS -- I APPRECIATE THAT AND WHAT
14 I WAS ASKING IS, YOU KNOW, WOULD YOU HAVE TO -- IF YOU
15 JUST HAD THIS CURMUDGEONAIETY (SIC) OF STUDENTS WHICH I
16 REALIZE IS JUST, YOU KNOW, AN ASSUMPTION THAT WE'RE
17 MAKING, BUT IF THAT WERE THE CASE, IN ORDER TO COMPRESS
18 THE SCORES INTO THIS NARROW BAND, WOULD YOU HAVE TO CHANGE
19 THE TEACHERS OR THE FACILITIES OR THE DOLLARS OR THE TIME,
20 WOULD YOU HAVE TO CHANGE ANY OF THAT?

21 A NO IF YOU LEFT IT ALL THE SAME, YOU'D STILL GET
22 THAT COMPRESSION BECAUSE THE EXPANSION IS A FUNCTION OF
23 THESE ENVIRONMENTAL FACTORS ABOUT WHICH WE HAVE PREVIOUSLY
24 BEEN SPEAKING

25 Q WELL DR GUTHRIE, HOW DOES IT WORK? I MEAN, WE SEE

1 THE RELATIONSHIP, YOU SAY THIS RELATIONSHIP IS
2 INTERNATIONAL HOW DOES IT HAPPEN, WHAT IS IT ABOUT THESE
3 SOCIOECONOMIC CONDITIONS, WHAT IS IT ABOUT POVERTY THAT
4 PRODUCES THIS RESTRICTIVE CAPACITY OF WHICH YOU SPOKE?
5 HOW DOES IT DO?

6 A WELL, IT WORKS ITS WAY OUT THROUGH -- THROUGH KNOWN
7 OPERATING CONDITIONS ASSOCIATED WITH POVERTY TENDS TO
8 BE -- IT'S AN ASSOCIATION, NOT A CAUSE, THERE TENDS TO BE
9 LOW EDUCATION LEVEL OF PARENTS THERE TENDS TO BE
10 INSTABILITY IN THE HOME, A LOT OF DIVORCE, A LOT MORE
11 DIVORCE

12 THERE TENDS TO BE ADEQUATE -- PARDON ME THERE TENDS
13 TO BE INADEQUATE NUTRITIONAL INFORMATION AND NUTRITION
14 THERE TENDS TO BE ADDED AMOUNTS OF MENTAL ILL HEALTH OR
15 ILL MENTAL HEALTH IN THESE CONDITIONS

16 THERE TENDS TO BE A WIDER NUMBER OF SIBLINGS OVER
17 WHICH PARENTAL ATTENTION HAS TO BE SPREAD THERE TENDS TO
18 BE A COMMUNITY ENVIRONMENT IN WHICH CRIME IS MORE
19 PREVALENT AND CHILDREN ARE OR YOUNG PEOPLE FIND THEMSELVES
20 MORE FREQUENTLY VICTIMIZED BY CRIME

21 NOW, I -- I WOULD CONTINUE BUT THE POINT WOULD BE THE
22 SAME THAT POVERTY CIRCUMSTANCES ARE ASSOCIATED WITH A
23 CONSTELLATION OF, AN AGGREGATE OF CONDITIONS, THE SUM OF
24 WHICH WHEN EMBEDDED WITHIN A CHILD SENDS HIM OR HER OFF TO
25 SCHOOL IN A MANNER WHICH IMPEDES THEIR ABILITY TO BENEFIT

1 FROM THE PROVISION OF SCHOOLING

2 Q LET'S LOOK AT SLIDE FIVE, GRAY, IF WE CAN THIS IS
3 DEFENDANTS' EXHIBIT -- A PORTION OF DEFENDANTS' EXHIBIT
4 3307 HAVE YOU SEEN THIS CHART PREVIOUSLY?

5 A YES YES, I HAVE

6 Q AND DOES THIS CAPTURE IN SOME RESPECTS THE MECHANISMS
7 THAT YOU'RE DISCUSSING THAT TAKE US FROM POVERTY ON THE
8 ONE SIDE TO LOW ACHIEVEMENT ON THE OTHER?

9 A YES, IT DOES

10 Q AND ARE THERE OTHERS THAT ARE NOT EXPRESSED ON THIS
11 CHART THAT YOU'VE MENTIONED?

12 A WELL, THERE ARE A FEW BUT AGAIN THAT'S A MATTER OF
13 LUMPING AND SPLITTING THE -- WHAT'S LISTED HERE ARE THE
14 MAJOR ENGINES AFFECTING LOW ACHIEVEMENT

15 Q OKAY AND THOSE ENGINES ARE THEMSELVES ASSOCIATED
16 WITH POVERTY?

17 A THAT'S CORRECT

18 Q WHAT ABOUT, DR GUTHRIE, THE -- THE PRINT AND
19 LANGUAGE ENVIRONMENT IN WHICH CHILDREN IN POVERTY TEND TO
20 FIND THEMSELVES? CAN YOU DESCRIBE THAT FOR US?

21 A YES, I CAN THERE ARE TWO FACTORS GOING ON ALL AT
22 ONCE THERE'S WHAT PARENTS -- THE PARENTS' VOCABULARY
23 AND EVEN, LET'S IMAGINE A TWO-PARENT FAMILY WHERE BOTH
24 PARENTS ARE, OR NEITHER PARENT IS WELL EDUCATED AND DOES
25 NOT ENGAGE IN A PROFESSIONAL ACTIVITY OR SEMI-PROFESSIONAL

1 ACTIVITY AND HAS THREE OR MORE CHILDREN

2 SO THE VERBAL COMMUNICATION WITH THE CHILD IN THAT
3 HOUSEHOLD IS LIKELY TO BE TRUNCATED THE NUMBER OF WORDS
4 THAT'S GOING TO BE SAID TO THE CHILD IN THE COURSE OF A
5 DAY, IN THE COURSE OF A YEAR, IN THE COURSE OF FIVE YEARS
6 LEADING UP TO SCHOOL, THE KIND OF VOCABULARY THAT'S USED
7 AND THE -- THE NUMBER OF TIMES IT'S USED IS VERY SLENDER
8 COMPARED, WHEN CONTRASTED WITH WHAT AN UPPER INCOME,
9 MIDDLE CLASS MOTHER AND FATHER ARE GOING TO DO WITH FEWER
10 STUDENTS, FEWER CHILDREN, FEWER SIBLINGS AND THEIR OWN
11 SUBSTANTIAL EDUCATION ADVANTAGES

12 THE INTERACTION THEY HAVE WITH THEIR CHILD IS GOING
13 TO BE TEXTURALLY RICH THEY'RE GOING TO USE A LOT OF
14 WORDS THEY'RE GOING TO USE THEM OFTEN AND PROBABLY
15 EVERYBODY SITTING HERE IN THIS COURTROOM UNDERSTANDS THAT
16 YOU GET SOME KINDERGARTNERS IN SCHOOL WHO HAVE A
17 REMARKABLY RICH VOCABULARY AND THEY HAVE BEEN ADVANTAGED
18 BY THIS INTERACTION AT HOME AND WE'RE GOING TO HAVE OTHER
19 STUDENTS IN KINDERGARTEN WHO HAVE HAD A VASTLY RESTRICTED
20 VERBAL EXCHANGE RATIO WITH THEIR PARENTS AND THE
21 CONSEQUENCE IS THAT THEY'RE NOT GOING TO HAVE THE
22 VOCABULARY SKILLS OF THEIR MORE FORTUNATE PEERS

23 Q LET ME SHOW YOU POWERPOINT SLIDE FOUR, PLEASE AND
24 AGAIN, THIS IS -- THE SOURCE OF THIS IS DEFENDANTS' 3307
25 HAVE YOU SEEN THIS GRAPHIC REPRESENTATION BEFORE?

1 IN FACT, MANY OF THEM HAVEN'T EVEN BEEN ACADEMICALLY
2 ORIENTED SO TO SPEAK SO I DON'T THINK THAT'S A VALID
3 BASIS FOR HIM NOT TO RELY ON IT

4 THE COURT DR GUTHRIE DID SAY SPECIFICALLY
5 THAT HE WAS FAMILIAR WITH THE MANHATTAN INSTITUTE, THAT HE
6 FOUND THEIR WORK GENERALLY TO BE RELIABLE, THAT HE
7 REVIEWED THIS PARTICULAR PAPER AND THAT HE FOUND THE WORK
8 REFLECTED IN THIS PARTICULAR PAPER TO BE RELIABLE

9 HIS ANSWER WAS TO A HIGH ORDER IN THAT REGARD AND
10 IT WAS CONSISTENT AND SUPPORTED THE OPINIONS THAT HE'S
11 OFFERING TODAY THOSE I THINK MAKE THE REFERENCE TO THE
12 PAPER AND CERTAIN ASPECTS OF IT ADMISSIBLE WITHIN THE
13 RULES WE APPLIED EARLIER AS A BASIS OF AN OPINION

14 CERTAINLY THE DOCUMENT ITSELF FOR OBVIOUS REASONS
15 WILL NOT COME INTO EVIDENCE I WILL ALLOW HIM CERTAINLY
16 TO TESTIFY FROM IT AND TO ANSWER QUESTIONS BASED ON THE
17 FINDINGS WITHIN THE REPORT HOWEVER
18 BY MR STEPP

19 Q I'M GOING TO HAND UP THIS JUST SO YOU CAN REFER TO
20 IT, DR GUTHRIE

21 A THANK YOU

22 Q NOW, YOU HAVE READ THIS PAPER RIGHT?

23 A YES, I HAVE

24 Q AND WHEN THE AUTHORS HERE ARE TALKING ABOUT, THEY USE
25 THIS TERM TEACHABILITY INDEX, IT SOUNDS LIKE SOMETHING

1 SIMILAR TO WHAT YOU HAVE BEEN DISCUSSION ARE THESE
2 RELATED CONCEPTS?

3 A THEY ARE RELATED CONCEPTS, AND I -- OPPOSING
4 COUNSEL'S OBJECTION TO THE CONTRARY, I FIND THIS A
5 REMARKABLE PIECE OF RESEARCH

6 AND I WISH I HAD BEEN SUFFICIENTLY CREATIVE TO THINK
7 OF THE TERM TEACHABILITY INSTEAD OF THE MORE CUMBERSOME
8 SOCIOECONOMIC STATUS OR ENVIRONMENT TERM THAT I'VE BEEN
9 USING BUT MORE -- MORE TO THE POINT, THESE RESEARCHERS
10 HAVE GOTTEN FAR MORE PRECISE THAN IS CONVENTIONALLY THE
11 CASE IN EDUCATION RESEARCH

12 THEY'VE GOT -- THEY'VE USED 16 MEASURES OF A
13 STUDENT'S SOCIOECONOMIC STATUS NOW, THESE -- IT'S NOT SO
14 MUCH THAT THEY ARE SURPRISING NEW INDICATORS THEY WOULD
15 CERTAINLY INCLUDE CRIME IN THE NEIGHBORHOOD AGAINST
16 YOUNGSTERS

17 THEY INCLUDE PARENTAL EDUCATION LEVELS THEY INCLUDE
18 EXPERIENCE IN PRE-KINDERGARTEN CHILD DEVELOPMENT, CLASSES
19 THEY -- THEY INCLUDE POVERTY LEVELS OF HOUSEHOLDS SO
20 IT'S NOT THAT THEY'RE SO NEW

21 IT'S JUST THAT THEY PREVIOUSLY HAVE NEVER BEEN
22 COMBINED INTO THIS FINELY-TUNED INDEX AND THE -- THE
23 OUTCOME OF IT IS THAT THEY -- THEY CREATE WHAT THEY CALL
24 AN INDEX OF TEACHABILITY WHICH LET ME TALK ABOUT IN THE --
25 IN THE OBVERSE

1 IT'S WHEN INSIDE A STATE, INSIDE A SCHOOL DISTRICT,
2 INSIDE A SCHOOL, INSIDE A CLASSROOM, WHAT IS THE CHALLENGE
3 THAT EDUCATORS FACE BASED ON THESE PRIOR ENVIRONMENTAL
4 CONDITIONS OF STUDENTS, WHAT IS THE CHALLENGE? THAT'S
5 WHAT THIS TRIES TO CAPTURE I THINK RICHLY

6 Q OKAY WELL, DR GUTHRIE, YOU MENTIONED THAT THE
7 AUTHORS OF THIS PAPER USE 16 DIFFERENT COMPONENTS TO
8 CALCULATE THEIR TEACHABILITY INDEX IS THAT RIGHT?

9 A THAT'S CORRECT

10 Q AND WHERE WE WERE LOOKING AT DR HAWKINS' GRAPH AND
11 MOST CONVENTIONAL RESEARCH ON THE SUBJECT, HOW MANY, HOW
12 MANY THINGS GO INTO THIS INDEX?

13 A WELL, ONLY ONE AND AGAIN AS YOU KNOW, I'M NOT
14 FAULTING HIM FOR THIS BUT WHAT HE'S USED IS THE SHORTHAND
15 PROXY OF FREE AND REDUCED MEAL ELIGIBILITY

16 Q RIGHT

17 A AND I -- THE CONTRAST BETWEEN HAWKINS FOR WHOM
18 AGAIN, I HAVE NO CRITICISM TO MAKE, BUT THE CONTRAST THERE
19 IS WITHIN -- BETWEEN THE RICHNESS OF THAT AND WHAT GREEN
20 AND FORRESTER THAT MANHATTAN INSTITUTE RESEARCHERS HAVE
21 HERE IS DRAMATIC

22 Q LET ME -- I WANT TO READ YOU FROM AND AGAIN I'M
23 USING, I DON'T HAVE THE BATES NUMBER -- (CONFERRING WITH
24 STAFF) -- JUST IN THE INTRODUCTION I WANT TO READ YOU THIS
25 FIRST SENTENCE, DR GUTHRIE AND ASK YOU TO REACT TO IT,

1 PLEASE

2 IT SAYS, PUBLIC DISCUSSION OF EDUCATION -- THANK YOU
3 THIS IS T E X 21368 PUBLIC DISCUSSION OF EDUCATION
4 OFTEN FOCUSES ON THE VARIOUS KINDS OF ADVANTAGES AND
5 DISADVANTAGES THAT CHILDREN BRING WITH THEM WHEN THEY WALK
6 IN THE SCHOOLHOUSE DOOR

7 WE MIGHT CALL THIS THE ISSUE OF TEACHABILITY SOME
8 STUDENTS ARRIVE AT SCHOOL MORE PREPARED TO LEARN THAN
9 OTHERS DO YOU SEE THAT --

10 A YES

11 Q -- STATEMENT?

12 A YES, I DO

13 Q AND DO YOU AGREE WITH THAT?

14 A I ABSOLUTELY AGREE WITH THAT

15 Q AND DOES THIS EXPRESS THE SAME CONCEPT THAT YOU WERE
16 TALKING ABOUT IN YOUR TESTIMONY?

17 A THESE THREE SENTENCES ENCOMPASS POIGNANTLY WHAT I'VE
18 BEEN DESCRIBING FOR A HALF HOUR

19 Q WELL, HERE'S -- HERE'S THE -- HERE'S MY QUESTION DO
20 STUDENTS WHO COME TO THE SCHOOLHOUSE DOOR WITH A LOW
21 TEACHABILITY INDEX, MEANING THAT THEY ARE MORE
22 DISADVANTAGED, DOES THAT MEAN THAT THEY CAN'T LEARN IN
23 SCHOOL?

24 A I DO NOT BELIEVE IT MEANS THAT AT ALL

25 Q DOES IT MEAN THEY DON'T HAVE THE OPPORTUNITY TO LEARN

1 IN SCHOOL?

2 A I DO NOT BELIEVE IT MEANS THAT AT ALL EITHER

3 Q CAN THE SCHOOLS -- DO WE KNOW HOW TO OVERCOME

4 THESE -- THIS CONSTELLATION OF EFFECTS, THIS LOW

5 TEACHABILITY INDEX, DO WE KNOW HOW TO OVERCOME IT GIVEN

6 THE EXISTING STATE OF KNOWLEDGE IN AMERICAN EDUCATION?

7 A I DO NOT THINK WE KNOW HOW TO OVERCOME IT I THINK

8 WE ARE LEARNING HOW TO COUNTER IT WITH IT OR DEAL WITH IT

9 OR ACCOMMODATE DO IT, BUT I HEARD OVERCOME, AND IN THIS

10 CONTEXT THAT STRIKES ME AS A STRONG DESCRIPTOR

11 Q WELL, HOW MUCH EFFORT, DR GUTHRIE, HAS BEEN DEVOTED

12 TO TRYING TO OVERCOME THESE FACTORS THAT ARE REFERRED TO

13 AS THE TEACHABILITY INDEX IN THIS STUDY OR THE

14 CONSTELLATION OF SOCIOECONOMIC EFFECTS IN YOUR TESTIMONY,

15 HOW HARD ARE WE TRYING TO DO THAT?

16 A WELL, IT -- I'D SAY IN AMERICAN EDUCATION, I'LL JUST

17 RESTRICT MY REMARKS TO EDUCATION, THAT THIS HAS BEEN THE

18 PRINCIPAL DRIVING ACTIVITY FOR MORE THAN TWO DECADES

19 WHAT -- HOW COULD WE INVOKE YOUNGSTERS FROM THESE

20 DISADVANTAGED CIRCUMSTANCES, HOW COULD WE ENABLE THEM MORE

21 FULLY TO BENEFIT FROM SCHOOLING

22 THAT'S WHAT HUNDREDS, THOUSANDS OF RESEARCHERS ACROSS

23 THE UNITED STATES AND PROFESSIONAL EDUCATORS, THAT'S WHAT

24 THEY ARE STRIVING TO DETERMINE

25 Q WHY IS IT SO HARD, DR GUTHRIE? WHY WOULD THESE

1 COURTROOM TODAY? HOW MUCH EFFECT DO THE ENVIRONMENTAL
2 FACTORS HAVE VERSUS HOW MUCH EFFECT THE STUDENT IN SCHOOL
3 FACTORS HAVE?

4 A WELL, IT'S ROUGHLY TWO-THIRDS ENVIRONMENT, ONE-THIRD
5 STUDENT IN SCHOOL

6 Q OKAY WELL, LET'S TALK ABOUT THEM, THE STUDENT
7 WHAT IS IT ABOUT A STUDENT THAT AFFECTS HIS OR HER
8 ULTIMATE ACHIEVEMENT AND HOW MUCH IS -- HOW GREAT IS THAT
9 AFFECT?

10 A WELL, THE DIMENSIONS OF STUDENTS THAT MATTER FOR
11 THESE PURPOSES ARE ABILITY AND MOTIVATION ABILITY IS
12 DISTRIBUTED ON VIRTUALLY ANY HUMAN DIMENSION YOU WANT
13 TO -- YOU WANT TO CONSTRUCT FROM SCHOLARLY ABILITY TO
14 ATHLETIC ABILITY TO STRENGTH, WHATEVER

15 SO THERE'S A REALM OF CAPACITY WITHIN STUDENTS AND
16 SECONDLY THERE IS A DISTRIBUTION OF MOTIVATION WITHIN
17 STUDENTS SOME CARE SOME CARE A LOT AND SOME DON'T
18 CARE VERY MUCH AND THERE ARE PEOPLE DISTRIBUTED ALL IN
19 BETWEEN

20 AND SO STUDENTS BRING TO THE SCHOOLHOUSE SOMETHING OF
21 SELF-DETERMINATION IN THIS PROCESS AND THEY MAY NOT BE
22 RESPONSIBLE FOR THEIR EXTERNAL ENVIRONMENT THEY DIDN'T
23 SELECT THEIR PARENTS IN A WAY, AND THEY DIDN'T SELECT
24 THEIR PARENTS' CIRCUMSTANCES OR THEIR NEIGHBORHOOD AND
25 THEY -- OR THEIR PEERS THEY DON'T HAVE CONTROL OVER

1 YOU BY OTHERS TAKE HOLD OF YOUR LIFE, APPLY YOUR GIFTS
2 AND TALENTS, WORK WITH DEDICATION AND SELF-DISCIPLINE
3 HAVE HIGH EXPECTATIONS FOR YOURSELF AND CONVERT EVERY
4 CHALLENGE INTO AN OPPORTUNITY DR GUTHRIE, DO YOU AGREE
5 WITH THAT STATEMENT?

6 A I DO AGREE WITH THAT STATEMENT I KNOW THE
7 INDIVIDUAL WHO WROTE THAT STATEMENT I'M ENVIOUS THAT I
8 CANNOT WRITE THAT WELL I CERTAINLY AGREE WITH IT

9 Q AND THIS -- THIS NOTION IS INTRODUCED HERE ABOUT
10 MOTIVATION, IT SAYS EVEN WITH YOUR PARENTS' BEST EXAMPLE
11 AND WITH YOUR TEACHERS' BEST EFFORTS, IN THE END IT IS
12 YOUR WORK THAT DETERMINES HOW MUCH AND HOW WELL YOU LEARN

13 SO WHAT DOES THAT TELL US OR WHAT CAN YOU TELL US
14 ABOUT THE RELATIVE WEIGHT OF STUDENT EFFORT VERSUS EVEN
15 IN-SCHOOL CHARACTERISTICS OR OUT-OF-SCHOOL CHARACTERISTICS
16 THAT AFFECT ACHIEVEMENT?

17 A WELL, THE STUDENT MOTIVATION COUNTS FOR A LOT
18 THAT'S WHAT WE CAN DEDUCE CAN WE ASSIGN SOME SCIENTIFIC
19 PRECISION TO HOW MUCH IT COUNTS? PRESENTLY WE CANNOT DO
20 THAT BUT WE KNOW IT COUNTS FOR A LOT

21 Q NOW, DO STUDENTS WHO DO NOT EXHIBIT MOTIVATION, IN
22 THE WORDS OF THIS REPORT, STUDENTS WHO GIVE ONLY THE
23 MINIMUM TO LEARNING AND RECEIVE ONLY THE MINIMUM IN
24 RETURN STUDENTS ASSUME WITH ME WITH THIS CONSTELLATION
25 OF TEACHABILITY IN FACT, DO THOSE STUDENTS, ARE THEY

1 DEPRIVED OF THE OPPORTUNITY TO LEARN?

2 A NO, THEY'RE NOT I REFER TO WHAT I LABELED
3 PREVIOUSLY AS THE ACHIEVEMENT OPPORTUNITY PARADOX THE
4 FACT THAT STUDENTS DON'T LEARN SOMETHING, THE CONVERSE,
5 THE OBLVERSE SIDE OF THE PARADOX, THE FACT THAT STUDENTS
6 DON'T LEARN SOMETHING CANNOT BE TAKEN TO BE THE ABSENCE OF
7 OPPORTUNITY

8 Q WELL, THE -- A NATION AT RISK AS YOU PREVIOUSLY
9 TESTIFIED, THIS IS ABOUT ALL STUDENTS, CORRECT?

10 A THAT IS CORRECT

11 Q IT'S NOT FOCUSED ON AT-RISK STUDENTS AS WE CALL THEM
12 IN THIS CASE, CORRECT?

13 A THAT IS CORRECT

14 Q NOW, MY QUESTION THOUGH IS AS BETWEEN STUDENTS FROM
15 AS YOU SAY MORE PRIVILEGED BACKGROUNDS AND STUDENTS THAT
16 COME FROM BACKGROUNDS THAT ARE ASSOCIATED WITH POVERTY,
17 WHERE IS MOTIVATION MORE IMPORTANT AS BETWEEN THOSE TWO
18 GROUPS?

19 A WELL, I OF COURSE THINK MOTIVATION IS ALWAYS
20 IMPORTANT AND ANYONE WHO HAS THE BENEFIT OF PRIVILEGE
21 SHOULD REPAY IT BY ADDED EFFORT BUT IF YOU COME TO
22 SCHOOL WITH THE DISADVANTAGED CONDITION OF POVERTY, THEN
23 EFFORT IN A SENSE MEANS EVEN MORE BECAUSE YOU -- YOU'VE
24 GOT TO OVERCOME THIS INCAPACITY WITH WHICH YOU WERE -- TO
25 WHICH YOU WERE SUBJECTED

1 AT-RISK STUDENTS?

2 A I DEFINITELY DO

3 Q DO YOU THINK SCHOOLS CAN MAKE A DIFFERENCE FOR
4 AT-RISK STUDENTS?

5 A I DO

6 Q NOW, THE QUESTION IS HOW MUCH DIFFERENCE AND HOW DO
7 THEY DO IT?

8 A WELL, THE HOW MUCH DIFFERENCE, RELATIVE TO THE
9 ENVIRONMENTAL FACTORS I THINK WE'VE COVERED THAT THEY --
10 AVAILABLE TO THEM TO MAKE A DIFFERENCE IS ABOUT A THIRD,
11 BUT THAT'S NOT TO BE SNEERED AT THAT'S WORTH PAYING
12 ATTENTION TO

13 NOW, IF I REMEMBER ACCURATELY, ANOTHER PART OF YOUR
14 QUESTION WAS HOW DO THEY DO IT

15 Q RIGHT

16 A THAT'S A VEXING QUESTION VERY -- WE KNOW VERY
17 LITTLE ABOUT HOW THEY DO IT WE HAVE TRIED MULTIPLE
18 STRATEGIES WE HAVE SPENT MORE MONEY WE HAVE REDUCED
19 CLASS SIZE WE'VE ON OCCASION INCREASED TEACHER SALARIES
20 WE'VE ALTERED TEACHER REGULATIONS AND CERTIFICATION RULES
21 WE'VE TRIED A WIDE VARIETY, A SPECTRUM, AND WE DO NOT
22 HAVE SCIENTIFIC ANSWERS ABOUT HOW TO DO IT WELL, YOU
23 DIDN'T ASK THIS AND IT'S GRATUITOUS PERHAPS, YOU KNOW, BY
24 WHY -- WHY DO I BELIEVE THAT SCHOOLS CAN EFFECT
25 ACHIEVEMENT IF I DON'T KNOW HOW THEY EFFECT ACHIEVEMENT OR

1 AT LEAST DON'T KNOW HOW IN DETAIL

2 Q WISH I'D HAVE THOUGHT OF THAT QUESTION

3 A WELL, I WORRY ABOUT IT A LOT WHY DO I HAVE THIS DR
4 PENGLOSS LIKE HOPE THAT SCHOOLS CAN BE EFFECTIVE WHEN I
5 CAN'T SPECIFY PRECISELY IN EVERY INSTANCE WHY THEY ARE
6 WELL, BECAUSE I HAVE -- I HAVE ACHIEVEMENT INFORMATION, I
7 HAVE PERFORMANCE DATA, I HAVE ACADEMIC TEST SCORES THAT
8 SHOW ME THAT SCHOOLS CAN MAKE A DIFFERENCE FOR STUDENTS
9 THAT -- THAT'S HOW I KNOW IT

10 Q OKAY WELL, LET ME ASK YOU ABOUT SOME SPECIFIC
11 THINGS AND I GUESS THE QUESTION FIRST QUESTION IS, IS
12 WITHIN THIS ONE-THIRD THAT WE'RE TALKING ABOUT SHARED BY
13 THE STUDENTS IN SCHOOLS, HOW DO YOU GET THE MAXIMUM EFFECT
14 OUT OF THE SCHOOL, DO WE KNOW HOW TO MAXIMIZE THE SCHOOLS'
15 EFFECT?

16 A I HOPE THIS ISN'T TOO SUBTLY NUANCED, BUT I BELIEVE
17 WE KNOW SOME CONDITIONS THAT WILL AMPLIFY THE EFFECTS OF
18 SCHOOLING THERE'S A SUBSTRUCT, A CONTEXT, THAT IF THERE
19 CAN PROPEL LEARNING

20 Q ALL RIGHT AND WHAT ARE THOSE?

21 A WELL, MY -- MY RESEARCH, MY JUDGMENT, MY OBSERVATION
22 SUGGESTS TO ME THAT A STRONG ACCOUNTABILITY SYSTEM IS
23 CRUCIAL IN THIS, AND THAT LEADERSHIP IS CRUCIAL IN THIS

24 Q ALL RIGHT WELL, WE'RE GOING TO TALK ABOUT BOTH OF
25 THOSE THINGS LET ME ASK YOU, BEFORE WE GET THERE THOUGH

1 LET ME ASK YOU ABOUT SOME THINGS THAT ARE TYPICALLY
2 MEASURED WITH RESPECT TO SCHOOLS AND ASK YOU WHAT EFFECT
3 THEY HAVE ON ACHIEVEMENT AS REVEALED IN THE LITERATURE AND
4 THE RESEARCH OR AS A MATTER OF YOUR OWN OPINION, OKAY

5 AND THE FIRST ONE I WANT TO TALK ABOUT IS SPENDING
6 DOES MORE SPENDING MORE MEAN MORE ACHIEVEMENT?

7 A WHEN I -- WHEN I ANSWER THIS OR MAYBE POSSIBLY WHEN I
8 ANSWER THE SUBSEQUENT QUESTIONS, WHEN I SAY IT HAS AN
9 EFFECT OR IT HASN'T AN EFFECT OR DOES NOT HAVE AN EFFECT,
10 MY BASIS FOR ARRIVING AT THAT JUDGMENT IS THE EXTENT TO
11 WHICH THERE IS A SCIENTIFICALLY BASED SET OF EMPIRICAL
12 DATA DRIVEN ANSWERS, NOT SOME ADVOCATE'S VIEW ABOUT IT

13 NOW, I CONTEND THAT THERE IS A -- A THRESHOLD OF
14 SPENDING BELOW WHICH THE PROSPECT OF OPPORTUNITY BEING
15 DENIED IS POSSIBLE BUT ONCE THAT THRESHOLD IS ACHIEVED,
16 THEN THE RELATIONSHIP BETWEEN SPENDING AND STUDENT
17 ACHIEVEMENT IS NOT KNOWN OR IS NOT FIND ABLE OR DOES NOT
18 EXIST

19 Q AND SO JUST TO BE CLEAR, WE'RE TALKING ABOUT THINGS
20 THAT HAVE AN EFFECT ON THE EFFECT THAT SCHOOLS CAN HAVE ON
21 ACHIEVEMENT RIGHT?

22 A THAT'S CORRECT

23 Q OKAY

24 A WITHIN THIS THIRD, SCHOOLS CAN DO THIS AND WHAT IS IT
25 ABOUT SCHOOLS THAT CAN EFFECT WHAT THEY CAN DO WITHIN THE

1 SECTOR AVAILABLE TO THEM

2 Q OKAY AND WHAT ROLE DOES SPENDING PLAY AND HOW MUCH
3 EFFECT SCHOOLS CAN HAVE?

4 A WELL, ASSUMING THE THRESHOLD, THEN SPENDING DOES NOT
5 APPEAR SCIENTIFICALLY TO BE A DETERMINANT OF STUDENT
6 ACHIEVEMENT

7 Q OKAY LET ME ASK YOU ABOUT TEACHER CHARACTERISTICS
8 AND WE CAN TALK ABOUT CERTIFICATION OR EXPERIENCE OR PAY
9 OR ANY NUMBER OF WAYS TO -- TO QUANTIFY TEACHER
10 CHARACTERISTICS WHAT ABOUT ANY OR ALL OF THOSE? WHAT
11 ROLE DO THEY PLAY IN MAGNIFYING THE EFFECT THAT SCHOOLS
12 HAVE ON THE ONE-THIRD OF ACHIEVEMENT THAT SCHOOLS CAN
13 EFFECT?

14 A WELL, HERE'S THE TEACHER PARADOX I MENTIONED IN MY
15 LIFE THERE WAS ONE OR MORE TEACHERS THAT ABSOLUTELY MADE A
16 DIFFERENCE I WOULDN'T HAVE THE ADVANTAGE OF SITTING HERE
17 TODAY WITHOUT THAT PERSON FOR WHICH I CONTINUE TO BE
18 THANKFUL

19 TEACHERS CAN MAKE A DIFFERENCE PROBABLY PERHAPS IN
20 YOUR LIFE THEY MADE A DIFFERENCE WE KNOW TEACHERS CAN
21 MAKE A DIFFERENCE HERE'S THE PARADOX WE DON'T KNOW
22 WHAT IT IS ABOUT A TEACHER THAT MAKES A DIFFERENCE WE
23 CAN'T FIND THAT THEIR TEST SCORES PARTICULARLY MAKE A
24 DIFFERENCE

25 WE CAN'T FIND THE CERTIFICATION REQUIREMENTS MAKE A

1 DIFFERENCE WE CAN'T FIND THAT THE YEARS THEY'VE TAUGHT
2 MAKE A DIFFERENCE WE CAN'T FIND THAT THEIR SALARY LEVEL
3 MAKES A DIFFERENCE WE CAN'T FIND THAT THE UNITS BEYOND A
4 BACHELOR'S DEGREE FOR WHICH THEY HAVE ENROLLED MAKES A
5 DIFFERENCE

6 WE -- WE CAN'T FIND ANYTHING IN A POLICY REALM OF
7 WHICH THE POLICY SYSTEM HAS LEVERAGE WE CAN'T FIND
8 POLICY-ASSOCIATED LEVERAGE FOR A TEACHER THAT'S THE
9 PARADOX

10 Q OKAY WELL WHAT ABOUT YOU -- THAT'S A LONG LIST OF
11 TEACHER THINGS LET ME JUST THROW ONE MORE IN THE MIX TO
12 SEE IF IT MAKES ANY DIFFERENCE WHAT ABOUT WHERE THE
13 TEACHER WENT TO COLLEGE?

14 A VERY MODEST EVIDENCE THAT IF THE TEACHER GOES TO
15 HARVARD, PRINCETON, YALE AND A FEW OF WHAT US IN THE
16 TRADE -- WE IN THE TRADE CALL THE SNOOTIES, IF A TEACHER
17 ATTENDS A REAL HIGHLY SELECTIVE INSTITUTION, HIGHLY
18 SELECTIVE, THAT TENDS TO BE ASSOCIATED MILDLY, MODERATELY,
19 INCREMENTALLY, WITH HIGHER LEVELS OF STUDENT ACHIEVEMENT

20 Q AND HOW MUCH EFFECT WOULD THAT HAVE WITHIN THIS
21 EQUATION THAT WE'RE DISCUSSING WHICH WE'RE TALKING ABOUT
22 ONE-THIRD OF THE TOTAL DIFFERENCE?

23 A TWO, 3 PERCENT

24 Q NOW, WHAT ABOUT CLASS SIZE? DOES THAT HAVE AN EFFECT
25 ON ACHIEVEMENT?

1 A NO

2 Q WHAT ABOUT SUSTAINED CAREER AND COLLEGE EXPLORATION
3 PROGRAMS?

4 A I'M AWARE OF NO EMPIRICAL EVIDENCE IN SUPPORT OF THAT
5 SUGGESTION WHATSOEVER

6 Q OKAY I WANT TO ASK YOU ABOUT AFTER SCHOOL PROGRAMS,
7 SUMMER SCHOOL PROGRAMS, 3-K PROGRAMS AND 4-K PROGRAMS
8 CAN WE DEAL WITH THOSE TOGETHER? YOU CAN HAVE SEPARATE
9 RESPONSES IF YOU NEED TO

10 A NO

11 Q BUT THESE ARE ALL THINGS THAT WOULD EXTEND THE
12 CONTACT OF THE STUDENT WITH THE SCHOOL EITHER DURING --
13 EITHER EARLIER IN LIFE, DURING THE SCHOOLDAY OR DURING THE
14 SUMMER OKAY?

15 A YES

16 Q ALL RIGHT WHAT DO WE KNOW ABOUT HOW EFFECTIVE THOSE
17 SORTS OF PROGRAMS ARE, HOW MUCH INFLUENCE DO THEY HAVE ON
18 THE EFFECT THAT SCHOOLS CAN HAVE ON STUDENT ACHIEVEMENT?

19 A OUR -- OUR RESEARCH EVIDENCE HERE IS SLENDER BUT IT'S
20 POSITIVE AND IT DOES SUGGEST THAT PRESCHOOL CAN
21 CONTRIBUTE TO HIGHER LEVELS OF STUDENT ACHIEVEMENT IN THE
22 K-12 EXPERIENCE OUR RESEARCH AROUND SUMMER SCHOOL AND
23 EXTENDED SCHOOL DAYS IS -- ISN'T AS EXTENSIVE OR AS
24 PERSUASIVE

25 Q OKAY WELL, DR GUTHRIE, ARE ANY OF -- ANY OF THESE

1 PROGRAMS, ARE THEY A GOOD IDEA?

2 A WELL, I THINK MOST OF THEM ARE -- ARE A GOOD IDEA I
3 MIGHT HAVE A QUIBBLE HERE OR THERE, BUT I -- I THINK MOST
4 OF THEM ARE, YOU KNOW, THEY'RE REASONABLE

5 Q ALL RIGHT ARE THESE PROGRAMS NECESSARY TO CREATE
6 THE OPPORTUNITY FOR A STUDENT TO ACQUIRE A MINIMALLY
7 ADEQUATE EDUCATION IN THE STATE OF SOUTH CAROLINA?

8 A NO

9 Q ARE THEY NECESSARY TO CREATE AN OPPORTUNITY TO LEARN
10 REGARDLESS OF THE LEVEL OF LEARNING THAT MIGHT BE
11 EXPECTED?

12 A NO

13 Q DO THE ABSENCE OF ANY OF THESE FACTORS, JUST AND
14 ASSUME I DON'T -- JUST ASSUME WITH ME THAT NONE OF THESE
15 THINGS ARE IN PLACE IN ANY OF THE PLAINTIFF DISTRICTS IN
16 THIS CASE I DON'T THINK THAT'S QUITE ACCURATE BUT FOR MY
17 QUESTION I THINK IT'S A FAIR ASSUMPTION

18 WOULD THE ABSENCE OF THESE PROGRAMS IN THE PLAINTIFF
19 DISTRICTS IN THIS CASE IN YOUR VIEW ACCOUNT FOR THE
20 RELATIVELY POOR ACADEMIC ACHIEVEMENT OF THE PLAINTIFF
21 DISTRICTS VERSUS OTHER DISTRICTS?

22 A NO

23 Q WOULD IMPLEMENTATION OF THESE PROGRAMS IN THE
24 PLAINTIFF DISTRICTS HAVE ANY SIGNIFICANT POSITIVE EFFECT
25 ON ACHIEVEMENT IN THOSE DISTRICTS IN YOUR VIEW?

1 A ONLY AT THE SMALLEST MARGIN MY FIRST RESPONSE IS
2 UNLIKELY, BUT, I MEAN, I ACKNOWLEDGE THE PERRY'S PRESCHOOL
3 PROJECT OF COURSE BUT THE -- THE -- THEY'RE NOT GOING TO
4 HAVE A DRAMATIC EFFECT I CAN TELL YOU THEY'RE NOT

5 Q WELL, YOU MENTIONED PERRY THAT'S SOMETHING WE'VE
6 HAD A LOT OF CONVERSATION, THE HIGH SCOPE PROJECT WHAT'S
7 YOUR VIEW OF WHAT THE RESEARCH SUGGESTS ABOUT THE BENEFIT
8 SUGGESTED BY THE RESEARCH OF THE PERRY HIGH SCOPE PROGRAM?

9 A THEY ARE -- THEY ARE POSITIVE AND THEY -- THEY ARE
10 SUSTAINED THAT IS PRESCHOOL IS ASSOCIATED WITH HIGHER
11 LEVELS OF ACHIEVEMENT IN ELEMENTARY SCHOOL AND FOR THAT
12 MATTER ON THROUGH HIGH SCHOOL AND LIFE

13 BUT IT'S A VERY SMALL EXPERIMENT LIMITED IN TIME I
14 WISH WE HAD MORE LIKE IT, BUT IT'S -- IT'S HARDLY
15 SOMETHING AROUND WHICH YOU WOULD BUILD AN ENTIRE POLICY
16 ENDEAVOR

17 Q WELL, DR GUTHRIE, IS THIS LIST EXHAUSTIVE OF
18 POTENTIALLY GOOD IDEAS, POTENTIALLY BENEFICIAL POLICIES
19 THAT MIGHT BE EMPLOYED IN A SCHOOL SYSTEM?

20 A NO, IT'S NOT EXHAUSTIVE I WOULD HAVE MY OWN LIST

21 Q YOU WOULD HAVE A DIFFERENT -- LIST DIFFERENT FROM
22 THIS?

23 A YES

24 Q WELL, AND WHAT WOULD BE THE PURPOSE OF YOUR LIST?

25 A WELL, MY LIST WOULD BE A BETTER LIST OR -- BY WHICH I

1 LIST

2 Q OKAY WELL, DR GUTHRIE, EVEN THE THINGS THAT ON
3 YOUR LIST THAT -- THAT YOU SAY ARE ASSOCIATED IN THE
4 RESEARCH WITH ELEVATED ACHIEVEMENT, HOW MUCH DIFFERENCE DO
5 ALL THOSE THINGS MAKE, IF YOU HAVE THEM?

6 A WELL -- WELL I -- I DON'T KNOW I CAN'T SAY BECAUSE
7 NOT -- NOT IN EVERY INSTANCE HAVE WE TRIED THEM ALL,
8 ALTOGETHER BUT IF WE TOOK HOMEWORK AND ESSAYS AND
9 COMPETITION AND CONSEQUENCES WE PUT IT ALTOGETHER, IT
10 WOULD RENDER SCHOOLS MORE EFFECTIVE

11 WOULD IT ENABLE THEM ABSOLUTELY TO OVERCOME THE
12 DEFICITS ATTRIBUTABLE BY THESE ENVIRONMENTAL FACTORS? I
13 CAN'T SAY THAT IT WOULD

14 Q WELL, WHAT WOULD IT TAKE TO DO THAT?

15 A WELL, I -- NEITHER I NOR ANYBODY ELSE KNOWS IT'S
16 JUST, IT PRESENTLY ISN T KNOWABLE THAT WOULD STRETCH
17 SOCIAL SCIENCE BEYOND THE CURRENT BOUNDARIES OF KNOWLEDGE

18 Q I WANT TO CALL YOUR ATTENTION NOW WHILE WE'RE LOOKING
19 AT SOME INPUT VARIABLES AND DISCUSSING HOW MUCH EFFECT
20 THEY HAVE ON ACHIEVEMENT, I WANT TO CALL YOUR ATTENTION TO
21 PLAINTIFFS' EXHIBIT 251-C

22 I'M SORRY, 251, WHICH IS A PUBLICATION OF THE
23 EDUCATION OVERSIGHT COMMITTEE CALLED SMALL STEPS FORWARD,
24 THE PERFORMANCE OF HISTORICALLY UNDER-ACHIEVING GROUPS IN
25 SOUTH CAROLINA HAVE YOU READ THAT REPORT?

1 CONTRIBUTES TO THIS DIFFERENCE

2 AND SO MY QUESTION TO YOU IS WHETHER YOU CAN
3 ATTRIBUTE, WHETHER YOU WOULD BASED UPON YOUR EXPERIENCE
4 AND RESEARCH AND YOUR KNOWLEDGE OF THE LITERATURE AND YOUR
5 KNOWLEDGE OF CONDITIONS IN SOUTH CAROLINA, WOULD YOU
6 ATTRIBUTE THE FACT THAT CERTAIN SCHOOLS ARE SUCCESSFUL AT
7 CLOSING THE GAP OR THAT CERTAIN SCHOOLS ARE RATED AS
8 EXCELLENT OR GOOD BASED ON THEIR STUDENT ACHIEVEMENT,
9 WOULD YOU ATTRIBUTE ANY OF THAT TO THESE INPUT VARIABLES
10 THAT ARE REFLECTED ON TABLE EIGHT?

11 AND LET'S TAKE THE FIRST ONE THAT I WANT TO ASK YOU
12 ABOUT AND THAT'S DOLLARS PER STUDENT, THE THIRD COLUMN
13 DOWN DO YOU SEE THAT?

14 A YES, I DO

15 Q NOW, IN THE GAP-CLOSING SCHOOLS WHAT IS THE MEAN
16 VALUE?

17 A 5500 -- \$5,545 17

18 Q AND FOR THE GOOD AND EXCELLENT SCHOOLS?

19 A \$5,531 35

20 Q AND THEN THE AVERAGE OF ALL SCHOOLS, JUST AVERAGE
21 SCHOOL IF YOU WILL IS WHAT?

22 A \$5,664 51

23 Q NOW, IS THERE ANY SIGNIFICANT DIFFERENCE, ANY
24 MATERIAL DIFFERENCE IN YOUR VIEW IN THE -- IN THE DOLLARS
25 PER STUDENT SPENT IN EACH OF THOSE THREE CATEGORIES?

1 A NO, THERE IS NOT

2 Q SO WOULD YOU -- CAN YOU DRAW ANY CONCLUSIONS ABOUT
3 THE EFFECT OF DOLLARS PER STUDENT ON THE RELATIVE
4 PERFORMANCE OF THE SCHOOLS IN THESE GROUPS?

5 A NO, YOU CANNOT DRAW A CONCLUSION

6 Q ALL RIGHT LET'S LOOK AT THE NEXT ONE, STUDENT
7 TEACHER RATIO IN THE GAP CLOSING SCHOOLS THE MEAN VALUE IS
8 19 2?

9 A THAT'S CORRECT

10 Q IN THE GOOD AND EXCELLENT SCHOOLS IT'S IDENTICAL AT
11 19 2, CORRECT?

12 A THAT'S CORRECT

13 Q AND THE AVERAGE OF ALL SCHOOLS IS 18 4?

14 A THAT'S CORRECT

15 Q SO MY SAME QUESTION TO YOU, DR GUTHRIE WOULD --
16 DOES -- DOES ANY DIFFERENCE IN STUDENT TEACHER RATIO IN
17 YOUR MIND ACCOUNT FOR THE DIFFERENT -- DIFFERING LEVELS OF
18 STUDENT PERFORMANCE IN THE THREE GROUPS OF SCHOOLS?

19 A WELL, BEYOND -- BEYOND THE OBVIOUS, THAT THE GAP
20 CLOSING SCHOOLS AND THE GOOD AND EXCELLENT SCHOOLS HAVE A
21 MODESTLY HIGHER STUDENT TEACHER RATIO, I WOULDN'T LEAD
22 FROM THIS TO SAY THAT THE STATE OF SOUTH CAROLINA OUGHT
23 TO -- OUGHT TO DO AWAY WITH TEACHING POSITIONS BECAUSE YOU
24 GET MORE ACHIEVEMENT OUT OF IT

25 I DON'T BELIEVE THAT BUT THERE'S REALLY NO

1 OF TABLE EIGHT AND LOOK AT TEACHERS OUT-OF-FIELD
2 THAT'S FOR THE GAP CLOSING SCHOOLS 1 4 PERCENT,
3 1 6 PERCENT IN THE EXCELLENT OR GOOD SCHOOLS AND
4 2 3 PERCENT IS THE MEAN VALUE FOR ALL SCHOOLS DO YOU SEE
5 THAT?

6 A YES, I DO

7 Q WELL THAT'S -- THAT'S A DIFFERENCE OF SOME DEGREE,
8 RIGHT?

9 A STILL A MODEST DEGREE

10 Q DO YOU THINK THAT THAT DIFFERENCE IN THE PERCENTAGE
11 OF TEACHERS OUT OF FIELD ACCOUNTS FOR THE DIFFERING
12 ACHIEVEMENT RESULTS IN EACH OF THESE GROUPS OF SCHOOLS?

13 A I CAN'T IMAGINE THAT IT IS

14 Q LET'S LOOK AT TEACHER SALARY FORTY -- AVERAGE
15 TEACHER SALARY, \$40,057 IN THE GAP CLOSERS, 40,334 IN
16 EXCELLENT OR GOOD, AND 39,347 IS THE ALL SCHOOLS MEAN

17 A YES

18 Q IS THAT A MATERIAL DIFFERENCE IN YOUR VIEW?

19 A IT'S A, MAXIMALLY A THOUSAND DOLLARS NO 2 PERCENT
20 SALARY DIFFERENCE, TWO, TWO AND A HALF PERCENT SALARY
21 DIFFERENCE AND IT -- EVEN GETTING OVER MY AVERSION TO
22 AVERAGE TEACHER SALARY STATISTICS BECAUSE THEY HAVE SO
23 LITTLE MEANING BUT EVEN GETTING OVER MY AVERSION OF THAT,
24 THERE'S NOT ENOUGH HERE TO EXPLAIN THE DIFFERENCE

25 Q NOW, LET'S LOOK DOWN A LITTLE FURTHER AT THE BOTTOM

1 ALSO IN ORDER TO HAVE IT, HAVE ANY EXPLANATORY VALUE IN
2 COMPARING PLAINTIFFS WITH OTHER DISTRICTS

3 Q ALL RIGHT LET ME TOUCH ON A FEW MORE OF THESE
4 LET'S LOOK AT TEACHER RETENTION AND WE'VE GOT FOR THE
5 GAP-CLOSING SCHOOLS 88 1, FOR THE EXCELLENT AND GOOD
6 SCHOOLS 86 7, AND FOR THE PLAINTIFF SCHOOLS 76 2 DO YOU
7 SEE THAT?

8 A YES, I DO

9 Q AND SO THE PLAINTIFF SCHOOL MEAN VALUE THERE IS LOWER
10 THAN THE OTHER CATEGORIES OF SCHOOLS, CORRECT?

11 A YES, IT IS

12 Q AND IN YOUR -- IN YOUR VIEW, DR GUTHRIE, DOES THAT
13 EXPLAIN LOWER PERFORMANCE IN THE PLAINTIFF SCHOOLS?

14 A IT -- IT DOES NOT

15 Q FOR THE SAME REASONS THAT YOU JUST EXPRESSED?

16 A AND THE ABOVE TWO INSTANCES

17 Q ALL RIGHT NOW, DR GUTHRIE, WITH RESPECT TO ALL
18 THESE THINGS THAT WE'VE BEEN TALKING ABOUT, I'VE BEEN
19 CALLING YOUR ATTENTION TO THESE SPECIFIC CHARTS WITH SOME
20 SPECIFIC -- SOUTH CAROLINA SPECIFIC DATA ON THEM

21 BUT IS WHAT YOU OBSERVE ON THESE CHARTS AND THE
22 CONCLUSIONS THAT YOU ARE ABLE TO DRAW FROM THIS SOUTH
23 CAROLINA DATA, IS THAT CONSISTENT WITH THE PUBLISHED
24 RESEARCH LITERATURE ON EACH OF THESE CHARACTERISTICS?

25 A YES, IT IS RESEARCHERS HAVE NOT BEEN ABLE TO FIND A

1 WERE THE INFORMATION THAT YOU HAD, THIS JUST THE
2 INFORMATION THAT'S ON -- THAT'S ON THIS CHART, WOULD YOU
3 BE ABLE TO EXPLAIN WHY THE STUDENTS AT SOUTH DO SO WELL
4 RELATIVE TO THE OTHER PLAINTIFF ELEMENTARY SCHOOLS?

5 A IF THIS IS THE INFORMATION I HAVE, I COULD NOT
6 PREDICT, I COULD NOT FIND A PATTERN, I COULD NOT OFFER AN
7 EXPLANATION FOR THE HIGH LEVELS OF ENGLISH, LANGUAGE ARTS
8 AND MATHEMATICS ACHIEVEMENT AT SOUTH ELEMENTARY FROM THIS
9 PIECE OF PAPER OR THIS DISPLAY

10 Q WELL, DR GUTHRIE, IF THE PERFORMANCE OF STUDENTS AT
11 SOUTH IS NOT EXPLAINED BY THIS INFORMATION ARRAYED ON THIS
12 CHART, HOW CAN WE ACCOUNT FOR IT?

13 A WELL, IN A SENSE I HAVE AN ADVANTAGE OF HAVING BEEN
14 TO SOUTH ELEMENTARY SCHOOL IT WAS ONE OF THE 24 SCHOOLS
15 THAT I HAD AN OPPORTUNITY TO VISIT I ALSO HAVE READ THE
16 TRIAL TRANSCRIPT OF ITS PRINCIPAL, MRS PEGGY STAFFORD

17 AND I WOULD OFFER AN EXPLANATION HERE, ACTUALLY A
18 TWO-PRONGED ONE, BUT THE PRONG WHERE I BEGIN IS THAT WHAT
19 MAKES A DIFFERENCE HERE OUT OF THESE 20 SCHOOLS IS IT'S
20 NOT INTANGIBLE BUT IT'S DIFFICULT TO CAPTURE, IT'S
21 LEADERSHIP THAT'S WHAT'S MAKING THE DIFFERENCE HERE

22 Q AND -- AND IN YOUR VIEW, YOU STUDIED LEADERSHIP AND
23 PUBLISHED ON IT, CORRECT?

24 A THAT'S CORRECT

25 Q DO YOU KNOW WHAT CONSTITUTES GOOD LEADERSHIP?

1 A WELL, IT'S MORE THAN I-KNOW-IT-WHEN-I-SEE-IT THERE
2 ARE CONCRETE OPERATIONAL ACTIVITIES IN WHICH A LEADER CAN
3 ENGAGE THAT WITHIN A CONTEXT CAN MAKE A BIG DIFFERENCE
4 AND I THINK MRS STAFFORD, I DEDUCE IT FROM HER TRIAL
5 TESTIMONY, THAT THE THINGS SHE EXPLAINED IN HER TESTIMONY,
6 WHAT -- THAT SHE DOES

7 NOW, DID I SEE HER DO THEM? NO, I DIDN'T SEE HER DO
8 THEM I DIDN'T NOT SEE HER DO THEM EITHER BUT IF SHE
9 TESTIFIES UNDER OATH, THOSE ARE THINGS SHE DOES, MANY OF
10 THOSE ARE CLASSIC THINGS WE WOULD EXPECT A REAL GOOD
11 PRINCIPAL TO DO

12 Q AND, WELL, LET'S TALK ABOUT WHAT THOSE ARE I MEAN,
13 IS THERE -- I GUESS MY -- THE FOUNDATION QUESTION IS,
14 BASED ON YOUR STUDY OF LEADERSHIP, ARE THERE SOME KNOWN
15 ACTIVITIES THAT ARE REPRESENTATIVE OF GOOD LEADERSHIP AND
16 WHICH HAVE A POSITIVE EFFECT ON STUDENT ACHIEVEMENT?

17 A THE ANSWER IS YES

18 Q AND TELL ME WHAT SOME OF THOSE ARE, PLEASE

19 A A CLEAR SENSE OF PURPOSE FOR THE SCHOOL A
20 TRANSLATION OF THAT PURPOSE INTO TARGETS THAT ONE WANTS TO
21 ACHIEVE, OPERATIONAL TARGETS, AN INFORMING OF ONE'S
22 SUBORDINATES, TEACHERS IN THIS INSTANCE, THAT -- OF WHAT
23 THEY ARE EXPECTED TO DO WHAT IS EXPECTED OF THEM RELATIVE
24 TO THOSE TARGETS A PROVISION OF ASSISTANCE TO TEACHERS
25 WHO DON'T KNOW HOW TO TRANSLATE, HOW TO UNDERTAKE ACTIONS

1 DAY TO DAY TO PURSUE THOSE TARGETS, TO PURSUE THOSE GOALS,
2 ASSISTANCE FOR THEM WHICH WE CAN GET TO, BUT ADDITIONALLY
3 IT IS THE CONTINUED APPLICATION OF TECHNIQUES THAT THE
4 LEADER BELIEVES IN, IS SUCCESSFUL

5 IN THIS INSTANCE IT'S LESSON PLANS, IT'S A PARTICULAR
6 READING PROGRAM, IT'S GOING INTO THE -- I MEAN, THIS
7 PRINCIPAL GOES INTO THESE CLASSROOMS TO OVERSEE WHAT
8 TEACHERS DO AND PRESUMABLY TO UNDERTAKE CORRECTIONS IF
9 THEY'RE NOT DOING WHAT IN HER JUDGMENT IS IMPORTANT

10 BUT SHE ALSO MENTIONED -- THE LITERATURE WOULD
11 SUGGEST AND SHE MENTIONS THAT THE USE OF TEST SCORES AS AN
12 ANALYTIC DEVICE TO DETERMINE AREAS OF WEAKNESS IN THE
13 TEACHERS AND MRS STAFFORD SAYS SHE DOES THAT

14 SHE REQUIRES WEEKLY LESSON PLANS SHE OVERSEES THEM
15 SHE'S IN THE CLASSROOM AND IF WHAT COMES THROUGH TO ME
16 IN HER TRIAL TESTIMONY IS THAT THIS WOMAN HAS A SET OF
17 ACTIVITIES THAT SHE BELIEVES WILL WORK, SHE OVERSEES THEIR
18 IMPLEMENTATION WITH TEACHERS, SHE UNDERTAKES SUSTAINED
19 MID-COURSE CORRECTIONS AROUND THOSE ACTIVITIES

20 SHE IS EXPECTING EXCELLENCE ON AT LEAST THESE TWO
21 DIMENSIONS OF ENGLISH, LANGUAGE ARTS AND MATH, I SUSPECT
22 MORE BUT SHE'S EXPECTING EXCELLENCE AND SHE'S DRIVING
23 IT, SHE'S GETTING IT THROUGH ACTIVITIES THAT SHE DOES AND
24 OTHERS COULD DO

25 NOW, SHE HAS SOME OTHER QUALITIES ABOUT HER THAT AT

1 LEAST I DEDUCED FROM HER TRANSCRIPT THAT -- THE
2 CONVICTION, THE AMOUNT OF EFFORT IN WHICH SHE ENGAGES, THE
3 LONG HOURS AND SO FORTH, I DON'T POO-POO THOSE FOR A
4 MOMENT AND I ADMIRE HER FOR WHAT SHE HAS DONE, WHAT SHE
5 IS DOING

6 BUT NOT -- MAYBE NOT EVERYONE WILL MAKE THAT LEVEL OF
7 EFFORT I CAN'T SAY BUT EVERYONE COULD BE TRAINED TO
8 UNDERTAKE THE OTHER PRACTICAL STEPS THAT SHE DESCRIBES

9 Q ALL RIGHT WELL, LET'S TALK ABOUT THE PRACTICAL
10 STEPS AND YOU'VE READ HER TESTIMONY HAS MRS STAFFORD
11 IMPLEMENTED PRACTICAL STEPS AT SOUTH ELEMENTARY SCHOOL
12 THAT ARE CONSISTENT WITH PRACTICAL STEPS RECOGNIZED OF
13 GOOD LEADERS?

14 A ABSOLUTELY SPECIFYING -- SPECIFYING OBJECTIVES,
15 TRANSLATING THAT TO SUBORDINATES, WHAT IS EXPECTED OF THEM
16 RELATIVE TO THOSE OBJECTIVES, PROVIDING ASSISTANCE WHERE
17 NEEDED SO THAT SUBORDINATES AREN'T LEFT OUT IN THE COLD
18 ABOUT WELL, WHAT DO I DO I KNOW WHAT ACHIEVEMENT SHE
19 WANTS, BUT WHAT DO I DO ABOUT IT?

20 WELL, SHE DOESN'T LEAVE THEM HANGING THERE AND WE
21 KNOW SUBORDINATES NEED GUIDANCE IN THOSE SETTINGS SHE
22 USES -- SHE ASKS THEM TO ENGAGE IN PLANNING SHE ASKS
23 THEM TO LOOK DOWNSTREAM AT WHAT THEY'RE GOING TO TEACH AND
24 TO THINK SYSTEMATICALLY ABOUT WHAT THEY'RE GOING TO TEACH
25 THESE ARE THINGS WE ALL BELIEVE TO BE CONSISTENT WITH

1 CONDITIONS ABOUT WHICH WE SPOKE A GREAT DEAL ALREADY
2 TODAY

3 THE WORD HERE FOR ME IS OVERCOME I THINK THEY CAN
4 ADDRESS THEM I THINK THEY CAN RENDER SCHOOLS EFFECTIVE,
5 BUT I -- I DON'T KNOW THAT YOU CAN OVERCOME THEM

6 Q OKAY WELL NOW, YOU MENTIONED THAT ONE THING THAT --
7 THAT YOU WANTED TO DISCUSS WAS ACCOUNTABILITY HOW
8 DOES -- AS AN OPENING STATEMENT, HOW DO LEADERSHIP AND
9 ACCOUNTABILITY INTERACT?

10 A WELL, IT PROVIDES THE MATRIX IN WHICH A PRINCIPAL
11 OPERATES WITHOUT -- NOW ACCOUNTABILITY, I DON'T WANT TO
12 PROLONG THIS, BUT I TAKE AN ACCOUNTABILITY SYSTEM, SOUTH
13 CAROLINA'S INCLUDED, AN ACCOUNTABILITY SYSTEM HAS THREE
14 IMPORTANT PRONGS TO IT

15 YOU'RE GOING TO HAVE TO HAVE SOME SPECIFICATION OF
16 ASPIRATIONS YOU'RE GOING TO HAVE TO SAY WHAT THE SYSTEM
17 EXPECTS YOU'RE GOING TO HAVE TO HAVE LEARNING STANDARDS
18 OR CURRICULUM STANDARDS YOU'VE GOT TO HAVE THOSE

19 SECOND, YOU'VE GOT TO HAVE AN APPRAISAL SYSTEM THAT
20 MEASURES THE EXTENT TO WHICH SCHOOLS AND STUDENTS MAYBE
21 DISTRICTS BUT THE EXTENT TO WHICH SCHOOLS AND STUDENTS
22 MAKE PROGRESS ON WHAT'S SPECIFIED, THE EXPECTATIONS

23 AND THIRD, YOU'VE GOT TO HAVE SOME COMPONENTS OF
24 ASSISTANCE FOR THOSE WHO ARE NOT ACHIEVING THE
25 EXPECTATIONS

1 NOW, SOUTH CAROLINA IN WAYS THAT ARE IMPORTANT AND
2 WE'LL TALK -- CAN TALK ABOUT THEM, SOUTH CAROLINA'S
3 ACCOUNTABILITY SYSTEM HAS GOT THESE THREE PRONGS

4 Q ALL RIGHT WELL, BEFORE WE GET SPECIFICALLY TO SOUTH
5 CAROLINA, LET ME ASK YOU ARE THOSE THREE THINGS, THIS
6 STANDARDS, ASSESSMENT AND ASSISTANCE, ARE THOSE THE
7 CHARACTERISTICS THAT MAKE A SYSTEM AN ACCOUNTABILITY
8 SYSTEM?

9 A THOSE ARE THE COMPONENTS OF AN APPROPRIATE
10 ACCOUNTABILITY SYSTEM

11 Q NOW, HOW DID WE GET -- IN AMERICAN EDUCATION, HOW DID
12 WE GET ON THIS ROAD TO ACCOUNTABILITY? WHEN DID THAT
13 START AND WHY DID WE GO THERE?

14 A I -- IF I HAD TO ASSIGN A DATE TO IT, I'D SAY IT WAS
15 IN 1989 WITH THE CONVENING OF GOVERNORS IN
16 CHARLOTTESVILLE, VIRGINIA, AT THE SO-CALLED SUMMIT
17 NORMALLY THE THIRD TIME IN THE NATION'S HISTORY WHEN
18 PRESIDENTS CONVENED ALTOGETHER, AND WHAT -- THE OUTCOME OF
19 THAT MEETING WERE THE SIX NATIONAL GOALS THAT THEN WERE IN
20 PLACE

21 AND AFTER 1989 STATE AFTER STATE, NOW SOUTH CAROLINA
22 GETS THERE IN 1997 SOME STATES GOT THERE EARLIER BUT
23 SOUTH CAROLINA LIKE OTHER STATES BEGINS TO ADOPT A MORE
24 DETAILED SET OF CURRICULUM STANDARDS AND BEGINS TO ADOPT,
25 BEGINS TO STRUCTURE, INSTRUCT AND OPERATE A STATEWIDE

1 IN 1998?

2 A YES, I AM

3 Q AND ARE YOU FAMILIAR WITH -- WITH SOUTH CAROLINA'S
4 ACCOUNTABILITY SYSTEM AS REPRESENTED BY THAT LEGISLATION
5 AND POSSIBLY OTHER PIECES?

6 A YES, I AM

7 Q WELL, DOES SOUTH CAROLINA HAVE AN ACCOUNTABILITY
8 SYSTEM THAT SHARES THESE THREE ESSENTIAL FEATURES THAT YOU
9 DESCRIBED JUST MOMENTS AGO?

10 A YES, IT DOES

11 Q WELL, TELL ME -- TELL ME WHAT WE HAVE TELL ME WHAT
12 OUR STANDARDS COMPONENT IS

13 A WELL, I HAVE EXAMINED THE STATE STANDARDS IN THE
14 ENGLISH AND LANGUAGE ARTS I'VE EXAMINED THEM IN
15 MATHEMATICS I'VE EXAMINED THEM IN HISTORY I'VE
16 EXAMINED THEM IN GEOGRAPHY I EXAMINED THEM IN BIOLOGICAL
17 SCIENCES AND I LOOKED AT THEM IN TECHNOLOGY

18 AND I -- I LOOKED AT THEM PARTICULARLY FOR THE TENTH
19 GRADE BUT I LOOKED AT OTHERS ALSO, BUT I DON'T WANT TO
20 LEAVE THE IMPRESSION THAT, YOU KNOW, I JUST READ EVERY
21 WORD OF, LITERALLY, DOCUMENT THAT PROBABLY WOULD AMOUNT TO
22 THREE OR FOUR FEET HIGH

23 I KNOW FROM EXAMINATION OF SIMILAR CURRICULUM
24 STANDARDS IN OTHER STATES OF HOW THOROUGH THESE ARE I --
25 I WAS UNPREPARED FOR THE DETAIL INTO WHICH SOUTH CAROLINA

1 HAD GONE

2 THEY -- WHEN I -- IT'S NOT JUST ME FAVORABLY
3 IMPRESSED WITH THEM, THERE HAVE BEEN TWO, AT LEAST TWO
4 RATING SYSTEMS THAT HAVE EXAMINED THEM AND FOUND THEM TO
5 BE AMONG THE MOST THOROUGH AND RIGOROUS IN THE UNITED
6 STATES

7 BUT WHAT -- WHEN YOU LOOK AT THEM, WHAT'S IMPRESSIVE
8 IS THE EXTENT TO WHICH THE SPECIFICATION THEY GIVE TO WHAT
9 A STUDENT IS EXPECTED TO LEARN IN A GRADE AND WHAT COMES
10 AFTER THAT, WHAT COMES AT THE NEXT GRADE AND THE NEXT
11 GRADE AND THE NEXT GRADE

12 SO ONE CAN SEE THE PROGRESSION BUT IT'S NOT JUST
13 CONTENT THERE'S A SET OF SKILLS ONE IS EXPECTED TO
14 READ, ONE IS EXPECTED TO COUNT, ONE IS EXPECTED TO
15 ANALYZE, ONE IS EXPECTED TO FORMULATE

16 FRANKLY THESE ARE HIGH STANDARDS THESE ARE NOT
17 MINIMAL STANDARDS THAT SOUTH CAROLINA HAS PROMULGATED AND
18 IT'S DONE IT AS -- AT LEAST I READ, IT'S DONE IT IN A VERY
19 COMPREHENSIVE MANNER BY ENGAGING PARENTS, BY ENGAGING THE
20 BUSINESS COMMUNITY, BY ENGAGING ACADEMICS, BY ENGAGING
21 EXPERTS, BY ENGAGING EDUCATORS

22 THIS HAS BEEN AN ENCOMPASSING ENDEAVOR WHICH HAD TO
23 HAVE TAKEN SEVERAL YEARS IT JUST HAD TO

24 Q OKAY SO ARE THE CURRICULUM STANDARDS IN SOUTH
25 CAROLINA, DO THEY -- ARE THEY SUFFICIENT FOR THE PURPOSES

1 NOW, AS WE KNOW WE'VE GOT SIX OTHER EXPLANATIONS
2 GIVEN HERE AND WE CAN GO THROUGH THEM TO WHATEVER DEGREE
3 YOU WANT

4 Q WELL, LET'S -- SURE I MEAN, THE FIRST ONE REFERS TO
5 HIGH EXPECTATIONS NUMBER TWO SAYS, STANDARDS GUIDE
6 EFFORTS TO MEASURE STUDENT ACHIEVEMENT WHAT'S -- WHAT'S
7 THE IMPORTANCE OF THE STANDARDS PART OF ACCOUNTABILITY
8 WHEN IT COMES TO MEASURING STUDENT ACHIEVEMENT?

9 A WELL, IT'S -- I MENTIONED PREVIOUSLY IN THE ABSENCE
10 OF STANDARDS, IN THE ABSENCE OF CURRICULUM SPECIFICATION,
11 THEN YOU DON'T KNOW WHAT TO BUILD THE ASSESSMENT SYSTEM
12 AROUND THIS IS WHAT THE TESTS ARE GROUNDED IN AND YOU
13 NEED THIS SPECIFICITY IN ORDER TO BUILD TESTS

14 Q OKAY LOOK AT NUMBER THREE STANDARDS PROMOTE
15 EDUCATIONAL EQUITY FOR ALL INSTRUCTION IN EVERY SCHOOL
16 IN THE STATE WILL BE BASED ON THE SAME CURRICULUM
17 STANDARDS WHY IS THAT IMPORTANT?

18 A WELL, I LIKE THIS AND I DON'T OFTEN SEE THIS IN
19 STATES, BY THE WAY BUT THIS MAKES IT CLEAR THAT IT'S NOT
20 JUST SUSIE WHO IS GOING TO VASSAR IS EXPECTED TO KNOW
21 THESE THINGS IT'S SALLY WHO PERHAPS ISN'T GOING TO
22 VASSAR BUT SEES HERSELF MORE AS GOING TO A COMMUNITY
23 COLLEGE OR SOMETHING

24 DOESN'T MATTER WHERE YOU ARE, HOW WEALTHY YOUR FAMILY
25 OR HOW POOR YOUR FAMILY, THE STATE OF SOUTH CAROLINA IS

1 SAYING WE EXPECT YOU -- YOUR CHILD, TO LEARN THESE THINGS
2 DOESN'T MATTER WHO YOU ARE IT'S COVERS EVERYBODY

3 Q OKAY AND IS THAT -- THAT'S AN IMPORTANT FEATURE?

4 A IT'S CONSISTENT WITH WHAT I SAID EARLIER THIS IS
5 THE FIRST TIME IN AMERICAN HISTORY THAT IT WASN'T JUST
6 SOME 10 PERCENT ELITE THAT WE WERE GOING TO PROPEL THROUGH
7 THIS SCHOOL SYSTEM WE'RE EXPECTING NOW NO CHILD LEFT
8 BEHIND DOES THAT MEAN 100 OUT OF 100 ARE ABSOLUTELY
9 GOING TO SOAR AND ALL BE NOBEL LAUREATES? I DOUBT IT

10 BUT THIS IS THE FIRST TIME IN AMERICAN HISTORY THAT
11 WE HAVE SAID SERIOUSLY WE WANT CHILDREN TO LEARN, ALL OF
12 THEM

13 Q OKAY LOOK AT NUMBER FOUR IT SAYS, STANDARDS HELP
14 PARENTS DETERMINE IF CHILDREN IN SOUTH CAROLINA ARE BEING
15 TAUGHT THE SAME SUBJECT CONTENT AS CHILDREN ACROSS THE
16 NATION IS THAT IMPORTANT, AND WHY?

17 A WELL, IT IS AND YOU COULDN'T GET THERE IF THIS IS
18 ALL YOU KNEW, BUT I -- I KNOW AND THERE ARE DOCUMENTS
19 AVAILABLE, ANYONE CAN KNOW, THAT THE SOUTH CAROLINA
20 TESTING SYSTEM IS IN FACT KEYED, NOT COMPLETELY BUT IT IS
21 KEYED TO THE NATIONAL TESTING SYSTEM, TO THE NATIONAL
22 ASSESSMENT OF EDUCATIONAL PROGRESS

23 SO WHAT SOUTH CAROLINA DID IS IN BUILDING ITS
24 LEARNING STANDARDS, ITS CURRICULUM STANDARDS, IN
25 CONSTRUCTING THEM IT MADE SURE THAT THEY WERE CORRELATED,

1 HERE ON THIS SLIDE?

2 A I HAVE PREVIOUSLY READ IT

3 Q OKAY

4 A AND I AM FAMILIAR WITH IT

5 Q NOW, DO THE SOUTH CAROLINA CURRICULUM STANDARDS BASED
6 UPON YOUR REVIEW, DR GUTHRIE, INCLUDE ALL OF THE
7 KNOWLEDGE, SKILLS AND COMPETENCIES NECESSARY FOR A
8 MINIMALLY ADEQUATE EDUCATION AS DEFINED BY THE SOUTH
9 CAROLINA SUPREME COURT?

10 A WITHOUT QUESTION, YES

11 Q AND IF WE BREAK THAT DOWN, DO THEY CONTAIN -- DO THEY
12 INCLUDE ALL THE KNOWLEDGE, SKILLS AND COMPETENCIES
13 NECESSARY TO PERMIT A STUDENT TO READ WRITE AND SPEAK THE
14 ENGLISH LANGUAGE?

15 A ABSOLUTELY

16 Q TO PERMIT A STUDENT TO OBTAIN KNOWLEDGE OF
17 MATHEMATICS?

18 A YES

19 Q AND PHYSICAL SCIENCE?

20 A YES

21 Q AND TO PERMIT A STUDENT TO OBTAIN A FUNDAMENTAL
22 KNOWLEDGE OF ECONOMIC, SOCIAL AND POLITICAL SYSTEMS?

23 A YES

24 Q AND OF HISTORY AND GOVERNMENTAL PROCESSES?

25 A YES

1 THIS -- EVEN JUST STARTING RIGHT OFF THE BAT WITH THAT,
2 WITH READ AND ANALYZE POETRY AND DRAMA, THAT'S WHAT I
3 MEANT ABOUT SOUTH CAROLINA RATCHETING UP THE STANDARD
4 BEYOND THAT WHICH THE COURT IN ITS WISDOM, WHAT THE COURT
5 SPECIFIED, THE ABILITY TO READ THIS IS A LOT HIGHER THAN
6 ABILITY TO READ AND SPEAK

7 Q OKAY AND IS THE STUDENT WHO IS EXPOSED TO A
8 CURRICULUM THAT INCLUDES THESE ELEMENTS FOR EXAMPLE OF
9 READING, THE READ AND ANALYZE POETRY, INCREASE VOCABULARY
10 THROUGH EXTENSIVE READING, TO READ FOR EXTENDED PERIODS OF
11 TIME, TO EVALUATE INFORMATIONAL TEXT, IS THAT STUDENT EVEN
12 AT THE TENTH GRADE BEING PROVIDED THE OPPORTUNITY FOR A
13 MINIMALLY ADEQUATE EDUCATION AS DEFINED BY THE SUPREME
14 COURT IN THE CONTEXT OF READING?

15 A YES

16 Q IS IT THE SAME OR IS IT HIGHER?

17 A IN MY JUDGMENT IT'S SUBSTANTIALLY HIGHER

18 Q OKAY LET'S LOOK UNDER COMMUNICATION IS A STUDENT
19 WHO IS INSTRUCTED IN A SCHOOL WITH A CURRICULUM CALCULATED
20 TO TEACH THEM TO LISTEN AND ANALYZE, LISTEN TO AND ANALYZE
21 INFORMATION FOR ACCURACY, BIAS AND SPEAKERS' PURPOSE IS
22 THAT STUDENT BEING PROVIDED THE OPPORTUNITY TO ACQUIRE THE
23 ABILITY TO READ AND/OR WRITE AND SPEAK THE ENGLISH
24 LANGUAGE?

25 A I THINK THE OBVIOUS ANSWER IS YES

1 IF THAT'S OKAY, I WON'T BE JUMPING UP AND DOWN
2 THE COURT I APPRECIATE THAT AND CERTAINLY
3 THE -- TO THE EXTENT THE QUESTIONS MIGHT BE CONSTRUED TO
4 ELICIT A LEGAL OPINION IN THAT REGARD, YOUR OBJECTION WILL
5 BE WELL TAKEN I DON'T TAKE IT TO DO THAT, SO I NOTE THE
6 OBJECTION AND CONTINUE THANK YOU
7 BY MR STEPP
8 Q DR GUTHRIE, FOR PURPOSES OF THESE QUESTIONS, WHEN I
9 MAKE REFERENCE TO THE -- TO THE LANGUAGE IN THE ABBEVILLE
10 OPINION, I'M ASKING YOU AS AN EDUCATOR AND AS AN
11 EDUCATIONAL POLICY PERSON, NOT AS A JUDGE OR A LAWYER DO
12 YOU UNDERSTAND THAT?
13 A I -- I ABSOLUTELY UNDERSTAND IT AND I'M HOLDING IN
14 FRONT OF ME THE ABBEVILLE LANGUAGE, ONE, TWO AND THREE
15 REGARDING ABILITY TO READ, ET CETERA, FUNDAMENTAL
16 KNOWLEDGE, ET CETERA, ACADEMIC AND VOCATIONAL SKILLS, ET
17 CETERA
18 NOW, I'M NOT READING THAT AS AN ATTORNEY I DON'T
19 HAVE THAT CAPACITY BUT AS A PERSON WHO HAS TAUGHT IN
20 SCHOOLS, TRAINED SCHOOL LEADERS, LOOKS AT THESE THINGS
21 AROUND THE UNITED STATES, I'M JUST GOING TO TELL YOU THAT
22 YOU CAN SATISFY WHAT IS IN ONE, TWO AND THREE
23 EDUCATIONALLY
24 YOU CAN SATISFY THAT WITH A LOT LOWER STANDARD OF
25 EXPECTATIONS THAN SOUTH CAROLINA HAS CHOSEN TO INCORPORATE

1 IN ITS CURRICULUM STANDARDS

2 Q ALL RIGHT AND IS THAT -- WE'VE BEEN LOOKING AT
3 THINGS RELATING TO ENGLISH, LANGUAGE ARTS IS THE SAME
4 THING TRUE, DR GUTHRIE IN MATHEMATICS?

5 A AS I SAID EARLIER, MR STEPP, I WAS PARTICULARLY
6 TAKEN WITH THE RIGOR IN MATHEMATICS

7 Q WELL --

8 A I DON'T WANT TO EMBARRASS ANYONE INCLUDING MYSELF,
9 BUT WHEN YOU TURN -- IS IT PREMATURE? CAN I ASK TO DETER
10 TO AN EXHIBIT?

11 Q WELL, I WAS GOING TO PUT UP SLIDE 16

12 A WELL, WHEN I GO TO SLIDE 16 OR 17, KNOWLEDGE OF --
13 ALL RIGHT 16, MATHEMATICS AND YOU LOOK AT THAT AND THE
14 SUBSEQUENT POSSIBLE SLIDE YOU JUST -- YOU LOOK AT WHAT'S
15 BEING ASKED HERE AND THIS KNOWLEDGE OF MATHEMATICS IS WHAT
16 THE ABBEVILLE DECISION SAYS UP AT THE TOP, KNOWLEDGE OF
17 MATHEMATICS WELL, LOOK AT THE COMPLEXITY BEING DISPLAYED
18 HERE IT'S DRAMATIC

19 Q IS THAT JUST UNDER ALGEBRA TWO, IS THAT A KNOWLEDGE
20 OF MATHEMATICS?

21 A LINEAR FUNCTIONS AND TRANSFORMATIONS? LET'S CALL
22 PROFESSOR PODGURSKY BACK SHOWING -- PARDON ME SOLVING
23 AND ANALYZING SYSTEMS OF EQUATIONS AND INEQUALITIES
24 NUMBERS SYSTEMS, QUADRATIC FUNCTIONS, QUADRATIC EQUATIONS
25 AND I MEAN, RATIONAL FUNCTIONS, EXPONENTIAL FUNCTIONS

1 ADDITIONAL COMPARISONS FOR ME NOW IF YOU CAN DO THE
2 SOUTH CAROLINA CURRICULUM STANDARDS INCLUDE ALL THE SKILLS
3 AND PROFICIENCIES NECESSARY TO PERMIT ONE TO BECOME A
4 PRODUCTIVE CITIZEN?

5 A YES

6 Q DO THEY CONTAIN ALL OF THE SKILLS, COMPETENCIES AND
7 PROFICIENCIES NECESSARY FOR EMPLOYMENT IN THE 21ST CENTURY
8 ECONOMY?

9 A YES

10 Q DO THEY CONTAIN ALL THE INFORMATION, SKILLS,
11 COMPETENCIES AND PROFICIENCIES NECESSARY TO PERMIT ONE TO
12 PARTICIPATE IN OUR DEMOCRATIC PROCESSES?

13 A YES

14 Q WHAT ABOUT THE INFORMATION AND SKILLS NECESSARY TO
15 PURSUE HIGHER EDUCATION?

16 A YES

17 Q TO RAISE A FAMILY?

18 A YES

19 Q TO MANAGE A HOUSEHOLD?

20 A YES

21 Q WELL, DR GUTHRIE, HOW WOULD YOU DESCRIBE, IF YOU
22 WERE CALLED UPON TO PUT A LABEL ON THE EDUCATION
23 PRESCRIBED BY THE CURRICULUM STANDARDS, HOW WOULD YOU
24 DESCRIBE THEM? HOW WOULD YOU DESCRIBE THAT EDUCATION?

25 A I WOULD DESCRIBE THAT AS AN EXCELLENT EDUCATION TO A

1 HIGH EXPECTATION AND A HIGH STANDARD

2 Q OVERALL, HOW WOULD YOU ASSESS THE STANDARDS'
3 COMPONENT OF SOUTH CAROLINA'S ACCOUNTABILITY SYSTEM?

4 A I GIVE THEM AN A

5 Q OKAY

6 A BUT, MR STEPP, IT'S NOT JUST ME WHO GIVES THEM AN A
7 THOUGH I'M HAPPY TO GIVE THEM AN A , BUT -- BUT OTHER
8 INDEPENDENT JUDGES AND OBSERVERS AND RATING SCHEMES HAVE
9 ALSO RATED THEM

10 Q SO WHAT DO YOU REFER THERE?

11 A I REFER TO THE PRINCETON REVIEW AND TO THE FORDHAM
12 FOUNDATION REVIEW I DON'T KNOW IF IT'S BEEN PREVIOUSLY
13 MENTIONED IN COURT THEY'RE --

14 Q I THINK THEY HAVE

15 A -- WIDELY READ

16 Q OKAY I WANTED THEN TO TALK NOW ABOUT THE ASSESSMENT
17 COMPONENT WHEN YOU DESCRIBE ACCOUNTABILITY SYSTEMS YOU
18 SAID STANDARDS, NUMBER ONE, ASSESSMENTS NUMBER TWO, RIGHT?

19 A CORRECT

20 Q NOW, IN SOUTH CAROLINA WHAT IS OUR -- WHAT IS THE
21 ASSESSMENT COMPONENT OF OUR ACCOUNTABILITY SYSTEM?

22 A WELL IT -- IT -- TO ITS CREDIT IT'S MULTI-LEVELED
23 AND IT -- IT APPRAISES STUDENT PROGRESS THROUGH THE
24 PALMETTO ACHIEVEMENT CHALLENGE TEST OFFERED AT VARIOUS
25 GRADE LEVELS

1 THESE TESTS FROM MY READING OF THEM AND MY
2 CONVERSATIONS WITH STATE OFFICIALS, THESE TESTS HAVE BEEN
3 CONSTRUCTED IN THE PRESENT STATE OF THE ART FORM THEY
4 ARE TIED TO THE CURRICULUM STANDARDS ABOUT WHICH WE JUST
5 HAD A CONVERSATION

6 THEY HAVE BEEN TESTED TO ENSURE THAT THEY HAVE THE
7 PSYCHOMETRIC PROPERTIES OF RELIABILITY AND VALIDITY THAT
8 SUCH TESTS NEED THEY FORM A BACKGROUND FOR A GRADING
9 SYSTEM FOR SCHOOLS BASED ON STUDENT ACHIEVEMENT AND THAT
10 COMPRISE A MAJOR, AN IMPORTANT COMPONENT OF THE REPORT
11 CARD SYSTEM WHICH IS REQUIRED -- THE STATE ISSUES
12 REGARDING SCHOOLS

13 SO AT -- AT VIRTUALLY EVERY LEVEL, THE SCHOOL LEVEL,
14 THE DISTRICT LEVEL, THE STATE LEVEL, WE CAN GET
15 INFORMATION ABOUT THE PERFORMANCE OF STUDENTS AND THE
16 PERFORMANCE OF SCHOOLS AND THE -- IT'S A -- IT IS -- IT IS
17 STATE OF THE ART ARE THERE OTHER STATES THAT HAVE SOME
18 ADDITIONAL COMPONENTS? YES AND WE CAN TALK ABOUT THAT

19 BUT THE -- YOU'D BE DISCUSSING AT THE MARGIN ON THE
20 EDGE BECAUSE SOUTH CAROLINA IS A GOOD SYSTEM, A GOOD
21 APPRAISAL SYSTEM

22 Q WELL, WHY -- WHY IS HAVING THIS ASSESSMENT COMPONENT,
23 WHY IS THAT IMPORTANT IN THE CONTEXT OF HAVING AN OVERALL
24 ACCOUNTABILITY SYSTEM?

25 A WELL WITHOUT IT WE ARE JUST WOOFING WITHOUT IT WE

1 DON'T HAVE THE SENSE OF SERIOUSNESS WITHOUT IT WE CAN'T
2 EXPRESS HOW WELL WE ARE DOING WE CAN'T ASSESS HOW WELL
3 WE'RE DOING WE CAN'T FINE TUNE THE SYSTEM

4 WE CAN'T -- WITHOUT THESE -- THE TESTS AND THE
5 GRADING AND THE REPORT CARDS, WE CAN'T UNDERTAKE
6 MID-COURSE CORRECTIONS WE LOSE OUR PURCHASE ON GETTING
7 CHANGE WITHOUT THE TESTS OTHERWISE ALL WE'VE GOT IS A
8 LIST OF GOOD THINGS TO DO, VERY GOOD THINGS TO DO AS WE
9 DISCUSSED

10 BUT WITH JUST A LIST OF GOOD THINGS TO DO AND NO
11 MEASUREMENT, THEN YOU RUN THE RISK THAT PEOPLE WON'T DO
12 THE GOOD THINGS

13 Q WHAT ABOUT -- WHAT IS THE ROLE OF THE PACT TEST? AND
14 WE'VE TOUCHED ON THIS, BUT LET ME ASK YOU AGAIN AT THIS
15 JUNCTURE, WHAT IS THE ROLE OF THE PACT TEST IN MEASURING
16 OPPORTUNITY IN THE SOUTH CAROLINA SCHOOLS?

17 A I THINK THIS IS -- THIS MORNING WHEN I REFERRED TO
18 THE ACHIEVEMENT OPPORTUNITY PARADOX THAT IF WE SEE
19 SUBSTANTIAL PROPORTIONS OF STUDENTS IN SOUTH CAROLINA
20 SCORING AT BASIC OR ABOVE ON THESE TESTS, TESTS THAT HAVE
21 BEEN MADE THE RIGHT WAY AROUND THE CORRECT CURRICULUM, IF
22 SUBSTANTIAL PROPORTIONS ARE SCORING AT BASIC, PROFICIENCY
23 OR ADVANCED, THEN THAT IS OF ITSELF EVIDENCE THAT THE
24 OPPORTUNITY TO LEARN IS PRESENT

25 Q OKAY LET ME SHOW YOU, DR GUTHRIE, DEFENDANTS'

James Guthrie, Ph D (Defendants' Expert)
Dir Peabody Center for Education Policy
Prof of Education Vanderbilt University
Direct Examination by Mr Stepp

211

1 IN THE LEGISLATION AND EDUCATION ACCOUNTABILITY ACT OF
2 1998 IS TO MEASURE STUDENT PERFORMANCE ON STATE STANDARDS
3 DO YOU SEE THAT?

4 A YES, I DO

5 Q AND IS THAT THE FUNCTION OF AN ACCOUNTABILITY -- OF
6 THE ASSESSMENT COMPONENT OF AN ACCOUNTABILITY SYSTEM IN
7 GENERAL?

8 A I BELIEVE IT IS I BELIEVE IT'S CONSISTENT WITH WHAT
9 I'VE DESCRIBED EARLIER IT'S BY -- STANDARDS BY
10 THEMSELVES ARE INSUFFICIENT

11 Q OKAY THIS GOES ON TO SAY, A COUPLE OF SENTENCES
12 DOWN, DISTRICT AND SCHOOL DATA CAN BE USED TO IDENTIFY
13 SUBJECT AREA DEFICIENCIES OR PROGRAM IMPROVEMENT SEVERAL
14 CAUTIONS ARE PRESENTED WITH RESPECT TO MAKING COMPARISONS
15 AND INTERPRETATIONS BASED ON PACT DATA DO YOU SEE THAT?

16 A YES, I DO

17 Q ALL RIGHT I WANT TO GO OVER TO THE RIGHT-HAND
18 COLUMN AND CALL YOUR ATTENTION TO THE PARAGRAPH LABELED
19 SOCIOECONOMIC AND OTHER BACKGROUND PERFORMANCE FACTORS
20 ARE YOU WITH ME?

21 A YES, I AM

22 Q AND THIS SAYS, THIS DEFENDANTS' 804 IS PUBLISHED BY
23 THE SOUTH CAROLINA DEPARTMENT OF EDUCATION RIGHT?

24 A YES, IT IS

25 Q OKAY AND SO THE DEPARTMENT OF EDUCATION'S STATEMENT

1 IN EXHIBIT 804 IS AS FOLLOWS A FREQUENT MISUSE OF TEST
2 DATA IS THE TENDENCY TO EQUATE HIGH TEST SCORES WITH
3 EDUCATIONAL QUALITY DO YOU SEE THAT?

4 A YES

5 Q DO YOU AGREE, DR GUTHRIE, THAT THAT IS A FREQUENT
6 MISUSE OF TEST DATA IN GENERAL?

7 A I CAN'T COMMENT ON THE FREQUENT BUT I KNOW THAT IT IS
8 A MISUSE THAT I ENCOUNTER

9 Q OKAY WHY -- WHY IS IT A MISUSE OF TEST DATA TO
10 EQUATE HIGH SCORES WITH EDUCATIONAL QUALITY?

11 A WELL, ONE NEEDS TO HARKEN BACK TO THE PRIOR
12 CONVERSATION TODAY WHEN I OFFERED MY VIEW AND I BELIEVE
13 RESEARCH'S VIEW THAT A VERY HIGH PROPORTION OF THE
14 STUDENTS' EDUCATIONAL ACHIEVEMENT IS A FUNCTION OF THE
15 STUDENTS' ENVIRONMENT OR BACKGROUND A LARGER PROPORTION
16 IS A FUNCTION OF THAT THAN WHAT SCHOOLS DO

17 Q OKAY WELL, THIS GOES ON TO SAY IN THE THIRD
18 SENTENCE OF THAT PARAGRAPH, FOR EXAMPLE, CHARACTERISTICS
19 OF STUDENTS SUCH AS SOCIOECONOMIC BACKGROUND AND THE
20 EDUCATIONAL LEVEL OF PARENTS ARE FACTORS WHICH ARE
21 STRONGLY RELATED TO TEST PERFORMANCE

22 COMPARISONS OF SCORES AMONG SCHOOLS AND/OR DISTRICTS
23 SHOULD NOT BE MADE UNLESS DIFFERENCES IN THE
24 CHARACTERISTICS OF STUDENTS ARE ACCOUNTED FOR IN THESE
25 COMPARISONS DO YOU SEE THAT?

1 UNLESS YOU, YOU KNOW, YOU UNDERTAKE A MISREADING OF THE
2 DATA IF YOU CONCLUDED THAT WITHOUT TAKING INTO ACCOUNT THE
3 SUBSTANTIAL DIFFERENCES IN STUDENTS FROM POVERTY
4 CIRCUMSTANCE

5 Q AND AS I THINK WE DISCUSSED EARLIER, WHEN YOU DO TAKE
6 INTO ACCOUNT THE SUBSTANTIAL DIFFERENCES IN THE POVERTY
7 INDEXES AMONG THESE THREE GROUPS OF SCHOOLS, DOES THE --
8 DOES THE ACHIEVEMENT DATA SURPRISE YOU?

9 A NO, IT DOES NOT

10 Q AND DOES THE ACHIEVEMENT DATA THEREFORE INDEPENDENTLY
11 TELL YOU ANYTHING ABOUT EDUCATIONAL QUALITY IN THOSE THREE
12 GROUPS OF STUDENTS?

13 A THE ACHIEVEMENT DATA DOES NOT TELL ME ANYTHING ABOUT
14 THE EFFECTIVENESS OF THE SCHOOL BY ITSELF OR -- OR THE
15 QUALITY OF EDUCATION OR THE AVAILABILITY OF EDUCATIONAL
16 OPPORTUNITY

17 Q OKAY LET'S GO BACK TO 804, IF I CAN I'M
18 CHALLENGING MR WALLINGTON TO KEEP UP WITH ME AND BACK
19 TO THE CAUTIONS IN THE USE AND INTERPRETATION OF PACT DATA
20 AT PAGE BATES NUMBER 0036, I WANT TO DROP DOWN UNDER THE
21 PARAGRAPH THAT WE WERE JUST LOOKING AT, DR GUTHRIE

22 AND LOOK AT THIS PARAGRAPH THAT'S HEADED COMPARISONS
23 AMONG STUDENT SUBGROUPS DO YOU SEE THAT?

24 A YES, I DO

25 Q AND THIS -- THIS PARAGRAPH READS, CAUTION SHOULD BE

James Guthrie, Ph D (Defendants' Expert)
Dir , Peabody Center for Education Policy
Prof of Education, Vanderbilt University
Direct Examination by Mr Stepp

243

1 A YES

2 Q NOW, IN YOUR JUDGMENT, DR GUTHRIE, WHAT IS THE BEST
3 THING THAT THE STATE OF SOUTH CAROLINA CAN DO TO ACHIEVE
4 BOTH ITS INTERNALLY-ESTABLISHED GOALS AND THOSE THAT HAVE,
5 ARE COMING FROM ABOVE?

6 A WELL, THE BEST THING IT CAN DO IS STAY THE COURSE
7 NOT DISRUPT WHAT'S IN PROGRESS NOW, STATES THAT HAVE
8 MAINTAINED THEIR MOMENTUM, AND I AGAIN POINT TO TEXAS AND
9 TO NORTH CAROLINA, STATES THAT HAVE MAINTAINED THEIR
10 TRAJECTORY, WE SEE THEIR ACHIEVEMENT GROWING

11 NOW, THOSE ARE STATES THAT HAVE BEEN AT IT ROUGHLY
12 FIVE YEARS LONGER THAN SOUTH CAROLINA WE'RE ALMOST
13 SEEING AN ENTIRE COHORT OF STUDENTS GO THROUGH THOSE
14 SYSTEMS AND THEIR RESULTS ARE HIGHER THAN SOUTH
15 CAROLINA

16 Q WELL, WE'RE GOING TO LOOK AT SOME ACHIEVEMENT DATA IN
17 SOUTH CAROLINA I SUPPOSE NOW IT WILL BE IN THE MORNING
18 BUT LET ME LEAVE YOU WITH THIS QUESTION IF I MAY, DR
19 GUTHRIE

20 BASED UPON YOUR OBSERVATIONS OF THE ACCOUNTABILITY
21 SYSTEM THAT WE HAVE IN PLACE IN SOUTH CAROLINA, BOTH ITS
22 STANDARDS, ITS ASSESSMENT AND ITS ASSISTANCE, WHAT WOULD
23 BE YOUR EXPECTATIONS FOR STUDENT ACHIEVEMENT IN SOUTH
24 CAROLINA FROM -- FROM -- FROM THIS TIME FORWARD?

25 A I DON'T WANT TO SIT HERE AND FOOLISHLY PREDICT THAT

James Guthrie, Ph D (Defendants' Expert)
Dir , Peabody Center for Education Policy
Prof of Education, Vanderbilt University
Direct Examination by Mr Stepp

3

1 THE COURT DR GUTHRIE?

2 (WITNESS BACK ON STAND)

3 DR JAMES GUTHRIE TESTIFIED AS
4 FOLLOWS

5 THE COURT MR STEPP?

6 MR STEPP THANK YOU, YOUR HONOR

7 DIRECT EXAMINATION

8 BY MR STEPP

9 Q DR GUTHRIE, WHEN WE LEFT OFF YESTERDAY WE WERE
10 TALKING ABOUT THE IMPACT OF ACCOUNTABILITY SYSTEMS ON
11 ACHIEVEMENT DO YOU RECALL THAT?

12 A YES, SIR, I DO

13 Q I'D LIKE TO LOOK AT SOME SOUTH CAROLINA ACHIEVEMENT
14 DATA WITH YOU THIS MORNING HAVE YOU IN THE COURSE OF
15 YOUR PREPARATION FOR YOUR TESTIMONY FAMILIARIZED YOURSELF
16 WITH THE PACT SCORES IN SOUTH CAROLINA FOR THE PLAINTIFF
17 DISTRICTS OVER TIME?

18 A YES, I HAVE

19 Q GRAY, IF WE COULD HAVE SLIDE 22, PLEASE AND
20 INCLUDING IN -- INCLUDED IN YOUR REVIEW, DR GUTHRIE, HAVE
21 YOU LOOKED AT THE 2004 PACT SCORES THAT WERE JUST RELEASED
22 A WEEK OR SO AGO?

23 A YES, I HAVE

24 Q OKAY AND WE PUT UP ON THE SCREEN CHARTS, THIS IS A
25 CHART FOR ORANGEBURG THREE THAT SHOWS -- IT DOESN'T SAY

1 IT, BUT LET ME SAY FOR THE RECORD IT'S THE PERCENTAGE OF
2 STUDENTS BASIC AND ABOVE IN E L A AND MATH FOR EACH OF
3 THE YEARS INDICATED DO YOU SEE THAT?

4 A YES, I DO

5 Q NOW WHAT DO YOU OBSERVE IF ANYTHING, DR GUTHRIE,
6 ABOUT THE TREND IN PACT SCORES IN ORANGEBURG THREE OVER
7 THE PERIOD OF 2001 TO 2004?

8 A OVER THAT PERIOD OF TIME THE PACT SCORES DO INCREASE
9 IN BOTH ENGLISH AND LANGUAGE ARTS AND IN MATHEMATICS

10 Q OKAY NOW, IS THAT A LINEAR INCREASE?

11 A NO, IT -- IT CERTAINLY IS NOT FOR ENGLISH AND
12 LANGUAGE ARTS WHERE ONE SEES THAT IN THE THIRD YEAR
13 REPRESENTED HERE THERE IS A -- A DIP

14 Q OKAY

15 A BUT IT'S A -- IT'S A SMOOTH INCREASE FOR MATHEMATICS
16 THE COURT MR EPPS?

17 MR EPPS YOUR HONOR, BEFORE WE GO ANY FURTHER
18 INTO THIS EXAMINATION, I CONFUSED THIS WITH THE SOURCE AND
19 ALSO AS TO PREPARATION AND RELIABILITY OF THE CHARTS IT
20 SAYS THE SOURCE OF THE SCHOOL REPORT CARDS 2001 TO 2004
21 AND TO MY KNOWLEDGE 2004 REPORT CARDS HAVE NOT BEEN
22 PREPARED, ACTUALLY THE CHART SAYS 2000 TO 2004 THE
23 CAPTION THERE ARE NO REPORT CARDS FOR 2004

24 THE COURT APPARENTLY THEY'RE REFERRING TO THE
25 PACT TEST SCORES

1 THE COURT AND IT WOULD BUT I THINK, AND MY --
2 WITHOUT PUTTING --

3 MR STEPP YOUR HONOR, I'M GOING TO APPROACH IT
4 -- I DON'T MEAN TO INTERRUPT, BUT JUST TO SAVE TIME I
5 WILL APPROACH IT AT A GRADE-BY-GRADE LEVEL AND THEREFORE
6 WE DON'T HAVE TO WORRY ABOUT GETTING TO AN OVERALL
7 PERCENTAGE SO THAT SHOULD RESOLVE MR EPPS' PROBLEM

8 THE COURT IT WOULD IF YOU -- IF YOU'RE
9 PREPARED TO DO THAT WITHIN THE CONTEXT OF THE EXAMINATION

10 MR STEPP IT WILL TAKE A LITTLE LONGER BUT I
11 THINK DR GUTHRIE AND I CAN WORK THROUGH THIS JUST
12 THAT -- WE WON'T HAVE THE GRAPHIC REPRESENTATION

13 THE COURT ALL RIGHT WE'LL TRY THAT AND SEE
14 HOW IT WORKS

15 BY MR STEPP

16 Q DR GUTHRIE, WHEN WE'RE TALKING ABOUT ORANGEBURG
17 THREE PACT SCORES AND I'M GOING TO SHOW YOU DEFENDANTS'
18 EXHIBIT 3325 WHICH IS THE 2004 PACT TEST SCORES BY
19 DISTRICT AS VERY RECENTLY PUBLISHED BY THE SOUTH CAROLINA
20 DEPARTMENT OF EDUCATION DO YOU HAVE THAT?

21 A YES, I DO

22 Q AND I WANT TO CALL YOUR ATTENTION TO THE FIRST PAGE
23 OF THIS DOCUMENT WHICH ARE THE DISTRICT NUMBERS ARE YOU
24 WITH ME?

25 A YES FOR ORANGEBURG THREE

1 Q FOR ORANGEBURG THREE AND I WANT TO CALL YOUR
2 ATTENTION TO THE QUADRANT THERE AT THE BOTTOM FOR ENGLISH,
3 LANGUAGE ARTS DO YOU SEE THAT?

4 A ALL STUDENTS SCORED BY GRADE, SOCIAL STUDIES,
5 MATHEMATICS, YES, ENGLISH, LANGUAGE ARTS THE FIRST
6 QUADRANT ON THE LEFT-HAND SIDE

7 Q ALL RIGHT NOW, DR GUTHRIE, FOR GRADE THREE WE
8 TALKED YESTERDAY ABOUT WHAT THE STATE STANDARD WAS DO
9 YOU RECALL THAT?

10 A YES, I DO

11 Q SO WE LOOK AT THIS COLUMN PERCENT MEETING STANDARD
12 DO YOU HAVE AN UNDERSTANDING OF WHAT THAT MEANS?

13 A PERCENT, YEAH, PERCENT MEETS STANDARD AND THAT
14 WOULD BE AT THIS PARTICULAR GRADE LEVEL, THIRD GRADE
15 LEVEL THIS IS THE PERCENT OF STUDENTS WHO SCORE BASIC OR
16 HIGHER, PROFICIENT, ET CETERA, ABOVE THE CUTOFF

17 Q OKAY AND THE SAME THING WOULD BE TRUE NO MATTER
18 WHAT GRADE WE LOOK AT AS FAR AS THE DEFINITION OF PERCENT
19 MEETING STANDARDS CORRECT?

20 A THAT'S CORRECT

21 Q ALL RIGHT NOW, SPECIFICALLY LET'S LOOK AT GRADE
22 THREE E L A PERCENT MEETING STANDARD, WE SEE 77 4, AND
23 THEN THE FOURTH GRADE, 73 9, IN THE FIFTH GRADE, 65 1, IN
24 THE SIXTH GRADE, 47 1, IN THE SEVENTH GRADE, 62 2, AND IN
25 THE EIGHTH GRADE, 65 8 DO YOU SEE THOSE NUMBERS?

1 A YES, I DO

2 Q NOW, DR GUTHRIE, HAVE YOU PREVIOUSLY LOOKED AT PACT
3 SCORE RESULTS FOR ORANGEBURG CONSOLIDATED DISTRICT THREE
4 FOR PRIOR YEARS, 2001, 2002 AND 2003?

5 A YES, I HAVE

6 Q AND ARE YOU ABLE TO DRAW ANY CONCLUSIONS ABOUT HOW
7 THESE PACT SCORES BROKEN DOWN BY GRADE AT LEAST COMPARE
8 WITH THE PRIOR PACT SCORES THAT YOU HAVE EXAMINED?

9 A YES YES, I CAN

10 Q AND WHAT CONCLUSION CAN YOU DRAW, PLEASE?

11 A THAT THESE ARE HIGHER THAN FOR ANY, BOTH IN ENGLISH
12 LANGUAGE -- WELL, WE'RE ON ENGLISH, LANGUAGE ARTS THESE
13 ARE HIGHER THAN WHAT WAS REPRESENTED BY THIS SCHOOL
14 DISTRICT IN ANY ONE OF THE PRIOR THREE YEARS

15 Q OKAY NOW, I WANT TO CALL YOUR ATTENTION NOW TO THE
16 WAY THE PERCENT MEET STANDARD VARIES BY GRADE CAN YOU
17 LOOK AT THAT COLUMN WITH ME AND WE'RE STILL IN E L A ?

18 A YES, I CAN

19 Q AND IN THE THIRD GRADE IT'S 77 4 WE'VE ALREADY READ
20 THOSE NUMBERS, BUT I WANT YOU TO -- TO LOOK AT HOW THE
21 PERCENTAGE MEETING STANDARD VARIES AS YOU GO UP IN GRADE
22 ARE YOU WITH ME?

23 A YES, I AM

24 Q AND CAN YOU DRAW ANY CONCLUSIONS FROM THAT?

25 A I -- I BELIEVE I CAN FIRST, I WANT TO REMIND THE

1 COURT THAT THIS IS NOT AN EVEN PROCESS WE DON'T SEE THIS
2 LINEAR TRAJECTORY EVERY YEAR GOES UP AND EVERY GRADE LEVEL
3 GOES UP IT'S JUST NOT -- IT'S JUST NOT THAT PRECISE AN
4 ENDEAVOR

5 BUT GIVEN THAT, GRANTED THAT, WHAT I SEE HERE FOR THE
6 THIRD GRADE, NOW THESE ARE STUDENTS WHO PRESUMABLY STARTED
7 SCHOOL FOUR YEARS AGO, POSSIBLY FIVE

8 THESE THIRD GRADE SCORES WHICH ARE THE HIGHEST IN
9 THIS LIST, THESE ARE STUDENTS WHO BENEFITED FROM THAT
10 ACCOUNTABILITY SYSTEM FOR THEIR ENTIRE SCHOOL SCHOOLING IN
11 THIS SCHOOL DISTRICT

12 Q ALL RIGHT NOW, DR GUTHRIE, WHAT ABOUT STUDENTS IN
13 THE EIGHTH GRADE? IF THE ACCOUNTABILITY ACT WAS PASSED IN
14 1998, DURING HOW MANY YEARS OF THEIR SCHOOLING WOULD THE
15 ACCOUNTABILITY ACT HAVE BEEN IN EFFECT?

16 A WELL, THEIR, ALL THEIR PRIMARY SCHOOLING WOULD HAVE
17 BEEN OUTSIDE OF THIS ACT SO THE FOUNDATION THAT WOULD
18 HAVE BEEN LAID FOR THEM IS PRESUMABLY DIFFERENT AND NOT
19 TIED TO THE STATE STANDARDS TO WHICH WE GAVE SUBSTANTIAL
20 ALLOCATED TIME YESTERDAY

21 SO THAT, I'M NOT SURPRISED TO SEE OR PLEASED BUT
22 CERTAINLY NOT SURPRISED TO SEE THAT THE PERCENT MEETING
23 STANDARDS IN THE EARLY GRADES IS HIGHER THAN THE PERCENT
24 GENERALLY MEETING STANDARDS IN THE -- IN THE LATER GRADES
25 BECAUSE THE ACCOUNTABILITY SYSTEM HAS BEEN IN PLACE BUT

1 FOR A RELATIVELY SHORT PERIOD OF TIME

2 Q ALL RIGHT LET'S LOOK OVER AT THE QUADRANT RELATING
3 TO MATHEMATIC SCORES JUST TO THE RIGHT OF E L A DO YOU
4 SEE THAT?

5 A YES, I DO

6 Q AND JUST FOR THE RECORD, THE PERCENT MEETING STANDARD
7 IN GRADE THREE IS REFLECTED AS 71 7 PERCENT, IN GRADE
8 FOUR, 64 3 PERCENT, IN GRADE FIVE, 63 6 PERCENT, IN GRADE
9 SIX, 66 8 PERCENT, IN GRADE SEVEN, 50 4 PERCENT, AND GRADE
10 EIGHT, 51 4 DO YOU SEE THOSE?

11 A YES, I DO

12 Q NOW, ARE YOU IN A POSITION TO DRAW ANY CONCLUSIONS
13 ABOUT HOW THE PERCENTAGE OF STUDENTS AT EACH GRADE LEVEL
14 OR THE PERCENTAGE OF STUDENTS AS BROKEN DOWN BY GRADE
15 LEVEL COMPARES WITH PRIOR PACT ACHIEVEMENT IN MATHEMATICS
16 FOR ORANGEBURG THREE?

17 A YES THESE -- THESE ARE HIGHER AS GRADE BY GRADE AND
18 FOR THE TOTAL THESE ARE HIGHER THAN FOR ANY OF THE PAST
19 PREVIOUS THREE YEARS

20 Q AND, AGAIN, CAN YOU DRAW ANY CONCLUSIONS OR DO YOU
21 HAVE ANY OBSERVATIONS ABOUT HOW THE PERCENTAGE OF STUDENTS
22 MEETING STANDARD VARIES FROM GRADE THREE UP TO GRADE
23 EIGHT?

24 A THE TWO ANNOUNCEMENTS I MADE IN RESPONSE TO YOUR
25 PRIOR SETS OF QUESTIONS WERE IT IS NOT A FLAT LINE, IT'S

1 NOT EVEN, WOULDN'T EXPECT IT TO BE, NOT THAT PRECISE BUT
2 WITH THAT CAVEAT, HERE IS A CLEAR TRAJECTORY OF THE
3 PURCHASE OF THE BITE OF THE TRACTION THAT SOUTH CAROLINA'S
4 ACCOUNTABILITY SYSTEM IS BEGINNING TO HAVE

5 Q ALL RIGHT DR GUTHRIE, I WANT TO NOW CALL YOUR
6 ATTENTION TO DEFENDANTS' EXHIBIT 3324 WHICH IS A SIMILAR
7 DOCUMENT FOR MARION SCHOOL DISTRICT SEVEN DO YOU HAVE
8 THAT BEFORE YOU --

9 A YES, I DO

10 Q -- DR GUTHRIE? AND THIS IS A SIMILARLY-FORMATTED
11 DOCUMENT, CORRECT?

12 A CORRECT

13 Q ALL RIGHT I WANT TO CALL YOUR ATTENTION TO THE
14 SCORES REPORTED BY GRADE LEVEL FOR ENGLISH, LANGUAGE ARTS
15 FOR MARION SCHOOL DISTRICT SEVEN AND SPECIFICALLY THE
16 COLUMN CONCERNING THE PERCENT OF STUDENTS MEETING
17 STANDARD DO YOU SEE THAT?

18 A YES, I DO

19 Q AND FOR THE RECORD, THOSE PERCENTAGES ARE
20 57 4 PERCENT IN GRADE THREE, 43 2 PERCENT IN GRADE FOUR,
21 67 3 PERCENT IN GRADE FIVE, 51 5 PERCENT IN GRADE SIX,
22 60 8 PERCENT IN GRADE SEVEN, AND 48 7 PERCENT IN GRADE
23 EIGHT

24 AND I'LL ASK YOU THE SAME QUESTIONS DO YOU HAVE
25 SUFFICIENT INFORMATION, DR GUTHRIE, TO DRAW ANY

1 COMPARISON CONCERNING THESE PACT SCORES WITH PRIOR PACT
2 SCORES IN MARION SEVEN?

3 A YES, I DO

4 Q AND WHAT -- WHAT OBSERVATIONS DO YOU HAVE OF THAT?

5 A WELL, THE PACT SCORES IN THE MOST RECENT YEAR, 2004,
6 ARE HIGHER THAN THE ENGLISH, LANGUAGE ARTS PACT SCORES IN
7 2001 THEY ARE NOT HIGHER THAN 2002 BUT THEY ARE
8 SUBSTANTIALLY HIGHER THAN 2003

9 SO THERE'S AGAIN AN UPWARD TRAJECTORY, BUT I -- I
10 DON'T WANT TO BE NAUSEOUS ABOUT IT BUT THESE THINGS ARE
11 SELDOM SMOOTH LINES AND THIS ONE ISN'T A SMOOTH LINE
12 HERE EITHER BUT IT IS UPWARD

13 Q ALL RIGHT AND IF YOU HAVE NOT A SMOOTH LINE BUT
14 SOME PEAKS AND VALLEYS WHEN YOU LOOK YEAR TO YEAR, DOES
15 THAT SURPRISE YOU, OR IS THERE ANYTHING UNUSUAL ABOUT
16 THAT?

17 A NO THAT'S -- AGAIN, THIS IS -- EDUCATION JUST
18 DOESN'T LEND ITSELF TO THAT KIND OF PRECISION

19 Q DOES THE FACT THAT THE PROGRESSION OF IMPROVEMENT IN
20 MARION HAS -- MARION SEVEN HAS NOT BEEN LINEAR, DOES THAT
21 MEAN THAT THE ACCOUNTABILITY SYSTEM IS NOT WORKING IN
22 MARION?

23 A NO, BY NO MEANS

24 Q LET'S LOOK OVER AT THE MATHEMATICS SECTION

25 A YES

1 Q AND AGAIN FOR THE RECORD, THE PERCENT MEETING
2 STANDARD IN MATHEMATICS GRADE THREE, 45 7 PERCENT, GRADE
3 FOUR, 44 6 PERCENT, GRADE FIVE, 60 PERCENT, GRADE SIX,
4 62 7 PERCENT, GRADE SEVEN, 54 8 PERCENT, AND GRADE EIGHT,
5 26 7 PERCENT

6 AND, AGAIN, DR GUTHRIE, I WOULD ASK YOU WHAT
7 OBSERVATIONS YOU HAVE CONCERNING THOSE DATA

8 A WELL, THEY ARE -- ARE COMPARABLE THE MATHEMATICS
9 SCORES IN 2004 DO NOT DISPLAY AN EVEN UPWARD TRAJECTORY
10 HERE THEY DO, HOWEVER, ONE CAN SEE THAT BETWEEN GRADES
11 THREE AND GRADES EIGHT, ONE CAN SEE THAT THEY ARE
12 IMPROVED

13 THOSE STUDENTS WHO HAVE BEEN LONGEST EXPOSED TO THE
14 CURRENT SET OF CURRICULUM STANDARDS AND MEASUREMENTS, ET
15 CETERA, THOSE ARE THE ONES DOING BEST

16 Q AND DOES THE FACT THAT THE PACT SCORES HAVE NOT
17 IMPROVED NECESSARILY EACH YEAR IN MARION SEVEN, DOES THAT
18 MEAN THAT THE ACCOUNTABILITY SYSTEM IS NOT WORKING IN
19 MARION SEVEN?

20 A NO

21 Q I WANT TO HAND YOU NOW, DR GUTHRIE, DEFENDANTS'
22 EXHIBIT 3323 WHICH IS THE PACT SCORE REPORT 2004 FOR LEE
23 COUNTY SCHOOL DISTRICT DO YOU HAVE THAT?

24 A YES, I DO

25 Q SAME QUESTIONS LOOK ON PAGE ONE IF YOU WOULD AT THE

1 ENGLISH, LANGUAGE ARTS QUADRANT OF DATA AND SPECIFICALLY
2 THE COLUMN ON PERCENT MEETING STANDARD BY GRADE AND
3 AGAIN FOR THE RECORD, LET ME READ THIS GRADE THREE,
4 PERCENT MEETING STANDARD IS 74, GRADE FOUR, 53 7, GRADE
5 FIVE, 53 8, GRADE SIX, 51 1, GRADE SEVEN, 50 5, AND GRADE
6 EIGHT, 49 4

7 DR GUTHRIE, ARE YOU ABLE TO DRAW ANY -- ANY
8 CONCLUSIONS FROM THESE DATA ABOUT TRENDS IN PACT
9 PERFORMANCE IN LEE COUNTY SCHOOL DISTRICT?

10 A ON ENGLISH, LANGUAGE ARTS WHAT WE FIND IN THE MOST
11 RECENT TESTING YEAR RESULTS, 2004, HERE IS A -- A STEADY
12 UPWARD TRAJECTORY IN THE NUMBER -- PERCENT OF STUDENTS
13 MEETING STANDARDS IN THIS SCHOOL DISTRICT

14 Q OKAY AND, AGAIN, THE ARRAY OF SCORES FROM GRADE
15 THREE THROUGH GRADE EIGHT, SAME OBSERVATIONS AS
16 PREVIOUSLY?

17 A THAT'S CORRECT IF ANYTHING, MORE DRAMATIC BUT THE
18 SAME OBSERVATION

19 Q LET'S LOOK OVER AT THE MATH SECTION, PLEASE AND FOR
20 THE RECORD, THE PERCENT MEETING STANDARD IN MATHEMATICS
21 GRADE THREE IS 71 1, GRADE FOUR, 49 8, GRADE FIVE, 49 7
22 GRADE SIX, 61 7, GRADE SEVEN, 42 AND GRADE EIGHT, 35 8

23 AND I WOULD ASK YOU AGAIN WHAT OBSERVATIONS YOU CAN
24 OFFER US WITH RESPECT TO THE PERFORMANCE OF STUDENTS IN
25 LEE COUNTY SCHOOL DISTRICT ON MATH IN 2004

1 A I MAKE A COMPARABLE OBSERVATION TO THE TWO PRIOR
2 INSTANCES MATHEMATICS ACHIEVEMENT, THAT PERCENT OF
3 STUDENTS MEETING SOUTH CAROLINA STANDARDS, HAS STRAIGHT
4 FORWARDLY INCREASED EVERY ONE OF THE FOUR YEARS WE'RE
5 TALKING ABOUT

6 AND THE PROGRESSION OF SCORES FROM THOSE WHO HAVE
7 BEEN EXPOSED LONGEST TO THE ACCOUNTABILITY SYSTEM TO THOSE
8 WHO HAVE BEEN EXPOSED LEAST TO IT DISPLAYS THE CORRELATION
9 WITH THE ACCOUNTABILITY SYSTEMS EXIST IMPLEMENTATION

10 Q ALL RIGHT DR GUTHRIE, I WANT TO GIVE YOU NOW
11 DEFENDANTS' EXHIBIT 3322 WHICH IS THE SAME DOCUMENT,
12 ALTHOUGH THIS TIME FOR JASPER COUNTY SCHOOL DISTRICT AND
13 CALL YOUR ATTENTION TO THE FOLLOWING PERCENTAGES OF
14 STUDENTS MEETING STANDARD IN JASPER COUNTY ON ENGLISH,
15 LANGUAGE ARTS FOR GRADE THREE, 61 PERCENT GRADE FOUR,
16 60 4 PERCENT, GRADE FIVE, 42 8 PERCENT, GRADE SIX,
17 35 4 PERCENT, GRADE SEVEN, 50 PERCENT, AND GRADE EIGHT,
18 48 7 PERCENT

19 NOW, DR GUTHRIE, ARE YOU ABLE TO OFFER ANY
20 OBSERVATIONS ABOUT PACT PERFORMANCE ON E L A IN JASPER
21 COUNTY IN 2004?

22 A YES ON ENGLISH, LANGUAGE ARTS THERE IS A STEADY
23 PROGRESSION OF IMPROVEMENT IN THE PERCENT OF STUDENTS
24 EIGHTH GRADE AND BELOW WHO MEET PACT MINIMUM STANDARDS

25 Q AND, AGAIN, WHAT ABOUT THE ARRAY OF SCORES ACROSS THE

1 GRADE LEVELS?

2 A YEAH, I BELIEVE IT REINFORCES THE PRIOR OBSERVATION
3 THAT THE LONGER THE STUDENT'S EXPOSURE TO THE
4 ACCOUNTABILITY SYSTEM, THE MORE LIKELY HE OR SHE IS TO
5 MEET BASIC STANDARDS OR HIGHER

6 Q ALL RIGHT LET'S DO THE SAME EXERCISE FOR
7 MATHEMATICS, PLEASE, STILL IN JASPER, STILL EXHIBIT 3322
8 PERCENT MEETING STANDARD AT GRADE THREE IS 54 2 PERCENT,
9 GRADE FOUR, 59 3 PERCENT GRADE FIVE, 42 3 PERCENT, GRADE
10 SIX, 47 7 PERCENT, GRADE SEVEN, 39 6 PERCENT, GRADE EIGHT,
11 39 3

12 WHAT OBSERVATIONS CAN YOU OFFER US ABOUT THOSE DATA
13 FOR MATH IN JASPER COUNTY?

14 A THEY WOULD BE SIMILAR TO MY OBSERVATIONS REGARDING
15 ENGLISH AND LANGUAGE ARTS

16 Q AND DOES THAT REFLECT IMPROVEMENT?

17 A IT REFLECTS IMPROVEMENT OVER TIME AND IT, -- IT
18 REFLECTS IMPROVEMENT WITH EXPOSURE TO THE ACCOUNTABILITY
19 SYSTEM

20 Q ALL RIGHT DR GUTHRIE, I'M NOW GOING TO SHOW YOU
21 DEFENDANTS' EXHIBIT 3321 WHICH IS THE SAME DOCUMENT, THIS
22 TIME FOR HAMPTON DISTRICT TWO AND AGAIN, LOOKING AT THE
23 ENGLISH LANGUAGE ARTS SECTION OF THE DOCUMENT PERCENT
24 MEETING STANDARD COLUMN ARE YOU WITH ME?

25 A YES, I AM

1 Q GRADE THREE, THAT IS 76 3, GRADE FOUR IT IS 67, GRADE
2 FIVE IT IS 48, GRADE SIX 39 4, GRADE SEVEN 50, AND GRADE
3 EIGHT 43 9

4 NOW, WHAT OBSERVATIONS CAN YOU OFFER US REGARDING THE
5 2004 PERFORMANCE OF STUDENTS IN HAMPTON TWO ON THE E L A
6 SECTION OF THE PACT?

7 A OVER THE FOUR-YEAR PERIOD OF TIME UNDER WHICH THESE
8 COMPARISONS ARE BEING MADE, ENGLISH, LANGUAGE ARTS IN 2004
9 THE PERCENT OF STUDENTS MEETING THE STANDARD IS HIGHER
10 THAN IN ANY OF THE PRIOR THREE YEARS IT'S HIGHER THAN IN
11 THE ANCHOR YEAR

12 I WOULD NOTE THAT WHERE I STARTED THIS MORNING, THAT
13 THIS IS NOT ALWAYS AN ABSOLUTELY SMOOTH LINE, HERE OR
14 ANYWHERE ELSE BUT THE TRAJECTORY IS CLEARLY UPWARD AND
15 POSITIVE AND IT'S ALSO POSITIVE AS WE EXAMINE EXPOSURE TO
16 ACCOUNTABILITY OVER TIME THROUGH THESE GRADE LEVELS

17 Q ALL RIGHT AND THE SAME QUESTIONS, DR GUTHRIE, WITH
18 RESPECT TO THE MATHEMATICS SCORES WHICH FOR HAMPTON TWO
19 THE PERCENT MEETING STANDARD IN GRADE THREE WAS 77 9
20 GRADE FOUR, 66 GRADE FIVE, 48 8, GRADE SIX, 61 1, GRADE
21 SEVEN, 46 4, GRADE EIGHT, 39 2 I ASK YOU AGAIN FOR YOUR
22 OBSERVATIONS, SIR

23 A MY OBSERVATIONS WITH REGARD TO MATHEMATICS ARE
24 SIMILAR TO MY OBSERVATIONS REGARDING ENGLISH AND LANGUAGE
25 ARTS THERE IS A CLEAR LINE OF PROGRESS EXTENDING OVER

1 THE FOUR-YEAR PERIOD OF TIME EVEN IF SOMEWHAT UNEVEN
2 DURING THAT PERIOD OF TIME AND THE LONGER A STUDENT HAS
3 BEEN IN SCHOOLS AND EXPOSED, PRESUMABLY TO THE
4 ACCOUNTABILITY PROCESS, THE HIGHER THE PROBABILITY THAT HE
5 OR SHE WILL MEET STATE MINIMUM STANDARDS

6 Q I WANT TO SHOW YOU NOW DEFENDANTS' EXHIBIT 3320 WHICH
7 IS THE SAME REPORT FOR FLORENCE SCHOOL DISTRICT FOUR AND
8 I WILL ASK YOU THE SAME QUESTIONS LET ME PUT IN THE
9 RECORD FIRST FOR FLORENCE FOUR FROM DEFENDANTS' EXHIBIT
10 3320, THE PERCENT MEETING STANDARD AT GRADE THREE IN
11 ENGLISH, LANGUAGE ARTS IS 75 3 IN GRADE FOUR, 41 3 IN
12 GRADE FIVE, 70 4, IN GRADE SIX, 56 9 IN GRADE SEVEN,
13 58 6 IN GRADE EIGHT 51 4

14 AND, AGAIN, DR GUTHRIE, WHAT OBSERVATIONS CAN YOU
15 MAKE WITH THIS -- WITH THESE DATA BEFORE YOU?

16 A THE -- I'M SORRY MY ATTENTION WAS DISTRACTED AS I
17 WAS LOOKING AT THE NUMBERS AND THE TRENDS ON ENGLISH AND
18 LANGUAGE ARTS HERE THERE IS A -- A DEFINITE UPWARD TREND
19 OVER THE FOUR YEARS INVOLVED

20 I -- I WANT TO EMPHASIZE THAT IT IS NOT ALWAYS AN
21 ABSOLUTELY STRAIGHT SLOPE BUT THERE IS CLEAR PROGRESS
22 AND IN GENERAL THE LONGER A STUDENT HAS BEEN EXPOSED TO
23 THE ACCOUNTABILITY SYSTEM, THE HIGHER THE PROBABILITY THAT
24 HE AND HIS CLASSMATES WILL MEET MINIMUM STANDARDS

25 Q OKAY AND FOR MATHEMATICS IN FLORENCE FOUR, STILL ON

1 DEFENDANTS' EXHIBIT 3320, THE PERCENT MEETING STANDARDS IN
2 GRADE THREE IS 68, IN GRADE FOUR, 41 7, IN GRADE FIVE,
3 59 8, GRADE SIX, 85 1, GRADE SEVEN, 51 4, IN GRADE EIGHT,
4 45 9 WHAT -- WHAT CONCLUSIONS CAN YOU DRAW FROM THOSE
5 DATA?

6 A A SIMILAR OBSERVATION, A STEADY PROGRESS IN MEETING
7 THE STATE SPECIFIED MINIMUM STANDARDS, STEADY PROGRESS
8 OVER TIME AND GENERALLY THE LONGER THE EXPOSURE TO
9 ACCOUNTABILITY THE HIGHER THE PERCENT MEETING THOSE
10 STANDARDS

11 BUT I LIKE MATHEMATICS HERE FOR -- TO EMPHASIZE MY
12 POINT THAT IT'S NOT FAIR TO EXPECT AN ABSOLUTELY LINEAR
13 SLOPE HERE IT IS GOING TO GO UP AND DOWN AND HERE WE
14 HAVE THIS ANOMALY IN THE SIXTH GRADE WE HAVE 8 --
15 85 1 PERCENT OF SIXTH GRADERS WHICH IS HIGHER THAN THE
16 THIRD GRADERS

17 NOW, I -- I COULD NOT EXPLAIN PRECISELY WHAT'S GOING
18 ON HERE OBVIOUSLY I DON'T KNOW PRECISELY BUT I'D SURE
19 LIKE TO SEE THE SIZE OF THAT GRADE LEVEL AND KNOW WHO THE
20 TEACHERS WERE, BECAUSE THIS IS AN EXAMPLE OF WHERE
21 TEACHERS CAN MAKE A DIFFERENCE

22 Q LET'S CONTINUE THIS I THINK OUR LAST ONE
23 NEXT-TO-THE-LAST ONE I'M GOING TO HAND YOU DEFENDANTS'
24 EXHIBIT 3319 WHICH ARE THE PACT SCORES FOR DILLON TWO,
25 2004

1 AND AS REFLECTED ON DEFENDANTS' EXHIBIT 3319, THE
2 PERCENT OF STUDENTS IN DILLON TWO MEETING STANDARD ON
3 ENGLISH, LANGUAGE ARTS IN GRADE THREE IS 84 PERCENT, GRADE
4 FOUR, 63 1, GRADE FIVE, 63 GRADE SIX, 48 4, GRADE SEVEN,
5 52 1, AND GRADE EIGHT, 48 6

6 AGAIN, DR GUTHRIE, WHAT CONCLUSIONS CAN YOU OFFER US
7 FROM THESE DATA?

8 A OVER THE PERIOD OF TIME INVOLVED, OVER THE FOUR YEARS
9 INVOLVED, IN DILLON TWO THE PERCENT OF STUDENTS MEETING
10 THE STATE MINIMAL STANDARDS OR DOING BETTER THAN THAT IN
11 ENGLISH, LANGUAGE ARTS HAS INCREASED

12 Q OKAY AND IS THIS PATTERN SIMILAR TO WHAT WE'VE SEEN
13 IN OTHER DISTRICTS?

14 A YES, IT IS IT WAS VERY MUCH THE SAME PATTERN

15 Q AND IS THE ARRAY OF SCORES OR THE PERCENTAGE MEETING
16 STANDARD PERCENTAGES IN THIRD GRADE VERSUS EIGHTH GRADE,
17 IS THAT CONSISTENT WITH WHAT WE'VE SEEN?

18 A QUITE CONSISTENT

19 Q OKAY ON MATHEMATICS, STILL ON DEFENDANTS' EXHIBIT
20 3319, THIS REFLECTS THE PERCENT MEETING STANDARD IN DILLON
21 TWO IN MATH FOR GRADE THREE TO BE 86 9, FOR GRADE FOUR,
22 63 9, FOR GRADE FIVE, 63 4 FOR GRADE SIX, 69 2, GRADE
23 SEVEN, 45 9, AND GRADE EIGHT, 45 3 WHAT CAN YOU CONCLUDE
24 FROM THOSE DATA, DR GUTHRIE?

25 A I CONCLUDE THAT IN MATHEMATICS IN DILLON TWO, THERE

1 CONTINUES TO BE STEADY UPWARD PROGRESS IN THE PERCENT
2 MEETING BASIC MINIMUM STATE EXPECTATIONS AND THAT THE
3 LONGER THE STUDENTS HAVE BEEN UNDER THE ACCOUNTABILITY
4 SYSTEM THE HIGHER THE PROBABILITY THAT HE OR SHE WILL BE
5 MEETING THESE STANDARDS

6 Q OKAY AND FINALLY, DR GUTHRIE, LET ME SHOW YOU
7 DEFENDANTS' EXHIBIT 3318 WHICH IS THE SAME DOCUMENT FOR
8 THE ALLENDALE COUNTY SCHOOL DISTRICT AND CALLING YOUR
9 ATTENTION ONCE AGAIN TO THE PERCENT MEETING STANDARDS IN
10 ENGLISH, LANGUAGE ARTS, GRADE THREE, 64 4 PERCENT GRADE
11 FOUR, 52 PERCENT, GRADE FIVE, 48 PERCENT GRADE SIX,
12 30 6 PERCENT, GRADE SEVEN, 48 8 PERCENT, AND GRADE EIGHT,
13 53 1 PERCENT

14 AND AGAIN I'LL ASK YOU FOR WHAT CONCLUSIONS OR
15 OBSERVATIONS YOU CAN MAKE BASED ON THOSE DATA

16 A OVER THE PERIOD OF TIME INVOLVED, OVER THE FOUR YEARS
17 FROM 2001 TO 2004, WHAT WE SEE IS AN UPWARD TRAJECTORY IN
18 THE PERCENT OF STUDENTS IN THIS SCHOOL DISTRICT IN
19 ALLENDALE MEETING STATE SPECIFIED MINIMUM STANDARDS IN
20 ENGLISH, LANGUAGE ARTS IT IS AGAIN NOT ALWAYS A STEADY
21 LINE, BUT THE OVERALL TRAJECTORY IS POSITIVE AND UPWARD

22 Q AND WHAT ABOUT THE ARRAY OF THE PERCENT MEETING
23 STANDARD FROM THE THIRD GRADE TO THE EIGHTH GRADE?

24 A IT -- GENERALLY FOLLOWS THE SAME PATTERN, THE LONGER
25 ONE'S EXPOSED TO ACCOUNTABILITY, THE MORE EFFECTIVE THE

1 SCHOOLING APPEARS TO BE

2 Q ALL RIGHT LET ME CALL YOUR ATTENTION TO THE MATH
3 SECTION PERCENT MEETING STANDARD IN MATH IN ALLENDALE IS
4 REFLECTED ON DEFENDANTS' EXHIBIT 3318 IN GRADE THREE
5 IT'S 68 PERCENT GRADE FOUR, 61 4 PERCENT GRADE FIVE,
6 53 4 PERCENT, GRADE SIX, 47 4 PERCENT, GRADE SEVEN,
7 39 7 PERCENT, AND GRADE EIGHT, 47 5 PERCENT

8 AGAIN, WHAT CONCLUSIONS CAN YOU DRAW FROM THOSE DATA,
9 DR GUTHRIE?

10 A AN UPWARD TRAJECTORY OVER THE FOUR YEARS INVOLVED IN
11 THE PERCENT OF STUDENTS IN ALLENDALE MEETING STATE
12 SPECIFIED MINIMUM -- OR STANDARDS IN MATHEMATICS, AGAIN
13 UNEVEN BUT -- BUT UPWARD

14 AND THEN FINALLY IN KEEPING WITH OUR PRIOR
15 CONVERSATIONS, THE LONGER AN INDIVIDUAL STUDENT HAS BEEN
16 EXPOSED TO THIS SYSTEM, THE HIGHER THE PROBABILITY THAT HE
17 OR SHE WILL MEET THESE MINIMUM STANDARDS

18 Q OKAY DR GUTHRIE, IS THERE ANYTHING ABOUT THE PACT
19 DATA THAT YOU HAVE EXAMINED IN SOUTH CAROLINA INCLUDING
20 THE SCORES FOR THE SPRING, 2004 ADMINISTRATION OF THE PACT
21 TEST THAT SURPRISES YOU AT ALL?

22 A I -- I THINK NOT THE -- THIS IS WHAT -- WHAT WE
23 WOULD EXPECT FROM WHAT'S TAKEN PLACE IN OTHER SUCCESSFUL
24 STATES WE SEE THIS STEADY, NOT ALWAYS EVEN, BUT A STEADY
25 RISE IN -- IN ACHIEVEMENT

1 IF I'M TO HAVE A SURPRISE, AGAIN, IT'S DILLON WHICH
2 SORT OF STICKS WAY OUT AND NOT -- I'M NOT JUST TALKING
3 ABOUT SOUTH ELEMENTARY SCHOOL AS WE DID YESTERDAY, BUT
4 DILLON PARTICULARLY SEEMS TO BE DOING SOMETHING RIGHT, BUT
5 I -- I DON'T SEE A SURPRISE HERE

6 Q OKAY ARE THE RESULTS THAT YOU HAVE EXAMINED IN
7 SOUTH CAROLINA, THE PACT SCORE RESULTS, ARE THEY
8 CONSISTENT WITH ACHIEVEMENT TRENDS THAT YOU'VE OBSERVED IN
9 OTHER STATES THAT HAVE IMPLEMENTED SIMILAR ACCOUNTABILITY
10 SYSTEMS?

11 A THEY ARE THEY'RE CERTAINLY CONSISTENT WITH TEXAS,
12 THE PLACE I KNOW BEST THE -- BUT IT ILLUSTRATES FOR ME,
13 MR STEPP, THAT THIS DOESN'T HAPPEN FAST I'M NOT SAYING
14 THAT'S A SURPRISE GIVEN THE COMPLEXITY OF THIS ENDEAVOR
15 BUT ONE DOESN'T DROP AN ACCOUNTABILITY SYSTEM INTO PLACE
16 IN 1988, 19 -- 1998, PARDON ME AND 1999, DROP IT INTO
17 PLACE AND THE NEXT YEAR, VOILA, ALL STUDENTS WIN A NOBEL
18 PRIZE

19 THIS IS STEADY WORK THAT MUST PROCEED SYSTEMATICALLY
20 AND IT'S IMPORTANT TO STAY THE COURSE, NOT TO PULL UP THIS
21 TURNIP AND CONTINUE TO EXAMINE ITS GROWTH

22 Q WELL, DR GUTHRIE, WHEN WE LOOK AT PACT SCORES IN
23 SOUTH CAROLINA WE'RE LOOKING AT SORT OF RAW DATA AND DO
24 YOU HAVE ANY BASIS TO EVALUATE THE JOB THAT SOUTH CAROLINA
25 IS DOING IN EDUCATING HARD-TO-TEACH STUDENTS, VIS-A-VIS

1 IN PLACE FOR TWICE AS LONG

2 Q DR GUTHRIE, BASED UPON THE INFORMATION THAT IS
3 REFLECTED IN DEFENDANTS' EXHIBIT 3337 FOR IDENTIFICATION,
4 AND THE OTHER INFORMATION THAT -- THAT YOU HAVE GLEANED
5 ABOUT EDUCATIONAL POLICIES AND THE ACCOUNTABILITY SYSTEM
6 IN SOUTH CAROLINA, HOW -- CAN YOU GIVE US AN OVERALL
7 EVALUATION OF WHAT KIND OF JOB SOUTH CAROLINA IS DOING IN
8 EDUCATING ITS AT-RISK STUDENTS AND WHAT ROLE
9 ACCOUNTABILITY PLAYS IN THAT, PLEASE?

10 A IT'S DOING A GOOD JOB IT'S DOING A
11 BETTER-THAN-ONE-MIGHT-PREDICT JOB IF WE WERE TO JUDGE FROM
12 THE LAST INDEX AND I THINK ONE HAS TO KEEP IN MIND THAT
13 IT JUST HASN'T BEEN IN PLACE THAT LONG

14 SO IT -- YOU DIDN'T DO THIS, BUT IF YOU ASKED ME IS
15 THERE A SURPRISE NOW? THE SURPRISE HERE IS HOW WELL IT'S
16 DOING RELATIVE TO HOW LONG IT'S BEEN IN PLACE

17 Q THE DATA USED IN DEFENDANTS' 3337 FOR I D WAS 2001
18 N A E P DATA, CORRECT?

19 A THAT'S CORRECT

20 Q DO YOU HAVE -- ARE YOU ABLE AT ALL GIVEN YOUR -- THE
21 INFORMATION WE JUST REVIEWED ABOUT PACT DATA IN SOUTH
22 CAROLINA FOR 2004, ARE YOU ABLE TO DRAW ANY CONCLUSION
23 ABOUT HOW THAT INDEX MIGHT LOOK IF THE MOST RECENT
24 PERFORMANCE DATA WERE USED?

25 A WELL, WELL, MR --

James Guthrie, Ph D (Defendants' Expert)
Dir , Peabody Center for Education Policy
Prof of Education, Vanderbilt University
Direct Examination by Mr Stepp

49

1 A AND THE CATEGORIES ARE CONSISTENT WITH THE UNIFORM
2 CODE OF ACCOUNTS THAT IS PROMULGATED BY THE UNITED STATES
3 OFFICE OF EDUCATION SO ACROSS THE UNITED STATES WE WOULD
4 FIND THE SAME

5 Q SO THE -- THE -- LET ME FOLLOW UP ON THAT WHO --
6 THE INSIGHT DATA HAS EXPENDITURES BROKEN DOWN INTO VARIOUS
7 CATEGORIES I GOT THAT MUCH WHAT -- ARE THOSE
8 CATEGORIES UNIQUE TO SOUTH CAROLINA?

9 A NO, THOSE -- THOSE ARE -- THEY'RE CERTAINLY NOT
10 UNIQUE THOSE ARE THE CATEGORIES CONTAINED IN THE UNIFORM
11 CODE OF ACCOUNTS THAT THE UNITED STATES OFFICE OF
12 EDUCATION HAS BEEN ENCOURAGING STATES TO ADOPT OVER THE
13 LAST CENTURY

14 AND ALL, ACTUALLY BY KNOWLEDGE -- ALL BUT TWO STATES
15 USE THEM SOUTH CAROLINA IS ONE THAT USES THEM

16 Q ALL RIGHT SO THE -- THE NOT NECESSARILY THE FORMAT
17 OF PRESENTATION BUT THE -- BUT THE DISAGGREGATION OF THE
18 SPENDING DATA THAT'S REFLECTED IN INSIGHT IN SOUTH
19 CAROLINA, IS THAT A DISAGGREGATION THAT'S CONSISTENT
20 ACROSS THE COUNTRY?

21 A WELL, IF THIS IS RESPONSIVE TO YOUR QUESTION
22 THAT DISAGGREGATION MEETS THE STANDARD DEFINITIONS OF THE
23 CATEGORIES ACROSS THE NATION

24 Q AND THOSE STANDARD DEFINITIONS WERE PROMULGATED BY
25 WHOM, PLEASE?

1 A THE, WHAT WAS ONCE THE UNITED STATES OFFICE OF
2 EDUCATION, NOW THE UNITED STATES DEPARTMENT OF EDUCATION
3 Q OKAY ALL RIGHT THANK YOU FOR THAT CLARIFICATION
4 NOW, THESE -- THE INFORMATION ON TABLE -- I MEAN ON SLIDE
5 34 COMES FROM THE INSIGHT DATA WHERE -- WHERE EXPENDITURES
6 ARE BROKEN DOWN INTO VARIOUS CATEGORIES AND THE ONE WE'RE
7 LOOKING AT HERE IS EXPENDITURES PER PUPIL INSTRUCTION AND
8 EXPENDITURES PER PUPIL FOR INSTRUCTIONAL SUPPORT ARE YOU
9 FAMILIAR WITH THOSE DATA?
10 A YES, I AM
11 Q NOW, THIS IS LESS THAN THE MONEY THAT THE DISTRICTS
12 ARE SPENDING, RIGHT?
13 A THAT IS CORRECT
14 Q AND WHAT -- GIVEN THESE LEVELS OF EXPENDITURES FOR
15 INSTRUCTION AND SUPPORT AS REFLECTED ON SLIDE 34, WHAT
16 KIND OF OBSERVATIONS CAN YOU OFFER US CONCERNING HOW
17 RESOURCES ARE DEPLOYED IN THE CLASSROOMS IN THE PLAINTIFF
18 DISTRICTS?
19 A WELL, IF I MIGHT, LET ME SAY SOMETHING ABOUT THE
20 EXPENDITURE FOR PER PUPIL FOR INSTRUCTION AND SUPPORT
21 THAT -- IN THIS DEFINITION IF I MIGHT I'D LIKE TO SAY
22 WHAT'S NOT HERE
23 Q OKAY
24 A WHAT'S TAKEN OUT OF THIS ARE DISTRICT EXPENDITURES
25 FOR ADMINISTRATION, FOR TRANSPORTATION, FOR FOOD SERVICE,

1 AND A DEBT SERVICE IS NOT HERE

2 Q RIGHT

3 A AND CAPITAL OUTLAY NONE OF THOSE ARE LISTED HERE
4 SO THIS IS, I DON'T WANT TO SAY IRREDUCIBLE, BUT THIS IS A
5 CONCENTRATED AMOUNT OF MONEY THAT GOES FOR CLASSROOM
6 TEACHERS, FOR AIDES, AND FOR VARIOUS KINDS OF SUPPORT
7 STAFF LIKE SCHOOL PSYCHOLOGISTS OR COUNSELORS AND IT
8 ALSO GOES FOR INSTRUCTIONAL SUPPLIES SUCH AS PAPER AND
9 INTERNET ACCESS

10 SO NOW WE'RE LOOKING AT WHAT -- IN THIS EXPENDITURE,
11 WE'RE LOOKING AT WHAT SCHOOL DISTRICTS SPEND ON THE
12 CHILDREN OR TO EDUCATE THE CHILDREN MORE THAN WHAT THEY
13 SPEND ON THINGS AND OTHER ADULTS

14 NOW, WITH THAT LONGWINDED PREFACE, LET ME SAY THAT
15 WHEN YOU LOOK AT WHAT'S BEING SPENT HERE IN, NOW WE'RE
16 TALKING ABOUT 2001, 2002, AND PRIOR -- AND THE PRIOR YEAR,
17 AND WE SEE THE PLAINTIFF DISTRICTS, AGAIN DILLON IS THE
18 CLEAR EXCEPTION, BUT PLAINTIFF DISTRICTS EITHER ARE
19 SPENDING MORE OR -- OR QUITE COMPARABLY TO THE STATE
20 AVERAGE IN ALL -- ALL OF THESE CATEGORIES

21 WITH SOME OF THEM ON A PER PUPIL BASIS SPENDING WHAT
22 FRANKLY IS A -- A STUNNING AMOUNT OF \$6- OR \$7,000 JUST
23 FOR INSTRUCTION PER PUPIL

24 Q IS THAT ENOUGH, DR GUTHRIE, \$6- OR \$7,000 ON
25 INSTRUCTION AND SUPPORT, IS THAT ENOUGH TO CREATE THE

1 IT HAD THE FOURTH BEST --

2 Q OKAY

3 A AND SO IT WAS VIRTUALLY ON PAR AND I'M SORRY FOR
4 NOT REMEMBERING

5 Q ALL RIGHT DR GUTHRIE, CAN SCHOOLS OVERCOME THE
6 EFFECTS OF POVERTY ON STUDENT ACHIEVEMENT?

7 A I THINK THROUGHOUT MY TESTIMONY YESTERDAY AND TODAY
8 ON AT LEAST TWO OTHER OCCASIONS YOU POSED A QUESTION WITH
9 THE WORD OVERCOME IN IT I THINK SCHOOLS CAN OVERCOME I
10 DON'T THINK WE HAVE YET CONSTRUCTED A SERIES OF STRATEGIES
11 AND ACTIVITIES THAT WOULD ENABLE ME OR ANY OTHER
12 REASONABLE PERSON, I THINK, TO ASSERT THAT SCHOOLS CAN
13 OVERCOME THE EFFECTS OF POVERTY IN ORDER TO ELEVATE
14 ACHIEVEMENT

15 I DO BELIEVE THAT SCHOOLS CAN CONTRIBUTE TO A
16 CONDITION WHEREBY STUDENTS CAN ACHIEVE MORE, BUT OVERCOME,
17 THE WAY I HEAR IT, IS A VERY POWERFUL WORD

18 Q WELL, LET ME ASK YOU A MORE SPECIFIC QUESTION IS IT
19 REASONABLE, DR GUTHRIE, TO EXPECT SCHOOLS TO OVERCOME THE
20 EFFECTS OF POVERTY TO THE EXTENT THAT THE ACHIEVEMENT GAP
21 BETWEEN FREE AND REDUCED LUNCH STUDENTS AND PAY FOR LUNCH
22 STUDENTS IS ELIMINATED?

23 A I BELIEVE STRONGLY THAT WE CAN NARROW THAT GAP, BUT
24 TO ELIMINATE IT, AT LEAST RELYING ON THE CAPACITY OF
25 SCHOOLS BY THEMSELVES, I DON'T BELIEVE SCHOOLS HAVE THE

1 CAPACITY TO ELIMINATE THAT

2 Q HOW MUCH EFFECT CAN THE SCHOOLS HAVE, DR GUTHRIE?

3 A WELL, AT MAXIMALLY, I BELIEVE THEY CAN EXERT ABOUT A
4 THIRD ON IT AS I -- I SAID YESTERDAY I MEAN THAT'S
5 MAXIMALLY AND TO GET A LARGER PURCHASE THAN THAT I THINK
6 SOCIETY IS GOING TO HAVE TO ENGAGE IN ENDEAVORS BEYOND
7 SCHOOLING

8 Q OF THE -- OF THE MAXIMUM ONE-THIRD THAT SCHOOLS CAN
9 EFFECT, HOW MUCH OF THAT ONE-THIRD IS RELATED TO RESOURCES
10 OR INPUTS AT THE SCHOOL LEVEL?

11 A THE BEST WAY I KNOW TO ANSWER THAT IS TO SAY THAT
12 ASSUMING SOME THRESHOLD LEVEL OF FINANCIAL RESOURCES, THAT
13 BEYOND THAT THRESHOLD I DON'T BELIEVE THAT THE PURCHASE
14 THAT SCHOOLS CAN GAIN ON STUDENT ACHIEVEMENT IS A FUNCTION
15 OF FINANCIAL RESOURCES

16 Q OKAY AND WHAT ABOUT THE OTHER INPUTS THAT WE LOOKED
17 AT, TEACHER CHARACTERISTICS, FOR EXAMPLE, PROFESSIONAL
18 DEVELOPMENT DAYS, HOW MUCH DIFFERENCE DO ANY OF THOSE
19 THINGS MAKE?

20 A IN ALL THE RESEARCH OF WHICH I'M FAMILIAR, THOSE --
21 THOSE CHARACTERISTICS THAT WE REVIEWED, RETENTION,
22 CERTIFICATION, EXPERIENCE, DEGREE LEVELS, SALARY LEVELS,
23 THOSE -- THOSE DIMENSIONS, THOSE CONDITIONS SELDOM APPEAR
24 TO HAVE ANYTHING BUT THE MOST MINIMAL EFFECT OR
25 RELATIONSHIP WITH ACHIEVEMENT

1 Q DR GUTHRIE, BASED UPON YOUR RESEARCH GENERALLY AND
2 YOUR WORK IN SOUTH CAROLINA, WHAT ARE THE MECHANISMS IN
3 SOUTH CAROLINA THAT ARE MOST -- THAT YOU WOULD EXPECT TO
4 HAVE THE GREATEST POSITIVE EFFECT ON ACHIEVEMENT IN SOUTH
5 CAROLINA?

6 A I -- I CONTINUE TO BE VERY FAVORABLY IMPRESSED WITH
7 WHAT SOUTH CAROLINA HAS DONE AND PARTICULARLY IN THE PAST
8 FIVE YEARS, NOT EXCLUSIVELY, BUT PARTICULARLY IN THE PAST
9 FIVE YEARS, IN THE CONSTRUCTION AND IMPLEMENTATION OF A
10 STATE-OF-THE-ART ACCOUNTABILITY SYSTEM

11 IT IS TO THAT THAT I WOULD LOOK OVER TIME TO BE THE
12 MOST POWERFUL ENGINE LIKELY TO NARROW THE GAP BETWEEN
13 LOW-INCOME AND HIGHER INCOME STUDENTS

14 Q DR GUTHRIE, IF SOUTH CAROLINA IS TO REACH THE
15 EDUCATIONAL GOALS THAT WE HAVE SET FOR OURSELVES, WHAT IN
16 YOUR VIEW IS THE BEST WAY TO ACHIEVE THOSE GOALS?

17 A THE BEST WAY IS TO STAY THE COURSE ON WHAT IS IN
18 PLACE OVER TIME I WOULD ACKNOWLEDGE ONE MIGHT WANT TO
19 UNDERTAKE MID-COURSE CORRECTIONS IF ONE FINDS THAT THERE
20 ARE OTHER STRATEGIES, OTHER WAYS OF APPROACHING IT, YOU
21 WOULDN'T WANT TO JUST STAY GLUED HERE IF YOU KNEW
22 SOMETHING MORE POSITIVE WAS AVAILABLE

23 BUT IN THE PRESENCE OF TODAY'S LEVEL OF INFORMATION,
24 I'M NOT TALKING ABOUT ADVOCACY, I'M NOT TALKING ABOUT WISH
25 LIST, I'M NOT TALKING ABOUT THINGS I COULD DREAM ABOUT

1 I'M NOT TALKING ABOUT ANY UTOPIAN STATE THAT I MIGHT
2 IMAGINE, BUT JUST IN TERMS OF THE EMPIRICAL KNOWLEDGE WE
3 HAVE ABOUT EDUCATION, MY COUNSEL TO THE STATE OF SOUTH
4 CAROLINA SHOULD I BE ASKED, MY ADVICE WOULD BE STAY THIS
5 COURSE, DON'T ALTER THIS

6 MR STEPP THANK YOU, DR GUTHRIE THAT'S ALL
7 I HAVE

8 THE COURT THANK YOU MR EPPS, YOU MAY
9 CROSS-EXAMINE

10 CROSS-EXAMINATION

11 BY MR EPPS

12 Q DR GUTHRIE, IT REALLY SOUNDS TO ME LIKE IT'S ALMOST
13 HOPELESS I MEAN --

14 A SAY THAT AGAIN, PLEASE

15 Q SURE IT SOUNDS TO ME LIKE IT'S -- IT'S A HOPELESS
16 -- IN YOUR VIEW IT'S A HOPELESS SITUATION AND I WANT TO
17 PUT THIS INTO PERSPECTIVE FOR YOU AND SOUTH CAROLINA ONE
18 OF THE ORIGINAL 13 COLONIES YOU KNOW THAT RIGHT?

19 A IS THAT A QUESTION, SIR? WAS SOUTH CAROLINA ONE OF
20 THE ORIGINAL 13 COLONIES? THAT'S A QUESTION TO ME?

21 Q YES THAT'S A QUESTION TO YOU

22 A YES IT'S MY UNDERSTANDING THAT IT WAS

23 Q AND WE HAVE HAD POOR PEOPLE IN OUR STATE THROUGHOUT
24 OUR HISTORY YOU CAN GO BACK INTO THE COLONIAL DAYS
25 BEFORE WE WERE EVEN A STATE AND YOU WOULD FIND TWO CLASSES

1 Q OKAY BUT, YOU HAVE TESTIFIED CLEARLY THAT SOUTH
2 CAROLINA NOW HAS THE RIGHT SYSTEMS IN PLACE TO OFFER EVERY
3 CHILD THE OPPORTUNITY FOR A MINIMALLY ADEQUATE EDUCATION
4 IS THAT NOT YOUR TESTIMONY?

5 A MY TESTIMONY IS THAT SOUTH CAROLINA HAS ADOPTED
6 STATE-OF-THE-ART TECHNIQUES AS BEST AS WE PRESENTLY KNOW,
7 TO OFFER AN OPPORTUNITY FOR A MINIMALLY ADEQUATE
8 EDUCATION SOUTH CAROLINA HAS DONE THAT

9 Q OKAY NOW, AND THE STATE-OF-THE-ART TECHNIQUE IS
10 YOUR -- YOUR VIEW OF THE EDUCATION ACCOUNTABILITY ACT, HOW
11 WELL IT'S WRITTEN, PLANNED, ET CETERA, RIGHT?

12 A THAT IS A LARGE PART OF MY OPINION

13 Q OKAY BEFORE I MOVE INTO SOME OTHER AREAS, I WANT TO
14 MAKE SURE I UNDERSTAND SOME THINGS, DR GUTHRIE NOW, YOU
15 TALKED ABOUT THE E F A THIS MORNING DO YOU REMEMBER
16 THAT?

17 A YES, I DO

18 Q AND YOU SAID THAT WAS A WEALTH EQUALIZER?

19 A I DID

20 Q MEANING THAT YOU REALLY ARE TRYING TO -- IT'S A
21 FOUNDATION PROGRAM ARE YOU AWARE OF THAT?

22 A IT -- IT HAS COMPONENTS OF A FOUNDATION PROGRAM I
23 AM AWARE OF THAT

24 Q YOU'RE NOT AWARE THAT THEY CALL THE E F A THE
25 FOUNDATION PROGRAM?

1 STATISTICS SINCE 2001, 2002?

2 A I DO NOT KNOW THAT

3 Q DO YOU KNOW WHAT OUR GRADUATION RATE IS THEN AS WE
4 SIT HERE TO--

5 A I DO NOT KNOW THAT

6 Q DO YOU KNOW OR WERE YOU AWARE THAT SOUTH CAROLINA'S
7 SCORES ON THE S A T ARE THE LOWEST IN THE COUNTRY?

8 A I KNOW THAT IN MY DEPOSITION YOU INFORMED ME OF THAT

9 Q YOU NEVER LOOKED AT THAT?

10 A I NEVER LOOKED AT WHAT?

11 Q AT SOUTH CAROLINA'S RANKING ON S A T SCORES

12 A I'M SURE IT HAS CROSSED MY PATH FROM TIME TO TIME

13 Q ALL RIGHT HOW ABOUT THE A C T , SAME QUESTION DO
14 YOU KNOW WHERE SOUTH CAROLINA RANKS COMPARED TO THE REST
15 OF THE COUNTRY ON ITS A C T SCORES?

16 A NO, I DO NOT

17 Q YOU DO NOT KNOW? AND TO MAKE SURE I DON'T MISSTEP,
18 DR GUTHRIE, IT'S EITHER 49TH OR 50TH I THINK IT'S LAST,
19 BUT I'M NOT GOING TO SAY THAT FOR CERTAIN BECAUSE I'M NOT
20 POSITIVE

21 NOW, SAME QUESTION DOES THAT REFLECT WELL OR
22 REFLECT POORLY ON THE LEVEL OF EDUCATION OFFERED TO THE
23 CHILDREN THROUGHOUT SOUTH CAROLINA?

24 A IT REFLECTS SEVERAL THINGS IT REFLECTS THIS
25 TEACHABILITY SITUATION TO WHICH I MADE REFERENCE EARLIER

1 THIS MORNING THAT WHERE SOUTH CAROLINA FACES A MORE
2 DIFFICULT CHALLENGE THAN MOST STATES

3 SECONDLY IN MY JUDGMENT IT REFLECTS THE FACT THAT THE
4 ACCOUNTABILITY MECHANISMS HAVE BEEN IN PLACE BUT FOR A
5 RELATIVELY SHORT TIME AND I WOULD NOT EXPECT THEM YET TO
6 HAVE HAD -- TAKEN HOLD IN A MANNER WHICH WOULD BE
7 REFLECTED ON GRADUATION OR COMPLETION RATES OR A C T
8 SCORES OR S A T SCORES

9 Q WELL, WE HAD THE E F A IN EFFECT IN 1977, RIGHT?

10 A I UNDERSTAND IT WAS ENACTED IN 1977

11 Q WE HAD THE E I A IN EFFECT 1984, CORRECT?

12 A I UNDERSTAND THAT IT WAS -- IT WAS ENACTED THEN

13 Q WE HAD THE EARLY CHILDHOOD DEVELOPMENT ACT, ACT 135
14 EFFECTIVE IN 1993, CORRECT?

15 A I DO UNDERSTAND THAT

16 Q WE HAD SCHOOL TO WORK TRANSITION ACT SINCE 1989 OR
17 THEREABOUTS I MAY BE WRONG ON THAT YEAR ARE YOU AWARE
18 OF THAT?

19 A I AM

20 Q ARE YOU AWARE OF TARGET 2000?

21 A I -- I HAVE READ ABOUT IT

22 Q SO WE'VE HAD THESE PRIOR ACTS ON THE BOOKS NOW FOR,
23 DO THE MATH QUICK, I THINK IT'S 27 YEARS GOING BACK TO
24 THE E F A , RIGHT?

25 A IS THERE A QUESTION HERE?

1 Q SURE WE'RE TALKING ABOUT GRADUATION RATES AND YOU
2 SAID THE E A A HAS NOT HAD TIME TO KICK IN AND WHAT I'M
3 SUGGESTING TO YOU IS THAT WE HAD THESE OTHER STATUTES ON
4 THE BOOKS GOING BACK 27 YEARS, 20 YEARS IF YOU COUNT
5 FORWARD THE E I A AND WE FIND OURSELVES LAST IN
6 GRADUATION RATE AS MEASURED BY THE NATIONAL CENTER FOR
7 EDUCATION STATISTICS AND LAST ON THE S A T , AND EITHER
8 LAST OR NEXT TO THE LAST, I REALLY CAN'T REMEMBER, ON THE
9 A C T RIGHT?

10 A I SPECIFIED EARLIER THAT I ACCEPT YOUR
11 CHARACTERIZATION

12 Q SO IN TERMS OF PROGRESS AND IN TERMS OF IMPROVING
13 GRADUATION RATES AND IN TERMS OF IMPROVING COLLEGE
14 ENTRANCE EXAM SCORES, WHETHER THE A C T , S A T OR THE
15 A C T , WE FIND OURSELVES LAST AFTER ALL THESE YEARS IF
16 WHAT I'M TELLING YOU IS CORRECT, RIGHT?

17 A I DON'T THINK IT IS CORRECT IN THIS WAY YESTERDAY I
18 MADE MENTION OF -- I WAS ASKED QUESTIONS ABOUT A NATION
19 THAT REPORTED A NATION AT-RISK, ISSUED SOME 29 YEARS AGO
20 AND I BELIEVE I DESCRIBED TO THE COURT AT THAT TIME THAT
21 STATES, MANY OF THEM, UNDERTOOK IMMEDIATE REACTIONS TO
22 THE -- A NATION AT-RISK, INCLUDING TRYING TO -- SPENDING
23 MORE MONEY AND ALTERING THE RIGOR OF THEIR SYSTEM

24 THE 1984 EDUCATION IMPROVEMENT ACT IN SOUTH CAROLINA
25 IS A QUINTESSENTIAL ILLUSTRATION OF THAT EFFORT IT

1 INTENSIFIES THE STANDARDS IT PROVIDES HIGHER TEACHER
2 SALARIES, ET CETERA

3 BUT I ALSO SAID YESTERDAY AND I STICK BY IT TODAY,
4 THAT WHAT WE'VE FOUND IS THAT THOSE FIRST WAVE OF REFORMS
5 WERE GENERALLY NOT SUCCESSFUL IN GAINING PURCHASE FROM
6 STUDENT ACHIEVEMENT

7 IT'S ONLY IN THE 1990'S IN SOME STATES, ONLY SINCE
8 1998 IN THIS THAT WE HAVE DROPPED INTO PLACE A SYSTEMATIC
9 REVIEW, A SYSTEMATIC CONSTRUCTION OF THE ENTIRE EDUCATION
10 SYSTEM WHICH WE -- WE -- I, ANTICIPATE IN TIME WILL HAVE A
11 MAJOR EFFECT

12 SO I'M -- MY NEGATIVE REACTION TO YOUR QUESTION WAS
13 THAT I WOULDN'T HAVE EXPECTED THE EDUCATION FINANCE ACT OF
14 ALMOST 30 YEARS AGO, I WOULDN'T HAVE EXPECTED THE 1979 OR
15 1984 EDUCATION IMPROVEMENT ACT TO HAVE HAD MUCH OF A
16 PURCHASE ON ACHIEVEMENT OR EVEN THE 1993 EARLY CHILDHOOD
17 DEVELOPMENT AND ACADEMIC ASSISTANCE ACT

18 THOSE THINGS WHEREAS I DON'T POO-POO THEM FOR A
19 MOMENT BUT THOSE WERE PRELIMINARY RESPONSES TO A SITUATION
20 AND NOT THE INFORMED SYSTEMATIC RESPONSE THAT WE WOULD
21 SUBSEQUENTLY RELY UPON

22 Q WELL, I UNDERSTAND YOUR ANSWER BUT STILL, I GUESS
23 MY POINT IS THAT OVER TIME AND I DON'T KNOW HOW FAR BACK
24 WE COULD GO WITH THESE NUMBERS, WHETHER WE COULD GO BACK
25 BEYOND 1977 OR NOT, BUT OVER TIME WE FIND OURSELVES EVEN

1 AFTER THE E F A WAS PASSED, AFTER THE E I A WAS PASSED,
2 AFTER ACT 135 WAS PASSED AND EVEN AFTER E A A WAS PASSED,
3 WE STILL FIND OURSELVES LAST IN THOSE THREE NATIONAL
4 SCORING SYSTEMS OR CATEGORIES OF EDUCATION, CORRECT?

5 A WELL, YOU MAY FIND THE STATE LAST ON CATEGORIES THAT
6 YOU CONTEND ARE IMPORTANT BUT THE S A T AND THE A C T
7 ARE NOT GENERALLY ACCEPTED TO BE MEASURES OF A STATE'S
8 OVERALL EDUCATION SYSTEM THEY ARE TAKEN TO BE PREDICTIVE
9 MEASURES OF HOW SENIORS WILL PERFORM IN COLLEGE

10 THEY -- THEY ARE NOT MEASURES OF A STATE'S EDUCATION
11 SYSTEM THE BEST MEASURE WE HAVE THERE IS THE NATIONAL
12 ASSESSMENT OF EDUCATIONAL PROGRESS THAT'S WHAT COUNTS

13 Q WELL, IF YOU USE THE S A T OR THE A C T AS A
14 PREDICTOR OF HOW HIGH SCHOOL GRADUATES WILL PERFORM IN
15 COLLEGE, AS A STATE WE RANK LAST, CORRECT?

16 A AGAIN I ACCEPT YOUR CHARACTERIZATION

17 Q ALL RIGHT NOW, LET ME TALK TO YOU JUST A SECOND
18 ABOUT N A E P , N A E P ?

19 A CORRECT

20 Q ALL RIGHT NOW, N A E P IS A -- IT'S A SAMPLING, A
21 SAMPLING DEVICE, RIGHT?

22 A N A E P DOES NOT TEST EVERY STUDENT IN THE NATION
23 NOR IN A STATE

24 Q RIGHT IT'S -- IT TAKES A -- IT TAKES SAMPLES
25 ESSENTIALLY

1 THE COUNTRY, IS THAT FAIR?

2 A NO

3 Q OKAY WELL --

4 A I WOULD CALL TO YOUR ATTENTION WHAT MR STEPP READ
5 INTO THE RECORD YESTERDAY, ABOUT THE MISUSE OF PACT
6 SCORES AND HOW YOU CAN'T USE PACT SCORES TO MEASURE ONE
7 GROUP OF STUDENTS AGAINST ANOTHER OR ONE CLASSIFICATION OF
8 STUDENTS AGAINST ANOTHER UNLESS, NOW I'M ADDING THIS,
9 UNLESS YOU TAKE INTO ACCOUNT THE TEACHABILITY OF THE
10 STUDENTS

11 Q AND I'M GOING TO GO THERE WITH YOU, DR GUTHRIE, BUT
12 YOU DON'T THINK IT'S -- IT'S APPROPRIATE TO SEE HOW SOUTH
13 CAROLINA'S PERFORMING AS A STATE TO COMPARE OUR STATE
14 PERFORMANCE TO THE REST OF THE NATION?

15 A I THINK IT IS FAIR TO APPRAISE THE EFFECTIVENESS OF
16 THE EDUCATION SYSTEM IN SOUTH CAROLINA OR ANY STATE BY
17 COMPARING PERFORMANCE IF YOU ALSO USE THE TEACHABILITY OF
18 THE STUDENTS IN THE SYSTEM

19 Q AND YOU ALSO WOULD AGREE WITH ME, I THINK, DR
20 GUTHRIE, IF YOU'RE TRYING TO JUDGE HOW A STATE IS
21 PERFORMING WHETHER IT'S EDUCATING ITS CHILDREN OR NOT,
22 THAT WE SHOULD LOOK AT OUTCOMES THAT SHOULD BE THE
23 FOCUS RIGHT?

24 A I ABSOLUTELY BELIEVE THAT ONE OUGHT TO FOCUS ON
25 OUTCOMES TO APPRAISE THE EFFECTIVENESS OF THE EDUCATION

1 SYSTEM AND PARTICULARLY ONE SHOULD USE OUTCOMES RELATIVE
2 TO THE CHARACTERISTICS OF THE STUDENTS

3 Q NOW, AGAIN, SAME SORT OF CORRELATION DO YOU THINK
4 IT'S FAIR OR APPROPRIATE IN MAKING -- IN TRYING TO JUDGE
5 HOW A SCHOOL OR A SCHOOL DISTRICT IS PERFORMING, TO
6 COMPARE THAT SCHOOL OR THAT SCHOOL DISTRICT TO OTHER
7 SCHOOLS AND SCHOOL DISTRICTS IN THE STATE?

8 A I WOULD MAKE THE SAME ANSWER, MR EPPS, FOR SCHOOLS
9 OR SCHOOL DISTRICTS THAT I MADE FOR THE STATE, THAT USING
10 OUTCOME MEASURES OF ACADEMIC ACHIEVEMENT IS ABSOLUTELY
11 APPROPRIATE TO MEASURE THE EFFECTIVENESS OF THE
12 EDUCATIONAL INSTITUTION PARTICULARLY IF YOU TAKE INTO
13 ACCOUNT THE TEACHABILITY LEVEL OF THE STUDENTS INVOLVED

14 Q I'M GOING TO COME BACK TO THAT AGAIN LIKE I PROMISED,
15 BUT ONE LAST QUESTION BEFORE I LEAVE THIS TOPIC I TAKE
16 IT YOU'VE NOT LOOKED AT THE GRADUATION RATES WITHIN THE
17 PLAINTIFF DISTRICTS AS MEASURED BY N A E P

18 A I HAVE NOT

19 Q OKAY YOU'RE NOT AWARE THEN THAT IT'S MEASURED BY
20 N A E P ONCE --

21 MR STEPP I'M SORRY I THINK YOU MEAN THE
22 NATIONAL CENTER FOR EDUCATION STATISTICS

23 MR EPPS I DID THANK YOU, MR STEPP
24 BY MR EPPS

25 Q AS MEASURED BY THE NATIONAL CENTER FOR EDUCATION

1 PLAINTIFF DISTRICTS?

2 A IT -- IT ALSO REFLECTS THE LEVELS OF POVERTY IN THE
3 PLAINTIFF DISTRICTS BECAUSE I'M MINDFUL OF THE NUMBERS WE
4 REVIEWED YESTERDAY OF THE RANGE, THE INTENSITY OF POVERTY
5 IN THESE DISTRICTS

6 Q SO BEFORE -- I'M GOING TO INTERRUPT YOU WHAT YOU'RE
7 SAYING IS, YEAH -- I GUESS IS WHAT YOU'RE SAYING -- IT
8 DOESN'T REFLECT VERY WELL ON THE DISTRICT BUT SINCE YOU'VE
9 GOT POVERTY, IT'S EXPLAINED, RIGHT?

10 A NO THAT'S -- THAT WOULDN'T BE MY ANSWER

11 Q THAT'S A MISCHARACTERIZATION?

12 A YES, SIR

13 Q WELL I'LL START OFF WITH THE QUESTION AGAIN IF YOU
14 HAVE S A T SCORES THAT RANGE FROM BETWEEN A HUNDRED AND
15 200 POINTS BELOW THE STATE AVERAGE GIVEN THAT THE STATE IS
16 THE LAST IN THE COUNTRY, DOES THAT REFLECT WELL ON THE
17 AMOUNT OF LEARNING OR ACADEMIC ACHIEVEMENT OF STUDENTS IN
18 THE PLAINTIFF DISTRICT?

19 A IT -- IT -- WHAT IT REFLECTS IS THE CHALLENGE IN
20 TEACHABILITY THAT THEY FACE AND THEN I'LL GRANT YOU A
21 PORTION OF YOUR -- ALSO, THAT SOME OF THESE PLAINTIFF
22 DISTRICTS ARE NOT PARTICULARLY RISING TO THAT -- TO THAT
23 CHALLENGE AND -- AND GAINING ACHIEVEMENT

24 BUT I THINK WE ALSO REVIEWED A LOT OF SCORES THIS
25 MORNING THAT SHOW THAT THINGS ARE GETTING A LOT BETTER AND

1 Q AND THEY CAN TEACH STUDENTS?

2 A THEY -- THEY CAN TEACH STUDENTS AND STUDENTS CAN
3 LEARN

4 Q AND MRS STAFFORD, AS A MATTER OF FACT, WE PROBABLY
5 WILL TALK ABOUT HER A LITTLE BIT MORE, HAS PROVEN THAT,
6 HAS SHE NOT?

7 A THAT'S MY VIEW

8 Q NOW, YOU READ MRS STAFFORD'S DEPOSITION?

9 A THAT IS CORRECT

10 Q AND IN MRS STAFFORD'S CASE WHICH IS DILLON TWO, OF
11 COURSE -- YOU KNOW, FIRST OF ALL SHE HAD A ADVANCED DEGREE
12 IN TEACHING READING, RIGHT?

13 A THAT'S MY UNDERSTANDING SHE DID

14 Q AND SHE WAS A REALLY FINE PRINCIPAL YOU COULD TELL
15 THAT BY READING THE TRIAL TRANSCRIPT, COULD YOU NOT?

16 A THAT'S THE IMPRESSION I GET

17 Q AND SHE HAD A STABLE STAFF RIGHT?

18 A SHE HAD A, LIKE, 86 PERCENT OF HER TEACHERS HAD BEEN
19 WITH HER OVER SOME SUBSTANTIAL PERIOD OF TIME

20 Q WELL, WE CAN PULL OUT HER TESTIMONY I HAVE IT HERE
21 TO DO THAT, BUT SHE HAD A STABLE STAFF AND SHE HAD, I
22 THINK SHE SAID SHE GOT RID OF TWO TEACHERS OVER THE LAST
23 X NUMBER OF YEARS WAS HER TESTIMONY

24 A YES

25 Q SHE HAD GOTTEN RID OF BY CHOICE DO YOU REMEMBER

1 THAT?

2 A YES

3 Q AND HER TEACHERS WERE EXPERIENCED, RIGHT?

4 A CORRECT

5 Q AND THEY WERE DEDICATED, RIGHT?

6 A APPARENTLY

7 Q VERY DEDICATED, RIGHT?

8 A I'D SAY, I -- I CAN'T MEASURE THOSE TEACHERS I
9 NEVER MET THEM OR ANYTHING ELSE SHE REPORTS THAT THEY
10 WERE DEDICATED

11 Q THEY WOULD WORK AFTER HOURS SHE WOULD GIVE THEM
12 READING THINGS -- THINGS TO READ THEY WOULD MEET BEYOND
13 THE SCHOOL HOURS, BEYOND WHAT THEY WERE BEING PAID TO DO
14 IT WAS A DEDICATED STAFF OF VETERAN TEACHERS WHO WERE
15 DETERMINED TO TEACH THE CHILDREN, RIGHT?

16 A THAT'S WHAT SHE REPORTS

17 Q WHATEVER IT TOOK

18 A THAT'S WHAT SHE REPORTS

19 Q AND SHE -- SHE HAD AS I REMEMBER IT IN ADDITION TO
20 HERSELF AS PRINCIPAL WITH SPECIALTY IN READING -- IN
21 TEACHING READING TRAINING SHE HAD TWO OTHER TEACHER --
22 EXCUSE ME -- TWO OTHER READING SPECIALISTS ON HER STAFF
23 RIGHT?

24 A THAT -- I BELIEVE THAT'S WHAT SHE REPORTS

25 Q OKAY AND BECAUSE SHE HAD THESE ASSETS SHE HAD

1 DEDICATED TEACHERS WITH EXPERIENCE, WITH A STABLE STAFF,
2 AND OBVIOUSLY BY INSERTING HER LEADERSHIP ABILITIES INTO
3 ALL OF THAT, SHE OUT-PERFORMED THE STATE ON PACT TEST
4 SCORES, RIGHT?

5 A THAT'S MY UNDERSTANDING

6 Q WITH THE POVERTY INDEX IN THE 90 PERCENT AS I
7 REMEMBER THE NUMBERS IN THAT RANGE

8 A IT -- IT'S HIGH

9 Q WE'LL PULL THE NUMBERS OUT IN A MOMENT SO
10 OBVIOUSLY, DR GUTHRIE, IN MRS STAFFORD'S CASE IT WAS
11 DONE I MEAN, WE TOOK 90 PERCENT FREE AND REDUCED, VERY
12 POOR CHILDREN, AND THEY DID EXCEEDINGLY WELL ON THE PACT
13 TEST SO IT CAN BE DONE CORRECT?

14 A I -- I CONCUR

15 Q IF YOU HAVE THE ASSETS AND THE RESOURCES AND BY THAT
16 I MEAN PERSONNEL THAT MRS STAFFORD HAD AVAILABLE TO HER,
17 RIGHT?

18 A WELL, I -- LET ME ASK, ISN'T THE QUESTION REALLY SHE
19 HAD PERSONNEL AVAILABLE TO HER AND VIRTUALLY EVERY
20 PRINCIPAL IN EVERY PLAINTIFF DISTRICT HAS PERSONNEL
21 AVAILABLE TO HIM OR HER SO IT'S -- IT'S NOT HAVING
22 PERSONNEL THAT MAKES A DIFFERENCE IT'S HOW THE LEADER
23 ENGAGES WITH THOSE PERSONNEL

24 Q AND MRS STAFFORD DID A GREAT JOB OF THAT YOU HAD A
25 FINE PRINCIPAL AND YOU HAD A FINE DEDICATED TEACHING

1 STAFF, AND THEY TOOK THIS VERY HIGH PERCENTAGE OF
2 LOW-INCOME STUDENTS, AT-RISK STUDENTS AND SCORED EXTREMELY
3 WELL ON THE STATE STANDARDIZED TESTS, THE PACT TEST,
4 RIGHT?

5 A THAT'S BEEN THE NATURE OF MY OBSERVATION AND
6 TESTIMONY

7 Q OKAY SO IT CAN BE DONE IF YOU HAVE THESE RESOURCES
8 IN PLACE?

9 A WELL --

10 Q GOOD LEADERSHIP, GOOD TEACHING?

11 MR STEPP YOUR HONOR, HE'S CONTINUALLY
12 INTERRUPTING DR GUTHRIE I'M SORRY, BUT DR GUTHRIE CAN
13 BARELY GET A WORD IN EDGEWISE

14 THE COURT YOU WERE STARTING AN ANSWER, DOCTOR,
15 THE WORD WAS WELL AND I THINK YOU GOT CUTOFF AT THAT
16 POINT YOU CAN PICK UP

17 THE WITNESS YOU ALL DO BETTER THAN I DO IN
18 REMEMBERING WHERE I WAS

19 THE COURT I GOT THE BENEFIT OF THE TRANSCRIPT

20 MR STEPP WE'RE READING

21 BY MR EPPS

22 Q WELL, DR GUTHRIE, WE COULD START WITH THE WELL I'M
23 NOT SURE HOW HELPFUL THAT WILL BE, BUT I CAN REPEAT THE
24 QUESTION IF YOU'D LIKE

25 A THANK YOU I'D APPRECIATE THAT

1 A YES

2 Q AND THE INDEX DOESN'T SUGGEST IF IT WANTED TO PAY
3 MORE DOLLARS THAT IT WOULDN'T GET THE SAME BANG FOR THE
4 BUCK IT'S GETTING A HUNDRED PERCENT NOW IT MAY BE
5 GETTING A HUNDRED PERCENT ON \$2,000 MORE PER STUDENT, A
6 HUNDRED DOLLARS MORE PER STUDENT OR WHATEVER, RIGHT?

7 A YOU CAN'T -- ACTUALLY YOU JUST CAN'T TELL FROM THIS
8 IT DOESN'T ADDRESS THAT QUESTION IN THE WAY IN WHICH YOU
9 FRAME IT

10 Q AND I DIDN'T -- I DIDN'T SUGGEST THAT IT DID I WAS
11 ASKING YOU THAT JUST IN TERMS OF --

12 A ALL RIGHT

13 Q IT'S GETTING THE RETURN ON THE DOLLARS THAT IT
14 INVESTS THAT'S ALL THIS SAYS, RIGHT?

15 A THE TAXPAYERS OF SOUTH CAROLINA SHOULD BE PLEASED
16 THAT THE EDUCATION SYSTEM IS USING THE RESOURCES PRESENTLY
17 PROVIDED IN AN EFFICIENT MANNER

18 Q DR GUTHRIE, IN TALKING ABOUT THE THINGS THAT YOU'VE
19 TALKED ABOUT FOR THE LAST DAY AND A HALF, WE TALKED ABOUT,
20 YOU KNOW, STUDENT OUTCOMES BEING THE BEST INDICATOR OF
21 SCHOOL PERFORMANCE, RIGHT? DO YOU AGREE WITH THAT?

22 A I BELIEVE MY STATEMENT -- I HOPE IT'S BEEN
23 CONSISTENT, MR EPPS, BUT CONSISTENTLY I'VE SAID THAT
24 SCHOOL OUTCOME MEASURES ARE A VERY GOOD INDICATOR OF
25 SCHOOL EFFECTIVENESS

1 Q OKAY AND THAT'S THE BEST WAY TO MEASURE SCHOOL
2 PERFORMANCE?

3 A IT'S THE BEST WAY TO MEASURE THE EFFECTIVENESS OF A
4 SCHOOL IS TO TAKE WHAT THEIR STUDENTS LEARN, CONTROLLING
5 FOR THE CHARACTERISTICS OF THE STUDENT

6 Q YOU'D MUCH RATHER LOOK AT THAT SIDE THAN THE INPUT
7 SIDE, RIGHT?

8 A WELL, WHEN MY CONCERN IS THE EFFECTIVENESS OF THE
9 SCHOOL, THEN I WANT TO LOOK AT THE ACHIEVEMENT OUTCOMES OF
10 STUDENTS

11 Q I WANT TO TALK TO YOU, DR GUTHRIE, ABOUT THE
12 OPINIONS THAT YOU HOLD, OKAY WE'RE BACK TO YOUR OPINIONS
13 NOW AND THE -- FIRST OF ALL, YOU EXPRESSED SOME OPINIONS
14 YESTERDAY AS TO -- AS TO -- AS TO YOUR DEFINITION OF THE
15 OPPORTUNITY FOR A MINIMALLY ADEQUATE EDUCATION

16 NOW, WOULD YOU AGREE WITH ME, AND I THINK YOU DO,
17 THAT THE OPPORTUNITY FOR A MINIMALLY ADEQUATE EDUCATION IS
18 ONE THAT PROVIDES STUDENTS THE OPPORTUNITY TO LEARN WHAT
19 THE POLICYMAKERS SAY THEY NEED TO LEARN?

20 A I -- I -- AS I UNDERSTAND YOUR QUESTION, I BELIEVE
21 THE ANSWER IS YES

22 Q ALL RIGHT

23 A THAT IT -- IF A STATE POLICY SYSTEM PRESCRIBES WHAT
24 STUDENTS ARE EXPECTED TO LEARN --

25 Q YOU HAVE TO GIVE THEM THE OPPORTUNITY TO DO THAT?

1 Q NOW, IN SOUTH CAROLINA WE CAN FIND WHAT THE STATE
2 POLICYMAKERS, THAT'S THE LEGISLATURE, HAS DETERMINED WHAT
3 STUDENTS NEED TO KNOW IN SOUTH CAROLINA BY LOOKING AT THE
4 EDUCATION ACCOUNTABILITY ACT IS THAT RIGHT?

5 A I -- I BELIEVE THAT -- A SLIGHTLY DIFFERENT ANSWER
6 I'D GIVE TO THAT IS THAT WE -- WE COULD LEARN WHAT THE
7 STATE POLICYMAKERS BELIEVE IS IMPORTANT TO LEARN FROM
8 LOOKING AT WHAT YOU YESTERDAY LABELED THE CURRICULUM
9 STANDARDS

10 Q WELL, MY NEXT QUESTION WAS -- WAS DIRECTED TOWARD
11 THAT BUT THE FIRST THING WE LOOK TO IS THE POLICYMAKERS'
12 PRONOUNCEMENT OF WHAT IT EXPECTS STUDENTS TO LEARN YOU
13 CAN FIND THAT IN THE E A A WHERE IT SETS FORTH WHAT IT
14 EXPECTS THE STUDENTS TO LEARN

15 A THAT IS ONE OF THE PLACES WHERE ONE CAN SAY WHAT IT
16 EXPECTS STUDENTS TO LEARN

17 Q OKAY AND THEN THE SOUTH CAROLINA DEPARTMENT OF
18 EDUCATION TOOK THOSE EXPECTATIONS, YOU KNOW, WHAT -- WHAT
19 THE LEGISLATURE SAID STUDENTS IN SOUTH CAROLINA NEED TO
20 LEARN THIS AND THEY DRAFTED LEARNING STANDARDS OR
21 CURRICULUM STANDARDS TO MATCH THOSE EXPECTATIONS

22 A THAT'S MY -- MY UNDERSTANDING OF THE SITUATION

23 Q AND SO AS YOU KEEP GOING DOWN AND MINING DOWN INTO
24 WHAT STUDENTS ARE EXPECTED TO LEARN, FIRST THEY HAVE --
25 THEY'RE EXPECTED TO LEARN WHAT THE GENERAL ASSEMBLY TELLS

1 THEM THEY'RE EXPECTED TO LEARN, AND THEN THE CURRICULUM OR
2 LEARNING STANDARDS ARE PROMULGATED AND THE LEARNING
3 STANDARDS BECOME THE DETAIL THAT SUPPORT THE LEGISLATION

4 A THAT'S MY UNDERSTANDING

5 Q OKAY AND IF THE STUDENT -- WELL YOU SAID THIS BUT
6 IF -- THE STATE HAS A CORRESPONDING DUTY TO MAKE SURE THAT
7 IT IMPOSES THESE CRITERIA STANDARDS OBLIGATIONS ON THE
8 SCHOOLS AND THE STUDENTS

9 IT HAS A CORRESPONDING DUTY TO MAKE SURE THAT THE
10 PEOPLE WHO DELIVER THE EDUCATION AND THE STUDENTS HAVE THE
11 RESOURCES AVAILABLE TO THEM TO MEET THE LEARNING STANDARD
12 WHICH MATCHES THE STATUTE

13 A AND THAT'S THE QUESTION?

14 Q YES, SIR

15 A YES IS THE ANSWER

16 Q I WANT TO PUT THESE STATE STANDARDS IN PERSPECTIVE
17 WE TALKED OR YOU TALKED A GOOD BIT YESTERDAY ABOUT THE
18 RIGOR ON THE STANDARD AND I REMEMBER THAT DISCUSSION

19 A YES

20 Q JUST TO PUT THINGS IN THE PERSPECTIVE THAT OUR STATE
21 STANDARDS FOLLOWED WHAT THE NATIONAL ASSESSMENT EDUCATION
22 PROGRESS SAID IS THE NATIONAL LEARNING STANDARD, RIGHT?

23 A ON MANY DIMENSIONS, YES

24 Q WELL, SUPPOSE THAT WE TRACK NATIONAL STANDARDS AND
25 SUPPOSE THAT WE FIND THAT INFORMATION IN N A E P

1 IN SOUTH CAROLINA NEED TO KNOW RIGHT?

2 A SOUTH CAROLINA HAS ENACTED STANDARDS IN SELECTED
3 SUBJECT MATTER AREAS FOR HIGH SCHOOL STUDENTS

4 Q BECAUSE THEY NEED TO KNOW IT?

5 A THAT -- THAT'S CORRECT AND IN THIS INSTANCE IT'S
6 NOT SIMPLY DESCRIPTIVE, IT'S PROSCRIPTIVE WE EXPECT YOU
7 TO KNOW THESE THINGS

8 Q AND THE OBJECT IS TO ALLOW THEM TO ACQUIRE KNOWLEDGE
9 AND TO BE ABLE TO USE ANALYTICAL SKILLS SO THAT WHEN AND
10 IF THEY GRADUATE FROM HIGH SCHOOL, THEY'LL HAVE
11 OPPORTUNITIES IN LIFE TO BE GAINFULLY EMPLOYED OR PERHAPS
12 TO GO TO POST-SECONDARY SCHOOL OR WHATEVER IS THAT
13 CORRECT?

14 A WELL, IT THREW ME A LITTLE BIT AT THE FIRST OF THAT
15 BECAUSE I THINK WHAT THESE STANDARDS DO, COUNSELOR, IS
16 THEY SAY, THIS IS WHAT SCHOOLS SHOULD TEACH AND IF
17 STUDENTS LEARN THEM, THEN THEY WILL HAVE THE OPPORTUNITIES
18 TO WHICH YOU REFER

19 Q AND THAT'S TO GRADUATE FROM HIGH SCHOOL AND HAVE A
20 CHANCE TO BECOME A PRODUCTIVE CITIZEN OR PERHAPS GO TO
21 COLLEGE?

22 A THAT -- THAT'S CORRECT AND THE DISTINCTION I'M
23 MAKING IS I DON'T THINK THE STANDARDS CAN BY THEMSELVES
24 INSIST THAT THE STUDENT LEARN THEM BUT THE STATE IN ITS
25 POLICY OPERATION CAN ENSURE THAT STUDENTS HAVE AN

1 OPPORTUNITY TO LEARN

2 Q RIGHT AND THE STUDENTS HAVE TO LEARN IT IN ORDER TO
3 SUCCESSFULLY COMPLETE THEIR HIGH SCHOOL EDUCATION?

4 A YES

5 Q OKAY NOW, I WANT TO TURN BACK IF I CAN, DR
6 GUTHRIE, SINCE WE SET THESE -- THESE PARAMETERS I WANT
7 TO RETURN THAT ISSUE LATER

8 BUT RIGHT NOW I WANT TO TALK TO YOU ABOUT THE SCHOOL
9 REPORT CARDS AND YOUR COMMENTS ON THEM OKAY? AND A
10 COUPLE POINTS I WANT TO MAKE, AND THESE WERE PAGES 22, 23,
11 24, 25, 26, 27, 28, 29 OF THE POWERPOINT DO YOU HAVE A
12 COPY OF THAT WITH YOU?

13 A I BELIEVE I DO

14 MR STEPP YOUR HONOR, THESE ARE THE ONES THAT
15 MR EPPS OBJECTED TO AND THAT I DID NOT USE I DIDN'T GET
16 TO USE THEM I DON'T THINK HE SHOULD GET TO USE THEM

17 THE COURT ALL RIGHT THOSE ARE -- BECAUSE
18 THEY --

19 MR STEPP THE PACT SCORE GRAPHS

20 THE COURT YEAH YOU ABANDONED THOSE AND THEN
21 REFERRED SIMPLY TO THE 2004 REPORT CARDS IS THAT WHAT
22 YOU'RE TALKING ABOUT? YES

23 MR EPPS YOUR HONOR, JUST THE ONE CORRECTION
24 HE REFERRED TO THE -- TO THE PACT SCORES?

25 THE COURT RIGHT

1 EXPLORE THAT WITH HIM

2 THE COURT WELL, YOU'D PROBABLY DO IT IN
3 GREATER DETAIL ALL I WAS LOOKING AT WAS -- WAS WHAT IT
4 SHOWS HERE ON THESE EXHIBITS THAT WERE INTRODUCED AS YOU
5 ALL WERE TALKING ABOUT IT, MR EPPS -- EXCUSE ME, MR
6 STEPP AND DR GUTHRIE WERE TALKING ABOUT THE 2004 PACT
7 TEST SCORES, I WAS SIMPLY LOOKING AT THE 2003 PACT TEST
8 SCORES FOR THE SAME DISTRICT, DISTRICT BY DISTRICT AS WE
9 WENT THROUGH IT

10 BUT I DON'T WANT TO CURTAIL YOUR EXAMINATION I TELL
11 YOU, I'M AWARE OF THOSE THINGS BUT I'LL LET YOU GO
12 HOWEVER YOU WISH TO

13 MR EPPS OKAY
14 BY MR EPPS

15 Q DR GUTHRIE, HERE'S WHAT I WANT TO DO MAYBE WE CAN
16 GO THROUGH THIS IN FAIRLY RAPID FASHION I WANT YOU TO
17 LOOK AT 2001, 2002 AND 2003 AND WE'LL START OFF WITH
18 ORANGEBURG THREE

19 AND, YOU KNOW, IT SHOWS A LOT OF DIFFERENT THINGS
20 FOR EXAMPLE E L A , IT SHOWS THAT IT GOES UP FROM 2001,
21 2002 AND THEN DOWN CORRECT?

22 A CORRECT

23 Q AND THEN FROM MATH IT SHOWS THAT IT'S ESSENTIALLY
24 LEVEL, 2001, 2002 AND THEN IT GOES UP A LITTLE BIT TO
25 2003 RIGHT?

1 A YES

2 Q AND THEN WE'LL TURN NOW TO MARION SEVEN AND, YOU
3 KNOW, MARION SEVEN SHOWS E L A GOING UP FROM 2001 TO
4 2002 IN OTHER WORDS, 2002 IS HIGHER, RIGHT?

5 A CORRECT

6 Q AND THEN DOWN IN 2003 WHERE 2003 IS LOWER THAN 2002?

7 A CORRECT

8 Q AND THEN IF YOU LOOK AT MATH FOR MARION SEVEN IT'S
9 CONTINUING DOWN FROM 2001, 2002, 2003 OF THE DROP IN 2003,
10 IT APPEARS TO BE ONLY ONE OR TWO PERCENTAGE POINTS?

11 A YES

12 Q AND THEN FOR LEE COUNTY IF YOU LOOK AT IT IN 2001,
13 2002, 2003 YOU HAVE E L A GOING UP IN 2001 AND 2002, AND
14 THEN IT APPEARS TO FLATTEN IN 2002, 2003, CORRECT?

15 A YES

16 Q AND MATH GOES -- GOES UP FOR ALL THREE YEARS, RIGHT?

17 A CORRECT

18 Q AND THEN FOR JASPER COUNTY THE PICTURE FROM 2001,
19 2002, 2003 IS E L A LOOKS LIKE IT'S -- IT MAY HAVE MOVED
20 A PERCENTAGE POINT UP FROM 2001 TO 2002 RIGHT?

21 A RIGHT

22 Q AND THEN MAYBE ANOTHER PERCENTAGE POINT UP 2002,
23 2003 RIGHT?

24 A RIGHT

25 Q AND THEN MATH GOES UP A LITTLE BIT 2001, 2002 AND

1 MORE 2002, 2003?

2 A YES

3 Q AND THE RESULTS FOR HAMPTON TWO SHOW, YOU KNOW,

4 PRETTY FLAT IN E L A TO ME FROM 2001 THROUGH 2003?

5 A YES

6 Q 2001, 2002 IT LOOKS LIKE IT GOES DOWN A LITTLE BIT

7 BUT THEN IT GOES UP IN 2003 ON MATH?

8 A YES

9 Q FLORENCE FOUR, E L A LOOKS LIKE IT GOES UP 2001,

10 2002, AND IT --

11 A EXCUSE ME MAY I ASK A QUESTION?

12 Q SURE THIS IS E L A I'M TALKING ABOUT BUT GO AHEAD

13 YOU MAY ASK YOUR QUESTION

14 A MAYBE MY MIND WANDERED, BUT DID WE TALK ABOUT

15 MATHEMATICS IN HAMPTON TWO?

16 Q IF WE DID NOT, DR GUTHRIE, I DIDN'T MEAN TO DO IT

17 I THINK WE DID I'LL REPEAT MY -- WHAT I THINK I SAID

18 ALL RIGHT?

19 A SURE

20 Q IN HAMPTON COUNTY 2001, 2003 MATH GOES DOWN MAYBE A

21 PERCENTAGE POINT OR TWO

22 A YES

23 Q AND THEN IT GOES UP 2002, 2003?

24 A FINE NOW THAT YOU DO IT AGAIN I THINK WE DID DO IT

25 AND I APOLOGIZE

1 Q OKAY NOW, GOING BACK TO FLORENCE FOUR, I'VE
2 FORGOTTEN WHERE I WAS, LOOKS LIKE E L A WENT UP IN 2001,
3 2002 AND I DON'T KNOW, IT'S -- IT COULD BE THE WAY THE
4 CHART'S DONE BUT IF THE CHART'S DONE CORRECTLY IT DROPPED
5 A PERCENTAGE POINT IN 2003?

6 A OKAY

7 Q AND THEN MATH WENT UP IN 2001, 2002 AND ALSO 2002,
8 2003?

9 A YES

10 Q AND THEN IF YOU LOOK AT DILLON TWO, YOU'LL SEE E L A
11 GOING UP IN 2001 TO 2002, AND THEN DOWN 2002 TO 2003?

12 A YES

13 Q AND MATH LOOKS LIKE IT'S GOING UP EACH THREE YEARS TO
14 ME?

15 A YES HOW IT LOOKS TO ME, TOO

16 Q AND THEN ALLENDALE, IF YOU LOOK AT E L A 2001, 2002
17 IT GOES UP A LITTLE BIT, RIGHT?

18 A YES

19 Q 2002, 2003 IT DROPS BACK?

20 A YES

21 Q SO IT'S A LOSS IF YOU LOOK AT MATHEMATICS OF 2001,
22 2002 IT GOES DOWN CORRECT?

23 A YES

24 Q 2002, 2003 IT GOES UP?

25 A YES

1 Q AND THAT'S THAT JAGGED TOOTH PROCESS THAT YOU TALKED
2 ABOUT WITH MR STEPP?

3 A THANK YOU I WISH I HAD BEEN SUFFICIENTLY LITERATE
4 TO SAY JAGGED TOOTH

5 Q WELL, YOU KNOW, I THOUGHT I HAD BORROWED THAT TERM,
6 BUT --

7 THE COURT MR EPPS, WHEN YOU GET TO A GOOD
8 STOPPING PLACE WE'LL TAKE THE LUNCH BREAK BUT I DON'T WANT
9 TO CURTAIL YOUR EXAMINATION, WHENEVER YOU GET TO A GOOD
10 STOPPING PLACE

11 MR EPPS YES I THINK I CAN WRAP THIS UP
12 RIGHT NOW

13 BY MR EPPS

14 Q WHAT I WANT TO ASK YOU, DR GUTHRIE, IS IN LOOKING AT
15 THESE CHARTS AND SOME OF THIS YOU EXPLAINED IN DIRECT
16 EXAMINATION, YOU'RE GOING TO HAVE UPS AND DOWNS BUT IF YOU
17 LOOK AT E L A FROM 2002 TO 2003 IT PROBABLY GOES DOWN A
18 LITTLE BIT ACROSS THESE DISTRICTS?

19 A SAY THAT AGAIN, PLEASE

20 Q SURE

21 A 2000 --

22 Q 2002 TO 2003 LOOKS LIKE E L A SLIPS A LITTLE BIT
23 ACROSS THE DISTRICTS I'M SURE THERE ARE EXCEPTIONS,
24 BUT IN DISTRICTS AS A WHOLE

25 A WELL, THERE ARE -- THERE ARE SOME EXCEPTIONS THAT'S

1 NOT SPENDING A MILLION DOLLARS PER PUPIL, THEN I HAVE
2 POSITED HERE AND ELSEWHERE THAT LOW-INCOME STUDENTS POSE A
3 GREATER CHALLENGE TO THE EDUCATION SYSTEM AND SCHOOL
4 DISTRICTS OR SCHOOLS IN ORDER TO MOUNT THAT CHALLENGE ARE
5 ADVANTAGED BY EXTRA RESOURCES

6 Q DO YOU AGREE WITH THE PROPOSITION THAT IT COSTS MORE
7 PER PUPIL TO EDUCATE CLUSTERS OF AT-RISK STUDENTS?

8 A I -- I'M INTERPRETING THE QUESTION TO MEAN WHEN THERE
9 ARE CONCENTRATIONS OF POVERTY-IMPACTED STUDENTS DOES
10 THAT BY ITSELF TRIGGER A NEED FOR MORE RESOURCES ALL OTHER
11 THINGS BEING EQUAL, AND I BELIEVE THE ANSWER IS YES

12 Q DO YOU BELIEVE THAT IT'S PARTICULARLY IMPORTANT FOR
13 AN AT-RISK STUDENT TO HAVE AN ABLE OR QUALIFIED TEACHER IN
14 THE CLASSROOM?

15 A I BELIEVE THAT IT IS REMARKABLY IMPORTANT THAT ANY
16 STUDENT HAVE AN ABLE TEACHER IN THE CLASSROOM

17 Q IS IT MORE OR LESS IMPORTANT WHEN YOU'RE AN AT-RISK
18 STUDENT AND COME FROM A LOW-INCOME FAMILY?

19 A IT'S MORE HELPFUL IF YOU DO

20 Q SAME THING WITH SCHOOL LEADERSHIP DO SCHOOLS WITH
21 LARGE POPULATIONS OF AT-RISK STUDENTS NEEDS STRONG SCHOOL
22 LEADERSHIP?

23 A WELL, EVERY SCHOOL NEEDS STRONG SCHOOL LEADERSHIP
24 IT MAKES A DIFFERENCE IF I HAD A LIMITED SUPPLY, JUST
25 HYPOTHETICALLY SPEAKING, I DON'T KNOW IF THERE IS A

1 AND THAT'S SETTING UP THE PREDICATE FOR THE
2 RECOMMENDATIONS THAT YOU WERE MAKING IN THE STATE OF
3 WYOMING, CORRECT?

4 A OR THAT THIS REPORT DOES I'M NOT FAMILIAR WITH
5 THEM

6 Q OKAY

7 A I'M NOT DISPUTING THEM, I JUST -- I DIDN'T MAKE THEM

8 Q ALL RIGHT IT SAYS RESOURCE ALLOCATION COMPONENTS
9 THE FIRST THING IT TALKS ABOUT IS CLASS SIZE SLASH PUPIL
10 TEACHER RATIOS, MANY OF THE STUDIES OF TENNESSEE'S STUDENT
11 TEACHERS ACHIEVEMENT --

12 MR STEPP YOUR HONOR, WE DON'T HAVE THAT UP ON
13 THE -- ON THE SCREEN YET SINCE THAT'S ALL WE'VE GOT

14 MR EPPS IT'S ON PAGE 14, MRS LANDRESS

15 THE COURT SHE'S GOT IT NOW THAT'S IT

16 BY MR EPPS

17 Q RESOURCE ALLOCATION COMPONENTS, CLASS SIZE SLASH
18 PUPIL HYPHEN TEACHER RATIO, MANY OF THE STUDIES OF
19 TENNESSEE'S STUDENT TEACHERS' ACHIEVEMENT RATIO, PROJECT
20 S T A R , ALSO FIND THAT SMALLER CLASSES LEAD TO IMPROVED
21 STUDENT ACHIEVEMENT WITH THE MOST PRONOUNCED GAINS TO LOW
22 INCOME AND MINORITY STUDENTS RIGHT?

23 A CORRECT

24 Q RESEARCH SHOWS THAT SMALL CLASSES OF 15, NOT A CLASS
25 OF 30, WITH AN INSTRUCTIONAL AIDE OR TWO TEACHERS IN

1 KINDERGARTEN THROUGH GRADE THREE HAVE SIGNIFICANT POSITIVE
2 IMPACTS ON STUDENT ACHIEVEMENT IN MATHEMATICS AND READING
3 WITH LARGER IMPACTS FOR POOR STUDENTS FROM LOW INCOME OR
4 MINORITY BACKGROUNDS CORRECT?

5 A CORRECT

6 Q RIFKIN ET AL FOUND CLASS SIZE VARIATION HAD NO
7 SIGNIFICANT IMPACT ON STUDENTS WHO WERE NOT ELIGIBLE FOR
8 FREE AND REDUCED LUNCH -- FREE OR REDUCED PRICE LUNCH,
9 PARENTHESIS, NON-POOR, END PARENTHESIS, BUT DID HAVE A
10 MEASURABLE IMPACT ON STUDENTS WHO WERE ELIGIBLE
11 PARENTHESIS, POOR, CORRECT?

12 A CORRECT

13 MR EPPS YOUR HONOR, I GUESS I OUGHT TO JUST
14 PROFFER THIS FOR THE RECORD

15 THE COURT OKAY I DON'T SEE IT

16 MR EPPS IT'S THE NEXT PAGE, MRS LANDRESS,
17 SECOND PARAGRAPH ANALYZING THE WISCONSIN S A G E ,
18 S-A-G-E, CLASS SIZE REDUCTION PROGRAM, MOLNAR,
19 M-O-L-N-A-R, FOUND RESULTS SIMILAR TO THE TENNESSEE
20 S T A R STUDY AND THAT THE ACHIEVEMENT BENEFITS OF
21 S A G E 'S SMALL CLASS SIZES WERE STRONGER FOR
22 AFRICAN-AMERICAN STUDENTS

23 IN FACT, THEY FOUND EVIDENCE THAT THE EFFECT WAS TO
24 REDUCE THE ACHIEVEMENT GAP BETWEEN WHITE AND
25 AFRICAN-AMERICAN STUDENTS

1 THE COURT I ACCEPT THAT AS PROFFER, ADD IT TO
2 THE RECORD IS THAT THE END OF THE PROFFER SO WE'LL
3 KNOW

4 MR EPPS I THINK SO, YOUR HONOR IF I BUMP
5 INTO SOMETHING ELSE I WILL TRY TO ALERT THE COURT BUT
6 CERTAINLY RESERVE MR STEPP'S OBJECTION TO IT

7 THE COURT THANK YOU
8 BY MR EPPS

9 Q DO YOU AGREE WITH THAT FINDING?

10 A YES, I DO

11 Q SKIPPING DOWN TO LOWER PUPIL TEACHER RATIOS LOWER
12 PUPIL TEACHER RATIOS IN STATES WITH HIGH S E S STUDENTS
13 AND ALREADY LOW PUPIL TEACHER RATIOS SUCH AS WYOMING HAD
14 RELATIVELY SMALL EFFECTS ON N A E P STUDENT ACHIEVEMENT
15 WHEREAS REDUCING CLASS SIZE, PARTICULARLY IN THE LOWER
16 GRADES IN STATES WITH LOW S E S STUDENTS AND HIGH PUPIL
17 TEACHER RATIOS HAD LARGE POSITIVE EFFECTS ON N A E P TEST
18 SCORES THAT'S GRISSMER

19 NEXT PARAGRAPH OTHER RESEARCH SUGGESTS SMALLER
20 CLASSES ARE MORE EFFECTIVE FOR LOW INCOME AND MINORITY
21 STUDENTS RIGHT?

22 A YES

23 Q ON PAGE 16 PRE-KINDERGARTEN ALL THREE BULLET
24 POINTS, PLEASE PRE-KINDERGARTEN HAD A STRONGER EFFECT ON
25 N A E P SCORES IN LOWER S E S STATES, CITING GRISSMER

1 AGAIN YOU AGREE WITH THAT?

2 A YES

3 Q HIGH QUALITY PRESCHOOL FOR STUDENTS FROM LOWER INCOME
4 BACKGROUNDS HAS SIGNIFICANT LONG-TERM IMPACTS ON STUDENT
5 ACHIEVEMENT -- SORRY -- ON STUDENT ACADEMIC ACHIEVEMENT,
6 AS WELL AS OTHER DESIRED SOCIAL AND COMMUNITY OUTCOMES
7 DO YOU AGREE WITH THAT?

8 A YES

9 Q FULL-DAY KINDERGARTEN FOR STUDENTS FROM LOW-INCOME
10 BACKGROUNDS ALSO HAS SIGNIFICANT POSITIVE IMPACTS ON
11 STUDENT LEARNING IN THE EARLY ELEMENTARY GRADES DO YOU
12 AGREE WITH THAT?

13 A YES

14 MR STEPP YOUR HONOR, CAN I JUST ASK THIS
15 WHOLE SERIES OF QUESTIONS MR EPPS HAS SAID EITHER RIGHT
16 OR DO YOU AGREE WITH THAT AND I'M NOT REALLY SURE WHAT THE
17 QUESTION IS AND I'D LIKE TO UNDERSTAND IS HE ASKING THE
18 WITNESS TO AGREE THIS IS WHAT IT SAYS OR IS HE ASKING THE
19 WITNESS TO AGREE THAT THIS IS SOMETHING REPORTED IN THE
20 LITERATURE?

21 THE COURT ALL RIGHT

22 MR STEPP OR PERHAPS MAYBE SOMETHING OTHER
23 THAN BUT THOSE WERE THE TWO POSSIBILITIES THAT OCCUR TO
24 ME

25 THE COURT OKAY I CONCLUDED EARLIER THAT DR

1 DEVELOPMENT

2 NOW, MRS STAFFORD, TO WHOM WE MADE REFERENCE, SHE
3 SEEMS TO HAVE A PRETTY GOOD IDEA ABOUT WHAT TO DO, AT
4 LEAST ABOUT PROFESSIONAL DEVELOPMENT, IN-SERVICE TRAINING
5 IF I COULD BE SURE EVERY TEACHER WERE GETTING WHAT SHE
6 GOT, I MIGHT AGREE WITH THIS MORE RAPIDLY

7 Q WELL, I MEAN, CAN YOU AGREE WITH THE GENERAL
8 PROPOSITION THAT PROFESSIONAL DEVELOPMENT IF IMPLEMENTED
9 RIGHT AND MADE A PART OF THE ENGRAINED TEACHER'S HABITS,
10 EVERYDAY WORK HABITS, IF IT'S TAKEN TO THE CLASSROOM AND
11 IMPLEMENTED AND IT'S GOOD PROFESSIONAL DEVELOPMENT, IS A
12 SOUND WAY TO IMPROVE TEACHER PERFORMANCE?

13 A I AGREE WITH THAT AND THE CAVEAT YOU ATTACHED TO IT
14 ARE HUGE BECAUSE SO MUCH OF PROFESSIONAL DEVELOPMENT IS
15 JUST A WASTE OF TIME AND MONEY, BUT YOU'VE NARROWED IT IN
16 A WAY WITH WHICH I AGREE WITH IT

17 Q WE CALLED IT SPRAY AND PRAY IN THIS COURTROOM WE'RE
18 FAMILIAR WITH THE ONE-DAY WORKSHOPS AND THAT SORT OF
19 THING

20 A THAT'S AN ARTFUL WAY OF DESCRIBING IT

21 Q AND THAT'S WHAT YOU HAD IN MIND, I ASSUME?

22 A THAT'S ONE OF THE THINGS I HAD IN MIND

23 Q OKAY COMPREHENSIVE STRATEGY FOR AT-RISK CHILDREN,
24 EVERY SCHOOL SHALL -- SHOULD HAVE A POWERFUL AND EFFECTIVE
25 STRATEGY FOR STRUGGLING STUDENTS WHO MUST WORK HARDER AND

1 NEED MORE TIME TO ACHIEVE PROFICIENCY LEVELS THAT WAS
2 REPORTED BY M A P TO THE STATE OF WYOMING?

3 A YES

4 Q AND YOU BELIEVE THAT STRUGGLING STUDENTS, AT-RISK
5 STUDENTS NEED MORE TIME?

6 A THEY WOULD BENEFIT FROM MORE TIME

7 Q NEXT BULLET POINT, RESEARCHERS' STUDY IN HIGH
8 PERFORMING, HIGH POVERTY URBAN SCHOOLS CONCLUDED THAT
9 PROGRAMS FOR AT-RISK STUDENTS NEEDED TO ALLOCATE RESOURCES
10 TOWARD INCREASED -- INCREASING THE QUANTITY AND QUALITY OF
11 TIME MADE AVAILABLE FOR INSTRUCTION TO REDUCE CLASS SIZE,
12 QUOTE, SATURDAY SCHOOLS AND ITS EXTENDED SCHOOL YEAR
13 PROGRAMS

14 DO YOU AGREE WITH THE FINDINGS BY THAT -- THOSE
15 RESEARCHERS?

16 A YES, I DO

17 Q IT'S YOUR OPINION, DR GUTHRIE, AS I UNDERSTAND IT,
18 THAT YOU HOLD MORE TIME ON TASK IN ORDER OF PRIORITIES FOR
19 TEACHING AT-RISK STUDENTS AT THE TOP OF YOUR LIST OF
20 PRIORITIES?

21 A WELL, I CAN'T BE THAT PRECISE, BUT I CONCUR THAT IT
22 IS AN IMPORTANT ACTIVITY

23 Q NEXT BULLET POINT, SEVERAL RESEARCHERS SUGGEST THAT
24 THE MOST POWERFUL AND EFFECTIVE STRATEGY FOR STUDENTS FROM
25 LOWER ECONOM -- LOWER INCOME BACKGROUNDS STILL STRUGGLE TO

1 NOT AN ARM OF THE STATE

2 I THOUGHT WHAT WAS A QUESTION IS THAT THE AGENCY
3 COMMISSIONING THE STUDY WAS AN ARM OF THE STATE THAT'S
4 WHAT I TOOK TO BE THE OPERATING IDEA

5 Q YOU DID THIS STUDY FOR THE PURPOSES OF THIS
6 LITIGATION, CORRECT?

7 A M A P UNDERTOOK THE STUDY IN -- IN RESPONSE TO A
8 REQUEST BY OUR CLIENTS

9 Q WELL, DIDN'T IN FACT THE ATTORNEYS ASK YOU TO DO THIS
10 STUDY? THAT'S PROFESSIONAL JUDGMENT PANEL THAT WE
11 DISCUSSED WITH DR SMITH

12 A DID THE ATTORNEYS ASK THAT --

13 Q YES

14 A -- BE DONE? IT'S MY UNDERSTANDING THAT THEY DID

15 Q OKAY NOW, DID YOU EVER MEET WITH ANY MEMBER OF THE
16 GENERAL ASSEMBLY TO DISCLOSE YOUR FINDINGS?

17 A I HAVE NOT

18 Q NOW, DID YOU EVER MEET WITH THE GOVERNOR OF THE STATE
19 OF SOUTH CAROLINA TO DISCLOSE YOUR FINDINGS?

20 A I HAVE NOT

21 Q TO YOUR KNOWLEDGE HAS -- HAS YOUR PROFESSIONAL
22 JUDGMENT PANEL EXERCISE BEEN DELIVERED TO ANY MEMBER OF
23 THE GENERAL ASSEMBLY?

24 A I -- I DO NOT KNOW IF IT HAS OR HAS NOT BEEN

25 Q YOU GAVE IT TO MR STEPP AND HIS LAW FIRM AND THAT'S

1 AS FAR AS IT WENT TO THE EXTENT OF YOUR KNOWLEDGE?

2 A THAT IS CORRECT

3 Q WHETHER THE STATE EVER READ IT, ACTED ON IT, STUDIED
4 IT OR ANYTHING ELSE, YOU HAVE NO KNOWLEDGE?

5 A THAT IS CORRECT

6 Q BUT YOU DIDN'T DELIVER A COPY TO THE STATE OF SOUTH
7 CAROLINA?

8 A I PERSONALLY DID NOT I DELIVERED -- I MEAN MY
9 COMPANY DELIVERED A COPY TO THE LAW FIRM WHO HAS ENGAGED
10 OUR SERVICES

11 Q OKAY SO WHEN YOU SAY THAT M A P DID A STUDY FOR
12 THE STATE, AND WHAT YOU'RE REALLY SAYING IS THAT M A P
13 DID A STUDY THAT WAS COMMISSIONED BY THE LAWYERS DEFENDING
14 THE STATE IN THIS LAWSUIT FOR USE IN THIS LITIGATION?

15 A THAT IS CORRECT

16 Q OKAY I JUST WANT TO FLIP DOWN TO PAGE THREE, JUST
17 THE MIDDLE PART AND YOU TALKED ABOUT TEACHER FACTORS IN
18 THERE I WANT TO RETURN TO THIS SUBJECT, DR GUTHRIE

19 A PAGE THREE?

20 Q YES, SIR

21 A ALL RIGHT

22 Q IT SAYS TEACHER FACTORS, MARKET AVAILABILITY, SERVICE
23 SENIORITY, EDUCATIONAL LEVEL DID YOU STUDY TEACHER
24 FACTORS IN NEW HAMPSHIRE?

25 A I'M JUST CATCHING UP WITH YOU JUST A SECOND

1 KNOWLEDGE OF ITS TEACHERS?

2 A SKILLS, KNOWLEDGE AND MOTIVATION

3 Q AND MOTIVATION THERE YOU GO THANK YOU YOU MAKE
4 A STATEMENT IN ON PAGE 71, DR GUTHRIE, AND IT ADDRESSES
5 THE ISSUE OF TEACHER SALARIES AND I WANT TO JUST DISCUSS
6 THIS WITH YOU FOR A MOMENT SAYS MARKET DYNAMICS AS
7 NOTED EARLIER THE SIZE OF THE BASE ADEQUACY GRANT IS BASED
8 ON ACTUAL EXPENDITURES IN A SUBSET OF NEW HAMPSHIRE SCHOOL
9 DISTRICTS

10 FOR THE ADEQUACY GRANT ACCURATELY TO REFLECT
11 EDUCATIONAL COSTS, SALARIES OF TEACHERS AND ADMINISTRATORS
12 IN THE DISTRICTS INCLUDED IN THE CALCULATIONS MUST BE
13 SUFFICIENT FOR THOSE DISTRICTS TO ATTRACT AND RETAIN
14 COMPETENT PROFESSIONALS

15 NOW, I JUST WANT TO TALK TO YOU ABOUT THAT STATEMENT
16 DO YOU BELIEVE THAT A DISTRICT IN ITS EFFORTS TO HIRE AND
17 RETAIN COMPETENT TEACHERS IS OFTEN FACED WITH MARKET
18 CHALLENGES THAT INHIBIT ITS ABILITY TO DO SO?

19 A I DON'T THINK I CAN ACCEPT THE WORD OFTEN

20 Q WELL, DO YOU BELIEVE THAT MARKET FACTORS THEN -- I
21 PHRASE THAT SO POORLY -- MARKETPLACE CONDITIONS OR MARKET
22 FACTORS CAN AFFECT THE ABILITY OF A SCHOOL OR A SCHOOL
23 DISTRICT TO ATTRACT AND RETAIN QUALITY TEACHERS, ABLE
24 TEACHERS --

25 A WELL --

1 Q -- COMPETENT TEACHERS?

2 A -- IN THE ABSTRACT, MARKET CONDITIONS CAN AFFECT THE
3 ABILITY OF A DISTRICT TO RECRUIT AND RETAIN ABLE TEACHERS
4 IN THE ABSTRACT WE CAN DO THAT

5 Q RIGHT AND THIS REPORT TO THE NEW HAMPSHIRE
6 LEGISLATURE YOU REALLY -- YOU REALLY WERE TELLING THEM
7 THAT IF WE'RE GOING TO DETERMINE WHAT TEACHER SALARIES --
8 EXCUSE ME

9 IF WE WILL TELL THEM WHAT NEEDS TO BE DONE TO ATTRACT
10 AND RETAIN COMPETENT TEACHERS, THEN WE'VE GOT TO LOOK AT
11 THE ISSUE OF TEACHER SALARIES AND WHAT IS REQUIRED TO
12 ATTRACT COMPETENT TEACHERS TO EACH OF THESE DISTRICTS

13 A WELL, I TAKE THIS AT LEAST IN THE CONTEXT IN WHICH
14 WE'RE DISCUSSING IT TO BE AN ADMONITION FROM M A P
15 HOWEVER PALLID, AN ADMONITION FROM M A P TO THE
16 LEGISLATURE THAT THE TIME HAD COME TO UNDERTAKE SOME
17 ANALYSES OF MARKET CONDITIONS

18 Q BECAUSE SOME DISTRICTS WITHIN NEW HAMPSHIRE MAY OR
19 MAY NOT HAVE BEEN HAVING A DIFFICULT TIME ATTRACTING AND
20 RETAINING QUALITY TEACHERS?

21 A I -- I REMEMBER THE EXACT ISSUE HERE IS THAT -- THAT
22 THERE WAS A CLAIM BY SELECTED NEW HAMPSHIRE
23 SUPERINTENDENTS THAT THEY WERE HAVING DIFFICULTY COMPETING
24 WITH SALARIES OVER THE BORDER IN NEW HAMPSHIRE AND IN
25 VERMONT AND I --

1 EVERY DISTRICT IS -- IS A LABOR MARKET AREA UNTO ITSELF
2 Q BUT YOU WOULD WANT TO LOOK AS A PART OF THIS
3 ANALYSIS, DR GUTHRIE, ASSUMING, YOU KNOW, GO FULL CIRCLE
4 AND CLOSE THE LOOP ON THIS AS FOR THE MARKETPLACE ANALYSIS
5 IN DETERMINING WHAT IT COSTS TO EDUCATE CHILDREN IN ANY
6 STATE INCLUDING NEW HAMPSHIRE, PART OF THE -- THAT
7 ANALYSIS IS, OKAY, WHAT DOES THE DISTRICT HAVE TO DO TO BE
8 ABLE TO COMPETE IN ITS EFFORTS TO ATTRACT AND RETAIN
9 COMPETENT TEACHERS
10 A LET ME SEE IF I CAN STATE WHAT I BELIEVE AND I
11 BELIEVE THAT IN A DETERMINATION OF THE OPPORTUNITY FOR A
12 MINIMALLY ADEQUATE EDUCATION, IN DETERMINING WHAT
13 RESOURCES ARE NECESSARY FOR DOING THAT, IT IS USEFUL TO
14 HAVE ANALYSES OF WHAT IT COSTS TO ATTRACT ABLE PEOPLE INTO
15 TEACHING
16 Q AND ALSO I -- AM I BEING OUT OF LINE IN SAYING WHAT
17 IT COSTS TO ATTRACT ABLE PEOPLE INTO TEACHING IN A
18 HARD-TO-STAFF DISTRICT?
19 A THAT -- THAT COULD CLEARLY BE PART OF THE ANALYSIS
20 Q NOW, WE TALKED ABOUT, AND YOU DIDN'T TALK ABOUT THIS
21 VERY MUCH YESTERDAY, BUT YOU HAD A LITTLE BIT OF
22 DISCUSSION YESTERDAY ABOUT TIME ON TASK AND I THINK YOUR
23 QUOTE WAS THAT THE GENERAL PERCEPTION OR FEELING AMONG
24 EDUCATORS IS THE MORE TIME A STUDENT HAS TO LEARN
25 SOMETHING, THE BETTER THE CHANCES THE STUDENT IS GOING TO

1 CLASSROOM, TEXTBOOKS, TEACHING BOOKS, ET CETERA, OR TRY TO
2 MATCH UP THE BOOKS WITH WHAT WAS BEING TAUGHT OR ANYTHING
3 LIKE THAT, DID YOU?

4 A WELL, THE RESTRICTIONS UNDER WHICH WE WERE PERMITTED
5 TO VISIT SCHOOLS DIDN'T PERMIT THAT

6 Q ALL RIGHT AND NEITHER DID DR SMITH, TO THE BEST OF
7 YOUR KNOWLEDGE?

8 A MOST OF THE TIME I WAS WITH HIM THOSE SAME
9 RESTRICTIONS APPLIED

10 Q ALL RIGHT NOW, IN TERMS OF TEACHERS, WE'VE HAD A
11 LOT OF TESTIMONY, DR GUTHRIE, ABOUT, YOU KNOW, WHAT A
12 TEACHER NEEDS TO BE ABLE TO DO ALL RIGHT?

13 NOW, DO YOU AGREE WITH THE PREMISE OR THE PRINCIPLE
14 THAT IT'S IMPORTANT TO PLACE YOUR BEST TEACHERS IN FRONT
15 OF YOUR MOST NEEDY STUDENTS?

16 A IF I WERE A PRINCIPAL AND I HAD CONFIDENCE IN MY
17 ABILITY TO SELECT MY MOST ABLE TEACHERS, I WOULD DO ALL --
18 DO ALL WITHIN MY CAPACITY TO HAVE THE MOST ABLE TEACHERS
19 ALIGNED WITH THE HARDEST TO TEACH STUDENTS

20 Q BECAUSE AS I UNDERSTAND IT, BASED ON WHAT I'VE HEARD
21 IN THIS COURTROOM, STUDENTS HAVE, NUMBER ONE, DIFFERENT
22 LEARNING STYLES, IS THAT CORRECT?

23 A IT -- IT IS SAID THAT THEY DO I ALL THAT STUFF
24 ABOUT LEARNING STYLES SORT OF FROUFROU, DON'T YOU THINK

25 Q WELL SOME PEOPLE SAY THAT SOME STUDENTS LEARN

1 VISUALLY, SOME LEARN ORALLY, SOME LEARN BY TOUCHING,
2 FEELING, MANIPULATING AND THAT, YOU KNOW, EVERYBODY HAS
3 SAID THAT THE STUDENT NEEDS TO BE ABLE TO MAKE SOME
4 CONNECTION BETWEEN WHAT THE TEACHER'S TRYING TO CONVEY AND
5 WHAT THE STUDENT NEEDS TO LEARN

6 A WELL, I -- I THINK I BETTER RETRACT MYSELF A BIT
7 HERE, MR EPPS, BECAUSE I'M NOT REALLY EXPERT ABOUT
8 LEARNING STYLES AND -- I JUST -- I'M NOT A PSYCHOLOGIST

9 Q NOW WE TALKED EARLIER THIS MORNING ABOUT THE
10 NECESSITY OF A TEACHER PARTICULARLY, I THINK PARTICULARLY
11 IS THE APPROPRIATE WORD HERE, TEACHERS IN HIGH POVERTY
12 SCHOOLS TO HAVE HIGH EXPECTATIONS OF THEIR STUDENTS AND
13 YOU -- I THINK YOU HAD SOME QUALIFICATIONS SAYING THAT
14 THEY SHOULD HAVE HIGH EXPECTATIONS OF ALL STUDENTS BUT
15 CERTAINLY ALL STUDENTS WOULD INCLUDE AT-RISK STUDENTS

16 A THE EXPECTATIONS THAT TEACHERS HOLD ARE GENERALLY
17 THOUGHT TO BE IMPORTANT IN ENCOURAGING STUDENT
18 ACHIEVEMENT

19 Q NOW, IF A TEACHER IS TO GO INTO A HIGH POVERTY
20 SCHOOL, DO YOU THINK THAT A PROGRAM SHOULD BE OFFERED TO
21 THE TEACHER EITHER THROUGH SOME PROFESSIONAL DEVELOPMENT
22 PROGRAM THAT'S SUFFICIENT OR THROUGH SOME COLLEGE LEVEL
23 COURSE OR WHAT HAVE YOU, THAT ACCLIMATES THE TEACHER TO
24 REACHING OUT AND CONNECTING WITH CONCENTRATIONS OF
25 STUDENTS WHO LIVE IN POVERTY?

1 A I BELIEVE THAT WOULD BE A VERY USEFUL DEPLOYMENT OF
2 THE PROFESSIONAL DEVELOPMENT TIME THAT IS AVAILABLE IN
3 SOUTH CAROLINA

4 Q YOU'RE AWARE, ARE YOU NOT, DR GUTHRIE, OF
5 UNIVERSITIES AND COLLEGES IN THE UNITED STATES THAT HAVE
6 PROGRAMS DESIGNED TO TEACH TEACHERS TO TEACH HIGH-RISK
7 STUDENTS, AT-RISK STUDENTS?

8 A I AM AWARE THAT SUCH PROGRAMS EXIST

9 Q ARE YOU AWARE OF ANY STATE INITIATIVE OR ANY STATE
10 PROGRAM CURRENTLY EXISTING THAT TARGETS TEACHER
11 INSTRUCTION TO AT-RISK STUDENTS?

12 A I'M AFRAID I JUST DON'T UNDERSTAND THE QUESTION

13 Q SURE IS THERE A PROGRAM EXISTING IN SOUTH CAROLINA
14 AS A MATTER OF PUBLIC POLICY THAT TEACHES TEACHERS HOW TO
15 REACH THE HIGH CONCENTRATIONS OF AT-RISK STUDENTS?

16 A I DO NOT KNOW THAT YES OR NO, I DO NOT KNOW

17 Q BUT YOU DO BELIEVE IT WOULD BE USEFUL?

18 A I REPEAT, I THINK THAT AMONG THE THINGS THAT THE
19 PROFESSIONAL DEVELOPMENT DAYS COULD PRODUCTIVELY BE USED
20 IS FOR ACQUAINTING TEACHERS WITH WHATEVER KNOWLEDGE IS
21 DEEMED MOST APPROPRIATE ABOUT THE CULTURE OF POVERTY
22 YOUNGSTERS

23 Q OR IT COULD BE A UNIVERSITY COURSE?

24 A WELL, IT MIGHT BE A UNIVERSITY COURSE IT MIGHT BE
25 SOMETHING THAT THE DISTRICT DEPLOYS THROUGH ITS OWN

1 QUESTION TO ME IS NOT THAT COMPLICATED

2 THE COURT LET'S ASK ANOTHER ONE

3 BY MR EPPS

4 Q WHEN I ASKED YOU IN EXAMINING THE PACT SCORES IN
5 2002, WE HAD APPROXIMATELY 50 PERCENT OF THE STUDENTS IN
6 THE PLAINTIFF DISTRICTS AND THAT WASN'T FOR EVERY DISTRICT
7 AND THAT WASN'T FOR EVERY GRADE AND THAT WASN'T FOR EVERY
8 SCHOOL, BUT APPROXIMATELY 50 PERCENT OF STUDENTS IN THE
9 PLAINTIFF DISTRICT WERE SCORING BELOW BASIC

10 AND I ASKED YOU WHAT THAT SHOWED TO YOU AND YOUR
11 ANSWER WAS SOMETHING IS NOT RIGHT DO YOU RECALL THAT?

12 A YES, I DO

13 Q AND I ASKED YOU WHAT MIGHT THAT BE AND YOU SAID IF
14 YOU RECALL COULD BE BAD TEACHERS, COULD BE INSUFFICIENT
15 TIME, COULD BE POOR ADMINISTRATION DO YOU RECALL THAT
16 QUESTION AND ANSWER?

17 A THOSE WERE AMONG A LONG LIST OF POSSIBLE
18 EXPLANATIONS I WAS TRYING TO ILLUSTRATE WHAT THEY COULD
19 BE

20 Q BUT YOU SAID SOMETHING WAS NOT RIGHT AND THIS WAS --
21 THESE WERE ILLUSTRATIONS OF WHAT WAS NOT RIGHT WITHIN THE
22 SCHOOL

23 A THOSE WERE ILLUSTRATIONS OF WHAT COULD EXPLAIN THE
24 TEST RESULTS

25 Q OKAY BAD TEACHERS, INSUFFICIENT TIME, POOR

1 ADMINISTRATION WERE EXAMPLES THAT YOU GAVE?

2 A AND AS YOU CAN IMAGINE, I COULD HAVE GIVEN A LONG
3 LIST OF OTHER POSSIBLE EXPLANATIONS

4 Q RIGHT NOW, I ASKED YOU WHAT THAT TOLD YOU AND YOU
5 SAID THAT IT ALERTS YOU TO A HEIGHTENED STATE OF
6 INTERVENTION CORRECT?

7 A I BELIEVE I SAID THAT

8 Q AND THIS IS --

9 A I THINK -- EXCUSE ME LET'S PICK A LITTLE BIT I
10 THINK I SAID IT ALERTS YOU TO THE -- TO THE POSSIBILITY OR
11 THE -- THE -- PERHAPS THE NECESSITY FOR A HEIGHTENED STATE
12 OF INTERVENTION

13 Q WELL, I FOLLOWED UP WITH THAT QUESTION, DR GUTHRIE
14 AND I ASKED YOU WHETHER IT WAS JUSTIFICATION FOR
15 HEIGHTENED INTERVENTION AND YOUR ANSWER WAS IN THE
16 AFFIRMATIVE

17 A THAT IT WAS THE OCCASION FOR?

18 Q THAT IT WAS JUSTIFICATION

19 A OH JUSTIFICATION I'M SORRY I DIDN'T HEAR YOU
20 CORRECTLY IT -- IT CERTAINLY CAN BE A JUSTIFICATION FOR
21 HEIGHTENED INTERVENTION

22 Q WELL, DID YOU TELL ME, DR GUTHRIE, WITHOUT HAVING TO
23 SPEND TOO MUCH TIME ON THIS THAT THE TEST SCORES IN THE
24 PLAINTIFF DISTRICTS WERE -- IN 2002, WERE SCORING AT
25 APPROXIMATELY 50 PERCENT BELOW BASIC, ROUGH NUMBERS, WAS

1 JUSTIFICATION FOR HEIGHTENED INTERVENTION?

2 A IT CAN BE

3 Q DID YOU TELL ME THAT IT WAS?

4 A WELL, IN MY -- IF YOU'RE SAYING IN MY DEPOSITION DID
5 I SAY IT WAS AND I -- I THINK WE'RE SPLITTING -- SPLITTING
6 HAIRS HERE, THAT IT CERTAINLY CAN BE A JUSTIFICATION FOR
7 HEIGHTENED INTERVENTION

8 Q ALL RIGHT DR GUTHRIE, NOW IN 2002 WE HAVE BEEN
9 THROUGH THREE YEARS OF THE EDUCATION ACCOUNTABILITY ACT,
10 CORRECT?

11 A THE STATE HAS BEEN THROUGH THREE YEARS, NOT EVERY
12 STUDENT HAS BEEN THROUGH THREE YEARS

13 Q I UNDERSTAND THAT BUT THE STATE OF SOUTH CAROLINA
14 HAVING EXPERIENCED AT THAT TIME THREE YEARS OF PERFORMANCE
15 UNDER THE EDUCATION ACCOUNTABILITY ACT

16 A YES

17 Q IS THAT NOT CORRECT?

18 A YES

19 Q WE HAD TEACHER SPECIALISTS, WE HAD CURRICULUM
20 SPECIALISTS, WE HAD PRINCIPAL LEADERS, PRINCIPAL MENTORS,

21 A -- PRINCIPAL SPECIALISTS, CORRECT?

22 A YES

23 Q WE HAD EXTERNAL REVIEW TEAMS AND WE HAD ALL THOSE
24 THINGS IN PLACE THAT THE E A A PROVIDES IN THE WAY OF
25 ASSISTANCE TO TROUBLED SCHOOLS CORRECT?

1 A THEY HAVE BEEN LEGISLATED AND IT'S MY UNDERSTANDING
2 MANY OF THOSE HAVE BEEN IMPLEMENTED I CAN'T SAY TO THE
3 FULL EXTENT THEY'VE BEEN IMPLEMENTED I DON'T KNOW THAT

4 Q ALL RIGHT BUT THEY WERE IN THE ACT AND AS FAR AS
5 YOU KNOW IN PLACE BY THE SCHOOL YEAR 2001, 2002?

6 A THEY WERE CERTAINLY IMPLEMENTED AS -- PARDON ME --
7 ENACTED AS POLICY AND EMBEDDED IN THE STATUTE

8 Q NOW, WHEN I FOLLOWED UP ON, YOU KNOW, WHAT WAS GOING
9 ON TO CAUSE SUCH POOR PERFORMANCE WITHIN THE PLAINTIFF
10 SCHOOL DISTRICTS, YOU MADE THE STATEMENT, AND THIS IS A
11 PARAPHRASE, OKAY, I HAVEN'T -- I CAN PULL THE --

12 A CERTAINLY

13 Q -- TRANSCRIPT OUT WHATEVER IS BEING OFFERED THESE
14 STUDENTS, INSTRUCTION, RESOURCES OR DEPLOYMENT OF
15 RESOURCES, MAY BE INSUFFICIENT DO YOU RECALL THAT
16 TESTIMONY?

17 A YES, I DO I DO RECALL THAT TESTIMONY AS BEING
18 ILLUSTRATIVE OF WHAT COULD BE WRONG

19 Q NOW, I FOLLOWED UP, DR GUTHRIE, LATER IN THE
20 DEPOSITION AND THIS GOES BACK INTO THE -- INTO THE
21 QUESTION OF THE OPPORTUNITY AND WE'LL PUT OPPORTUNITY IN
22 THIS SINCE YOU SAID THAT, YOU KNOW, EVEN BASED ON TODAY'S
23 SCORES EVERY CHILD IN THE PLAINTIFF DISTRICT HAS THE
24 OPPORTUNITY

25 AND SO WE CAN PUT THAT IN HERE IF YOU WOULD LIKE I

1 ASKED YOU WHETHER OR NOT YOU AGREED THAT WHEN ONE-HALF OF
2 THE CHILDREN IN THE PLAINTIFF DISTRICTS ARE SCORING BELOW
3 BASIC, THAT THE SCHOOLS ARE FAILING THE CHILDREN AND
4 YOUR ANSWER WAS YES DO YOU RECALL THAT?

5 A I'LL ACCEPT YOUR --

6 Q YOU SAY, WE CAN ABSOLUTELY AGREE ON THAT DO YOU
7 RECALL THAT ANSWER?

8 A YEAH THE SCHOOLS ARE FAILING THE CHILDREN I --
9 I'M SURE I SAID THAT

10 Q OKAY AND IN RESPONSE TO ANOTHER QUESTION I ASKED,
11 YOU SAID AFTER GOING THROUGH THE SCHOOLS AND SEEING WHAT
12 YOU HAD SEEN IN THE SCHOOL SYSTEMS, THAT IF GIVEN THE
13 OPPORTUNITY YOU WOULD TELL THE STATE OF SOUTH CAROLINA TO
14 REDEPLOY ITS ASSETS DO YOU REMEMBER THAT?

15 A I DO

16 Q NOW, DR GUTHRIE, FOR WHATEVER REASON, WHETHER IT'S
17 AT THE STATE LEVEL, THE DISTRICT LEVEL, THE SCHOOL LEVEL
18 OR THE CLASSROOM LEVEL, YOU WOULD AGREE WITH ME FOR
19 WHATEVER REASON THAT THESE SCHOOLS ARE FAILING THE
20 CHILDREN IN THE PLAINTIFF DISTRICTS WILL YOU NOT?

21 A AT WHATEVER LEVEL YOU WANT TO DWELL UPON, I -- I DO
22 BELIEVE THAT THE STATE, THE DISTRICT, THE SCHOOL AND THE
23 CLASSROOM IS PROVIDING AN OPPORTUNITY FOR THESE STUDENTS
24 TO LEARN

25 I AM DISSATISFIED ASSUMING ALL THE STATISTICS THAT

1 A I DO

2 Q AND DO YOU AGREE WITH THAT TODAY?

3 A NOW, THAT QUESTION -- I'M AGREEING THAT I SAID THAT
4 AT THE TIME OF THE DEPOSITION IS THAT YOUR QUESTION?

5 Q YOU SAID IT AT THE TIME OF THE DEPOSITION IT'S
6 STILL YOUR TESTIMONY TODAY?

7 A MY TESTIMONY TODAY WOULD BE THAT GIVEN THE LEVELS OF
8 STUDENT PERFORMANCE THAT WE'VE POSITED AT THE BEGINNING OF
9 THIS MORNING, GIVEN THE LEVELS OF STUDENT PERFORMANCE, ONE
10 OF THE PLACES, MAYBE EVEN THE FIRST PLACE BUT NOT THE ONLY
11 PLACE, AT WHICH I WOULD LOOK FOR AN EXPLANATION IS
12 RELATIVE POOR SCHOOL MANAGEMENT

13 Q NOW, IN FOLLOWING UP ON THE QUESTION THAT I ASKED
14 YOU, WHEN YOU SAID THAT YOU ABSOLUTELY AGREE THAT
15 SOMETHING IS FAILING THE CHILDREN, DID YOU ALSO TELL ME IN
16 THE DEPOSITION THAT YOU ABSOLUTELY AGREE THAT SOMETHING IS
17 FAILING THE CHILDREN AND PREVENTING THEM FROM OBTAINING AN
18 ADEQUATE EDUCATION?

19 A WELL, IT -- MAYBE THERE'S A NUANCE OR SUBTLETY THAT
20 I'M MISSING AND YOU'LL EXPLAIN IT TO ME BUT WHAT I MEANT
21 THEN, WHAT I SAID THEN, WHAT I MEANT THEN, WHAT I WILL SAY
22 NOW AND WHAT I MEAN NOW, IS THAT SCHOOLS HAVE SOME
23 PURCHASE ON THE -- INFLUENCING THE ACHIEVEMENT OF
24 CHILDREN THAT IS, THERE ARE MANY OTHER FACTORS
25 EXPLAINING THEIR ACHIEVEMENT

1 BUT WITHIN THE REALM OF WHAT SCHOOLS CAN EFFECT, I
2 BELIEVE THAT THE LEVELS OF STUDENT ACHIEVEMENT TO WHICH
3 YOU MAKE REFERENCE ARE INDICATIVE OF SOMETHING WITHIN THE
4 CAPACITY OF SCHOOLS THAT'S NOT BEING DONE AS WELL AS IT
5 COULD BE AND ONE OF THOSE COULD VERY WELL BE THE
6 MANAGEMENT OF THE SCHOOL

7 Q OR IT COULD BE THE TEACHERS, THE QUALITY OF THE
8 TEACHING FORCE?

9 A IT COULD BE THE TEACHER I'M STILL RESTRICTING MY
10 RESPONSE IN THIS INSTANCE TO WHAT THE SCHOOLS CAN DO
11 THERE ARE OTHER EXPLANATIONS I COULD GIVE FOR THAT LEVEL
12 OF FAILURE OUTSIDE THE SCHOOL, BUT MY -- I'M TRYING TO
13 STAY WITHIN THE BOUNDARY YOU'RE -- YOU'RE PRESCRIBING

14 MR EPPS YOUR HONOR, COULD I HAVE A SECOND,
15 PLEASE?

16 THE COURT YES, SIR

17 (MR EPPS CONFERRING WITH CO-COUNSEL)

18 BY MR EPPS

19 Q DR GUTHRIE, YOU KNOW, IF WE HAVE A SCHOOL SYSTEM
20 THAT'S FAILING THE CHILDREN THEN CERTAINLY YOU KNOW THAT
21 IN SOUTH CAROLINA THE STATE HAS A STATUTORY OBLIGATION AND
22 RIGHT TO INTERVENE DO YOU NOT?

23 MR STEPP I'M GOING TO OBJECT TO THAT IT
24 CALLS FOR A LEGAL CONCLUSION, YOUR HONOR, PARTICULARLY AS
25 TO OBLIGATION

1 OF, TO USE YOUR WORD, HOW MUCH PURCHASE THE SCHOOLS HAVE
2 ON STUDENT ACHIEVEMENT?

3 A YES NOW, HERE WE'VE GOT MONTANA WITH A FAR HIGHER
4 TEACHABILITY INDEX THAN SOUTH CAROLINA THAT IS IT HAS
5 FEWER STUDENTS OR FEWER -- A LOWER PROPORTION OF ITS
6 STUDENTS AT DISADVANTAGE AND MONTANA DOESN'T -- DOESN'T
7 SPEND ALL THAT MUCH

8 BUT WHAT WE CAN TELL HERE IS THAT RELATIVE TO THE
9 CHARACTERISTICS OF ITS STUDENTS ITS SCORES ARE 12 PERCENT
10 HIGHER THAN WOULD BE PREDICTED

11 Q OKAY DR GUTHRIE, YOU AND I TALKED ABOUT THE
12 SITUATION AT SOUTH ELEMENTARY SCHOOL MR EPPS ASKED YOU
13 SOME QUESTIONS ABOUT THAT AND -- AND THE QUESTIONS, AS I
14 UNDERSTOOD THEM, WERE DIRECTED TO WHETHER THE RESULTS AT
15 SOUTH WERE -- WERE THE FUNCTION OF BETTER TEACHERS OR
16 RESOURCES OR -- OR WHAT? DO YOU RECALL THAT COLLOQUY?

17 A YES, I DO

18 Q CAN WE PUT UP SLIDE NINE PLEASE, GRAY? AND SLIDE
19 NINE IS GOING TO APPEAR HERE, DR GUTHRIE, IS THIS MATRIX
20 OF ELEMENTARY SCHOOL VARIABLES THAT WE LOOKED AT NOW, I
21 JUST WANT TO CALL YOUR ATTENTION BACK TO SOUTH ELEMENTARY
22 SCHOOL WHICH AND THESE VALUES, 90 PERCENT FREE AND REDUCED
23 LUNCH, 10 4 PERCENT RETENTION RATE, 95 PERCENT ATTENDANCE
24 RATE, 40 PERCENT WITH TEACHERS ADVANCED DEGREES,
25 85 PERCENT WITH CONTINUING CONTRACT TEACHERS, 82 PERCENT

1 RETURNING TEACHERS, AND ALL OF THESE VALUES THAT WE
2 DISCUSSED

3 AND IS IT POSSIBLE, DR GUTHRIE, TO DRAW ANY
4 CONCLUSIONS FROM THESE DATA ABOUT WHETHER THESE INPUT
5 VARIABLES THAT ARE REFLECTED ON SLIDE NINE, DO THEY
6 ACCOUNT FOR THE SUPERIOR ACHIEVEMENT OF SOUTH ELEMENTARY
7 SCHOOL?

8 A ON VIRTUALLY EVERY ONE OF THESE DIMENSIONS WE CAN
9 FIND ANOTHER SCHOOL THAT WITH THE EXCEPTION OF ACHIEVEMENT
10 WE CAN FIND ANOTHER SCHOOL THAT -- THAT HAS MORE FAVORABLE
11 CONDITIONS AND THAT, FOR THAT CELL, FOR THAT VALUE

12 Q OKAY LET'S LOOK PARTICULARLY AT THE DOLLARS SPENT
13 PER PUPIL AND IF YOU'D TAKE A MINUTE AND LOOK OVER THOSE
14 HOW DOES THE PER PUPIL EXPENDITURES AT SOUTH ELEMENTARY
15 COMPARE TO OTHER PLAINTIFF ELEMENTARY SCHOOLS?

16 A WELL, WE'VE GOT SOUTH ELEMENTARY IN ONE OF THE LOWEST
17 SPENDING OF THE PLAINTIFF DISTRICTS, DILLON AND
18 CONSISTENTLY DILLON SCHOOLS SPEND LESS THAN EVEN OTHER
19 PLAINTIFF SCHOOLS

20 BUT LET'S SEE, WE HAVE HERE -- I WANT TO GET THE
21 TEACHER SALARY, I WANT TO GET TO EXPENDITURES

22 Q IT'S ABOUT THREE-QUARTERS OF THE WAY OVER TO THE
23 RIGHT

24 A THANK YOU

25 Q DOLLARS SPENT PER --

1 A DOLLARS SPENT PER PUPIL ALL RIGHT SO HERE WE HAVE
2 5,229 RELATIVE TO OTHER PLAINTIFF SCHOOLS WELL, I MEAN,
3 HERE'S SOME AT 7,000 EVEN BUT THERE ARE PLAINTIFF
4 SCHOOLS THAT EXCEED THAT

5 Q OKAY WELL, DOES THAT PERMIT YOU TO DRAW ANY
6 CONCLUSION ABOUT WHETHER THE SUCCESS AT SOUTH IS RELATED
7 TO ANY OF THESE INPUTS INCLUDING THE DOLLARS SPENT PER
8 PUPIL?

9 A THE ANSWER IS IT, WHATEVER HAPPENS IN SOUTH
10 ELEMENTARY IT'S NOT RELATED TO WHAT'S RECORDED HERE

11 Q DR GUTHRIE, YOU AND I TALKED ABOUT THE CURRICULUM
12 STANDARDS IN SOUTH CAROLINA AND THEN MR EPPS ASKED YOU
13 SOME QUESTIONS ABOUT THAT AND WE SPENT SOME TIME, I
14 DON'T KNOW WHETHER WE NEED TO PUT THESE BACK UP BUT WE
15 CERTAINLY CAN, BUT WE SPENT SOME TIME COMPARING THE
16 LANGUAGE OF THE ABBEVILLE OPINION WITH A SUMMARY OF
17 PORTIONS OF THE SOUTH CAROLINA CURRICULUM STANDARDS DO
18 YOU RECALL THAT?

19 A YES, I DO

20 Q NOW, I WROTE DOWN THAT YOU MADE THIS STATEMENT
21 YESTERDAY AND I MIGHT HAVE MISHEARD YOU, I'M NOT SURE
22 BUT I WROTE DOWN THAT, THAT YOU SAID THE OPPORTUNITY FOR A
23 MINIMALLY ADEQUATE EDUCATION IS TO LEARN WHAT THE
24 POLICYMAKERS SAY STUDENTS SHOULD LEARN DID I GET THAT
25 RIGHT?

1 HIGHER SALARIES?

2 A THE -- DOES THIS LINE -- IS THIS MEASURING BASE
3 STUDENT COST OR IS IT MEASURING TOTAL STATE APPROPRIATIONS
4 FOR K-12?

5 Q IT'S JUST UNDER THE E F A FORMULA

6 A SO THIS IS JUST E F A PARDON ME EDUCATION FINANCE
7 ACT MONIES?

8 Q RIGHT

9 A OKAY SO NOW YOUR QUESTION IS THAT AT THE TIME THIS
10 LINE, THIS TRAJECTORY STARTS DOWN, IS -- YOU'RE SAYING TO
11 ME, ISN'T THAT A TIME WHEN E A A IS POSING AN ADDED
12 BURDEN ON THE SYSTEM

13 Q THAT'S THE FIRST PART OF THE QUESTION

14 A YES WELL, THE -- COINCIDENT IN TIME, YES AND I
15 WOULD LIKE TO TAKE -- THE ANSWER IS YES, COINCIDENT IN
16 TIME BUT I'D LIKE TO TAKE NOTE OF THE FACT THAT THESE
17 APPARENTLY ARE NOT ALL THE STATE MONIES INVOLVED IN
18 FUNDING EDUCATION IN SOUTH CAROLINA

19 Q MY NEXT QUESTION IS SINCE THOUGH THESE ARE
20 DISCRETIONARY FUNDS, HAVE THE SCHOOL DISTRICTS, THE
21 PLAINTIFF SCHOOL DISTRICTS HAD THESE FUNDS UNDERSTANDING
22 FULL WELL THAT THIS WHOLE FORMULA, E F A FORMULA IS
23 WEALTH SENSITIVE, COULD THE SCHOOL DISTRICTS HAVE USED THE
24 EXTRA MONEY PERHAPS TO PAY HIGHER SALARIES AND ATTRACT
25 ABLE TEACHERS?

1 A WELL, IN MY JUDGMENT THE PLAINTIFF DISTRICTS OR ANY
2 SCHOOL DISTRICT IS FREE AT ANY TIME TO MOVE MONIES AROUND
3 AND HIRE MORE TEACHERS OR PAY TEACHERS HIGHER AMOUNTS
4 THAT'S -- I KNOW THAT YOUR POSITION WILL BE THAT THERE ARE
5 RESTRICTIONS ON THEM BUT MY EXPERIENCE IS THAT THE
6 RESTRICTIONS ALMOST ALWAYS GOING TO BE CIRCUMVENTED

7 MY PARTNER, JIM SMITH, WILL SAY THAT YES THEY'RE
8 STRINGS BUT THEY'RE REALLY RUBBER BANDS THAT'S HIS WAY
9 OF SAYING THAT AND THAT'S WHAT WE FIND STATE TO STATE,
10 THAT ABLE SUPERINTENDENTS FIND A WAY TO, TO USE THESE

11 FUNDS IN THE MANNER THEY BELIEVE TO BE MORE EFFECTIVE

12 Q ALL RIGHT WHAT IF MY SUPERINTENDENTS ARE LESS ABLE
13 AND THEY NEED THIS MONEY TO HIRE BETTER TEACHERS?

14 A WELL, EMPLOY M A P AND WE'LL SHOW THEM HOW

15 Q MIGHT THOSE MONIES BE USED BY A TYPICAL SCHOOL
16 DISTRICT TO INCREASE TEACHER SALARIES AND ATTRACT ABLE
17 TEACHERS?

18 A SAY THAT AGAIN

19 Q YEAH MIGHT THOSE FUNDS HAD THEY NOT BEEN CUT SINCE
20 THEIR GENERAL FUNDS BE USED TO ATTRACT ABLE TEACHERS IN
21 THE PLAINTIFF SCHOOL DISTRICTS?

22 A WELL, IF THE TRAJECTORY HAD NO DOWNTURN THUS ASSUMING
23 THERE'D BE MORE MONEY, THE MORE MONEY COULD HAVE BEEN USED
24 FOR LOTS OF THINGS INCLUDING THAT WHICH YOU SPECIFIED

25 Q NOW YOUR HONOR -- LET ME ASK THIS, MR (SIC) GUTHRIE

1 IN DISTINGUISHING WYOMING FROM SOUTH CAROLINA, YOU SAID
2 ESSENTIALLY THIS

3 NO WAY IS SOUTH CAROLINA LIKE WYOMING, THEY MIGHT
4 HOLD -- THE TEACHERS IN WYOMING OR THE PRINCIPALS AND
5 TEACHERS IN WYOMING MIGHT HOLD LOW EXPECTATIONS, BUT SOUTH
6 CAROLINA HAS CURRICULUM STANDARDS THAT FORCE HIGH
7 EXPECTATIONS

8 SO YOU'RE NOT GOING TO FIND PEOPLE IN SOUTH CAROLINA
9 WHO ARE TEACHING CHILDREN WITH LOW EXPECTATIONS AS I
10 UNDERSTOOD THE INFERENCE FROM YOUR TESTIMONY TO BE AND
11 THE CURRICULUM FOLK -- THE CURRICULUM FOCUS, SOUTH
12 CAROLINA HAS CURRICULUM FOCUS AND IS BEING IMPLEMENTED IN
13 THE PUBLIC SCHOOLS

14 NOW, DID YOU OFFER THAT AS BEING A DISTINCTION
15 BETWEEN WYOMING AND SOUTH CAROLINA?

16 A AT AN EARLIER PERIOD, THAT IS A DISTINCTION

17 MR EPPS NOW, YOUR HONOR, I APOLOGIZE FOR
18 DOING THIS I DO THINK IT'S IMPORTANT BUT IT'S GOING TO
19 TAKE ME SOME TIME UNFORTUNATELY TO GO THROUGH THIS I
20 THINK IT'S DIRECTLY RESPONSIVE TO THAT QUESTION AND THAT
21 SERIES OF QUESTIONS AND THOSE ANSWERS AND HIS OTHER
22 TESTIMONY?

23 THE COURT IS TESTIMONY ON REDIRECT?

24 MR EPPS YES, SIR

25 THE COURT I'M LOOKING AT THAT TESTIMONY NOW

1 I'M TRYING TO LOCATE THAT LINE SPECIFICALLY WHAT LINE OF
2 QUESTIONING DO YOU -- DO YOU CHOOSE TO BRANCH OFF ONTO
3 FROM THAT?

4 MR EPPS IF YOU CAN READ MY LAST QUESTION TO
5 HIM, YOUR HONOR, AND HIS LAST RESPONSE TO THAT QUESTION,
6 THAT'S WHERE I WANT -- THAT'S THE -- THAT'S THE ISSUE I
7 WANT TO ADDRESS AND IT ALSO CERTAINLY IMPACTS OTHER
8 ISSUES AND OTHER ASPECTS OF HIS TESTIMONY

9 MR STEPP CAN I JUST ASK WHERE WE'RE GOING? I
10 DON'T KNOW WHAT IT IS THAT MR EPPS WANTS TO DO

11 THE COURT AND I'D LIKE TO KNOW THAT, TOO,
12 CERTAINLY TELL US WHAT YOU INTEND TO, TO INTRODUCE ON
13 THE BASIS OF THAT RESPONSE

14 MR EPPS YOUR HONOR, IT'S THE S R E B REPORT
15 ON JASPER COUNTY THAT THE STATE USED WITH DR SINGLETON
16 AND IT'S BATES NUMBER J C S D 20006 AND IT SHOWS WHAT IS
17 GOING ON IN THE JASPER COUNTY SCHOOL DISTRICT AND IT GOES
18 TO THAT POINT AS WELL AS THE LEVEL OR LACK OF EDUCATIONAL
19 OPPORTUNITY BEING OFFERED THESE STUDENTS

20 IF HE'S GOING TO GET ON THE STAND AND SAY THAT EVERY
21 STUDENT IN SOUTH CAROLINA AND THEN RE -- REITERATE IT
22 AFTER MY CROSS-EXAMINATION OF HIM, EVERY STUDENT IN SOUTH
23 CAROLINA IS BEING PROVIDED THE OPPORTUNITY, I THINK THIS
24 IS -- IS A DOCUMENT THAT WE NEED TO REVIEW WITH HIM AND
25 GET HIS CONCLUSIONS AT THE END OF THE DOCUMENT

1 THE COURT WELL, BY THE SAME TOKEN YOU COULD
2 ALSO INTRODUCE THE TESTIMONY OF EVERY OTHER
3 SUPERINTENDENT, EVERY OTHER PRINCIPAL, EVERY OTHER TEACHER
4 WHO HAS TESTIFIED FROM EACH OF THE DISTRICTS AND EVERY
5 OTHER DOCUMENT THAT YOU ALL PUT INTO EVIDENCE CONTRARY TO
6 THAT POINT

7 I'M TRYING TO SEE WHY ALL THAT'S NECESSARY I DON'T
8 THINK YOU CAN GET DR GUTHRIE TO CHANGE HIS MIND IN THE
9 FIRST PLACE WE HAVE HAD EXTENSIVE CROSS-EXAMINATION OF
10 EVERY EXPERT WITNESS WHO HAS TESTIFIED SINCE WE BEGAN THIS
11 TRIAL ON JULY THE 28TH OF 2003 TO THIS DAY, TO THIS DAY I
12 HAVE FAILED TO SEE THAT IN SPITE OF THE VIGOROUS
13 CROSS-EXAMINATION THAT ANY OF YOU HAVE BEEN ABLE TO DO AND
14 IT'S BEEN EXCELLENT

15 MR STEPP HAS BEEN EXCELLENT IN HIS MRS GRAY AND
16 MR BARNES AND YOUR CASE AND THEIR CASE YOU ALL HAVE
17 BEEN EQUALLY ADEPT TO THIS DAY I AM YET TO SEE A SINGLE
18 EXPERT WHO HAS CHANGED HIS OPINION IN THE FACE OF THAT
19 SCALING CROSS-EXAMINATION AND I DON'T BELIEVE IT'S GOING
20 TO HAPPEN WITH DR GUTHRIE

21 MR EPPS ALL RIGHT YOUR HONOR, THE
22 ALTERNATIVE TO THIS WOULD BE TO PROFFER AND I CAN DO IT
23 WITH THIS DOCUMENT

24 I THINK AT THE END OF THE DAY HE WOULD HAVE TO SAY
25 THAT IN THIS SCHOOL DISTRICT IN THESE SCHOOLS, THESE

1 TEACHERS HAVE LOW EXPECTATIONS, ARE NOT MEETING THE
2 CURRICULUM STANDARDS, THE STUDENTS HAVE NO EXPECTATIONS,
3 THEY ARE NOT DOING THE THINGS HE SAID SHOULD BE DONE SUCH
4 AS BEING ASSIGNED HOMEWORK, GIVEN HOMEWORK, THAT THERE IS
5 VERY LITTLE INSTRUCTION GOING ON, THAT THE STUDENTS ARE
6 WANDERING IN THE HALLS, TEACHERS AREN'T TEACHING I THINK
7 ALL THOSE THINGS ARE EVIDENT IN THIS REPORT

8 THE COURT RIGHT AND, TRUE, THERE ARE IN THAT
9 REPORT AND I RECALL SOME OF THOSE WHETHER THAT'S GOING
10 TO -- WHETHER IT'S GOING TO CHANGE HIS UNDERLYING OPINION
11 THAT HE'S ISSUED ON THE ULTIMATE ISSUE IN THIS CASE IS
12 ANOTHER MATTER

13 AND CERTAINLY I WILL ALLOW YOU TO PROFFER, YOU KNOW,
14 THE FACT THAT DR GUTHRIE IF WE HAVE EVIDENCE HERE IN THE
15 RECORD FROM A SUPERINTENDENT WHO HAS TESTIFIED ALONG THOSE
16 LINES, DOES THAT CHANGE YOUR OPINION, YOU'VE GOT THE RIGHT
17 TO DO THAT, BUT TO GO BACK INTO LINE BY LINE EVERY WITNESS
18 WHO HAS TESTIFIED IN SPITE OF WHAT DR GUTHRIE SAID THAT
19 THEY DON'T BELIEVE THAT THE PLAINTIFFS' SCHOOL DISTRICT
20 CHILDREN ARE GIVEN THE OPPORTUNITY TO OBTAIN A MINIMALLY
21 ADEQUATE EDUCATION, WE WOULD HAVE TO RETRY THE WHOLE CASE,
22 LITERALLY THROUGH EVERY EXPERT AND I -- I THINK THAT IT
23 WOULD BE COUNTERPRODUCTIVE

24 BUT I WILL ALLOW YOU TO ASK DR GUTHRIE AND I THINK
25 PROPERLY SO BASED ON THE RESPONSE THAT HE GAVE A FEW

1 N A E P IS ADMINISTERED WHICH GOES BACK TO THE 70'S
2 IT'S REPLICATED IN EVERY STATE IN THE NATION

3 FRANKLY, THERE IS NOT A STUDY THAT I KNOW OF THAT HAS
4 A REPRESENTATIVE SAMPLE OF CHILDREN AT ANY GRADE LEVEL,
5 PARTICULARLY THE LOWER GRADES THERE IS A -- BUT IN THE
6 HIGHER GRADES IF WE HAVE ADEQUATE S E S MEASURES THERE'S
7 NO STUDY I KNOW OF THAT DOES -- THAT SHOWS -- THAT DOES
8 NOT SHOW VERY POWERFUL, STRONG CORRELATION BETWEEN POVERTY
9 OR S E S AND ACHIEVEMENT

10 AND -- AND THAT -- THAT EFFECT ACTUALLY SHOWS UP NOT
11 JUST IN SCHOOL BUT IT SHOWS UP BEFORE SCHOOL BEFORE
12 CHILDREN REACH SCHOOL THESE S E S AND FAMILY ISSUE,
13 CHARACTERISTICS INFLUENCE THE CHILD'S COGNITIVE SKILLS IN
14 SUCH A WAY TO CREATE LARGE DIFFERENCES IN THE ABILITY OF
15 CHILDREN TO DO ACADEMIC WORK AS THEY WALK IN TO THE SCHOOL
16 BUILDING THEIR VERY FIRST DAY

17 Q OKAY DOES THAT MEAN NOTHING CAN BE DONE, DR ARMOR?

18 A NO, IT DOESN'T IT DOESN'T WHAT -- THE IMPORTANCE
19 OF IT IN MY STUDY IS THAT BECAUSE OF THE INFLUENCE OF
20 POVERTY, WE CAN'T LEGITIMATELY COMPARE ONE SCHOOL TO
21 ANOTHER OR COMPARE SCHOOL PROGRAMS OR EVALUATE ADEQUACY OF
22 SCHOOLS UNLESS WE TAKE INTO ACCOUNT POVERTY

23 WE CAN'T -- WE CAN'T JUST TAKE TWO SCHOOLS AND LOOK
24 AT THEIR TEST SCORES AND SAY, OH, AND USE THAT DIFFERENCE
25 TO COMPARE THE SCHOOL PROGRAM IF YOU -- IF YOU TAKE A

1 SCHOOL THAT HAPPENS TO BE 10 PERCENT FREE LUNCH AND
2 COMPARE IT TO A SCHOOL, SOME TEST SCORES OF A SCHOOL SOME
3 GRADE LEVEL THAT'S 90 PERCENT FREE LUNCH, YOU WOULD EXPECT
4 A SUBSTANTIAL DIFFERENCE JUST FROM FREE LUNCH DIFFERENCE
5 ALONE

6 AND THEREFORE BEFORE WE CAN COMPARE SCHOOLS OR
7 EVALUATE SCHOOL PROGRAMS OF ANY KIND, WE MUST TAKE INTO
8 ACCOUNT THE S E S DIFFERENCE AND THEN LOOK AT HOW SCHOOLS
9 ARE PERFORMING ONCE WE HAVE LEVELED OR CONTROLLED FOR OR
10 ADJUSTED THEIR -- THEIR POVERTY LEVELS

11 IT -- IT CAN BE OVERCOME I MEAN, ALL CHILDREN DO
12 LEARN AND IT CAN BE OVERCOME TO SOME EXTENT THE ISSUE
13 IS HOW MUCH IT CAN BE OVERCOME AND THAT'S ANOTHER QUESTION
14 THAT I DO ADDRESS IN SOUTH CAROLINA BY LOOKING AT THE
15 RELATIONSHIP BETWEEN SCHOOL RESOURCES AND ACADEMIC
16 ACHIEVEMENT LEVELS

17 Q OKAY WELL, LET'S BEGIN THAT PROCESS OF EXAMINING
18 IT AND, GRAY, IF YOU WOULD, PLEASE, TURN TO SLIDE FOUR
19 DR ARMOR, SLIDE FOUR IS CALLED THE ACADEMIC ACHIEVEMENT
20 GAP BETWEEN PLAINTIFF SCHOOLS AND REST OF THE STATE, 2003
21 GRADE THREE EXPLAIN WHAT THIS IS, DR ARMOR

22 A YES THIS IS THE FIRST CHART OF A -- OF A SERIES OF
23 CHARTS OR ANALYSES THAT REPRESENT ANALYSES I DID TO LOOK
24 AT THE ACHIEVEMENT DIFFERENCE BETWEEN PLAINTIFFS AND THE
25 REST OF THE STATE AND THEN LOOK AT THE -- THE -- THAT SAME

1 5 8 AND 5 9 DON'T SEEM LIKE LARGE DIFFERENCES THEY ARE
2 SIGNIFICANT IS SIGNIFICANCE A TERM OF ART HERE?
3 A NO THEY WOULD BE STATISTICALLY SIGNIFICANT THAT
4 IS, IN THIS ANALYSIS THAT I DID, THEY WOULD BE
5 STATISTICALLY SIGNIFICANT THAT IS THEY -- THEY WOULDN'T
6 OCCUR BY CHANCE

7 NOW, I AM USING A FULL POPULATION AND NOT A SAMPLE
8 BUT WE USE SIGNIFICANCE TESTS YOU MIGHT SAY IN A HEURISTIC
9 WAY THAT, YOU KNOW, WERE THIS TO BE A SAMPLE, IT IS -- IT
10 IS A -- STATISTICALLY SIGNIFICANT IT WOULD BE A
11 DIFFERENCE THAT COULD NOT ARISE BY CHANCE ALONE

12 Q OKAY SO THE 5 8 AND 5 9 ARE STATISTICALLY
13 SIGNIFICANT DIFFERENCES?

14 A YES

15 Q OKAY EXPLAIN THEN WHAT YOU DID TO ADJUST FOR
16 POVERTY AND WHAT CONCLUSIONS YOU DRAW FROM YOUR ADJUSTMENT
17 FOR POVERTY

18 A FOR 2003 GRADE THREE -- WELL, FIRST OF ALL THE
19 ADJUSTMENT PROCESS USES A TECHNIQUE CALLED REGRESSION
20 THE SCORES ARE -- THE WAY THIS CHART IS ACTUALLY DERIVED
21 IS THAT WE RUN A REGRESSION USING PLAINTIFF VERSUS REST OF
22 THE STATE AS WHAT WE CALL A DUMMY VARIABLE

23 THAT IS, A SCHOOL IS A ZERO IF IT'S -- REST OF THE
24 STATE IT'S A ONE -- HAS A SCORE OF ONE IF IT'S A
25 PLAINTIFF SCHOOL WE USE THAT REGRESSION THE REGRESSION

1 COEFFICIENT FOR A REGRESSION THAT JUST HAS THE PLAINTIFF
2 DUMMY VARIABLE ENTERED IS THE SAME AS THE MEAN DIFFERENCE
3 BETWEEN THE TWO GROUPS, MATHEMATICALLY IDENTICAL

4 NOW, THEN WE ADD FREE LUNCH TO THE REGRESSION SO IT
5 BECOMES A MULTIPLE REGRESSION THAT HAS PLAINTIFF AS ONE
6 PREDICTOR AND FREE LUNCH THE PERCENT OF STUDENTS IN THAT
7 SCHOOL ON FREE LUNCH IS THE SECOND PREDICTOR

8 AND THE RESULTING COEFFICIENT FOR PLAINTIFF IS THE
9 EFFECT OF THE PLAINTIFF DISTRICT AFTER WE'VE REMOVED THE
10 EFFECT OF FREE LUNCH IN THE REGRESSION

11 THIS IS A VERY COMMON TECHNIQUE IN SOCIAL SCIENCE OR
12 IT'S -- IT'S -- ACTUALLY GOES FAR BEYOND THAT THE --
13 ANY -- ANY SCIENCE THAT USES STATISTICAL ANALYSIS, THIS IS
14 A VERY COMMON PROCEDURE

15 WE CALL THE PLAINTIFF COEFFICIENT BASICALLY IS THE
16 EFFECT OF BEING A PLAINTIFF DISTRICT AFTER WE'VE TAKEN OUT
17 THE EFFECT OF ITS POVERTY LEVELS WHICH WE KNOW ARE TWICE
18 AS HIGH AS NONPLAINTIFFS

19 Q AND WHAT DO YOU FIND ABOUT THE ACHIEVEMENT GAP WHEN
20 YOU RUN THAT REGRESSION AND ADJUST FOR POVERTY?

21 A BASICALLY THE ACHIEVEMENT GAP SHRINKS TO A SINGLE
22 POINT IT TURNS OUT NOT TO BE STATISTICALLY SIGNIFICANT
23 THAT IS, WERE THIS TO BE A RANDOM SAMPLE THIS WOULD NOT BE
24 A STATISTICALLY SIGNIFICANT DIFFERENCE AND IT'S A VERY
25 SMALL DIFFERENCE BY ANY STANDARD

1 IT'S ONLY BASICALLY ONE POINT FROM -- WE'VE GONE FROM
2 SIX TO ONE BASICALLY WHICH MEANS THAT POVERTY ACCOUNTS FOR
3 NEARLY ALL OF THE DIFFERENCE THAT WE'RE OBSERVING IN THE
4 TEST SCORES OF -- OF PLAINTIFF VERSUS REST OF THE STATE
5 FOR THIS GRADE LEVEL IN 2003

6 Q OKAY DR ARMOR, DOES THIS MEAN THAT POVERTY, EXCUSE
7 ME, THAT POVERTY IS THE CAUSE OF THE ACHIEVEMENT GAP?

8 A IN MY OPINION, YES POVERTY BECAUSE OF THE RESULT ON
9 THE RIGHT-HAND SIDE, IF POVERTY IS THE PHENOMENON
10 EXPLAINING THE GAP ON THE LEFT-HAND SIDE

11 Q OKAY (CONFERRING WITH MR STEPP) DR ARMOR, LET
12 ME -- BEFORE WE MOVE ON AND LOOK AT A WHOLE SERIES OF
13 SLIDES, LET ME JUST GET YOU, IF YOU WOULD, PLEASE, TO
14 EXPLAIN THE DIFFERENCE BETWEEN 5 8 AND 1 1, WHY ONE IS A
15 STANDARD DEVIATION AND THE OTHER ONE IS NOT A STANDARD
16 DEVIATION

17 A WELL, THE STANDARD DEVIATION AT QUESTION HERE IS THE
18 STANDARD DEVIATION OF -- OF THE TEST SCORES FOR ALL THE
19 SCHOOLS IN THE STATE THAT IS, ROUGHLY FOR THIS GRADE
20 LEVEL IT'S ABOUT, IT'S AROUND SIX OR SEVEN IT'S NOT
21 QUITE -- IT'S NOT QUITE THAT LOW

22 SO A ONE POINT DIFFERENCE IS BASICALLY ONE-SEVENTH OF
23 A STANDARD DEVIATION IT'S A VERY -- A VERY SMALL PORTION
24 OF A STANDARD DEVIATION THE STANDARD DEVIATION IS NOT
25 CREATED BY THIS ANALYSIS

1 THAT'S AN INDEPENDENT CALCULATION THAT WE DO WHEN WE
2 SIMPLY LOOK AT THE DISTRIBUTION OF SCORES FOR ALL SCHOOLS
3 IN THE STATE AND I'M -- I'M -- I'M JUST TRYING TO
4 REFERENCE THE DIFFERENCE, THE ACTUAL DIFFERENCE USING A
5 COMMON METRIC OF ONE STANDARD DEVIATION BECAUSE WE FIND
6 THAT POVERTY STUDENTS COMPARED TO NON-POVERTY STUDENTS IN
7 A LOT OF DIFFERENT CONTEXTS, STATES, NATION, OFTEN THE
8 DIFFERENCE IS AROUND A STANDARD DEVIATION OR A LITTLE BIT
9 LESS

10 SO THIS IS -- WHAT WE'RE SEEING HERE IS A COMMON --
11 COMMONLY OBSERVED, THAT THE DIFFERENCE BETWEEN HIGH
12 POVERTY AND LOW POVERTY GROUP IS FREQUENTLY ONE STANDARD
13 DEVIATION

14 WHEN WE REMOVE THE POVERTY EFFECT THE DIFFERENCE
15 DROPS TO A SINGLE POINT AND THAT'S -- IT IS NOT
16 STATISTICALLY SIGNIFICANT AND IN FACT IS -- IS ONLY
17 ONE-SIXTH OF A STANDARD OR ONE-SEVENTH OF A STANDARD
18 DEVIATION

19 MR STEPP CAN I HAVE JUST A MOMENT?

20 THE COURT SURELY

21 (CONFERRING WITH MR STEPP)

22 BY MR BARNES

23 Q AND, DR ARMOR, BEFORE WE MOVE ON AND TALK ABOUT THE
24 OTHER SLIDES IN MORE BREVITY, THE PURPLE VERSUS THE RED
25 STRIPE ONE IS LANGUAGE ARTS AND ONE IS MATH IS THAT

1 CORRECT?

2 A YES I DIDN'T CLARIFY THAT THE KEY SHOWS THAT
3 BUT THERE'S TWO DIFFERENT TEST SCORES BEING ANALYZED HERE,
4 LANGUAGE AND MATH

5 Q OKAY SO THE RELATIONSHIP BETWEEN THE DIFFERENCE OF
6 5 8 AND THE 1 1 IS THE DIFFERENCE IN LANGUAGE ARTS SCORES
7 WHEN YOU CONTROL FOR POVERTY?

8 A YES

9 Q OKAY AND THE SAME TRUE FOR THE RED STRIPE IN MATH?
10 A RIGHT THE MATH DIFFERENCE IS 5 9 POINTS BEFORE
11 CONTROLLING FOR POVERTY AND IT'S 1 2 AFTER

12 Q OKAY ALL RIGHT LET'S MOVE ON THEN TO SLIDE FIVE
13 OF THE POWERPOINT AND -- AND TELL US WHAT YOU HAVE HERE,
14 DR ARMOR

15 A THIS IS THE SAME ANALYSIS CONDUCTED FOR FOURTH
16 GRADERS IN 2003 EVERYTHING THAT I SAID ABOUT THE
17 PREVIOUS SLIDE IS STILL TRUE YOU WANT ME TO SUMMARIZE
18 THE RESULTS?

19 Q WELL, WHEN YOU ADJUST FOR POVERTY IS THERE A
20 STATISTICAL SIGNIFICANCE BETWEEN THE ACHIEVEMENT SCORES IN
21 LANGUAGE ARTS AND MATH?

22 A NO, AFTER WE TAKE OUT THE EFFECT OF POVERTY ALTHOUGH
23 THERE IS A SUBSTANTIAL ACTUAL DIFFERENCE, THE DIFFERENCE
24 DROPS TO 1 1 OR 1'5 FOR LANGUAGE AND MATH RESPECTIVELY AND
25 THOSE ARE NOT STATISTICALLY SIGNIFICANT

1 SCORE GAPS STATISTICALLY SIGNIFICANT?

2 A YES IN THE ACTUAL DIFFERENCE? YES, THEY ARE

3 Q OKAY WELL, NOW TELL ME ABOUT THE ADJUSTED FOR
4 POVERTY DIFFERENCE IN LANGUAGE ARTS, THE BLUE, 1 3

5 A WE STARTED WITH AN ACTUAL DIFFERENCE OF ALMOST EIGHT
6 POINTS BETWEEN PLAINTIFFS AND THE REST OF THE STATE AND
7 AFTER WE ADJUST FOR POVERTY THAT DIFFERENCE IS ONLY 1 3
8 POINTS IT'S A LITTLE OVER ONE POINT WHICH IS NOT
9 STATISTICALLY SIGNIFICANT

10 Q OKAY WELL, THEN LOOK AT THE MATH ADJUSTED FOR
11 POVERTY NUMBER, 2 9, AND IS THAT NUMBER STATISTICALLY
12 SIGNIFICANT?

13 A YES, IT IS IN THE CASE OF MATH IN THIS PARTICULAR
14 GRADE IN THIS YEAR FOR THE FIFTH GRADERS IN 2003 WE START
15 WITH A -- WITH A PRETTY LARGE GAP OF NINE POINTS, THAT
16 PLAINTIFFS ARE NINE POINTS LOWER THAN THE REST OF THE
17 STATE

18 WHEN WE ADJUST FOR POVERTY THEY'RE STILL JUST ABOUT
19 THREE POINTS LOWER THAN THE REST OF THE -- OF THE STATE

20 Q AND IS THAT A STATISTICALLY SIGNIFICANT DIFFERENCE?

21 A FOR THAT ONE IT IS STATISTICALLY SIGNIFICANT, RIGHT,
22 SO THAT IN THIS CASE WITH THIS GRADE THIS YEAR POVERTY --
23 POVERTY REDUCED THE GAP CONSIDERABLY POVERTY EXPLAINS
24 BASICALLY SIX POINTS OF ABOUT TWO-THIRDS OF THE GAP BUT
25 THERE STILL IS A RESIDUAL GAP LEFT OF ABOUT THREE POINTS

1 THAT CAN'T BE EXPLAINED BY OUR POVERTY MEASURE

2 Q AND IS THAT A LARGE, A LARGE DIFFERENCE?

3 A WELL, IT'S LARGER THAN -- THAN THE OTHER ONE WHICH IS
4 ONLY A POINT BUT IT CERTAINLY -- POVERTY CERTAINLY
5 EXPLAINS THE MAJORITY OF THE DIFFERENCE BETWEEN PLAINTIFFS
6 AND THE REST OF THE STATE IN THIS GRADE IN -- IN
7 MATHEMATICS

8 Q OKAY AND DO YOU DRAW ANY CONCLUSIONS FROM THAT
9 STATISTICALLY SIGNIFICANT DIFFERENCE ONCE YOU ADJUST FOR
10 POVERTY?

11 A JUST THAT IN THIS ONE GRADE THE POVERTY MEASURE IS
12 NOT EXPLAINING ALL OF THE DIFFERENCE WHEREAS SO FAR
13 POVERTY HAS EXPLAINED NEARLY ALL OF THE DIFFERENCE SUCH
14 THAT THE DIFFERENCE IS SO SMALL IN THE OTHER CASES IT'S
15 NOT STATISTICALLY SIGNIFICANT IN THIS CASE POVERTY
16 DOESN'T EXPLAIN ALL OF THE GAP FOR FIFTH GRADERS IN MATH

17 Q IN DOING THIS KIND OF RESEARCH AND ANALYSIS, DR
18 ARMOR, DO YOU FIND A RESULT LIKE THIS TO HAPPEN
19 PERIODICALLY?

20 A WELL, SIGNIFICANCE LEVEL IS NOT -- USUALLY THE
21 95 PERCENT IN OTHER WORDS, 95 PERCENT OF THE TIME
22 THAT'S THE STANDARD WE USE OR 5 PERCENT SO ONE OUT OF 20
23 CASES BY CHANCE ALONE EVEN WHEN THERE'S NO RELATIONSHIP
24 YOU'RE GOING TO FIND ONE

25 THERE ARE FLUCTUATIONS IN DATA I THINK WHAT YOU

1 HAVE TO LOOK AT WHEN WE GET DONE WITH THIS IS WHAT THE
2 THRUST OF ALL THE ANALYSIS SHOWS AS OPPOSED TO ONE GRADE
3 THERE CAN BE BLIPS OR IDIOSYNCRATIC FINDINGS THAT DON'T --
4 I MEAN, IF YOU FOUND A CONSISTENT PATTERN FOR FIFTH GRADE
5 MATH, THEN YOU WOULD BE CONCERNED

6 WE WANT TO LOOK AT PATTERNS AND WHAT HAPPENS ACROSS
7 OTHER YEARS AND OTHER GRADES BEFORE WE WOULD CONCLUDE,
8 MAKE ANY CONCLUSION ABOUT THIS PARTICULAR FINDING

9 Q OKAY THEN LET'S TURN ON AND LOOK AT SLIDE SEVEN,
10 2003 GRADE SIX AND, DR ARMOR, IF I COULD GET YOU JUST
11 TO EXPLAIN THE -- WHAT'S HAPPENED IN THIS PARTICULAR
12 INSTANCE WHEN YOU ADJUST FOR POVERTY WE HAVE OUR FIRST
13 NEGATIVE NUMBER HERE THAT WE'RE LOOKING AT

14 A YES IF IN THIS CASE WE'RE STARTING WITH A SIX-POINT
15 DIFFERENCE IN GRADE SIX IN LANGUAGE WHEN WE ADJUST FOR
16 POVERTY, NOW IT'S NOT STATISTICALLY SIGNIFICANT BUT IT
17 ACTUALLY SAYS THAT WHEN WE CONTROL FOR POVERTY, THE
18 PLAINTIFF DISTRICTS ARE DOING A HALF A POINT BETTER THAN
19 THE REST OF THE STATE

20 THAT IS -- THAT'S THE RESULT OF THE ADJUSTMENT IN
21 OTHER WORDS, WHEN WE LEVEL THEM AND MAKE THEM EQUAL IN
22 POVERTY ACTUALLY PLAINTIFFS ARE DOING A LITTLE BETTER THAN
23 THE STATE BUT SINCE IT'S NOT STATISTICALLY SIGNIFICANT
24 BASICALLY WE'RE JUST SAYING THAT THERE IS NO DISCERNIBLE
25 RELIABLE DIFFERENCE BETWEEN PLAINTIFFS AND THE REST OF THE

1 A AGAIN THERE IS NO SIGNIFICANT DIFFERENCE BETWEEN THE
2 PLAINTIFF AND THE REST OF THE STATE IN 2002 GRADE THREE
3 LANGUAGE OR MATH ONCE WE TAKE OUT THE EFFECTS OF POVERTY

4 Q OKAY

5 MR MORRISON COULD I ASK -- WE WERE TRYING TO
6 GET '01 AND '02 SCORES WE DID GET THE '03 SCORES TO
7 ACTUALLY JUST DO SOME CHECKING ON THE LEFT-HAND GRAPH
8 WHICH IS FAIRLY STRAIGHT FORWARD, NOT REGRESSION ANALYSIS
9 COULD YOU PROVIDE US WITH THE '01, '02 PACT?

10 MR BARNES I E-MAILED THEM TO LANA LAST NIGHT

11 MR MORRISON OKAY WE WILL DOUBLE CHECK

12 THANKS

13 BY MR BARNES

14 Q OKAY LET'S MOVE ON TO 2002 GRADE FOUR SLIDE TEN

15 MR MORRISON YOUR HONOR, WHILE WE'RE GOING
16 INTO THIS, COULD I HAVE JUST ONE SECOND TO CONFER WITH MR
17 BARNES JUST BRIEFLY?

18 THE COURT OKAY

19 (MR MORRISON AND MR BARNES CONFERRING)

20 MR MORRISON THANK YOU, YOUR HONOR

21 THE COURT ALL RIGHT

22 BY MR BARNES

23 Q OKAY I'M SORRY ABOUT THAT, DR ARMOR MOVING ON,
24 2002 GRADE FOUR

25 A 2002, IF YOU LOOK AT LANGUAGE FIRST, WE HAVE A 6

1 POINT -- SIX AND A HALF POINT DIFFERENCE BETWEEN
2 PLAINTIFFS AND THE REST OF THE STATE AFTER CONTROLLING
3 FOR POVERTY THAT LANGUAGE OR READING DIFFERENCE DROPS TO
4 LESS THAN A POINT AND IT'S NOT STATISTICALLY SIGNIFICANT
5 IN THE CASE OF MATHEMATICS WE HAVE A LARGE -- RATHER
6 LARGE DIFFERENCE OF TEN POINTS BETWEEN PLAINTIFFS AND THE
7 REST OF THE STATE AND THAT DROPS TO 2 7 WHEN WE TAKE OUT
8 THE EFFECT OF POVERTY SO POVERTY STILL EXPLAINS
9 TWO-THIRDS OF THE ORIGINAL DIFFERENCE, BUT THE 2 7 IS
10 STATISTICALLY SIGNIFICANT
11 Q OKAY LET'S MOVE ON NOW TO 2002 GRADE FIVE
12 A 2002 GRADE FIVE WE FIND AGAIN LARGE ACTUAL
13 DIFFERENCES, SEVEN AND TEN FOR LANGUAGE AND MATH
14 RESPECTIVELY, THEY DROP TO 1 6 AND 2 3 ONCE WE TAKE OUT
15 THE EFFECT OF POVERTY AND NEITHER ONE IS STATISTICALLY
16 SIGNIFICANT
17 Q OKAY MOVING ON THEN TO SLIDE 12, 2002 GRADE SIX
18 A WE START WITH AN ACTUAL DIFFERENCE OF SEVEN,
19 BASICALLY SEVEN AND A HALF IN LANGUAGE AND NINE-POINT GAP
20 IN MATH, BETWEEN PLAINTIFFS AND THE REST OF THE STATE
21 AND WHEN WE TAKE OUT THE EFFECTS OF POVERTY, THE
22 DIFFERENCE DROPS TO LESS THAN A POINT FOR LANGUAGE AND TWO
23 POINTS FOR MATHEMATICS AND IT'S NOT STATISTICALLY
24 SIGNIFICANT
25 Q IN EITHER CASE THERE?

1 A IN 2001 GRADE FIVE WE -- WE SEE A -- PRETTY LARGE
2 DIFFERENCES A LITTLE BIT LARGER THAN SORT OF THE TYPICAL
3 THAT WE'VE SEEN, ALMOST TEN-POINT DIFFERENCE FOR LANGUAGE,
4 ALMOST A 12-POINT DIFFERENCE FOR MATHEMATICS

5 AFTER TAKING OUT THE EFFECT OF POVERTY, THE
6 DIFFERENCE DROPS TO A LITTLE OVER TWO POINTS FOR LANGUAGE
7 AND THREE POINTS FOR MATH THOSE ARE BOTH STATISTICALLY
8 SIGNIFICANT BUT THE EFFECT OF POVERTY OF COURSE EXPLAINS
9 ABOUT THREE-FOURTHS OR 80 PERCENT OF THE ORIGINAL GAP

10 Q OKAY LET'S LOOK AT 2001 GRADE SIX, SLIDE 17

11 A AGAIN, WE START WITH PRETTY LARGE GAPS OF TEN AND 12
12 POINTS FOR LANGUAGE AND MATH AFTER TAKING OUT THE
13 EFFECTS OF POVERTY THE DIFFERENCES DROP TO TWO AND -- TWO
14 AND A HALF ROUGHLY, RESPECTIVELY, AND NEITHER ONE ARE,
15 STATISTICALLY SIGNIFICANT

16 Q DR. ARMOR, BEFORE WE MOVE ON, YOU NOTICED OR
17 MENTIONED ON -- WITH REGARD TO SLIDE 16 THAT THE ACTUAL
18 DIFFERENCES OF 9.5 AND I THINK PARTICULARLY 11.7 WAS A
19 BIGGER GAP THAN WE HAD SEEN BEFORE THIS PARTICULAR TIME

20 A I BELIEVE THAT'S ONE OF THE LARGEST GAPS FOR -- FOR
21 FIFTH GRADE THAT I SAW IN THE THREE YEARS THE GAPS ARE
22 GENERALLY SMALLER, PARTICULARLY IN 2003

23 Q OKAY AND WHEN YOU ADJUSTED FOR POVERTY IN 2001 WITH
24 THAT BIG GAP, BOTH -- BOTH OF THE LANGUAGE ARTS AND MATH
25 SCORES STILL WERE -- THE GAP WAS STATISTICALLY SIGNIFICANT

1 Q OKAY AND, DR ARMOR, WHAT ARE YOUR OVERALL
2 IMPRESSIONS OR CONCLUSIONS ABOUT THIS ACHIEVEMENT GAP
3 ANALYSIS THAT YOU'VE DONE IN SOUTH CAROLINA?

4 A WELL, BASICALLY IN MY OPINION POVERTY AND
5 SOCIOECONOMIC IN GENERAL ARE THE EXPLANATIONS FOR
6 DIFFERENCES THAT WE SEE BETWEEN THE PLAINTIFF SCHOOLS AND
7 THE REST OF THE STATE ADMITTEDLY WHEN WE LOOK AT THE RAW
8 SCORES, THERE IS A LARGE DIFFERENCE IN ACHIEVEMENT

9 IN THIS CASE IN SOUTH CAROLINA POVERTY EXPLAINS
10 NEARLY ALL OF IT AND IT'S A VERY CONSISTENT FINDING
11 THERE ARE A COUPLE OF OCCASIONS FOR GRADES AND YEARS WHERE
12 IT ISN'T EXPLAINED EVEN WHEN IT'S NOT EXPLAINED
13 COMPLETELY, THE DIFFERENCE IS QUITE SMALL

14 AS A MATTER OF FACT, IT'S A TWO OR THREE-POINT
15 DIFFERENCE MIGHT -- WE WOULD BE IN A WHOLE DIFFERENT WORLD
16 IF INDEED WE WERE LOOKING AT TWO-POINT DIFFERENCES INSTEAD
17 OF TEN-POINT DIFFERENCES BETWEEN THESE TWO GROUPS, BETWEEN
18 THE PLAINTIFFS AND THE REST OF THE STATE

19 SO IN -- BASICALLY THE -- THE RAW SCORE COMPARISON
20 WHICH APPEARS THAT THE PLAINTIFF SCHOOLS ARE DOING MORE
21 POORLY WHEN WE LOOK AT POVERTY WE SEE THE REASON THEY'RE
22 DOING -- NOT DOING AS WELL IS BECAUSE THEY ARE -- THEY
23 HAVE HIGH POVERTY LEVELS

24 AND HIGH POVERTY IS A VERY POWERFUL INFLUENCE ON
25 CHILDREN BEFORE THEY ENTER SCHOOL IT OPERATES AS THEY GO

1 THROUGH SCHOOL AND WHEN WE TAKE OUT THE EFFECT OF POVERTY
2 BASICALLY WE DON'T SEE A DIFFERENCE

3 THE DIFFERENCE THAT WE OBSERVE IN RAW SCORES IS DUE
4 TO POVERTY AND FRANKLY NOT DUE TO BEING A PLAINTIFF SCHOOL
5 VERSUS ANY OTHER TYPICAL SCHOOL IN THE STATE

6 Q OKAY AND ARE FINDINGS IN SOUTH CAROLINA WITH THAT
7 -- IN THAT REGARD CONSISTENT TO WHAT YOU'VE SEEN IN OTHER
8 PLACES?

9 A GENERALLY CONSISTENT ALTHOUGH I WILL SAY THAT IN --
10 IN SOME CASES THE RESIDUAL AFTER TAKING OUT THE EFFECTS OF
11 POVERTY, THE RESIDUAL SOMETIMES IS GREATER AND I THINK
12 IN THIS PARTICULAR STATE I HAVE FOUND MORE NON-SIGNIFICANT
13 DIFFERENCES THAN I HAVE IN OTHER STUDIES

14 THAT'S POSSIBLY JUST BECAUSE THE POVERTY MEASURE
15 IS -- IS MORE CAREFULLY ASSESSED WE DO HAVE AN EXTREMELY
16 HIGH CORRELATION BETWEEN POVERTY AND ACHIEVEMENT HERE AND
17 OF COURSE I CAN -- I COULD GO TO ANOTHER STATE WHERE MAYBE
18 THE FREE LUNCH DATA ISN'T KEPT AS CAREFULLY AND THAT
19 CORRELATION MIGHT DROP

20 THE EXTENT TO WHICH THAT CORRELATION GETS INFLUENCED
21 BY RANDOMNESS OR ERRORS OR, YOU KNOW, DATA NOT BEING AS
22 GOOD COULD BE A REASON WHY THE POVERTY INDICATOR DOESN'T
23 DO AS MUCH, BUT BASICALLY IN GENERAL WHETHER IT EXPLAINS
24 ALL OF THE DIFFERENCE OR NOT I HAVE FOUND IN MY RESEARCH
25 AND NATIONAL RESEARCH THAT POVERTY EXPLAINS A GREAT DEAL

1 THE WITNESS FIRST OF ALL, IN THE FIRST COLUMN
2 I'M GOING TO EXPLAIN THIS FIRST QUADRANT WHICH IS READING
3 AND ELEMENTARY SCHOOLS I'M GOING TO GO THROUGH WHAT'S ON
4 HERE AND -- AND LIKE I SAID, THAT WILL APPLY TO ALL THE
5 OTHER QUADRANTS

6 THE FIRST SET OF -- AND THE FIRST COLUMN I HAVE
7 LABELED THE DIFFERENT CHARACTERISTICS THAT I'M EVALUATING
8 HERE THE FIRST IS THE EFFECT -- AND THIS IS THE RESULT
9 OF A MULTIVARIATE, MULTIPLE REGRESSION ANALYSIS WHERE I'M
10 LOOKING AT THE EFFECTS OF EACH OF THESE SCHOOL FACTORS,
11 RESOURCES, TEACHER CHARACTERISTICS AND POVERTY AND LOOKING
12 AT THEIR JOINT IMPACT UPON ACADEMIC ACHIEVEMENT

13 AND I'M LOOKING AT WHETHER -- WHAT THE SIZE OF THE
14 EFFECT IS AND THE STATISTICAL SIGNIFICANCE OF THAT EFFECT
15 SO HERE THE -- THE OUTCOME HERE IS ACHIEVEMENT

16 THE COURT RIGHT

17 THE WITNESS THE INPUT SIDE IS POVERTY AND ALL
18 OF THE SCHOOL CHARACTERISTICS THAT I SHOWED IN THE
19 PREVIOUS CHARTS SO THE FIRST LINE IS THE EFFECT SHOWS --
20 WILL SHOW THE EFFECT OF FREE LUNCH THEN I GROUPED ALL
21 THE TEACHER CHARACTERISTICS, PUPILS PER TEACHER, PERCENT
22 WITH M A , CONTINUING CONTRACT, PERCENT OUT OF FIELD,
23 PERCENT RETURNING, EXPERIENCE IN YEARS, PERCENT CERTIFIED,
24 AND THEN KEEPING CONSISTENTLY WITH THE WAY I NAMED
25 RESOURCES, I PUT PUPILS PER TEACHER IN THE -- AS A TEACHER

1 CHARACTERISTIC

2 THE SCHOOL RESOURCES I -- THE REST OF THEM ARE
3 EXPENDITURES, TEACHER SALARY, PRINCIPAL EXPERIENCE AND
4 PERCENT PORTABLES I SHOULD SAY THAT THE -- BECAUSE OF
5 THE TIGHT RELATIONSHIP BETWEEN PER PUPIL, PUPIL TEACHER
6 RATIO AND EXPENDITURES, YOU GENERALLY CANNOT RUN THOSE IN
7 THE SAME REGRESSION FOR STATISTICAL REASONS BECAUSE THEY
8 ARE -- PUPIL, TEACHER RATIOS ARE A DRIVING FORCE BEHIND
9 EXPENDITURES

10 SO THERE'S TWO REGRESSIONS HERE ONE IS FOR
11 SCHOOL -- FOR THESE FOUR SCHOOL RESOURCES AND THEN ONE FOR
12 ALL THE TEACHER CHARACTERISTICS INCLUDING PUPIL TEACHER
13 RATIO NOW FOR EACH OF THESE POSSIBLE EFFECTS ON
14 ACHIEVEMENT, THE FIRST COLUMN IS THE -- IS THE -- IT'S
15 CALLED A REGRESSION COEFFICIENT

16 IT'S THE EFFECT OF THAT FACTOR ON ACHIEVEMENT IN THE
17 METRIC OF THE VARIABLE ITSELF AND I WANT TO EMPHASIZE
18 THAT, THAT -- THAT ALTHOUGH THESE COEFFICIENTS ARE USED
19 TO -- TO SAY PREDICT CHANGES OR IN ANY PREDICTION STUDY
20 THEY'RE NOT -- THEY CAN'T BE COMPARED DIRECTLY BECAUSE THE
21 METRICS ARE DIFFERENT FOR EXAMPLE, A COEFFICIENT FOR A
22 MONEY VARIABLE THAT IS IN DOLLARS CAN'T REALLY BE COMPARED
23 WITH EXPERIENCE WHICH IS IN YEARS

24 FOR THAT REASON THE THIRD COLUMN IS SOMETHING CALLED
25 A STANDARDIZED EFFECT OR A STANDARDIZED COEFFICIENT THE

1 RELATIVE IMPORTANCE OF THE -- EACH OF THESE FACTORS CAN BE
2 COMPARED IF YOU LOOK THE THIRD COLUMN BECAUSE IN EFFECT
3 THEY ARE LIKE CORRELATION COEFFICIENTS

4 A CORRELATION COEFFICIENT RANGES FROM MINUS ONE TO
5 PLUS ONE WHERE ZERO MEANS NO ASSOCIATION, PLUS ONE MEANS A
6 PERFECT RELATIONSHIP, THAT IS THE ONE VARIABLE PERFECTLY
7 PREDICTS THE OTHER, AND A MINUS ONE MEANS AN INVERSE
8 PREDICTION

9 SO I -- I WILL SPEND SOME TIME ON THESE STANDARDIZED
10 EFFECTS BECAUSE IF -- IT'S IMPORTANT TO EVALUATE THE
11 MAGNITUDE OF EACH OF THESE CHARACTERISTICS THE MIDDLE
12 COLUMN IN EACH QUADRANT IS THE STATISTICAL SIGNIFICANCE
13 TEST WHICH ALLOWS US TO SEE TO WHAT EXTENT THESE EFFECTS
14 COULD BE CAUSED BY RANDOM ERROR IN THE DATA OR RANDOM
15 FLUCTUATION, YOU MIGHT SAY NOISE, IN THE DATA

16 THE COURT RIGHT

17 THE WITNESS THE -- AND I'LL JUST STAY HERE TO
18 FINISH THE FIRST PANEL AND THEN I WILL GO SIT DOWN AND GO
19 THROUGH THE REST BUT FIRST OF ALL, I WANT TO LOOK AT THE
20 FREE LUNCH THE EFFECT OF THE CORRELATION BETWEEN FREE
21 LUNCH AND ACHIEVEMENT READING, ACHIEVEMENT FOR ELEMENTARY
22 SCHOOLS, IS EXTREMELY HIGH, 73

23 THAT IS EVEN WHEN WE HAVE IN THE EQUATION ALL OF THE
24 SCHOOL RESOURCES, POVERTY IS THE DOMINANT FACTOR
25 INFLUENCING TEST SCORES THAT 74 MEANS THAT IN THIS

1 PARTICULAR GROUP OF SCHOOLS IT'S EXPLAINING MORE THAN HALF
2 OF ALL THE VARIATION FROM ONE SCHOOL TO THE OTHER

3 WE CONTRAST THAT WITH ALL THE SCHOOL RESOURCES NO
4 SCHOOL RESOURCE GETS MUCH HIGHER THAN 1 ONE EXCEPTION
5 HERE IS PERCENT CERTIFIED THE CORRELATION IS 126
6 THAT'S THE LARGEST IT STILL IS FIVE TIMES SMALLER IN
7 MAGNITUDE OR IN IMPACT THAN POVERTY

8 THE COURT TELL ME WHAT THE SIGNIFICANCE OF THE
9 MINUS 735 IS I THOUGHT IT WOULD BE A POSITIVE
10 CORRELATION

11 THE WITNESS WELL, HERE WE'RE LOOKING AT THE --
12 THE OUTCOME HERE ARE THE STANDARDIZED SCALE SCORES, SO THE
13 HIGHER THE SCORE, THE HIGHER THE ACHIEVEMENT

14 THE COURT RIGHT

15 THE WITNESS FREE LUNCH IS THE PERCENT OF THE
16 STUDENTS ON FREE LUNCH SO THE HIGHER THE FREE LUNCH, THE
17 LOWER THE TEST SCORE

18 THE COURT I SEE

19 THE WITNESS THAT'S WHY THAT'S NEGATIVE JUST
20 TO JUMP AHEAD, THERE'S GOING TO BE A CHART LATER WHERE I
21 USE ANOTHER OUTCOME IN WHICH EVERYTHING GETS REVERSED, BUT
22 THAT'S GETTING AHEAD, BUT--

23 THE COURT LET ME KNOW WHEN--

24 THE WITNESS THE SIGN IS IMPORTANT TO LOOK AT
25 THERE'S ALSO A COUPLE OF CASES -- I'M GOING TO SHOW YOU

1 ONE -- WHERE THE EFFECT OF THE SCHOOL FACTOR IS OPPOSITE
2 TO WHAT ONE WOULD EXPECT, AND I'LL POINT THAT OUT AS WELL
3 EXCEPT FOR CERTIFICATION RATE, I WANT TO POINT OUT THAT
4 THE MAGNITUDE OF THE EFFECTS OF CORRELATIONS ARE -- ARE
5 TINY

6 REALLY ALMOST REGARDLESS OF STATISTICAL SIGNIFICANCE,
7 THE EFFECT OF PUPILS PER TEACHER IS 003, BASICALLY ZERO,
8 THE EFFECT OF MASTER'S DEGREE 03, THE EFFECT OF
9 CONTINUING CONTRACT, AGAIN, VIRTUALLY ZERO THE EFFECT OF
10 PERCENT OUT OF FIELD, 066

11 ANY CORRELATION THAT'S LESS THAN 1 IS CONSIDERED TO
12 BE A VERY WEAK INFLUENCE EXPERIENCE 03 I'M SORRY
13 PERCENT RETURNING VIRTUALLY ZERO PERCENT -- I'M SORRY
14 EXPERIENCE, 03 AND THEN THE LARGEST EFFECT OF ANY OF
15 THE SCHOOL RESOURCES IS PERCENT CERTIFIED AT 13 WHICH IS
16 THE STATISTICALLY SIGNIFICANT, I WILL COME BACK TO THAT
17 COLUMN IN A MINUTE EXPENDITURES, 03, TEACHER SALARY,
18 07, PRINCIPAL EXPERIENCE, 04, AND PERCENT PORTABLES
19 VIRTUALLY ZERO

20 NOW, BECAUSE THERE IS NATURAL FLUCTUATION, VARIATION
21 AND NOISE IN ANY KIND OF DATA, THE SIGNIFICANCE TEST TELLS
22 US WHICH OF THESE EFFECTS WOULD -- COULD BE CONSIDERED
23 BEYOND CHANCE THE PERCENT -- WELL OF COURSE PERCENT --
24 THE FREE LUNCH PERCENTAGE IS SIGNIFICANT

25 THAT IS THIS COULD -- COEFFICIENT AS LARGE AS WE'RE

1 Q OKAY NOW DR ARMOR, WHAT HAPPENS GRAPHICALLY TO --
2 TO A VARIABLE AS SOME EFFECT BECOMES LESS PERVASIVE?

3 A WELL BASICALLY IF -- IF POVERTY WAS NOT RELATED TO
4 ACHIEVEMENT WE'D SEE A FLAT LINE HERE THAT IS, AS
5 POVERTY GOES UP, ACHIEVEMENT WOULD NOT CHANGE SO IF
6 THERE WAS NO CORRELATION, THE LINES WOULD BE FLAT

7 SO ANY VARIABLE WE LOOK AT THAT HAS EITHER NO
8 CORRELATION OR A VERY WEAK CORRELATION AFTER WE TAKE OUT
9 THE EFFECTS OF POVERTY IS GOING TO HAVE A FLAT LINE

10 Q OKAY LET'S LOOK THEN AT SLIDE 33

11 A THIS SLIDE IS -- ILLUSTRATES THE EFFECT OF PER PUPIL
12 EXPENDITURES ON ACHIEVEMENT, BOTH READING AND MATH, AFTER
13 WE TAKE OUT THE EFFECTS OF POVERTY AND WE CAN SEE AS I
14 SAID, THIS LINE, THESE -- THIS GRAPH IS FLAT THERE IS
15 VIRTUALLY NO -- AS WE SAW IN THE REGRESSION ANALYSIS ON --
16 ON PAGE -- WE'RE CALLING IT PAGE 31 OR CHART?

17 Q SLIDE SLIDE 31 PAGE 31

18 A SLIDE 31

19 Q IT DOESN'T MATTER

20 A WE SEE THAT WE HAD PUPIL EXPENDITURES FOR READING AND
21 FOR MATH ARE ABOUT 025, SO THE CORRELATION IS LESS THAN

22 03 AND THIS WAS A GRAPHICAL REPRESENTATION OF A
23 CORRELATION THAT'S OR AN EFFECT THAT'S BASICALLY ZERO AS
24 WE MOVE FROM VERY LOW EXPENDITURE OF SCHOOLS, SAY FOUR TO
25 5000, WE HAVE TEST SCORES, WE HAVE MATH SCORES AVERAGING

1 AROUND 400 -- LITTLE OVER 409

2 AS WE GET TO THE SEVEN, 8000, WE'RE -- EXPENDITURES
3 WE'RE STILL SEEING SCORES AROUND 400, 409 AVERAGE SCORES
4 IT GOES UP A LITTLE BIT AT THE VERY END OF 8500 TO 9000
5 THAT DOES GO UP, BUT THAT'S A FLUCTUATION THAT'S NOT
6 STATISTICALLY SIGNIFICANT BECAUSE WE HAVE -- AND IT GOES
7 BACK DOWN AGAIN FOR THE HIGHEST LEVELS

8 THAT'S THE KIND OF FLUCTUATION THAT DOESN'T
9 CONTRIBUTE ANYTHING TO THE IMPORTANCE OF THE RELATIONSHIP,
10 BUT BASICALLY SINCE MOST SCHOOLS FALL IN THE FIVE TO 8000
11 RANGE, WE CAN SEE THAT IT'S VIRTUALLY FLAT FOR MATH AND
12 IT'S VIRTUALLY FLAT FOR READING THERE'S NO DIFFERENCE IN
13 READING IT'S -- WHETHER YOUR AT THE HIGH END OR THE LOW
14 END YOU'RE READING SCORES ARE FLUCTUATING PLUS OR MINUS A
15 POINT OR TWO

16 IN OTHER WORDS, AFTER WE MOVE THE EFFECTS OF POVERTY,
17 THERE IS NO IMPACT OF EXPENDITURES ON ACHIEVEMENT FOR
18 ELEMENTARY, THE ELEMENTARY GRADES IN 2003

19 Q IS ANOTHER WAY TO SAY THAT THE PER PUPIL EXPENDITURES
20 DOES NOT EFFECT THE ACHIEVEMENT GAP BETWEEN--

21 MR MORRISON OBJECTION, LEADING

22 THE COURT IT IS LEADING I THINK MIGHT BE
23 SOME SUMMARY, BUT IT IS A LEADING QUESTION

24 MR BARNES OKAY

25 BY MR BARNES

1 Q DR ARMOR, DOES PER PUPIL EXPENDITURES IN 2003 FOR
2 GRADES THREE THROUGH FIVE EXPLAIN ANY OF THE DIFFERENCE IN
3 THE ACHIEVEMENT GAP?

4 A NO, IT DOES NOT BOTH TABLE 31 WHICH SHOWS THE
5 ACTUAL COEFFICIENT AND THE GRAPHICAL DISPLAY ARE THE SAME
6 THERE'S BASICALLY NO RELATIONSHIP BETWEEN EXPENDITURES AND
7 ACHIEVEMENT ONCE WE REMOVE THE -- THE KNOWN EFFECTS OF
8 POVERTY

9 Q OKAY LET'S LOOK THEN AT SLIDE 34 ELEMENTARY
10 ACHIEVEMENT BY TEACHER SALARY FOR 2003, GRADES THREE
11 THROUGH FIVE AND WHAT DO YOU FIND HERE, DR ARMOR?

12 A BASICALLY REMEMBER THERE WAS ONE OF THESE -- THE
13 RELATIONSHIP BETWEEN SALARY AND READING WAS STATISTICALLY
14 SIGNIFICANT IF WE REFER BACK TO CHART ON PAGE 31 OR
15 CHART 31, IT WAS THE -- AND THE CORRELATION WAS 07
16 THE -- THE SAME, ROUGHLY THE SAME CORRELATION, 05
17 SLIGHTLY SMALLER CORRELATION WAS NOT SIGNIFICANT

18 WE SEE WHAT'S HAPPENING HERE IS THAT THERE IS A --
19 THERE IS AN INCREASE IN ACHIEVEMENT FROM THE TWO
20 CATEGORIES, THE 34,000 AND THE 35,000 I'M SAYING WHAT
21 I'VE DONE HERE IS I HAVE COLLAPSED SCHOOLS INTO AVERAGES
22 OF 1000 -- \$1000

23 SO I'M SHOWING INCREMENTS OF \$1000 AS WE GO UP THE
24 LINE AFTER WE GET TO 36,000, THERE IS NO CORRELATION
25 FOR -- VIRTUALLY NO RELATIONSHIP BETWEEN SALARY AND -- AND

1 MATH OR READING IN OTHER WORDS, AT THAT 36,000 POINT,
2 THE RELATIONSHIP IS FLAT BUT THERE IS A -- AN INCREASE
3 AT THESE TWO LOWEST LEVELS AND THAT'S GIVING RISE TO A
4 SIGNIFICANT RESULT FOR -- FOR THE READING SCORES

5 BUT I WANT TO EMPHASIZE THAT IT'S -- IT'S JUST THESE
6 LOWEST LEVELS THAT ARE CONTRIBUTING TO IT THERE'S
7 VIRTUALLY NOTHING BETWEEN 36,000 AND 46,000, IT'S A
8 \$10,000 RANGE THAT SUGGESTS THAT -- THAT VARIATIONS
9 BETWEEN 36,000 AND \$46,000 ARE HAVING NO APPRECIABLE
10 IMPACT UPON TEST SCORES

11 Q OKAY

12 A FOR ELEMENTARY STUDENTS

13 Q AND -- AND FOR READING THERE, IS THERE ANY IMPACT AT
14 ALL?

15 A WELL, IT'S PRETTY MUCH THE SAME IT'S NOT
16 SIGNIFICANT BECAUSE THE READING SCORES ARE FLUCTUATING A
17 LITTLE BIT MORE YOU CAN'T NECESSARILY TELL IT HERE
18 BECAUSE THE STATISTICAL TESTS -- WHAT WE'RE ON IS A
19 THRESHOLD, IT'S 07 FOR READING, 05 FOR MATH

20 AND YOU CAN'T REALLY VISUALLY SEE THAT MUCH
21 DIFFERENCE, AND -- AND IT'S PROBABLY RIGHT AT THE
22 THRESHOLD, 05 IS NOT SIGNIFICANT, 07 WAS BUT IT'S --
23 THE RELATIONSHIP IS QUITE THE SAME IN THE SENSE THAT IT'S
24 ALL HAPPENING AT THE LOWEST END OF THE -- OF THE SALARY
25 SCALE

1 Q OKAY AND AGAIN, THIS INFORMATION IS FOR THE WHOLE
2 STATE, FOR ELEMENTARY SCHOOLS IN 2003?

3 A YES IT

4 Q IN THESE GRADES?

5 A YES

6 Q OKAY LET'S LOOK THEN AT SLIDE 35, ELEMENTARY
7 ACHIEVEMENT BY PUPIL TEACHER RATIO FOR 2003, GRADES THREE
8 THROUGH FIVE AND TELL US WHAT WE SEE HERE, DR ARMOR

9 A AGAIN, FROM THE REGRESSION ANALYSIS, NEITHER OF
10 THESE -- PUPIL TEACHER RATIO DID NOT HAVE A SIGNIFICANT
11 EFFECT ON EITHER READING OR MATH ONCE POVERTY IS REMOVED
12 AND WE SEE GRAPHICALLY THAT IT'S BASICALLY A FLAT
13 RELATIONSHIP BETWEEN 12 TO LET'S SAY 22 THERE IS A
14 DOWN-TURN, A SLIGHT DOWN-TURN BETWEEN 22 AND 24 AND A
15 SLIGHT UPTURN BETWEEN TEN AND 12

16 BUT THE VAST BULK OF THE SCHOOLS THAT FALL BETWEEN 12
17 AND 22 WE REALLY DON'T SEE ANY IMPORTANT RELATIONSHIP
18 THERE AND FOR THAT REASON THE SMALL EFFECT OF PUPIL
19 TEACHER RATIO WAS NOT STATISTICALLY SIGNIFICANT, AND THE
20 ACTUAL COEFFICIENT WAS NEAR ZERO FOR READING AND ONLY 02
21 FOR MATH

22 Q OKAY LET'S LOOK AT SLIDE 36, ELEMENTARY ACHIEVEMENT
23 BY PRINCIPALS TENURE, 2003, GRADES THREE THROUGH FIVE

24 A NEITHER OF THESE ARE STATISTICALLY SIGNIFICANT IN THE
25 REGRESSION ANALYSIS WE CAN SEE GRAPHICALLY THAT THERE'S

1 A -- THAT THERE'S QUITE A BIT OF FLUCTUATION WE REMEMBER
2 THAT THE AVERAGE FOR -- FOR THE STATE IS AROUND -- AROUND
3 FIVE YEARS OR THEREABOUTS, SO THERE ARE SMALLER NUMBERS OF
4 SCHOOLS OUT HERE IN THE FARTHER END AND THE BULK OF
5 SCHOOLS ARE GOING TO BE HERE SAY TEN YEARS OR LESS

6 THE -- THE READING SCORES, THE BLUE LINE, IS
7 BASICALLY FLAT AND IT FLUCTUATES A BIT AND THAT
8 FLUCTUATION IS GIVING, HELPS GIVE RISE TO A
9 NON-STATISTICAL RESULT OR A NON-SIGNIFICANT RESULT, THE
10 SAME IS PRETTY MUCH TRUE WITH MATH

11 THERE IS A LITTLE BIT MORE OF A RELATIONSHIP THERE,
12 BUT IT'S STILL BOUNCING AROUND A LOT SO FOR EXAMPLE, WE
13 HAVE A 410 AVERAGE PER SCHOOLS WITH PRINCIPALS WITH FIVE
14 YEARS AND WE AGAIN HAVE AN AVERAGE OF 410 IN MATH FOR
15 PRINCIPALS WITH 13, SCHOOLS THAT HAVE PRINCIPALS WITH 13
16 YEARS OF EXPERIENCE, SO BASICALLY THERE'S JUST NO
17 CONSISTENT EFFECT HERE OF PRINCIPAL EXPERIENCE AS FAR AS
18 ACHIEVEMENT IS CONCERNED

19 Q OKAY LET'S LOOK AT SLIDE 37, ELEMENTARY ACHIEVEMENT
20 BY PORTABLE CLASSROOMS, 2003, GRADES THREE THROUGH FIVE

21 A THIS IS -- REFLECTS THE REGRESSION WHICH BASICALLY
22 SHOWED NO SIGNIFICANT RESULT, NO SIGNIFICANT EFFECT OF
23 PORTABLES IT'S PARTICULARLY FLAT BETWEEN ZERO TO
24 25 PERCENT

25 WE GIVEN THE AVERAGE IS FOR -- FOR THE STATE ARE

1 QUITE LOW AND WE DO HAVE SMALL NUMBERS OF SCHOOLS THAT
2 HAVE VERY HIGH USE OF PORTABLES, BUT EVEN -- AND THAT'S
3 WHERE IT STARTS BOUNCING AROUND A LITTLE BIT, BUT THERE'S
4 NO CONSISTENT PATTERN THERE AND WITHIN THE RANGE OF THE
5 PORTABLES ARE USED, FOR THE VAST MAJORITY OF SCHOOLS WE
6 DON'T SEE ANY EFFECT HERE AT ALL OF PORTABLES ON ACADEMIC
7 ACHIEVEMENT

8 Q OKAY LET'S TURN NOW TO SLIDE 38, ELEMENTARY
9 ACHIEVEMENT BY TEACHER EDUCATION, 2003, GRADES THREE
10 THROUGH FIVE

11 A AGAIN, NO SIGNIFICANT EFFECT HERE THE CURVE IS
12 VIRTUALLY FLAT AND IT GOES UP A LITTLE BIT AND COMES
13 DOWN AGAIN OR IT GOES DOWN AND COMES UP, BUT BASICALLY
14 CONSISTENT WITH THE REGRESSION, THERE IS NO IMPORTANT
15 EFFECT OF TEACHER EDUCATION, THAT'S HAVING A MASTER'S
16 DEGREE ON ACHIEVEMENT SCORES

17 Q OKAY LET'S LOOK AT SLIDE 39, ELEMENTARY ACHIEVEMENT
18 BY TEACHER EXPERIENCE, GRADES THREE THROUGH FIVE FOR 2003

19 A NEITHER ONE OF THESE WERE SIGNIFICANT, NEITHER
20 READING OR MATH FOR ELEMENTARY SCHOOLS THERE IS A -- I
21 GUESS I WOULD EMPHASIZE THAT THE CURVE IS VIRTUALLY FLAT
22 BETWEEN AN AVERAGE OF NINE YEARS AND AN AVERAGE OF 18
23 THERE IS A DOWN-TURN BETWEEN GOING DOWN TO EIGHT AND AN
24 UPTURN GOING TO 19, BUT THERE ARE A SMALL NUMBER OF
25 SCHOOLS THERE, THAT'S NOT ENOUGH TO GIVE RISE TO A

1 SIGNIFICANT RESULT

2 AND AGAIN IT'S VIRTUALLY FLAT, IT'S BETWEEN THE NINE
3 AND 18 RANGE OF -- OF TEACHER EXPERIENCE THEREFORE NO
4 EFFECT ON ACHIEVEMENT CERTAINLY IN -- IN THAT RANGE

5 Q OKAY SLIDE 40, ELEMENTARY ACHIEVEMENT BY TEACHER
6 CERTIFICATION, 2003, GRADES THREE THROUGH FIVE

7 A YES THE READING TEST, THIS WAS THE -- ONE OF THE
8 FEW CHARACTERISTICS THAT WAS STATISTICALLY SIGNIFICANT AND
9 THE EFFECT WAS OVER 1, THAT IS THIS -- THIS IS A 13
10 CORRELATION, THAT'S A WEAK CORRELATION COMPARED TO THE
11 EFFECT OF POVERTY, BUT IT -- IT IS STATISTICALLY
12 SIGNIFICANT AND WE CAN SEE FROM THE -- THE CURVE THERE,
13 WITH THE EXCEPTION OF SCHOOLS THAT AVERAGE ABOUT, YOU
14 KNOW, FROM 68 TO 72 CERTIFIED TEACHERS, THAT GOES UP A
15 BIT

16 BUT FROM 65, IF WE -- IF YOU KIND OF IGNORE THAT ONE
17 POINT WHICH COULD BE JUST AN ABERRATION, THERE IS -- THERE
18 IS A FAIRLY STEADY INCREASE IN ACHIEVEMENT FROM A LITTLE
19 UNDER 402 TO 404

20 SO THERE'S -- IT'S NOT A BIG EFFECT, BUT IN THIS CASE
21 IT IS -- IT'S A -- IT'S A TWO-POINT EFFECT IF WE GO FROM
22 THE LOWEST TO THE HIGHEST LEVELS OF CERTIFICATION
23 ACTUALLY THE READING, THE MATH SCORE HAS A SIMILAR
24 PATTERN

25 AND IF WE LOOK AT THE REGRESSION ANALYSIS, IT WAS

1 06, SO THERE'S JUST A LITTLE BIT MORE FLUCTUATION IN THE
2 MATH SCORES THAN THERE ARE IN THE READING SCORES AND THAT
3 CAUSE IT NOT TO BE STATISTICALLY SIGNIFICANT BUT I -- I
4 THINK I'M -- I'M LOOKING AT THE PATTERN

5 THE PATTERN IS THE SAME THERE'S NOT QUITE AS MUCH
6 OF AN EFFECT FOR MATH, BUT IT'S GOT THAT SAME UP-TREND, SO
7 IT MAY BE -- MAYBE BY A POINT OR, BUT YOU KNOW, BY --
8 THAT'S COUPLE OF POINTS THAT GO UP FROM 75 TO A HUNDRED,
9 SO EVEN THOUGH IT'S NOT SIGNIFICANT, IT HAS A SIMILAR
10 PATTERN, SO WE MIGHT SAY THAT THERE MIGHT BE AN EFFECT OF
11 TWO POINTS HERE FROM THE VERY LOWEST TO THE VERY HIGHEST
12 CERTIFICATION RATES

13 Q OKAY LET'S LOOK AT SLIDE 41, ELEMENTARY ACHIEVEMENT
14 BY TEACHERS OUT OF FIELD, 2003, GRADES THREE THROUGH FIVE
15 A YES THIS IS -- AGAIN, IT'S -- I EMPHASIZE THAT THE
16 AVERAGE OUT OF FIELD IS VERY, VERY LOW IT'S -- IT'S ON
17 THE ORDER OF TWO OR 3 PERCENT I DON'T REMEMBER EXACTLY
18 BUT HERE IS A SITUATION WHERE WE HAVE A SMALL NUMBER OF
19 SCHOOLS WITH A VERY HIGH PERCENT OF TEACHERS OUT-OF-FIELD
20 THAT HAPPEN TO HAVE HIGH TEST SCORES

21 IF WE LOOK AT THAT -- WE GO FROM ZERO TO FIVE WE SEE
22 A PRETTY FLAT RELATIONSHIP BETWEEN OUT OF FIELD SO I
23 WOULD SAY THERE'S NO RELATIONSHIP HERE FOR THE VAST
24 MAJORITY OF SCHOOLS AND THE -- AND A REASONABLE RANGE FROM
25 ZERO TO 5 PERCENT OUT OF FIELD TEACHING

1 BUT WE HAVE THIS GROUP THAT HAS 10 PERCENT WITH AN
2 AVERAGE OF 10 PERCENT AND IT'S GOT HIGHER TEST SCORES, SO
3 THAT GIVES RISE TO THE -- TO THE INVERSE UNEXPECTED
4 SIGNIFICANT RELATIONSHIP IN CHART 31 BUT I DON'T --
5 AGAIN, I THINK I WOULD -- I WOULD REST WITH THE ZERO TO
6 FIVE RANGE HERE ON PERCENT OUT OF FIELD AND SAY THERE'S
7 BASICALLY NO RELATIONSHIP BETWEEN YOUR OUT OF FIELD RATE
8 AND ACHIEVEMENT

9 MR MORRISON PROFESSOR, JUST FOR THE RECORD,
10 THAT'S SLIDE 41

11 THE COURT FORTY-ONE YOU SAID

12 THE WITNESS I THINK I WAS REFERRING TO 31 THAT
13 SHOWS SIGNIFICANT OUT OF FIELD EFFECT, BUT IT WAS IN THE
14 WRONG -- WAS IN THE UNEXPECTED DIRECTION I MAY HAVE --
15 THAT'S WHAT I WAS TALKING ABOUT, BUT THIS IS 41

16 MR MORRISON I STAND CORRECTED THANK YOU
17 BY MR BARNES

18 Q OKAY LET'S LOOK AT SLIDE 42, ELEMENTARY ACHIEVEMENT
19 BY TEACHER RETENTION, 2003, GRADES THREE THROUGH FIVE

20 A TEACHER RETENTION FOR NEITHER -- FOR NEITHER READING
21 OR MATH IS THIS A SIGNIFICANT EFFECT AS WE SAW ON THE
22 REGRESSION AND IT'S PRETTY FLAT IT'S CERTAINLY QUITE
23 FLAT BETWEEN 70 PERCENT RETURNING TEACHERS OR RETAINED
24 TEACHERS UP TO 90 PERCENT

25 SO BASICALLY THIS IS -- THIS IS PRETTY FLAT, VERY,

1 VERY LITTLE EFFECT OF RETENTION RATES ON ACHIEVEMENT, AND
2 NEITHER ONE IS SIGNIFICANT IN THIS CASE

3 Q OKAY AND THEN ELEMENTARY ACHIEVEMENT BY TEACHER
4 CONTRACT STATUS, 2003, GRADES THREE THROUGH FIVE

5 A THIS IS -- AGAIN WAS NOT STATISTICALLY SIGNIFICANT
6 FOR EITHER ONE THERE DOES APPEAR TO BE A GRADUAL TREND
7 OF ABOUT TWO POINTS FROM THE VERY LOWEST CONTINUING
8 CONTRACT RATES OF 60 PERCENT UP TO A HUNDRED PERCENT
9 CONTINUING CONTRACT TEACHERS FOR BOTH READING AND MATH
10 BUT IT DOESN'T RISE TO THE STATISTICAL SIGNIFICANCE

11 AND AGAIN, YOU KNOW, WHEN WE GO TO SCHOOL BY SCHOOL,
12 THE REASON IS IS THAT THERE'S ENOUGH FLUCTUATION IN THERE
13 THAT THE CORRELATION ON RETURNING RATE IS -- IS LESS THAN
14 .05 SO IT DOES APPEAR TO BE A CORRELATION HERE, BUT IT
15 IS TOO WEAK TO RISE TO SIGNIFICANCE AND THEREFORE THE
16 EFFECT IS NOT STRONG ENOUGH TO BE STATISTICALLY
17 SIGNIFICANT

18 Q BEFORE WE MOVE INTO THE MIDDLE SCHOOL OBSERVATIONS,
19 DO YOU HAVE ANY GENERAL OBSERVATIONS AFTER LOOKING AT THIS
20 ANALYSIS ABOUT THESE VARIABLES AND ACHIEVEMENT FOR THESE
21 YEARS IN GRADES -- FOR THIS YEAR IN THESE GRADES, DR
22 ARMOR?

23 A YES, I DO

24 Q OKAY AND WHAT ARE THOSE?

25 A BASICALLY THE EFFECTS OF ALL THESE SCHOOL RESOURCES

1 ARE MINIMAL THERE MIGHT BE A SMALL EFFECT, VERY MODEST
2 EFFECT OF CERTIFICATION IT'S THE ONLY ONE THAT WAS
3 SIGNIFICANT AND -- BUT WHILE IT'S SIGNIFICANT, I HAVE TO
4 STRESS THAT FROM THE LOWEST TO THE HIGHEST LEVELS THAT WE
5 OBSERVE IN SOUTH CAROLINA, IT'S ONLY A TWO-POINT
6 DIFFERENCE

7 SO CLEARLY WHILE CERTIFICATION RATES MIGHT EXPLAIN A
8 SMALL AMOUNT OF DIFFERENCE BETWEEN PLAINTIFF AND THE REST
9 OF THE DISTRICT, THE EFFECT IS -- IS -- IS SUFFICIENTLY
10 SMALL THAT WE -- WE ONLY SAW A -- I BELIEVE A FOUR-POINT
11 DIFFERENCE IN CERTIFICATION RATES AT THE ELEMENTARY LEVEL
12 BETWEEN PLAINTIFFS AND THE REST OF THE STATE

13 SO TO EVEN GET A ONE POINT EFFECT ON CERTIFICATION
14 RATES, YOU HAVE TO HAVE -- YOU HAVE TO HAVE A 20 OR
15 30-POINT DIFFERENCE SO -- IN CERTIFICATION RATES SO
16 THIS INFORMATION COUPLED WITH THE ACTUAL DIFFERENCE IN
17 RESOURCES ADDS UP TO -- NONE OF THESE TEACHER
18 CHARACTERISTICS OR SCHOOL RESOURCES CAN EXPLAIN THE GAP,
19 AND OF COURSE, OR WHATEVER GAP IS LEFT AFTER WE TAKE OUT
20 THE EFFECTS OF POVERTY

21 Q OKAY LET'S MOVE ON THEN TO THE MIDDLE SCHOOL
22 INFORMATION FOR 2003, GRADES SIX THROUGH EIGHT NOW, THIS
23 IS GRADES SIX THROUGH EIGHT, IS THAT CORRECT?

24 A YES, THE SCORES ARE AVERAGED ACROSS ALL THREE GRADES
25 IN THE CASE OF JUNIOR HIGH SCHOOLS IT'S AVERAGED ACROSS

1 GRADES SEVEN AND EIGHT THE -- AND WE'RE LOOKING NOW AT
2 THE EFFECT OF THESE SCHOOL RESOURCES ON MIDDLE SCHOOLS
3 WHICH ARE DIFFERENT BUILDINGS AND DIFFERENT FACILITIES
4 WITHIN THE -- WITHIN THESE DISTRICTS

5 Q OKAY AND LET ME ASK YOU WHY YOU'RE INCLUDING GRADE
6 EIGHT NOW AND YOU DIDN'T INCLUDE GRADE EIGHT -- GRADE
7 EIGHT IN YOUR OBSERVATIONS EARLY IN YOUR TESTIMONY?

8 A WELL, I'M -- I'M AVERAGING GRADES SIX THROUGH EIGHT
9 AND I'M ALSO AVERAGING THE FREE LUNCH RATES FROM GRADES
10 SIX THROUGH EIGHT, SO AND AS -- AS WE SAW ON THE -- ON THE
11 REGRESSION ANALYSIS ON PAGE 31, WE ACTUALLY HAVE A 8,
12 HAVE A STRONGER CORRELATION IN THE MIDDLE SCHOOLS THAN WE
13 DO IN THE ELEMENTARY SCHOOLS AND THAT'S BECAUSE WE'RE ABLE
14 TO PICK UP FOR THESE SCHOOLS THE AVERAGE ACROSS THREE
15 GRADES

16 SO WHATEVER DEFICIENCIES EIGHTH GRADE BY ITSELF MIGHT
17 HAVE IS COMPENSATED FOR BY THE FACT THAT WE HAVE SIXTH AND
18 SEVENTH GRADES AVERAGED INTO THIS NUMBER, AND -- AND THE
19 DEMONSTRATION IS THAT IT DOES HAVE A POWERFUL -- THIS
20 MEASURE DOES HAVE A POWERFUL EFFECT ON ACHIEVEMENT

21 Q OKAY

22 A AND THIS CHART, THE 44 GRAPHICALLY PORTRAYS THIS
23 VERY, VERY LARGE EFFECT BASICALLY FROM THE LOWEST TO THE
24 HIGHEST LEVELS OF POVERTY, THE ACHIEVEMENT DIFFERENCES ARE
25 BASICALLY 12, 13, 14 POINTS SO THE HIGHER THE POVERTY

1 THE COURT WE'LL TAKE IT OUT

2 THE WITNESS DOESN'T BELONG

3 BY MR. BARNES

4 Q THAT JUST GOES TO SHOW -- I THINK THAT PROVES MY
5 POINT THAT IT WASN'T -- IT WAS THE POWERPOINT, IT WASN'T
6 ME, JUDGE

7 THE COURT IT'S LURKING THERE, WAITING ON A
8 CHANCE

9 BY MR. BARNES

10 Q SO, DR. ARMOR, NOW HAVING DONE THIS ANALYSIS FOR
11 THREE YEARS IN A COUPLE OF DIFFERENT WAYS, DO YOU HAVE AN
12 OPINION OR A CONCLUSION ABOUT ACADEMIC ACHIEVEMENT IN
13 SOUTH CAROLINA AND WHAT EFFECT THESE CHARACTERISTICS AND
14 RESOURCES HAVE ON ACHIEVEMENT?

15 A YES, I DO

16 Q AND WHAT IS THAT OPINION?

17 A BASICALLY NO, NO MATTER HOW YOU LOOK AT IT OR HOW YOU
18 SLICE IT, HOW YOU -- WHAT ASSUMPTIONS YOU MAKE, THE BOTTOM
19 LINE IS THAT TEST SCORES IN PLAINTIFF DISTRICTS, TEST
20 SCORES ANYWHERE IN SOUTH CAROLINA, ARE BEING DRIVEN
21 HEAVILY BY POVERTY. THE EFFECTS OF POVERTY ARE THE
22 DOMINANT FORCE.

23 SCHOOL RESOURCES, THERE ARE SOME STATISTICAL
24 DIFFERENCE IN RESOURCES BETWEEN SCHOOLS AND IN THIS CASE
25 BETWEEN PLAINTIFFS AND -- AND THE REST OF THE STATE, BUT

1 THE EFFECTS ARE SMALL

2 NO MATTER HOW WE REARRANGE IT TO MAKE CHANGES WITHIN
3 WHAT I WOULD SAY A REASONABLE -- WOULD EVEN -- SOME OF THE
4 PLAINTIFF SCENARIOS OF THEIR ASSESSMENT OF WHAT THESE
5 DIFFERENCES ARE, BECAUSE THE RESOURCE EFFECTS ARE SMALL
6 COMPARED TO POVERTY, WE'RE WORKING AT THE MARGINS

7 THE GAP IS REDUCED SOMEWHAT I'M NOT SAYING -- AND
8 THAT'S GOOD IF YOU CAN REDUCE THE GAP BUT THE GAP IS NOT
9 GOING TO GO AWAY IT'S NOT GOING TO BE ELIMINATED BASED
10 UPON WHAT WE KNOW ABOUT HOW THINGS WORK HERE IN SOUTH
11 CAROLINA

12 IT CAN BE IMPROVED SOMEWHAT, BUT AS LONG AS WE HAVE
13 THE POVERTY DIFFERENCES THAT WE HAVE, IT'S ONLY GOING TO
14 BE -- WE'RE WORKING AT THE MARGINS WE CAN MAKE MARGINAL
15 IMPROVEMENTS, MARGINAL CHANGES BUT WE CAN'T BASICALLY
16 CHANGE THE FUNDAMENTAL UNDERLYING CAUSE OF THE GAP AND
17 THEREFORE THAT GAP IS GOING TO BE -- PERSIST FOR SOME
18 TIME

19 Q AND IS THAT FINDING CONSISTENT WITH WHAT YOU'VE SEEN
20 IN OTHER SIMILAR ANALYSIS?

21 A YES SADLY TO SAY, WE HAVE NOT FIGURED OUT A WAY TO
22 OVERCOME THE EFFECTS OF POVERTY THIS IS SIMPLY ONE MORE
23 WAY OF ANALYSIS THAT SHOWS HOW HARD IT IS TO OVERCOME THE
24 EFFECTS OF POVERTY AND I HAVE FOUND THIS IN OTHER --
25 OTHER ANALYSES, OTHER STATES IN MY NATIONAL STUDIES

1 IT'S -- IT'S -- IT'S AN EDUCATIONAL FACT THAT WE HAVE
2 TO DEAL WITH AND COPE WITH MAYBE SOME DAY WE'LL FINDS A
3 WAY I -- I HAVE SOME OPINIONS ABOUT THAT, BUT BASICALLY
4 SOME OF THE SCHOOL RESOURCES THAT WE CAN CONTROL, THINGS
5 WE CAN ALTER UNFORTUNATELY HAVE RELATIVELY SMALL EFFECTS
6 AND THEREFORE ARE NOT, IT'S NOT POSSIBLE TO GET RID OF THE
7 GAP BY CHANGING SCHOOLS AND WE SHOULDN'T BLAME SCHOOLS
8 EITHER ON THESE GAPS

9 WE CAN'T BLAME OR SAY THE SCHOOL SYSTEMS ARE FAILING
10 BECAUSE OF THESE LOW SCORES WHEN SO MUCH OF THAT LOW SCORE
11 IS -- IS A FUNCTION OF FAMILY CHARACTERISTICS THAT ARE WAY
12 BEYOND THE CONTROL OF THE SCHOOL SYSTEM AND THE STATE AT
13 THIS POINT

14 Q OKAY DR ARMOR, AM I CORRECT THAT YOU DID LOOK AT
15 SOME DATA ON 2004 PACT SCORES?

16 A YES, I DID PULL OFF -- THEY JUST BECAME AVAILABLE
17 RECENTLY AND I DID PULL OFF AND ADD IT TO MY DATA FILES,
18 THE 2004 SCORES I DIDN'T HAVE SCALE SCORES THE ONLY
19 THING THAT WAS AVAILABLE WERE THE PERCENT IN DIFFERENT
20 CATEGORIES

21 Q OKAY AND DID YOU HAVE ANY RESOURCE INFORMATION OR
22 TEACHER CHARACTER INFORMATION ABOUT 2004?

23 A NONE OF THE REPORT CARD DATA IS AVAILABLE AT THIS
24 POINT SO FAR AS I KNOW IT'S NOT -- IT'S JUST NOT ON THE
25 WEBSITE AND I BELIEVE IT'S NOT DUE OUT FOR A WHILE

1 ENTIRE NATION

2 Q AND WHAT DOES THIS N A E P DATA TELL YOU OR WHAT
3 CONCLUSIONS DO YOU DRAW FROM THIS N A E P DATA ABOUT
4 SOUTH CAROLINA?

5 A WELL, IN MY OPINION DESPITE POVERTY IF WE TAKE INTO
6 ACCOUNT THE POVERTY LEVELS THAT ARE QUITE HIGH IN SOUTH
7 CAROLINA, IT'S DOING VERY WELL AND COMPARED TO OTHER
8 STATES WHERE WE REMOVE THE EFFECTS OF POVERTY, IT'S REALLY
9 TOP RANKED

10 I BELIEVE IT SHOWS THAT -- THAT SOUTH CAROLINA'S
11 ACCOUNTABILITY SYSTEM IS VERY SUCCESSFUL, THAT IT'S HAD
12 THE EFFECT OF INCREASING THE SCORES OF EVERYBODY AND, OF
13 COURSE, THAT'S -- THAT'S A GOOD THING

14 THERE AREN'T A LOT OF SCHOOL PROGRAMS THAT AFFECT
15 ACHIEVEMENT, BUT ACCOUNTABILITY SYSTEMS APPEARS TO BE ONE
16 OF THOSE PROGRAMS THAT DOES IMPROVE ACHIEVEMENT

17 Q OKAY DR ARMOR, I THINK YOU GET THE RECORD FOR
18 GOING THROUGH THE LONGEST POWERPOINT IN THE MOST AMOUNT OF
19 TIME AND I APPRECIATE THAT

20 THE COURT LEAST

21 THE WITNESS LEAST, THE LEAST AMOUNT OF TIME
22 BY MR BARNES

23 Q THE LEAST AMOUNT OF TIME I'M SORRY THE LONGEST
24 POWERPOINT IN THE LEAST AMOUNT OF TIME

25 THE COURT USING THE NEGATIVE CORRELATION

1 REGRESSION IS A SCHOOL LEVEL ANALYSIS

2 Q OKAY AND WE WOULD HAVE INDIVIDUAL LEVEL GAPS,
3 RIGHT?

4 A THAT'S RIGHT TO DO THIS PROPERLY IF YOU'RE GOING TO
5 DO A SCHOOL LEVEL ANALYSIS YOU NEED TO USE A SCHOOL MEANS

6 Q OKAY AND SO BY DOING THE SCHOOL LEVEL ANALYSIS
7 WE'RE NOW -- I'M GOING TO ASK YOU TO NOW JUST MOVE OFF OF
8 WHAT I WAS JUST TALKING ABOUT IN TERMS OF THE VARIOUS WAYS
9 YOU COULD COME UP WITH AVERAGES AND GAPS AND ASSUME THAT
10 YOU'VE DONE IT YOUR WAY IN OTHER WORDS, I'M BACK ON YOUR
11 PAGE RIGHT?

12 A YES

13 Q AND YOU CAME UP WITH 5.8 AND 5.9 AS THE GAPS BETWEEN
14 THE PLAINTIFF DISTRICTS IN THE THIRD GRADE, 2003, AND THE
15 REST OF THE STATE THIRD GRADE, 2003 RIGHT?

16 A RIGHT

17 Q OKAY NOW, YOU UNDERTOOK A -- ANOTHER REGRESSION
18 ANALYSIS SINCE YOU TOLD ME THAT THE AVERAGE OF AVERAGES
19 WAS A REGRESSION IN THE FIRST PLACE, RIGHT?

20 A THE -- IT WAS A REGRESSION THAT USED A PLAINTIFF
21 DESIGNATOR AS A DUMMY VARIABLE

22 Q OKAY AND NOW AS YOU'RE -- AS YOU'RE INJECTING THIS
23 ADJUSTMENT FOR POVERTY, THIS IS THE ADJUSTMENT YOU AND
24 MR. BARNES WORKED ON A -- AS YOU WERE OUTLINING THIS, I
25 THOUGHT, HE DREW A NICE, WHOOPS, GUESS IT'S NOT UP HERE

1 ANYMORE

2 THE COURT WE SENT IT ON TO THE SMITHSONIAN
3 MR MORRISON WELL, HE WAS SO GOOD AT IT IS
4 THAT ANYWHERE AROUND?

5 MR BARNES I DIDN'T MOVE IT I DON'T KNOW
6 WHERE IT WENT ARE YOU SURE IT'S NOT THERE?

7 (ATTORNEYS CONFERRING)

8 BY MR MORRISON

9 Q THERE IT IS MR BARNES STARTED ON PAGE THREE I
10 WENT BACK IN FRONT OF HIM I APOLOGIZE ALL RIGHT THIS
11 WAS THE STANDARD DEVIATION DISCUSSION THAT YOU WERE
12 HAVING I'M NOT INTERESTED IN THIS PART AT THE TOP RIGHT
13 NOW I'M JUST INTERESTED IN THE STANDARD DEVIATION
14 DRAWING THAT'S HERE, RIGHT?

15 A YES

16 Q AND YOU WERE EXPLAINING THAT THIS WOULD BE THE CURVE
17 THIS WOULD BE THE CURVE FOR ALL STUDENTS AND THIS WOULD BE
18 THE MEAN AND THE FIRST STANDARD DEVIATION WOULD BE ONE
19 TO THE RIGHT, AND ANOTHER STANDARD DEVIATION WOULD BE OVER
20 HERE, RIGHT?

21 A YES

22 Q NOW, IF WE WERE TO DRAW ANOTHER ONE OF THESE BELL
23 SHAPED CURVES JUST FOR STUDENTS OF POVERTY AS WE'RE TRYING
24 TO ELIMINATE POVERTY, YOU WOULD DRAW IT OVER HERE TO THE
25 LEFT, WOULDN'T YOU?

1 A THAT'S CORRECT

2 Q CAN -- GUIDE ME IN DRAWING IT WOULD YOU DRAW THE
3 MIDDLE OF THE CURVE OVER THIS STANDARD DEVIATION THAT'S TO
4 THE LEFT OF THE MEAN IN THE TOTAL POPULATION?

5 A IT WOULD -- I DON'T KNOW THAT I -- I'M SURE I
6 CALCULATED THAT, BUT I HAVEN'T -- I DON'T RECALL WHAT IT
7 IS BUT IT WOULD BE SOMETHING ON THE ORDER OF ONE STANDARD
8 DEVIATION, POSSIBLY A BIT MORE SO --

9 Q IF WE --

10 A NOW, I'M GOING TO HAVE TO STOP YOU HERE BECAUSE AGAIN
11 YOU'RE WORKING ON INDIVIDUALS OKAY SO FOR INDIVIDUALS
12 WE CAN CLASSIFY THEM INTO POOR AND NON-POOR AT THE
13 SCHOOL -- AT THE SCHOOL LEVEL, WE HAVE A PERCENT POVERTY
14 WE HAVE A DISTRIBUTION OF PERCENT POVERTY GOING FROM ZERO
15 TO A HUNDRED

16 SO AT SOME POINT YOU'RE GOING TO HAVE TO -- WE CAN'T
17 CLASSIFY SCHOOLS THAT ARE POOR AND NON-POOR BECAUSE WE
18 DON'T HAVE SUCH A THING WE JUST HAVE A PERCENTAGE
19 MEASURE OF POVERTY IN EACH SCHOOL

20 Q MAYBE THERE'S A SIMPLER WAY I HOPE THERE IS BUT
21 LET ME ASK IT THIS WAY IS THE EFFECT OF THE ADJUSTMENT
22 FOR POVERTY TO INCREASE THE SCALE SCORES FOR THE PLAINTIFF
23 DISTRICTS BY -- IN THE -- IN THE PLACE OF ENGLISH HERE, BY
24 4 7 POINTS, THE DIFFERENCE BETWEEN 5 8 AND 1 1 ADJUSTED
25 FOR POVERTY?

1 A YES, IT IS

2 Q AND DO ANY JUDGMENTS GO INTO THAT ACTUAL PROCESS?

3 A NO ONCE THE DATA IS SELECTED, THAT'S THE REASON WHY
4 I -- I AM A FAN OF STATISTICAL ANALYSIS AND USING
5 COMPUTERS, BECAUSE THERE ARE ACCEPTED WAYS OF LOOKING AT
6 THIS INFORMATION THEY'RE USED BY PROFESSIONALS

7 IT CAN ALSO BE REPLICATED IF SOMEBODY FINDS OUT HOW
8 YOU'RE DOING IT THEY CAN, THEY CAN TEST TO MAKE SURE THAT
9 YOU'RE NOT MAKING ANY MISTAKES OR ERRORS SO TO ME THE
10 STATISTICAL ANALYSIS THAT I'VE USED HERE IS -- IS WHAT I
11 PREFERRED TO DO FOR POLICY WORK WHERE WE HAVE TO DECIDE ON
12 WHAT'S IMPORTANT AND WHAT'S NOT IMPORTANT

13 AND I THINK STATISTICAL ANALYSIS AND COMPUTER-BASED
14 ANALYSIS IS THE WAY TO GO BECAUSE IT DOES REMOVE
15 JUDGMENTS, EVEN THE KIND OF UNCONSCIOUS MISTAKES YOU MIGHT
16 MAKE FROM A CODING ERROR AND OF COURSE I -- I LIKE ANYBODY
17 ELSE HAVE MADE ERRORS IN CODING AND TRANSPOSING NUMBERS
18 AND WHAT HAVE YOU

19 Q HAVE YOU DONE THE KIND OF ANALYSIS YOU'VE DONE IN
20 THIS CASE IN -- AT OTHER TIMES AND HAVE THAT WORK PEER
21 REVIEWED?

22 A YES, I HAVE

23 Q AND WAS THAT WORK DETERMINED TO BE RELIABLE?

24 A WELL, I HAD -- I'VE HAD MANY OF MY STUDIES
25 PUBLISHED IN PEER REVIEW JOURNALS SO I BELIEVE SO

1 IN YOUR MODEL, DO YOU HAVE BOTH DIRECT AND INDIRECT
2 EFFECTS?

3 A YES

4 Q OKAY AND A DIRECT EFFECT WOULD BE WHAT?

5 A WHEN YOU HAVE THE -- A SINGLE ARROW THAT STOPS AT ONE
6 POINT

7 Q OKAY A DIRECT EFFECT WOULD BE BETWEEN POVERTY AND
8 DIVORCE, RIGHT?

9 A THAT'S CORRECT

10 Q AND A DIRECT EFFECT WOULD BE BETWEEN DIVORCE AND
11 ACHIEVEMENT, RIGHT?

12 A YES

13 Q OKAY YOU ALSO HAVE INDIRECT EFFECTS, RIGHT?

14 A YES

15 Q AND THE INDIRECT EFFECTS WOULD BE, WHAT?

16 A FROM POVERTY TO ACHIEVEMENT WHERE IT -- IT WOULD FLOW
17 THROUGH SOMETHING INTERMEDIATE, ONE OR MORE OF THE
18 INTERMEDIATE FACTORS

19 Q OKAY POVERTY WOULD FLOW THROUGH, FOR EXAMPLE,
20 PRENATAL FACTORS WHICH WOULD THEN FLOW THROUGH THE CHILD'S
21 ABILITIES WHICH WOULD THEN FLOW TO ACHIEVEMENT, SO THERE'D
22 BE A TWO-STEP INDIRECT EFFECT, RIGHT?

23 A YES

24 Q OKAY AND IF YOU WANTED TO MAKE A MORE COMPLEX
25 MODEL, YOU COULD PUT TEACHING QUALITY BETWEEN THE

1 ABILITIES AND THE ACHIEVEMENT, RIGHT?

2 A THAT'S RIGHT IF -- WHAT I EXPLAINED THAT THERE
3 COULD EVEN BE ADDITIONAL FACTORS THAT COULD BE PORTRAYED
4 ON THAT CHART FOR EXAMPLE, IF I LOOK AT A CHILD -- CHILD
5 REARING, THAT'S A BIG BROAD GENERIC CATEGORY AND STUDIES
6 HAVE BEEN MADE OF THE SPECIFICS OF CHILD REARING THAT
7 IS, THE WAY THAT THE PARENTS SPEAK WITH THE CHILD AND
8 ENCOURAGE THEIR VOCABULARY

9 SO THIS IS A KIND OF A GENERAL DIAGRAM BUT THERE
10 COULD BE MANY INTERMEDIATE OR MORE SPECIFIC VARIABLES THAN
11 THE LARGE GROUPS THAT I HAVE THERE

12 Q AND SOME OF THESE VARIABLES YOU CAN ADJUST, RIGHT?
13 THEY CAN -- THEY CAN BE ADJUSTED, RIGHT?

14 A I DON'T KNOW WHAT ADJUST MEANS SO WHAT DO YOU MEAN
15 BY THAT?

16 Q WELL --

17 A YOU MEAN MANIPULATE, SORT OF LIKE EXPERIMENTALLY?

18 Q YES

19 A WELL, IF I LOOK THROUGH THE LIST, I SUPPOSE THAT
20 PRENATAL FACTORS COULD BE MANIPULATED WE COULD HAVE TWO
21 DIFFERENT WAYS THAT NEONATALISTS MIGHT THINK ARE THE --
22 THE BEST WAY TO CARE FOR THE MOTHER AS SHE -- DURING HER
23 PREGNANCY

24 Q LET'S -- IS IT OKAY TO STOP ON THAT? I DON'T MEAN TO
25 CUT YOU OFF, BUT I JUST WANT TO USE ONE AS AN EXAMPLE OF

1 ACHIEVEMENT IN YOUR PATH DIAGRAM RIGHT?

2 A THAT'S RIGHT

3 Q THE EFFECTS OF POVERTY ON ACHIEVEMENT ARE MEDIATED,
4 IS THAT A FAIR WORD, BY ON -- BY ITS EFFECT ON, FOR
5 EXAMPLE, PRENATAL FACTORS?

6 A WELL, I DON'T MEAN TO SAY THAT ALL OF THE FACTORS ARE
7 REPRESENTED HERE I THINK THIS IS A WAY TO INDICATE MORE
8 SPECIFICALLY THAN JUST POVERTY, HOW POVERTY OPERATES AND
9 SO, YES, THESE ARE MEDIATING FACTORS

10 Q OKAY

11 A SO I DIDN'T HAVE A DIAGRAM DIRECTLY FROM POVERTY TO
12 ACHIEVEMENT

13 Q RIGHT AND THESE ARE -- THESE ARE -- I DIDN'T MEAN
14 TO SAY THESE WERE THE ONLY MEDIATING FACTORS

15 A YES

16 Q YOU JUST SELECTED THESE FOR PURPOSES OF ILLUSTRATION
17 IN THE COURTROOM?

18 A YES, AND ALSO BECAUSE I THINK THAT THEY'RE QUITE
19 IMPORTANT ONES

20 Q OKAY AND SO YOU SELECTED THEM FOR IMPORTANCE AND BY
21 EXAMPLE, RIGHT?

22 A YES

23 Q AND WHEN I SAID THAT PRENATAL FACTORS IS A MEDIATING
24 FACTOR, THAT WAS THE SAME WAY, BY WAY OF EXAMPLE EACH OF
25 THESE OTHERS THEN IS A MEDIATING FACTOR, RIGHT?

Herbert J Walberg, Ph D (Defendants' Expert)
Emeritus Prof of Educ and Psychology
Univ of Chicago
Cross by Morrison

43

1 DO FIND THAT IT'S VERY DIFFICULT SOMETIMES TO PREVENT
2 SMOKING

3 SOME PEOPLE WHO HAVE SMOKED EVEN FOR FIVE YEARS FIND
4 IT INCREDIBLY DIFFICULT TO DO AND IF WE'RE TALKING ABOUT
5 PREVENTING PEOPLE FROM MOVING, I WOULD REGARD THAT AS,
6 WELL, ALMOST YOU'D FIND IN A POLICE STATE

7 SO THESE THINGS HAVE TO BE CONSIDERED IN THE CONTEXT
8 AND THE FULL COSTS AND TO USE THE TERM CONTEXT, I THINK WE
9 HAVE TO CONSIDER THEM CONTEXT, THE COST, THE VALUE AND THE
10 FEASIBILITY OF ALL OF THESE THINGS

11 Q IN YOUR ARTICLE IMPROVING EDUCATIONAL PRODUCTIVITY
12 YOU HAVE SAID, REFERRING TO THE PATTERNS OF POVERTY, THESE
13 DEPRESSING PATTERNS ARE HARDLY INEVITABLE PRESCHOOL
14 PROGRAMS, FULL-DAY KINDERGARTEN, AND SCHOOL PARENT
15 PROGRAMS CAN HELP PARENTS MITIGATE MATTHEW EFFECTS, RICH
16 GETTING RICHER, RIGHT?

17 A WELL, I HAVE TO SAY THE ARTICLE IN ORDER TO DO IT BUT
18 IT SOUNDS VERY MUCH LIKE MY LANGUAGE SO I CERTAINLY DON'T
19 DISAGREE WITH THAT AS I STAND, SIT HERE TODAY

20 Q COULD YOU PUT UP THE I'M SORRY IT WAS SLIDE
21 (CONFERRING WITH STAFF) JUST LOOKING AT IT ON THE SCREEN
22 THESE DEPRESSING PATTERNS ARE HARDLY INEVITABLE, PRESCHOOL
23 PROGRAMS, FULL-DAY KINDERGARTEN AND SCHOOL PARENT PROGRAMS
24 CAN HELP PARENTS MITIGATE THE MATTHEW EFFECTS, RICH
25 GETTING RICHER, END QUOTE, IMPROVING EDUCATIONAL

Herbert J Walberg Ph D (Defendants' Expert)
Emeritus Prof of Educ and Psychology
Univ of Chicago
Cross by Morrison

62

1 SOMETIME I'M MOVING TO THE POINT WHERE I DON'T EVEN KNOW
2 WHERE I AM SO LET ME BACK UP

3 AND I WAS TRYING TO PUT UP ANOTHER QUOTE FROM WANG,
4 HARTEL AND WALBERG WHICH FOR IDENTIFICATION THE ARTICLE
5 WE'RE REFERRING TO IS FOSTERING EDUCATIONAL RESILIENCE IN
6 INNER CITY SCHOOLS FOR IDENTIFICATION EXHIBIT 6800

7 THE QUOTE I WANTED TO ASK YOU ABOUT WAS A TEACHER'S
8 CONCERN, HIGH EXPECTATIONS AND ROLE MODELING ARE KEY --
9 PROTECTIVE FACTORS THAT MITIGATE AGAINST THE LIKELIHOOD OF
10 ACADEMIC FAILURE, PARTICULARLY FOR STUDENTS IN DIFFICULT
11 LIFE CIRCUMSTANCES DO YOU AGREE WITH THAT?

12 A I DO

13 Q LET'S LOOK AT T E X 13905 WHICH WAS ABOUT WORDS
14 SPOKEN TO CHILDREN BY AGE FOUR THIS DOES NOT MEAN THAT A
15 CHILD WHO IS ON WELFARE CANNOT LEARN DOES IT?

16 A OF COURSE NOT

17 Q PUT UP THE NEXT SLIDE, PLEASE DOCTOR, YOU HAVE SAID
18 BEFORE THERE ARE MORE THAN A MILLION CHILDREN THAT COME
19 FROM HIGH POVERTY SCHOOLS AND YET ARE IN THE UPPER THIRD
20 OF PERFORMANCE AND OFTEN DOING BETTER THAN SCHOOLS IN THE
21 MIDDLE CLASS SUBURBAN AREAS RIGHT?

22 A I THINK THIS MIGHT EVEN -- I STAND BY THIS STATEMENT

23 Q YES, SIR LET'S LOOK AT A NUMBER 11 OUR NUMBER 11,
24 PLEASE YOUR SLIDE SAYS THE -- TALKS ABOUT THE
25 ACHIEVEMENT GAP BETWEEN POOR STUDENTS AND OTHER STUDENTS

Herbert J Walberg, Ph D (Defendants' Expert)
Emeritus Prof of Educ and Psychology
Univ of Chicago
Cross by Morrison

84

1 Q OKAY AND IF WE WERE GOING TO MAKE THAT CHART AND
2 IMAGINE THAT CHART WITH ME IF YOU WOULD, WOULD THE CHART
3 HAVE THE SCHOOL FACTORS LOCATED IN ANOTHER COLUMN AFTER
4 CHILD ABILITIES AND BEFORE ACHIEVEMENT?

5 A WELL, THIS PORTRAYS A --

6 Q I'M NOT ASKING YOU WHAT I PORTRAYED BECAUSE IF YOU
7 DON'T LIKE THAT THAT'S OKAY BUT WHAT I'M ASKING YOU IS
8 WHERE SHOULD WE PUT THESE SCHOOL FACTORS FROM 13925 IF
9 WE'RE GOING TO ADD THEM TO THIS GRAPH?

10 A I HAVEN'T THOUGHT ABOUT THAT BUT I THINK WHAT WE
11 MIGHT DO IS PUT IT LOWER WE NEED ANOTHER, A LOWER HALF
12 OF THE CHART AND IT WOULD BE IN PARALLEL WITH CHILD'S
13 ABILITIES BUT IT WOULD ALSO BE TO SOME EXTENT A CHILD'S
14 ABILITIES MAY AFFECT IT SOMEWHAT

15 Q OKAY

16 A SO IT WOULD BE ENTERED IN -- I WOULD PUT IT BELOW AND
17 I WOULD HAVE A COLUMN OF THOSE AND I MIGHT INSTEAD OF
18 HAVING I THINK I MIGHT HAVE ABOUT TWO DOZEN HERE, I MIGHT
19 USE, WELL, LET'S SEE, I HAVE ONE, TWO, THREE I WOULD
20 GET MAYBE THE SEVEN THINGS BENEATH AND BETWEEN CHILD'S
21 ABILITY AND ACHIEVEMENT

22 Q OKAY AND THEY WOULD MEDIATE BETWEEN CHILD'S ABILITY
23 AND ACHIEVEMENT, WE KNOW THAT, RIGHT?

24 A I DON'T WANT TO SAY THAT COMPLETELY BECAUSE THE
25 SCHOOL CAN CHANGE SOME THINGS THAT ARE NOT DETERMINED BY

1 THE CHILD'S ABILITY ALONE

2 Q DOES THAT MEAN THAT THEY COULD ALSO, SOME OF THE
3 FACTORS COULD ALSO MEDIATE SOME OF THE POVERTY FACTORS?

4 A OVER THE LONG-TERM I CAN SEE HOW THAT COULD HAPPEN,
5 BUT I -- I THINK THAT WHAT I HAD IN MIND WHEN I WAS
6 CONSIDERING AND ANSWERING YOUR QUESTION WAS THAT THE
7 HIGHER QUALITY OF THE SCHOOL COULD MAKE THE CHILD MORE
8 ABLE

9 Q COULD ASSIST THE CHILD IN HAVING GREATER ABILITIES?

10 A YES, ESPECIALLY IF YOU LOOK AT MY NINE PRODUCTIVITY
11 FACTORS ONE OF THE MOST IMPORTANT ONES IS, I CAN'T BRING
12 TO MIND WHAT IT, I THINK I SAID ABILITY OR APTITUDE OR
13 SOMETHING LIKE THAT

14 AND IT COULD BE THAT GOOD SCHOOLING CAN MAKE THE
15 CHILD MORE ABLE WITH RESPECT TO ONE OF THE VERY BEST
16 INDICATORS THAT WE HAVE OF ABILITY AND THAT IS THE CHILD'S
17 PRESENT ACHIEVEMENT IS ONE OF THE VERY BEST PREDICTORS OF
18 THE CHILD'S SUBSEQUENT ACHIEVEMENT AND THE SCHOOL COULD
19 HAVE AFFECTED THE PREVIOUS ACHIEVEMENT WHICH MAKES THE
20 CHILD, GIVES THE CHILD A -- AN ADVANTAGE IN LEARNING

21 Q OKAY, DOCTOR, LET'S JUST TAKE ONE -- ONE ITEM HERE
22 WE HAVE AN OPPORTUNITY TO TAKE ONE LET'S TAKE A
23 CURRICULUM

24 A AND WE'RE LOOKING AT 25 RIGHT?

25 Q I WAS -- I'M TAKING THE FIRST ITEM ON T E X 13925

1 STUDENTS BUT MAY NOT MATTER FOR STUDENTS FROM MORE HIGHLY
2 ADVANTAGED BACKGROUNDS SEVERAL LINES OF RESEARCH ARE
3 CONVERGING FOR THIS HYPOTHESIS DO YOU AGREE WITH THAT
4 STATEMENT?

5 A NO

6 Q LET'S LOOK AT SLIDE 13912 U S SPENDING ON
7 EDUCATION WHICH YOU HAVE PUT UP, I THINK WE'RE STILL
8 GOING TO BE USING 6802, PLAINTIFFS' 6802 FOR
9 IDENTIFICATION WHICH IS DOES MONEY MATTER FOR MINORITY AND
10 DISADVANTAGED STUDENTS, ASSESSING THE NEW EMPIRICAL
11 EVIDENCE, RAND CORPORATION

12 AND IT'S PUBLISHED ON THE N C E S , CENTER FOR
13 EDUCATIONAL STUDIES, PUBLISHED ON THAT WEBSITE

14 NOW, YOU HAVE -- YOU HAD INDICATED THAT U S PER
15 STUDENT SPENDING IN CURRENT DOLLARS IN PUBLIC SCHOOLS HAD
16 JUST GONE UP AND YOU SHOWED US THIS GRAPH TO SHOW THAT
17 FROM BASICALLY 1949, '39 RIGHT UP TO 1999, RIGHT?

18 A YES

19 Q LET'S LOOK TOGETHER AT ANOTHER STATEMENT FROM DOES
20 MONEY MATTER FOR MINORITY AND DISADVANTAGED STUDENTS,
21 ASSESSING NEW EMPIRICAL EVIDENCE AND IF YOU COULD
22 CLICK

23 THE OFTEN-QUOTED EVIDENCE THAT REAL PER PUPIL
24 RESOURCES DOUBLED IN EDUCATION FROM THE LATE 60'S TO THE
25 EARLY 90'S WHILE N A E P SCORES STAGNATED IS FLAWED ON

1 FOUR ACCOUNTS AND IF WE COULD CLICK THE NEXT ONE UP
2 FIRST, ALTHOUGH N A E P SCORES DID NOT RISE MUCH,
3 THIS WAS PARTLY BECAUSE OF RAPID GROWTH IN THE LOW SCORING
4 HISPANIC POPULATION DOCTOR, DO YOU AGREE THAT PART OF
5 THE LACK OF RISE IN N A E P SCORES FOR THE TIME PERIOD
6 INDICATED WAS DUE TO THE RAPID RISE IN THE HISPANIC
7 POPULATION IN THE UNITED STATES?

8 A I HAVEN'T STUDIED THAT QUESTION AND I DON'T PRETEND
9 TO HAVE EXPERTISE ON THAT POINT

10 Q OKAY LET'S LOOK AT THE SECOND PIECE THE SECOND
11 FLAW IT STATES, SECOND, THE REAL INCREASE IN EDUCATIONAL
12 EXPENDITURES WAS FAR LESS THAN THE C P I , CONSUMER PRICE
13 INDEX, ADJUSTED PER PUPIL EXPENDITURE DATA WOULD INDICATE
14 USE OF MORE APPROPRIATE INDICES FOR ADJUSTMENT OF
15 EDUCATIONAL EXPENDITURES DUE TO THEIR LABOR INTENSITY
16 PROVIDES MUCH SMALLER ESTIMATES OF REAL GROWTH AND THEY
17 CITE ROTHSTEIN AND MILES FROM 1995 AND LADD FROM 1996

18 DO YOU AGREE THAT THE EDUCATIONAL EXP -- THE REAL
19 INCREASE IN EDUCATIONAL EXPENDITURES WAS FAR LESS THAN THE
20 C P I ADJUSTED PER PUPIL EXPENDITURE WOULD INDICATE?

21 A I'M VERY SKEPTICAL OF THIS STATEMENT BECAUSE I KNOW
22 ROTHSTEIN AND HE DOES NOT, I BELIEVE, EVEN HAVE A MASTER'S
23 DEGREE AND HE'S A KNOWN ADVOCATE LADD ALSO HAS -- HER
24 WORK HAS COME UNDER CONSIDERABLE SKEPTICISM

25 I -- I HAPPEN TO HAVE BEEN AT A CONFERENCE WITH HER

1 AT BROOKINGS INSTITUTION AND SHE HAS RELIED ON STUDIES, I
2 THINK, THAT OTHER SENIOR ECONOMISTS HAVE QUESTIONED

3 AS TO THE STATEMENT, THE ACCURACY OF THIS, SO I --
4 I'M RELUCTANT TO ENDORSE THIS STATEMENT THAT'S MADE BY
5 SCHOLARS THAT ARE NOT CREDITABLE TO ME BUT IN ADDITION TO
6 THAT THIS IS A QUESTION OF ECONOMICS AND HAVING TO DO WITH
7 VARIOUS MEANS OF ADJUSTING FOR THE COST OF LIVING AND SO
8 ON

9 SO I DON'T WANT TO SAY THAT THIS IS RIGHT OR WRONG
10 BUT IT -- I WOULD SAY I'M GENERALLY SKEPTICAL OF THIS
11 STATEMENT

12 Q OKAY YOU CAN'T SAY IF IT'S RIGHT OR WRONG, BUT
13 YOU'RE SKEPTICAL OF THE STATEMENT BECAUSE OF YOUR OPINION
14 OF THE SCHOLAR'S REPUTATION?

15 A YES, AND I KNOW THAT THERE WAS A BIG ARGUMENT ABOUT
16 IT IN THE MORE RESPONSIBLE ECONOMISTS THAT I WAS FAMILIAR
17 WITH, SEEM TO THINK THAT --

18 Q I THINK THIS HAS NOW MOVED TO HEARSAY, YOUR HONOR I
19 OBJECT TO THE --

20 THE COURT I THINK THAT THE -- YOU CAN SAY IT'S
21 RIGHT OR WRONG BUT YOU'RE YOU SKEPTICAL I THINK HE'S
22 GIVING YOU THE REASON WHY IT'S NOT FOR THE TRUTH OF THE
23 MATTER ASSERTED, IT'S FOR THE FACT IT SHOWS THE REASON FOR
24 HIS ANSWER

25 I DON'T THINK IT'S STRICTLY HEARSAY I WILL ALLOW

1 HIM TO ANSWER IT HE'S SIMPLY EXPLAINING HIS ANSWER AS I
2 UNDERSTAND IT IS THAT RIGHT, DOCTOR?

3 THE WITNESS IT IS

4 THE COURT YOU CAN COMPLETE YOUR EXPLANATION

5 THE WITNESS SO BECAUSE LEADING ECONOMISTS HAVE
6 QUESTION -- HAVE QUESTIONED THEIR WORK, IT TENDS TO MAKE
7 ME SKEPTICAL OF THE CONCLUSIONS THAT THEY HAVE COME TO
8 INCLUDING ONE STUDY WHILE WELL BOTH, WITH RESPECT TO
9 ROTHSTEIN -- ROTHSTEIN'S WORK AS FAR AS I KNOW HAS NOT
10 BEEN PUBLISHED IN SCIENTIFIC OR PEER REFEREED JOURNALS AND
11 LADD'S WORK HAS BEEN SCRUTINIZED AND CRITICIZED BY A
12 LEADING ECONOMIST

13 SO WHEN A STATEMENT, WHEN A PERSON EVEN CITES THESE
14 SCHOLARS I'M SOME -- SKEPTICAL OF THE PEOPLE WHO -- WHO
15 CITE IT INCLUDING THE AUTHORS HERE
16 BY MR MORRISON

17 Q DOCTOR, FREQUENTLY IN THE ACADEMIC WORLD THERE ARE
18 ARGUMENTS AND DISPUTES AMONG SCHOLARS, CORRECT?

19 A THAT'S CORRECT

20 Q AND FREQUENTLY THOSE DISAGREEMENTS GET PERSONAL
21 DON'T THEY?

22 A THEY CAN

23 Q YES AND IT'S TRUE THAT IN THE ACADEMIC WORLD SOME
24 OF THOSE PERSONAL DISPUTES SPILL OVER INTO ATTACKS ON
25 OTHER PEOPLE'S REPUTATION, CORRECT?

1 A THAT HAPPENS ON CERTAIN CIRCUMSTANCES I THINK THAT
2 PEER REVIEWED SCIENTIFICALLY -- SCIENTIFIC JOURNALS TEND
3 TO MINIMIZE THAT BUT IN OTHER CIRCUMSTANCES OF COURSE
4 HUMANS ARE HUMANS AND SCHOLARS ARE HUMANS

5 Q YES, SIR THE NEXT ITEM, DR GRISSMER POINTS TO IS A
6 THIRD SIGNIFICANT PART OF THE SMALLER ESTIMATED INCREASE
7 WENT FOR STUDENTS WITH LEARNING DISABILITIES I THINK I
8 MIGHT HAVE READ A WORD OUT OF THAT SO LET ME BEGIN AGAIN

9 PROFESSOR GRISSMER STATES, THIRD, A SIGNIFICANT PART
10 OF THE SMALLER ESTIMATED INCREASE WENT FOR STUDENTS WITH
11 LEARNING DISABILITIES MANY OF WHOM WERE NOT TESTED DO
12 YOU AGREE, DISAGREE OR NOT HAVE A BASIS FOR AGREEING OR
13 DISAGREEING WITH THAT?

14 A I DISAGREE WITH THAT AND ESPECIALLY AS A PSYCHOLOGIST
15 BECAUSE GRISSMER IS A PHYSICIST AS I UNDERSTAND, GOT A
16 PH D IN PHYSICS AND MADE A NUMBER OF STATEMENTS ABOUT
17 PUBLIC POLICY PARTICULARLY IN EDUCATION AND I DON'T -- AS
18 A PSYCHOLOGIST, I DON'T CONSIDER HIM AN AUTHORITY ON
19 LEARNING DISABILITIES WHICH IS WITHIN THE PROVINCE OF
20 PSYCHOLOGY, AND I THINK THAT MANY OF THE TESTING
21 PROCEDURES FOR SPECIAL EDUCATION STUDENTS ARE NOT VERY
22 RELIABLE

23 SO I THINK WITHOUT SOME QUALIFICATION OF THIS
24 STATEMENT, I -- I DON'T CONSIDER IT CREDIBLE AND I ALSO
25 DISAGREE WITH A SET -- THE LAST PART OF THE SENTENCE MANY

1 OF WHOM ARE NOT TESTED BECAUSE IN FACT THE NO CHILD LEFT
2 BEHIND ACT REQUIRES A FAR GREATER PERCENTAGE OF STUDENTS
3 WITH LEARNING DISABILITIES TO BE TESTED BECAUSE THERE WAS
4 SOME FEELING THAT THEY WERE BEING NEGLECTED IN THE
5 SCHOOLS

6 AND WE HAVEN'T OBSERVED IN STATES THAT HAVE EVEN
7 THOUGH THEY HAVE TESTED MORE OF THE STUDENTS THAT ARE
8 LABELED AS DISABLED, THAT THE TEST SCORES HAVE BEEN GOING
9 UP SO THERE ARE A NUMBER OF REASONS WHY I DON'T GIVE
10 THIS STATEMENT MUCH CREDIBILITY

11 Q IN THE 1990'S CHILDREN WITH DISABILITIES, LEARNING
12 DISABILITIES AND OTHER DISABILITIES, DID RECEIVED
13 ADDITIONAL CONSIDERATION IN THE FORM OF FUNDING DID THEY
14 NOT?

15 A THEY DID

16 Q AND IN THE 1990'S CHILDREN WITH LEARNING DISABILITIES
17 DID NOT REGULARLY TAKE THE N A E P TEST IN THE N A E P
18 SAMPLES, DID THEY?

19 A I THINK IT VARIED CONSIDERABLY OVER THE YEARS AND
20 DIFFERENT STATES HAD DIFFERENT POLICIES, BUT THE RULES ARE
21 WITHIN THE NO CHILD LEFT BEHIND

22 Q EXCUSE ME IN THE 1990'S IN 1990'S THERE WAS NO,
23 NO CHILD LEFT BEHIND ACT WAS THERE?

24 A NO, THERE WASN'T

25 Q OKAY SO IN THE 1990'S WHERE I'D LIKE TO BE ASKING

1 MY QUESTION, IN THE 1990'S CHILDREN WITH LEARNING
2 DISABILITIES WERE NOT SYSTEMATICALLY TESTED ON THE
3 N A E P TEST ACROSS THE COUNTRY WERE THEY?

4 A WELL, I THINK SYSTEMATICALLY IS AN IMPORTANT WORD
5 THERE AND I --

6 Q THE ANSWER IS YES, COMMA, NO, COMMA?

7 MR BARNES I OBJECT, YOUR HONOR

8 MR MORRISON I HAVE TO HAVE -- I'M ENTITLED TO
9 AN ANSWER BEFORE THE EXPLANATION

10 THE COURT WELL, YOU'RE RIGHT IF -- IF HE CAN
11 ANSWER IT YES OR NO AND THEN EXPLAIN YOUR ANSWER YOU CAN,
12 BUT IF ANSWER IS I DON'T KNOW WITH THE QUALIFICATION IN
13 THERE THEN YOU CAN, YOU CAN SAY THAT AND THEN EXPLAIN YOUR
14 ANSWER

15 I CAN APPRECIATE THE FACT THAT THE WORD SYSTEMATIC IS
16 GIVING YOU SOME PROBLEMS, DOCTOR AND IF YOU CAN ANSWER
17 FIRST AND THEN EXPLAIN YOUR PROBLEM

18 THE WITNESS THE ANSWER IS NO I DON'T AGREE
19 WITH THAT
20 BY MR MORRISON

21 Q I'M SORRY THE QUESTION DIDN'T INVOLVE AN AGREEMENT
22 OR DISAGREEMENT I APOLOGIZE FOR MY MY QUESTIONING
23 HERE

24 IN THE 1990'S CHILDREN WITH LEARNING DISABILITIES
25 WERE NOT SYSTEMATICALLY TESTED ON THE N A E P TEST ACROSS

1 THE COUNTRY WERE THEY?

2 THE COURT I THINK HE'S ANSWERED THAT I THINK
3 HE SAYS HE DOESN'T AGREE WITH THAT STATEMENT THEN YOU
4 CAN EXPLAIN YOUR ANSWER IF YOU'D LIKE

5 MR MORRISON I'M SORRY, I DIDN'T -- I DON'T
6 KNOW WHAT --

7 THE COURT WELL, YOU MAKE A --

8 MR MORRISON IN OTHER WORDS, YOU -- I'M --

9 THE COURT I GUESS THE QUESTION IS WHETHER OR
10 NOT THE CHILDREN WERE TESTED SYSTEMATICALLY OR NOT AND I
11 THINK HIS ANSWER WAS I DON'T AGREE THAT THEY WERE
12 SYSTEMATICALLY TESTED I THINK IS THAT --

13 MR MORRISON THAT'S I WAS TRYING TO GET TO
14 BY MR MORRISON

15 Q WERE THEY SYSTEMATICALLY TESTED UNDER THE N A E P
16 REGIME FOR THE UNITED STATES?

17 A THEY WERE CERTAINLY -- THEY WERE TESTED BUT THE --
18 THE INTERPRETATION OF THE RULES VARIED FROM STATE TO STATE
19 AND OVER THE YEARS SO IF YOU'RE SAYING THAT EVERY CHILD
20 THAT WAS LEARNING DISABLED WAS TESTED, I WOULD SAY THE
21 ANSWER IS NO

22 BUT IF YOU SAY WAS THERE A UNIFORM POLICY THAT THE
23 NATIONAL ASSESSMENT GOVERNING BOARD DEFINED THEN I WOULD
24 SAY THE ANSWER IS YES

25 Q DOCTOR, EVERY CHILD IS NOT TESTED ON THE N A E P

1 TEST IS IT? IT'S A SAMPLING TEST, ISN'T IT?

2 A SURE

3 Q OKAY SO THERE WOULD BE NOTHING IMPLIED IN MY
4 QUESTION THAT WOULD INDICATE THAT EVERY CHILD EVERY
5 LEARNING DISABLED CHILD IS TESTED RIGHT?

6 A WELL, I THINK -- I THINK WE BOTH RECOGNIZE THAT WE'RE
7 TALKING ABOUT SAMPLES SO I'M TALKING ABOUT EVERY CHILD
8 IN THE SAMPLE SO THE WAY IT WORKS IS THAT SCHOOLS ARE
9 SAMPLED AND THEREFORE THE N A E P WOULD HAVE A POLICY, A
10 UNIFORM POLICY FOR EVERY CHILD IN THE SCHOOL TO BE TESTED
11 AND THAT'S WHAT I'M REFERRING TO

12 Q AND SO YOUR -- YOUR TESTIMONY FOR US TODAY IS THAT
13 N A E P IN FACT DID HAVE A POLICY TO SYSTEMATICALLY
14 SAMPLE LEARNING DISABLED CHILDREN IN THE SCHOOLS AND GET
15 THEIR GRADES IN N A E P?

16 A WELL, N A E P -- THE TERM IS SCORES

17 Q OR SCORES THEN

18 A SCORES YES, I SAT ON, AS I INDICATED IN MY PREVIOUS
19 TESTIMONY, I SERVED ON THE NATIONAL ASSESSMENT GOVERNING
20 BOARD AND WE HAD A UNIFORM POLICY BUT WE CAN'T BE SURE
21 THAT IT WAS FULLY IMPLEMENTED IN ALL CIRCUMSTANCES

22 MR BARNES YOUR HONOR, I JUST WANT TO MAKE
23 CLEAR THAT DR WALBERG HAS THE RIGHT TO FINISH HIS
24 ANSWERS

25 THE COURT HE'S DOING FINE

Herbert J Walberg, Ph D (Defendants' Expert)
Emeritus Prof of Educ and Psychology
Univ of Chicago
Cross by Morrison

108

1 MR BARNES THANK YOU

2 BY MR MORRISON

3 Q NEXT ITEM, SLIDE 22, PLEASE PROFESSOR GRISSMER
4 FINDS, FINALLY THE ASSOCIATION OF ADDITIONAL RESOURCES
5 WITH INCREASED TEST SCORES DEPENDS UPON THE DISTRIBUTION
6 OF THE INCREASED SPENDING

7 DO YOU AGREE, DISAGREE OR HAVE NO BASIS UPON WHICH TO
8 AGREE OR DISAGREE WITH THAT?

9 A I DISAGREE WITH THAT STATEMENT BECAUSE I THINK HE'S
10 MIXING UP TWO THINGS THE FIRST QUESTION IS DOES MORE
11 MONEY HELP AND THE GENERAL ANSWER IS IT'S INCONSISTENT BUT
12 IF YOU SAY HOW THE MONEY IS SPENT, THEN I WOULD AGREE WITH
13 IT

14 AND I DON'T -- I THINK HE KIND OF IN THE SEVERAL
15 PASSAGES THAT YOU QUOTED TO ME OR PUT BEFORE ME I THINK
16 HE'S FINALLY GETTING AROUND TO THE OPINION THAT -- THAT
17 DISTRIBUTION IS THE KEY

18 AND CERTAINLY I WOULD AGREE WITH THAT IT'S WHAT YOU
19 SPENT THE MONEY ON RATHER THAN HOW MUCH MONEY YOU'VE
20 SPENT BUT FOR ME TO MAKE A VERY POSITIVE COMMENT ABOUT
21 THIS, HE -- HE MAY BE TALKING HERE ABOUT DISTRIBUTION

22 THAT IS TO SAY, THAT WHETHER THE MONEY IS DISTRIBUTED
23 TO PARTICULAR GROUPS OF CHILDREN SUCH AS THE LEARNING
24 DISABLED OR IN POVERTY OR OTHER MATTERS, SO WITHOUT
25 LOOKING AT THE CONTEXT OF THE STATEMENT OR EVEN READING

Herbert J Walberg, Ph D (Defendants' Expert)
Emeritus Prof of Educ and Psychology
Univ of Chicago
Cross by Morrison

14

1 EXPECTATION OF STUDENT BEHAVIOR AND ACADEMIC PERFORMANCE
2 FOR ALL STUDENTS REGARDLESS OF BACKGROUND IN POVERTY
3 RIGHT?

4 A YES

5 Q OKAY AND B , EGALITARIAN TREATMENT OF STUDENTS, FOR
6 EXAMPLE, UNIFORMS THAT IS WHERE THE STUDENTS ARE TREATED
7 THE SAME SOCIALLY WHETHER OR NOT THEY'RE POOR OR MIDDLE
8 CLASS OR WELL TO DO?

9 A YES AND AS I INDICATED I THINK THE UNIFORMS IS A
10 VERY, VERY GOOD INDICATION OF THAT BECAUSE THE STUDENTS
11 ARE NOT COMPETING ON WHICH ONES HAVE THE MOST STYLISH
12 CLOTHES BUT THEY RATHER HAVE ALL THE SAME CLOTHES AND EVEN
13 OTHER THAN THAT THERE'S EXPECTATIONS THAT BOYS KEEP THEIR
14 SHIRTS TUCKED IN AND THAT THEY'RE NEAT AND SO ON THEY
15 COME TO SCHOOL PREPARED TO LEARN

16 Q AND THAT'S ONE OUTWARD EXAMPLE OF THIS ACTUAL
17 TREATMENT OF THE -- OF THE STUDENTS AS EQUALS, SOCIAL
18 EQUALS REGARDLESS OF WEALTH RIGHT?

19 A YES

20 Q AND NUMBER -- LETTER C , AVOIDANCE OF SUCH PULL-OUT
21 PROGRAMS SUCH AS BILINGUAL AND CHAPTER ONE MEANING THE
22 STUDENTS STAY TOGETHER IN THEIR COURSES WHERE THE HIGH
23 EXPECTATIONS AND ACADEMIC CURRICULUM IS DELIVERED, RIGHT?

24 A THAT'S RIGHT THEY ALL STAY IN CLASS TOGETHER THEY
25 TAKE THE SAME CLASSES, AN ASPECT OF THEM BEING EGALITARIAN

1 INSTEAD OF PUTTING SEPARATE CLASSES FOR BILINGUAL OR
2 SPECIAL POVERTY PROGRAMS AND SO ON

3 Q RIGHT REGARDLESS OF POVERTY, IN OTHER WORDS?

4 A THAT'S RIGHT

5 Q OKAY AND LET'S STEP BACK TO THE NUMBER THREE IF
6 WE COULD PULL OUT NUMBER THREE, EFFICIENT EDUCATIONAL
7 PROGRAMS AND YOU'VE ALSO ALREADY DISCUSSED BRIEFLY
8 EFFICIENT EDUCATIONAL PROGRAMS IN THESE SCHOOLS THAT WORK
9 AND, YOU KNOW, TO JUST -- GOING BACK, JUST BE SURE THAT
10 IT'S ON THE RECORD

11 THE REASON WE'RE TALKING ABOUT CATHOLIC SCHOOLS THAT
12 YOU VISITED IN BROOKLYN IS THAT YOU FOUND THESE SCHOOLS
13 PRODUCING HIGH ACHIEVEMENT IN CHILDREN FROM POVERTY OR
14 AT-RISK CHILDREN?

15 A THAT'S RIGHT I FOUND, WHEN I SPLIT THE -- TO BE
16 SPECIFIC ABOUT THAT, MR MORRISON, I SPLIT THE SAMPLE INTO
17 MIDDLE CLASS AND SOMEWHAT LOWER AND ALSO SCHOOLS THAT HAD
18 ALMOST A COMPLETE POVERTY SO I HAD THREE DIFFERENT
19 GROUPS

20 AND WHAT I FOUND WAS THE CATHOLIC SCHOOLS DID BETTER
21 IN ALL COMPARISONS WITH SIMILAR SCHOOLS BUT I FOUND THAT
22 THEY DID PARTICULARLY WELL WITH -- FOR SCHOOLS IN -- THAT
23 HAD ALMOST EXCLUSIVELY POVERTY STUDENTS

24 Q OKAY AND -- AND CONTINUING ON WITH OUR LIST OF
25 CHARACTERISTICS THAT YOU FOUND IN THESE SCHOOLS THAT WERE

Herbert J Walberg, Ph D (Defendants Expert)
Emeritus Prof of Educ and Psychology
Univ of Chicago
Cross by Morrison

22

1 A I THINK SUSTAINED IS THE KEY WORD THEY DON'T CHANGE
2 FROM DAY TO DAY THEY HAVE AN ORGANIZED PROGRAM IT'S IN
3 CONCERT IT'S -- IT ALL FITS TOGETHER THE PIECES ARE
4 COMPLEMENTARY AND IT -- THE FOCUS IS ON TO IMPROVE THE
5 INSTRUCTION FOR STUDENTS

6 Q OKAY DO YOU BELIEVE, DR WALBERG, THAT IF THE
7 CHARACTERISTICS OR FEATURES SHARED BY ALL OF THE SCHOOLS
8 THAT WE'VE JUST GONE OVER, THE CATHOLIC SCHOOLS AND THE
9 BENCHMARK SCHOOLS, WERE PROVIDED TO THE STUDENTS IN THE
10 PLAINTIFF DISTRICTS, THAT THE STUDENTS IN THE PLAINTIFF
11 DISTRICTS WOULD ACHIEVE?

12 A WELL, I THINK WE SAW AN EXCELLENT EXAMPLE IN PEGGY
13 STAFFORD'S TESTIMONY --

14 Q COULD -- COULD I INTERRUPT?

15 A YES

16 Q WAS THAT A YES AND THEN WE SAW AN?

17 A WELL, YES I THINK THAT IF THESE KINDS OF THINGS --

18 Q GO AHEAD

19 A -- WERE PRACTICED AND I DON'T WANT TO JUST BASE IT ON
20 OPINION BECAUSE I -- I THINK HER -- SHE IS A BEAUTIFUL
21 EXAMPLE OF THIS BECAUSE SHE'S IN A HIGH-POVERTY SCHOOL
22 WITH HIGH ACHIEVEMENT

23 AND I DON'T WANT TO SAY THAT SHE EXEMPLIFIED EVERY
24 CHARACTERISTIC HERE BUT JUST LOOKING AT THE ONES THAT I
25 HAVE IN FRONT OF ME, C IS THE FOCUS ON STANDARDS AND

Herbert J Walberg, Ph D (Defendants' Expert)
Emeritus Prof of Educ and Psychology
Univ of Chicago
Cross by Morrison

48

1 CHILDREN IN THE UNITED STATES THAT COME FROM HIGH POVERTY
2 SCHOOLS AND YET ARE IN THE UPPER THIRD OF PERFORMANCE AND
3 OFTEN DOING BETTER AS A SCHOOL THAN SCHOOLS IN MIDDLE
4 CLASS SUBURBAN AREAS SO IT IS POSSIBLE TO CREATE THOSE
5 KIND OF SCHOOLS RIGHT?

6 A IT'S POSSIBLE TO -- TO CREATE THOSE KINDS OF SCHOOLS
7 BUT YOU MENTIONED THAT TO ME RATHER THAN THE OTHER WAY
8 AROUND

9 Q OKAY OTHER THAN THAT, YOU AGREE WITH THAT
10 STATEMENT?

11 A YES

12 Q YOU BELIEVE THAT SCHOOL -- THAT PUBLIC SCHOOLS SHOULD
13 TRY TO COMPENSATE FOR THE DISADVANTAGES THAT POOR,
14 MINORITY STUDENTS HAVE IN LEARNING?

15 A YES, I THINK THEY SHOULD TRY

16 Q IN ORDER TO TRY TO REDUCE THE GAP BETWEEN POOR AND
17 NON-POOR ACHIEVEMENTS, IT COULD BE THAT WE NEED SPECIAL
18 PROGRAMS OR ADDITIONAL PROGRAMS OR A LONGER TIME IN
19 SCHOOL, CORRECT?

20 A YES, I THINK THOSE ARE AMONG THE BETTER CHOICES

21 Q AND IT'S GOING TO TAKE, AMONG OTHER THINGS, TO
22 IMPROVE THE STUDENT ACHIEVEMENT OF POOR CHILDREN MORE TIME
23 AND BETTER INSTRUCTION?

24 A I DON'T WANT TO SAY THAT THE -- I -- I -- MAYBE I
25 OUGHT TO HAVE THE QUESTION AGAIN BECAUSE I KNOW YOU WANT

Herbert J Walberg Ph D (Defendants' Expert)
Emeritus Prof of Educ and Psychology
Univ of Chicago
Cross by Morrison

70

1 A WELL, IF I EVER SAID OVERCOME, THAT MEANS ABSOLUTELY
2 ELIMINATING THE GAP, THEN I MUST HAVE MISSPOKEN IF YOU'RE
3 READING SOMETHING THAT I SAID I THINK IT CAN BE
4 DIMINISHED SIGNIFICANTLY, BUT I THINK IT'S EXTREMELY
5 DIFFICULT TO OVERCOME IT

6 Q LET'S LOOK TOGETHER AT THE NEW YORK TRANSCRIPT PAGE
7 17236 LINES 22 THROUGH 24 THIS IS MARKED FOR
8 IDENTIFICATION AS PLAINTIFFS' EXHIBIT 6827 AND THESE
9 NUMBERS ARE FIVE DIGITS, SO I'LL GIVE YOU THAT NUMBER
10 AGAIN IF YOU WOULD PLEASE LOOK WITH ME AT 17236

11 A I HAVE THAT PAGE

12 Q OKAY , YOU GOT THERE AHEAD OF ME AND I WANT TO LOOK
13 AT LINES 22 THROUGH 34 WHERE YOU SAY, SO IF YOU HAVE
14 EXTRAORDINARILY GOOD PROGRAMS LIKE THE KIND WE DISCUSSED
15 IN THE CATHOLIC SCHOOLS, IT CAN BE OVERCOME, MEANING
16 SOCIOECONOMIC STATUS CAN BE OVERCOME RIGHT?

17 A WELL, I THINK IT S ONLY FAIR TO READ THE FIRST PART
18 OF THE SENTENCE

19 Q ALL RIGHT LET'S BACK UP THEN AND I'LL ASK YOU TO
20 READ INTO THE RECORD MY QUESTION IS AND I'M GOING TO
21 READ FROM THE NEW YORK TESTIMONY MY QUESTION IS, DO YOU
22 BELIEVE THAT EFFECT MEANING THE SOCIOECONOMIC EFFECT, CAN
23 BE OVERCOME BY SOUND EDUCATIONAL PROGRAMS AND PARENTAL
24 INVOLVEMENT? AND THEN READ YOUR ANSWER IN, LINE 21
25 THROUGH 24

1 A I THINK THAT THEY CAN COMPENSATE PARTIALLY FOR IT SO
2 IF YOU HAVE AN EXTRAORDINARILY -- IF YOU HAVE
3 EXTRAORDINARILY GOOD PROGRAMS, THE KIND WE DISCUSSED IN
4 THE CATHOLIC SCHOOLS, IT CAN BE OVERCOME

5 Q DOCTOR, YOU ALSO BELIEVE, DON'T YOU, THAT PUBLIC
6 SCHOOLS SHOULD TRY TO COMPENSATE FOR THE DISADVANTAGES
7 THAT POOR, MINORITY STUDENTS HAVE IN LEARNING?

8 A I THINK THAT THEY SHOULD TRY TO DO THAT, THAT IS A
9 PERSONAL VIEW OF MINE

10 Q DOCTOR, YOU WROTE AN ARTICLE ABOUT AT-RISK CHILDREN
11 CALLED INNER-CITY STUDENTS AT THE MARGINS, CORRECT?

12 A WELL, I'VE WRITTEN A LOT ON THAT SUBJECT IF YOU
13 WANT TO SHOW IT TO ME I'D BE GLAD TO LOOK AT IT

14 Q DO YOU SAY YOU DID NOT READ THAT ARTICLE? I MEAN,
15 YOU DID NOT WRITE THAT ARTICLE?

16 A WELL, I DON'T REMEMBER THAT TITLE I HAVE WRITTEN 3
17 OR 400 ARTICLES AND I -- I DON'T HAVE A CLEAR MEMORY OF IT
18 BUT I DON'T DENY IT I PROBABLY DID, BUT I -- IF YOU SHOW
19 IT TO ME I CAN VERIFY IT

20 Q DO YOU AGREE THAT TO MAKE IMPROVEMENTS IN ACADEMIC
21 ACHIEVEMENT FOR AT-RISK STUDENTS, IT APPEARS THAT STUDENTS
22 NEED MORE INSTRUCTION IN INTENSIVE, EVEN AGGRESSIVE FORMS,
23 NOT A DIFFERENT KIND OF INSTRUCTION, THEY NEED IT EARLY
24 AND IN CONTINUING WAYS THROUGHOUT THE SCHOOL YEARS AND
25 THEY NEED THE MOST CAPABLE TEACHERS

1 A I AGREE WITH THAT STATEMENT I THINK THAT THAT WILL
2 HELP THEIR LEARNING, YES

3 Q DOCTOR, RETURNING TO YOUR BOOK ABOUT RACE, THE
4 CHAPTER IN YOUR -- IN YOUR BOOK THAT WE'VE MARKED FOR
5 IDENTIFICATION AS PLAINTIFFS' EXHIBIT 6832, WE CAN RESCUE
6 OUR CHILDREN?

7 A YES

8 Q IN THE CHAPTER NUMBER SIX REGARDING POVERTY,
9 ETHNICITY AND OTHER BARRIERS TO EXCELLENCE, IT STARTS AT
10 PAGE 75

11 A I HAVE IT

12 Q OKAY I WANT TO TURN TO PAGE 76 WHERE, AFTER THE
13 INTRODUCTION, YOU TALK ABOUT EXCELLENCE AND THE
14 DISADVANTAGED CHILD

15 A YES

16 Q EXCELLENCE IN EDUCATION, YOU WRITE, HAS BECOME A
17 CATCH WORD WITH MUCH OF THE DEBATE SKIRTING THE DIFFICULT
18 TASK OF ACTUALLY DEFINING IT IT IS GENERALLY AGREED THAT
19 EXCELLENCE HAS SOMETHING TO DO WITH RESTORING STANDARDS
20 AND GETTING TOUGHER ABOUT WHAT IS TAUGHT AND HOW THINGS
21 ARE TAUGHT

22 COMMON SENSE IDEAS LIKE RECRUITING BETTER PREPARED
23 TEACHERS AND MAKING STUDENTS WRITE MORE HAVE BECOME
24 FASHIONABLE EVEN INSISTING THAT STUDENTS DO HOMEWORK
25 AGAIN IS PART OF THIS REFORM AGENDA BUT WE MUST ASK

1 OBVIOUSLY DID

2 Q KIDS SLEEPING IN CLASS?

3 A I -- I REMEMBER THAT

4 Q THIRTEEN KIDS IN ONE CLASS DOING NOTHING?

5 A I -- I DO REMEMBER THAT CLASS

6 Q IN YOUR WORK IN THIS CASE, YOU LOOKED AT DR
7 LADSON-BILLINGS' COMMENTS ABOUT TEACHING CHILDREN FROM
8 POVERTY AND THE PARTICULAR BACKGROUNDS THAT THE PLAINTIFF
9 CHILDREN SHOW RIGHT?

10 A I WITNESSED HER DEPOSITION

11 Q RIGHT AND YOU FELT SHE MADE A NUMBER OF GOOD POINTS
12 THAT COULD BE USEFUL TO THE STUDENTS IN THE CLASSROOMS IN
13 THE PLAINTIFF DISTRICTS RIGHT?

14 A I -- I THINK SHE IS -- KNOWS HER PARTICULAR SUBJECT
15 MATTER WELL AND I THINK HER IDEAS DESERVE TO BE EXPLORED
16 AND POSSIBLY USED, BUT EVEN MORE IMPORTANTLY TO EVALUATE
17 THEM OBJECTIVELY

18 Q OKAY AND TO GO BACK TO THE QUESTION, YOU FELT SHE
19 MADE A NUMBER OF GOOD POINTS AND THAT THESE COULD BE
20 USEFUL TO THE STUDENTS IN THE CLASSROOMS IN THE PLAINTIFF
21 DISTRICTS?

22 A YES AND YOU SAY COULD, THAT MEANS I'M OPEN MINDED

23 Q YOU, DR GUTHRIE AND DR SMITH WENT ON THE SAME
24 VISIT, RIGHT?

25 A YES

1 Q AND THE THREE OF YOU WERE CONCERNED ABOUT THE QUALITY
2 OF TEACHERS IN THE PLAINTIFF DISTRICTS, WEREN'T YOU?

3 A WELL, I -- I THINK THAT THEY WERE CONCERNED ABOUT IT
4 MORE THAN I WAS BECAUSE THAT WAS NOT MY FOCUS, BUT AS I
5 INCIDENTALLY SAW SOME POOR TEACHING, IT -- IT CONCERNED
6 ME, BUT I'M NOT -- I'M NOT -- WAS NOT IN A -- I WAS NOT IN
7 A POSITION TO EVALUATE IT THOROUGHLY AND SYSTEMATICALLY
8 AND I, AS I MENTIONED IT'S -- IT WASN'T THE REASON I WAS
9 IN THOSE CLASSES

10 Q THE PRECISE QUESTION WAS YOU, DR GUTHRIE AND DR
11 SMITH WERE CONCERNED ABOUT THE QUALITY OF TEACHERS IN THE
12 PLAINTIFF DISTRICTS RIGHT?

13 A YES, IN VARYING DEGREES

14 Q AND WHAT LED YOU TO BE CONCERNED ABOUT THE QUALITY OF
15 TEACHERS IN THE PLAINTIFF DISTRICTS WAS THE POOR TEACHING
16 THAT YOU OBSERVED ON MANY OCCASIONS, YES?

17 A YES

18 Q AND SOMETIMES YOU OBSERVED NO TEACHING OR NEXT TO
19 NOTHING, RIGHT?

20 A I THINK AT LEAST IN ONE INSTANCE

21 Q WELL, THERE WERE A CONSIDERABLE NUMBER OF TEACHERS
22 THAT DID NOT ENGAGE THE STUDENTS, RIGHT?

23 A I -- I DIDN'T KEEP A NUMERICAL COUNT OF IT WHICH I
24 WOULD HAVE -- IN RETROSPECT WOULD HAVE PREFERRED TO DO BUT
25 IF WE SAY MANY THEN I WOULD SAY EVEN IF I SAW TEN OR 15,

1 IT WOULD BE IN A SENSE TOO MANY BECAUSE I WOULD LIKE TO
2 SEE HIGH QUALITY STUDENT -- TEACHERS FOR ALL STUDENTS

3 Q THE QUESTION WAS, THERE WERE A CONSIDERABLE NUMBER OF
4 TEACHERS THAT DID NOT ENGAGE THE STUDENTS, RIGHT?

5 A I STAND BY THE TERM MANY, BUT I DON'T REALLY HAVE IN
6 MIND I DIDN'T -- AS I SAID, I DIDN'T MAKE A NUMERICAL
7 COUNT SO I THINK EVEN FIVE ARE MANY SO I -- I DO SAY
8 THAT THERE WERE MANY

9 Q LOOK AT PAGE 113 LINE 13 OF YOUR DEPOSITION IN THIS
10 CASE

11 A I HAVE IT

12 Q THE QUESTIONER ASKED YOU, AND WERE THERE A
13 CONSIDERABLE NUMBER OF TEACHERS THAT DID NOT ENGAGE THE --
14 THE TEACHERS, MEANING THE STUDENTS AND THE ANSWER WAS
15 YES YOU ANSWERED YES?

16 A THAT WAS MY ANSWER

17 Q OKAY IF YOU WERE A SCHOOL BOARD MEMBER IN THE
18 PLAINTIFF DISTRICTS, YOU WOULD BE CONCERNED ABOUT THE
19 QUALITY OF TEACHING TAKING PLACE IN THE SCHOOLS IN THOSE
20 DISTRICTS, RIGHT?

21 A YES

22 Q IN MANY INSTANCES WITH REGARD TO SPECIFIC TEACHERS,
23 YOU WOULD BE CONCERNED IF YOU WERE A PARENT LIVING IN THAT
24 COMMUNITY ABOUT THE QUALITY OF EDUCATION YOUR CHILD MIGHT
25 RECEIVE, RIGHT?

1 A YES, IN MANY INSTANCES

2 Q ANOTHER INDICATOR OF SCHOOL QUALITY THAT IS
3 ASSOCIATED WITH ACHIEVEMENT IS INSTRUCTIONAL SUPPORT FOR
4 STUDENT LEARNING, RIGHT?

5 A IT -- IT'S ONE OF THE FACTORS, YES

6 Q INSTRUCTIONAL SUPPORT MEANS THE TEACHERS THEMSELVES
7 PLUS THE PEOPLE WHO INSPIRE THE TEACHERS FOR EXAMPLE
8 SOMEBODY IN THE CENTRAL OFFICE WHO GIVES THE TEACHERS
9 ENTHUSIASM AND SKILLS IN EFFECTIVE TEACHING, RIGHT?

10 A THAT CAN BE ONE OF THOSE, ARE INDICATORS, YES

11 Q COMPUTERS ARE ONE ASPECT OF INSTRUCTIONAL SUPPORT
12 RIGHT?

13 A THEY CAN BE

14 Q YOU SAW IN YOUR VISITS TO THE PLAINTIFF DISTRICT MANY
15 UNUSED COMPUTERS, RIGHT?

16 A I -- I DID

17 Q THERE WERE A LOT OF COMPUTERS BUT MANY OF THEM WERE
18 NOT BEING USED, RIGHT?

19 A YES

20 Q THEY OFTEN WERE JUST SITTING THERE AND GATHERING
21 DUST, RIGHT?

22 A YES I EVEN MADE A NUMERICAL COUNT OF THAT, I CAN
23 SAY THAT IN CONFIDENCE

24 Q OKAY ASSUMING THAT STUDENT PERFORMANCE IS POOR IN A
25 SCHOOL YOU WOULD WANT TO LOOK AT THE LEADERSHIP OF THE

1 DON'T WANT TO GET TO THE POINT OF FATIGUE

2 Q ASSUMING EVERYTHING ELSE IS AS IT SHOULD BE,
3 EXTENDING THE SCHOOL YEAR TO 190 DAYS FROM 180 SHOULD
4 IMPROVE ACHIEVEMENT RIGHT?

5 A OTHER THINGS BEING EQUAL, I THINK A LONGER SCHOOL
6 YEAR IS LIKELY TO LEAD TO GREATER LEVELS OF ACHIEVEMENT

7 Q AGAIN, ASSUMING EVERYTHING ELSE IS AS IT SHOULD BE
8 EFFECTIVE BEFORE-SCHOOL PROGRAMS SHOULD IMPROVE
9 ACHIEVEMENT?

10 A YOU MEAN PRESCHOOL PROGRAMS?

11 Q YES

12 A YES YOU KNOW, AGAIN, ALL THESE THINGS THAT YOU'RE
13 SAYING I'M SAYING THEY'RE WELL IMPLEMENTED AND SO ON

14 Q SURE LIKEWISE EFFECTIVE AFTER-SCHOOL PROGRAMS SHOULD
15 IMPROVE ACHIEVEMENT?

16 A YES

17 Q EFFECTIVE SATURDAY SCHOOL PROGRAMS SHOULD IMPROVE
18 ACHIEVEMENT?

19 A YES

20 Q EFFECTIVE HOMEWORK SCHOOL PROGRAMS SHOULD IMPROVE
21 ACHIEVEMENT PARTICULARLY IF THEY INCLUDE GRADED OR
22 COMMENTED UPON HOMEWORK?

23 A YES WE SHIFTED A BIT FROM CAN TO SHOULD AND I
24 ASSUME THAT YOU -- WELL, I DON'T KNOW IF YOU INTENDED TO
25 DO THAT OR NOT I'M SAYING CAN WITH RESPECT TO ALL OF

1 FROM THE BOTTOM DO YOU SEE THAT?

2 A YES

3 Q OKAY AND I'M JUST GOING TO READ THAT INTO THE
4 RECORD IF THERE'S NO OBJECTION YOU MUST TAKE THE
5 ASSUMPTIONS AS GIVEN EVEN IF THEY ARE NOT CONSISTENT WITH
6 CONDITIONS IN YOUR DISTRICT OR YOUR RECENT EXPERIENCE

7 A YES I SEE THAT

8 Q OKAY WE'RE GOING TO TALK A LITTLE BIT MORE ABOUT
9 THIS LATER BUT WERE THE ASSUMPTIONS THAT YOU WERE GIVEN,
10 THAT YOU WERE INSTRUCTED YOU COULD NOT DEVIATE FROM, WERE
11 THOSE VALID ASSUMPTIONS?

12 A THEY WERE NOT VALID NOR REALISTIC FOR DISTRICTS I
13 HAVE WORKED IN

14 Q OKAY HAVE YOU EVER WORKED IN ANY DISTRICT IN ALL
15 YOUR 39 YEARS OF EXPERIENCE IN EDUCATION IN WHICH THE
16 ASSUMPTIONS THAT JIM SMITH USED FOR THIS EXERCISE WERE
17 VALID OR TRUE?

18 A NO

19 Q THE NEXT PARAGRAPH SAYS, DO NOT TAKE INTO ACCOUNT
20 SOURCES, AND THAT'S UNDERLINED SOURCES, OF FUNDING AS YOU
21 DESIGN YOUR PROGRAM FOR EXAMPLE, THE FACT THAT SOME OF
22 THE COSTS OF THE PROGRAM YOU DESIGN MAY BE FUNDED THROUGH
23 FEDERAL CATEGORICAL PROGRAMS SHOULD NOT INFLUENCE YOUR
24 DESIGN IS THAT A VALID ASSUMPTION?

25 A NO

1 DEVELOPMENT FOR THOSE CHILDREN

2 Q OKAY WELL, DO SCHOOLS LIKE THOSE THAT ARE DESCRIBED
3 IN TASK ONE WITH THE DILLON TWO CHARACTERISTICS AND THE
4 SCHOOLS LIKE THOSE THAT ARE DESCRIBED IN TASK TWO WITH THE
5 CLARENDON ONE CHARACTERISTICS, DO THEY NEED ACCESS TO
6 THESE KINDS OF MATERIALS, TOO?

7 A THEY NEED THOSE KIND OF MATERIALS ALSO

8 Q OKAY AND AS I UNDERSTAND IT, THE PRIORITY WAS IN
9 OTHER PLACES FOR THAT MONEY?

10 A TO BUILD THE SOLID FOUNDATION SO THAT THEY CAN USE
11 THESE MATERIALS EFFECTIVELY

12 Q ARE THESE MATERIALS AND THESE SUMS AND THESE THINGS
13 BELLS AND WHISTIES?

14 A NO, THEY ARE NOT

15 Q OR ARE THEY NECESSARY?

16 A THEY ARE NECESSARY THEY SHOULD BE A PART OF EVERY
17 ACADEMIC PROGRAM

18 Q WELL, LET'S LOOK AT THE -- LET'S TURN TO TASK THREE,
19 THE NUMBERS FOR THE MODEL THAT WAS BUILT ON THE
20 CHARACTERISTICS OF CLARENDON ONE, SUPPOSEDLY

21 AND I THINK IF WE LOOK AT PAGE 12 OF THE TEAM D
22 PROGRAM DESCRIPTION, IT'S ON THE SCREEN YOU CAN REFER TO
23 THAT IF YOU CAN READ IT PRODUCTS OF TASK THREE

24 A UH-HUH

25 Q OKAY

1 SAYING, NO, THEY WOULDN'T BE REALISTIC IN THE CONTEXT OF
2 JASPER COUNTY WHERE I WORKED AND OTHER SCHOOL DISTRICTS
3 Q DO YOU RECALL FILLING OUT AN EVALUATION AND FEEDBACK
4 FORM, DR HOOD?

5 A THIS IS MY WRITING

6 Q ALL RIGHT THAT'S YOUR SIGNATURE AT THE BOTTOM OF
7 THE PAGE?

8 A THAT IS

9 Q AND QUESTION G SAYS, THE PROGRAMS DEVELOPED BY MY
10 TEAM WOULD BE REALISTIC IN THE CONTEXT OF THE SCHOOL
11 DISTRICT WHERE I WORK AND YOU RATED IT AS NUMBER FIVE
12 WITH FIVE BEING STRONGLY AGREED CORRECT?

13 A THAT'S THE RATING AT THAT TIME BUT AT THE TIME KEEP
14 IN MIND IT WAS NOT WORKING IN THE SCHOOL DISTRICT AND I
15 COULD HAVE BEEN REFERRING TO ANY OF MY PAST EXPERIENCES

16 Q WELL, IT WAS REALISTIC IN THE CONTEXT OF THE SCHOOL
17 DISTRICTS WHERE YOU DID WORK BEFORE RIGHT?

18 A NOT ALL OF THEM AND THEY ARE REALISTIC BASED ON THE
19 ASSUMPTION AND THAT'S WHY I -- I MARKED THAT THAT WAY
20 IF ALL OF THOSE ASSUMPTIONS WERE IN PLACE AND I'D LIKE TO
21 MAKE NOTE OF SPECIAL COMMENTS, YOU KNOW, BECAUSE I HAD THE
22 FEELING IT WAS GOING TO BE SOMETHING ELSE IN THIS FOR ME
23 EXCEPT TODAY I WAS THINKING, YOU KNOW, I WAS GOING TO BE
24 CALLED BACK TO HELP IMPLEMENT SOMETHING AND GO OUT AND --
25 AND I WOULD LOVE TO EVEN DO THAT NOW, TO SHOW HOW THIS

1 A YES, SIR

2 Q CORRECT?

3 A YES, SIR

4 Q SO WE'LL START WITH THAT PREFACE NOW, THAT BEING
5 SAID, IF YOU WOULD JUST PLEASE TELL THE COURT WHAT
6 PROBLEMS, IF ANY, YOU AND THE OTHER STAFF AT J V MARTIN
7 MIDDLE SCHOOL HAVE IN REACHING A LARGE PERCENTAGE OF YOUR
8 STUDENT POPULATION

9 A THE -- THE PROBLEMS WE FACE WITH MANY SALIENT--
10 THE COURT EXCUSE ME COULD YOU PULL THAT
11 CHAIR A LITTLE BIT CLOSER TO THAT MICROPHONE I THINK
12 IT'S ON WOULD YOU TAP IT AND MAKE SURE IT'S ON?

13 MRS GRAY YOUR HONOR, IF I MIGHT BEFORE WE GET
14 STARTED BECAUSE THIS IS REPLY AND BECAUSE OF THE -- THE
15 GROUND RULES THAT WE HAVE SET UP WITH REGARD TO THIS, I
16 DON'T KNOW WHAT THIS TESTIMONY IS INTENDED TO REPLY TO

17 AND I APPRECIATE THAT -- THAT MR EPPS DOESN'T WANT
18 TO PROLONG THIS AND TAKE UP THE COURT'S TIME, BUT AT THE
19 SAME TIME AN OPEN-ENDED QUESTION ABOUT TELLING THE COURT
20 WHAT PROBLEMS YOU -- I JUST DON'T KNOW WHAT IT'S IN REPLY
21 TO

22 THE COURT MR EPPS, CAN YOU JUST DIRECT US
23 GENERALLY TO THE -- TO THE -- WHAT WAS LAID OUT IN THE--

24 MR EPPS SURE YOUR HONOR, I CAN ACTUALLY GO
25 THROUGH THE PAGES ON THE DEPOSITIONS IF NECESSARY

1 JUNIOR HIGH SCHOOL?

2 A NO, SIR I FEEL LIKE MY TEACHERS ARE AS COMPETENT AS
3 THEY -- AS THEY COME THEY ARE WONDERFUL PEOPLE,
4 DEDICATED, BUT THEY -- WE ARE JUST OVERWHELMED

5 MR EPPS THAT'S ALL I HAVE, YOUR HONOR

6 THE COURT THANK YOU MRS GRAY?

7 CROSS-EXAMINATION

8 BY MRS GRAY

9 Q MR MONAHAN, HOW MANY COMPUTERS DO YOU HAVE IN YOUR
10 COMPUTER LAB?

11 A TWENTY-FIVE TO 30

12 Q IN EACH LAB?

13 A NO, MA AM IN THE KEYBOARDING LAB, THE KEYBOARDING
14 CLASSES THERE ARE 25 IN EACH

15 Q I'M SORRY I MISSPOKE AND I USED THE WRONG WORD
16 YOU HAVE TWO KEYBOARDING CLASSES

17 A CLASSROOMS

18 Q IN EACH ONE OF THOSE YOU HAVE 25 TO 30 IN THOSE?

19 A NO, 25 EACH

20 Q OKAY SO THAT'S 50 COMPUTERS THAT YOU HAVE IN TWO
21 KEYBOARDING--

22 A CLASSES, YES

23 Q OKAY AND -- AND DO YOU HAVE 25 TO 30 COMPUTERS IN
24 YOUR COMPUTER LAB?

25 A YES, MA'AM

1 Q OKAY AND YOU HAVE 15 TO 20 IN YOUR LIBRARY?

2 A YES, MA'AM

3 Q AND HOW MANY DO YOU HAVE IN EACH CLASSROOM?

4 A MOST CLASSROOMS ONLY HAVE ONE FOR THE TEACHERS' USAGE
5 FOR TAKING ATTENDANCE AND SO FORTH, GRADES

6 Q BUT YOU HAVE SOME CLASSROOMS IN WHICH YOU HAVE FOUR
7 OR FIVE, RIGHT?

8 A I THINK THE -- COUPLE OF THE SPECIAL ED CLASSROOMS
9 HAVE MORE THAN ONE COMPUTER

10 Q SO YOU -- YOU TESTIFIED JUST A SECOND AGO IN
11 QUESTIONS POSED TO YOU BY MR EPPS THAT THERE WERE ONLY 25
12 COMPUTERS AVAILABLE TO YOUR CHILDREN WHEN IN FACT YOU'VE
13 GOT 25 IN THE COMPUTER LAB, ANOTHER 20 IN THE LIBRARY, AND
14 VARIOUS COMPUTERS THROUGHOUT THE CLASSROOMS, CORRECT?

15 A WOULD YOU REPEAT, THAT PLEASE?

16 Q YES, SIR DID I HEAR YOU RIGHT IN TELLING MR EPPS
17 THAT YOU ONLY HAD 25 COMPUTERS AVAILABLE TO YOUR STUDENTS?

18 A I DON'T THINK I SAID THAT

19 Q THAT WOULD NOT BE RIGHT, WOULD IT?

20 A NO, THERE -- THERE ARE ONLY 25 TO 30 IN THE LAB THAT
21 A CLASS CAN USE AT ONE TIME AS FAR AS A CLASS PROJECT

22 Q BUT THERE ARE ANOTHER 20 OR SO IN YOUR LIBRARY,
23 RIGHT?

24 A APPROXIMATELY 15 TO 20 THAT SIT OUT STAND-ALONE IN
25 THE LIBRARY, YES, MA'AM

1 TO UNDERSTAND WHERE WE ARE I MEAN, FRANKLY I UNDERSTOOD
2 MRS HART'S QUESTIONS TO BE IN THE PRESENT TENSE

3 THE COURT THAT'S RIGHT

4 MR STEPP AND TO RELATE TO THE PRESENT AND I
5 DIDN'T OBJECT TO THEM--

6 THE COURT RIGHT

7 MR STEPP -- ON THAT BASIS BUT IT WAS IN
8 THAT SENSE THAT I WANTED TO PROFFER THE A Y P INFORMATION
9 OF WHICH THE COURT'S TAKEN JUDICIAL NOTICE SO WE JUST
10 NEED TO GET CLEAR AS WE GO DOWN THE ROAD I GUESS -- IF
11 THEY'RE GOING TO TALK ABOUT THE PRESENT, WE CAN AT LEAST
12 RESPOND TO THE PRESENT OR IF THEY'RE GOING TO CONFINE
13 THEMSELVES TO THE PAST, WE WILL CONFINE OURSELVES TO THE
14 PAST

15 THE COURT HERE'S HOW I'LL BRING US TO THE
16 PRESENT TENSE BECAUSE I HAVE TAKEN JUDICIAL NOTICE OF --
17 OF THE CURRENT -- THE 2004 PACT SCORES WHICH ARE IN
18 EVIDENCE OBVIOUSLY, I DON'T HAVE TO TAKE JUDICIAL NOTICE
19 OF THEM -- BUT THE A Y P DESIGNATIONS WHICH JUST CAME OUT
20 THIS WEEK AND AFTER YOU ALL HAD CLOSED YOUR CASE AS A
21 MATTER OF FACT, BUT THE -- THOSE STATISTICS AS I
22 UNDERSTAND IT ARE -- MEET THE CRITERIA AND WHAT CAN BE --
23 WHAT A COURT CAN TAKE JUDICIAL NOTICE OF, AND SO I THINK
24 THAT'S FAIR GAME

25 AND TO THE EXTENT THAT YOU UNDERSTAND THAT I'M TAKING

1 JUDICIAL NOTICE OF THOSE THINGS, I DIDN'T WANT TO
2 FORECLOSE EITHER ONE OF YOU FROM EXPLORING THAT ASPECT OF
3 THIS PARTICULAR CASE

4 THAT IS TO SAY, NOT OPENING UP A WHOLE WORLD TO
5 COMMENT UPON WHAT'S THERE NOW, BUT TO THE EXTENT THAT IT
6 BEARS ON THESE -- THE A Y P SCORES AND CRITERIA AND
7 THINGS OF THAT NATURE, THEN I THINK THE ULTIMATE QUESTIONS
8 CAN BE -- CAN SPRING FROM THAT THAT'S WHAT I WAS REALLY
9 GETTING TO MR EPPS?

10 MR EPPS YOUR HONOR, JUST FOR THE RECORD SO
11 THE COURT WILL UNDERSTAND, WITH THE PRINCIPALS THAT I HAVE
12 PUT UP, I HAVE PURPOSEFULLY RESTRICTED IT TO THE TIMEFRAME
13 DURING THE DEPOSITION ON THE ASSUMPTION THAT THE -- THE
14 RULING ESSENTIALLY WAS THE PURPOSE OF THIS WAS TO ADDRESS
15 ISSUES RAISED IN THAT DEPOSITION

16 THE COURT THAT'S RIGHT

17 MR EPPS AND SO I KEPT EVERYTHING BACK IN
18 THE -- IN THE TIMEFRAME OF THE DEPOSITION NOW, WHAT I
19 UNDERSTAND THE COURT TO BE SAYING IS THAT TO THE EXTENT
20 A Y P IN AND OF ITSELF, STANDING ALONE, COULD INFLUENCE
21 THIS WITNESS'S TESTIMONY, THEN IT'S FAIR GAME FOR MR
22 STEPP TO ASK THE QUESTIONS ABOUT IT AND OF COURSE MRS
23 HART

24 BUT I HAVE TAKEN MY WITNESSES DOWN AND THE QUESTION
25 NOW BECOMES DO WE NEED AS A DEFENSE TEAM -- EXCUSE ME --

1 AS A PLAINTIFFS' TEAM, AS PART OF OUR CASE TO BE
2 ADDRESSING THAT ISSUE WITH REMAINING PART OF OUR REBUTTAL
3 BECAUSE THAT TYPICALLY WILL NOT BE REBUTTAL EVIDENCE

4 THE COURT YES AND I DON'T THINK YOU -- ANY
5 MORE THAN -- THAN EVERY ASPECT OF THE 2004 PACT SCORES
6 HAVE TO BE ADDRESSED, WOULD YOU ALL HAVE TO REOPEN AND GO
7 INTO THESE? I MEAN, THEY ARE WHAT THEY ARE REALLY

8 MR EPPS I UNDERSTAND THAT, YOUR HONOR, BUT
9 THE PACT SCORES CAME IN DURING THEIR CASE I UNDERSTAND
10 THAT

11 THE COURT THEY DID

12 MR EPPS THE A Y P IS APPARENTLY COMING IN
13 DURING OUR CASE

14 THE COURT WELL, IT WAS RELEASED--

15 MR STEPP JUST PUBLISHED YESTERDAY

16 MR EPPS WHICH I DIDN'T KNOW APPRECIATE THE
17 COURT TELLING US

18 THE COURT RIGHT

19 MR EPPS ARE THOSE, YOU KNOW, YOUR HONOR -- IS
20 THE A Y P THE ONLY THING THAT THE COURT'S AWARE OF NOW?
21 I UNDERSTAND THERE'S BEEN SOME POINT IN TIME REPORT CARDS
22 WILL COME OUT, FOR EXAMPLE

23 THE COURT AND I'M PERFECTLY CONTENT TO STOP
24 RIGHT THERE QUITE FRANKLY THEY JUST LEAPED OUT AT ME
25 BECAUSE THEY WERE -- I GUESS IT'S A COMBINATION OF THE

1 FACT THAT THIS HAPPENS TO BE AN EVEN NUMBERED YEAR AND
2 PACT SCORES AND A Y P SCORES ALL BEING USED IN ONE OF THE
3 RACES, YOU KNOW, THAT'S THE REASON IT JUST JUMPED -- I
4 WOULDN'T HAVE KNOWN THE RESULTS WERE OUT HAD I NOT READ
5 THAT

6 BUT HAVING READ THAT AS THE WITNESS HAS BEEN
7 TESTIFYING TODAY, I HAVE BEEN ONLINE, I'VE LOOKED AT THE
8 A Y P

9 MR EPPS RIGHT I GUESS, YOUR HONOR, AT SOME
10 POINT IN TIME, PERHAPS WHEN WE CLOSE OUR -- I DON'T KNOW
11 WE WILL NEED TO TALK TO THE COURT ABOUT THIS, AS TO WHEN
12 WE REALLY DO SHUT THE EVIDENCE DOWN

13 THE COURT RIGHT WELL, I THINK WHEN THE LAST
14 WORD IS SAID IN THIS CASE, THAT IS WHEN -- AND WHEN
15 EVERYBODY SAYS, ALL REST, THAT'S GOING TO BE THE END OF
16 IT

17 THE JUDICIAL NOTICE RULE 201 SAYS, A PARTY IS
18 ENTITLED UPON TIMELY REQUEST TO AN OPPORTUNITY TO BE HEARD
19 AS TO PROPRIETY OF TAKING JUDICIAL NOTICE AND THE TENOR OF
20 THE MATTER NOTES IN THE ABSENCE OF PRIOR NOTIFICATION THAT
21 THE REQUEST MADE BE MADE AFTER JUDICIAL NOTICE HAS BEEN
22 TAKEN JUDICIAL NOTICE MAY BE TAKEN AT ANY STAGE OF THE
23 PROCEEDING

24 AND SO I -- I'M INTERPRETING THAT TO MEAN AS LONG AS
25 YOU ALL ARE ABLE TO -- IN THE PRESENTATION OF EVIDENCE TO

1 ADDRESS THESE ISSUES, THAT THEY CAN BE ADDRESSED

2 MR EPPS ONCE THE EVIDENCE SHUTS DOWN--

3 THE COURT THAT'S IT

4 MR EPPS OKAY AND WE WILL JUST SEQUESTER THE
5 JURY?

6 THE COURT YES, THE JURY WILL BE SEQUESTERED, I
7 SUPPOSE WELL, THE FINAL PART OF THE RULE SAYS THE COURT
8 SHALL INSTRUCT THE JURY TO ACCEPT AS CONCLUSIVE ANY FACT
9 JUDICIALLY NOTICED, AND SO I WILL MAKE SURE THAT THE JURY
10 IS PROPERLY INSTRUCTED

11 BUT GETTING US BACK TO THE SCOPE OF WHERE WE ARE IN
12 THIS, MY -- YOU WERE GOING TO ASK ABOUT--

13 MR STEPP I DON'T THINK WE'VE GOT A PROBLEM
14 I WILL REQUEST THE COURT TO TAKE JUDICIAL NOTICE OF THE
15 A Y P I THINK YOU HAVE DONE THAT THAT WAY WE DON'T
16 HAVE TO QUESTION THE WITNESSES ABOUT IT AND IT SUITS ME
17 TO SORT OF PROCEED THE WAY WE HAVE BEEN PROCEEDING
18 THAT'S THE ONLY QUESTION I -- I HAD ABOUT IT

19 THE COURT I HAD, BUT OF COURSE, I WILL ALLOW
20 MRS HART ON REDIRECT IF SHE CHOOSES--

21 MR STEPP SURE UNDERSTOOD

22 THE COURT -- TO GO INTO THAT ALL RIGHT

23 MR STEPP ONE MORE QUESTION

24 BY MR STEPP

25 Q MRS GREENE-RICHARDSON, YOU'RE NOT TRYING -- YOUR

1 ALL OF THE MATERIAL THAT THEY SHOULD GET

2 Q IN YOUR DEPOSITION YOU INDICATED THAT YOU HAD NO ONE
3 TO REPLACE THIS PARTICULAR TEACHER DESPITE HAVING
4 ADVERTISED FOR THE POSITION WHY NOT?

5 A THAT'S CORRECT NO ONE REALLY APPLIED EVEN THOUGH WE
6 TRIED TO RECRUIT, GO OUT AND TRY TO GET PEOPLE, NO ONE
7 WOULD STILL APPLY AT THAT PARTICULAR TIME

8 Q WHY DIDN'T PEOPLE APPLY TO COME INTO THE -- INTO THE
9 SCHOOL AT TIMMONSVILLE IN FLORENCE FOUR?

10 A GUESS AT THAT PARTICULAR TIME TIMMONSVILLE HAD A
11 REPUTATION AS A LOW PERFORMING DISTRICT

12 Q IS IT HARDER TO GET TEACHERS TO COME TO A LOW
13 PERFORMING DISTRICT?

14 A YES, SIR, IT IS

15 Q IS IT HARD TO RETAIN TEACHERS IN A LOW PERFORMING
16 DISTRICT?

17 A YES, IT IS

18 Q DO YOU HAVE COMPETITION FOR TEACHERS IN THE -- THAT
19 YOU -- DO THEY HAVE OTHER OPTIONS AS OPPOSED TO GOING TO
20 FLORENCE FOUR?

21 A YES, SIR ALL OF THE SURROUNDING DISTRICTS, THEIR
22 SALARIES ARE HIGHER THAN TIMMONSVILLE

23 Q YOU SAID THAT YOU WERE LETTING A TEACHER GO, ANOTHER
24 TEACHER, NOT THE SCIENCE TEACHER BUT ANOTHER TEACHER GO
25 BECAUSE OF PROBLEMS OF QUALITY WITH THEIR TEACHING WHAT

1 Q THE PARENTS

2 A NO, SIR

3 Q OKAY WERE YOU -- WERE YOU PROVIDING THEM WITH HOME
4 VISITS?

5 A WE HAD A HOME VISITOR, BUT THAT HOME VISITOR WAS
6 MOSTLY USED WITH THE ELEMENTARY SCHOOLS, SO THE HIGH
7 SCHOOL DID NOT HAVE A HOME VISITOR PERSON

8 Q YOU TALKED IN YOUR DEPOSITION ABOUT FAILURES ON THE
9 B S A P EXIT EXAM, THAT IS FAILURE TO PASS SO THAT YOU
10 COULD GO -- GRADUATE FROM HIGH SCHOOL WHAT WAS THE --
11 WHAT -- WHAT WAS HAPPENING WITH YOUR STUDENT BODY WITH
12 REGARD TO FAILURES ON THE B S A P ? DID YOU HAVE A LOT OF
13 FAILURES I GUESS WOULD BE THE QUESTION?

14 A I THINK WE WERE -- I THINK 30 OR 40 PERCENT AT THAT
15 TIME FAILED I'M NOT SURE--

16 Q OKAY

17 A -- WITH YOUR QUESTION

18 Q ALL RIGHT IN TERMS OF -- OF TIME ON TASK, YOU
19 TALKED ABOUT AFTER SCHOOL PROGRAMS AND THE NEED TO GET
20 MORE CHILDREN INVOLVED IN AFTER SCHOOL PROGRAMS WHY IS
21 IT IMPORTANT FOR CHILDREN FROM POVERTY TO HAVE ADDITIONAL
22 TIME FOCUSED ON THEIR SCHOOLING?

23 A IT'S IMPORTANT TO HAVE THEM TO GET ADDITIONAL TIME
24 BECAUSE THEY COME TO YOU NOT PREPARED LIKE STUDENT THAT
25 COMES FROM A MIDDLE OR UPPER CLASS FAMILIES SO THE

1 SCHOOL IS RESPONSIBLE FOR GIVING THEM THAT ADDITIONAL
2 INFORMATION THAT THEY NEED IN ORDER TO BE SUCCESSFUL WHEN
3 THEY GET OUT OF HIGH SCHOOL

4 Q IN YOUR DEPOSITION YOU INDICATED THAT THE SCHOOL,
5 TIMMONSVILLE HIGH SCHOOL, HAD AN ABSOLUTE RATING OF
6 UNSATISFACTORY AND A -- AND IMPROVEMENT RATING OF
7 UNSATISFACTORY CORRECT?

8 A THAT'S CORRECT

9 Q OKAY YOU INDICATED THAT THE CHILDREN IN YOUR SCHOOL
10 NEEDED TO ADEQUATELY ACHIEVE BECAUSE THEY NEEDED TO
11 SUCCEED WHAT DID YOU MEAN BY NEED TO SUCCEED?

12 A MEAN -- NEEDS TO SUCCEED MEANS PASSING THE EXIT EXAM,
13 BEING ABLE TO FURTHER YOUR EDUCATION, BEING EMPLOYABLE
14 ONCE YOU GRADUATE FROM HIGH SCHOOL

15 Q DURING YOUR DEPOSITION YOU MENTIONED THAT YOU HAD
16 FIVE TEACHING VACANCIES WHAT WAS THE IMPACT OF THOSE
17 VACANCIES?

18 A THE IMPACT IS YOU STARTING EVERYTHING THAT YOU WORKED
19 FOR AND YOU'VE GOT THOSE PEOPLE INVOLVED IN, THOSE NEW
20 PEOPLE COME IN, YOU START OVER WITH THEM, SO YOU END UP
21 HAVING TO READJUST -- SCHOOLS HAVE TO READJUST WITH THOSE
22 PEOPLE COMING IN AND YOU'VE GOT A LEARNING CURVE WITH THE
23 STUDENTS AND THE TEACHER

24 Q DID YOU -- I SHOULDN'T SAY DID YOU -- DID
25 TIMMONSVILLE HIGH SCHOOL EXPERIENCE A HIGH RATE OF TEACHER

1 TO HEAR YOU

2 THE DISCUSSION THAT I WANT TO HAVE WITH YOU TODAY IS
3 SPECIFICALLY WITH REFERENCE TO THE FISCAL CAPACITY AND
4 FISCAL MATTERS DEALING WITH THE MARION SEVEN SCHOOL
5 DISTRICT, WITH THE FOCUS ON WHETHER THE DISTRICT IS
6 SPENDING ITS MONEY APPROPRIATELY AND WHETHER THE DISTRICT
7 CAN USE FUNDS IN SOME FORM OR FASHION TO INCREASE TEACHER
8 SALARIES TO A COMPETITIVE POSITION

9 NOW, WHAT HAVE YOU DONE IN PREPARATION FOR TODAY'S
10 TESTIMONY?

11 A OKAY AT YOUR REQUEST, I PULLED TOGETHER MY
12 FINANCIAL STAFF IN THE DISTRICT AND OUR AUDITOR WE SAT
13 DOWN AND REVIEWED THE 2001, 2002 SCHOOL YEAR'S FINANCIAL
14 AUDIT

15 WE TOOK THAT AUDIT AND THEN, AND WE TOOK THE IN-SITE
16 INFORMATION FROM THE SOUTH CAROLINA DEPARTMENT OF
17 EDUCATION WHICH IS BASED ON THE AUDIT THAT -- AUDITED
18 INFORMATION THAT THE -- THAT OUR SCHOOL DISTRICT PROVIDES
19 TO THE STATE DEPARTMENT AND WE BROKE, USING THE AUDITED
20 FIGURES WE BROKE THAT INFORMATION DOWN AND WE HAVE BEEN
21 SPENDING ABOUT A WEEK DOING THAT

22 Q OKAY NOW, IN BREAKING THE INFORMATION DOWN, DID YOU
23 ORGANIZE IT IN A FASHION SO THAT WE COULD LOOK AT
24 REVENUES?

25 A YES, WE DID

1 Q AND ALSO SO THAT WE CAN LOOK AT EXPENSES?

2 A WE DID

3 Q AND IN A FASHION SO THAT WE WOULD HAVE A GENERAL FUND
4 REVENUES AND EXPENSES FROM THE GENERAL FUND AND THEN A
5 GENERAL FUND EXPENSES, I'M SORRY -- CATEGORICAL FUND
6 REVENUES AND CATEGORICAL FUND EXPENSES?

7 A THAT'S CORRECT

8 Q AND AS A PART OF YOUR EXAMINATION, HAVE YOU FROM TIME
9 TO TIME REFERRED TO THE FUNDING MANUAL IN SOUTH CAROLINA?

10 A YES, WE HAVE

11 Q OKAY AND JUST BRIEFLY TELL ME WHAT A FUNDING MANUAL
12 IS?

13 A A FUNDING MANUAL IS THE GUIDE OR SOME PEOPLE IN
14 FINANCE LIKE TO USE THE WORD BIBLE THAT YOU GO BY IN
15 MAKING DETERMINATIONS ABOUT HOW YOU EXPEND REVENUE THAT IT
16 COMES TO THE SCHOOL DISTRICT

17 MR EPPS YOUR HONOR, AT THIS TIME I WOULD
18 INTRODUCE THE FUNDING MANUAL WHICH IS DEFENDANTS'
19 EXHIBIT 2474

20 THE COURT ALL RIGHT, SIR

21 MR EPPS AND THE AUDITED FINANCIAL STATEMENT
22 FOR MARION SEVEN SCHOOL DISTRICT, ORIGINALLY IT'S
23 MARKED AS DEFENDANTS' EXHIBIT 1760 AND WE HAVE
24 RENUMBERED IT OR REDESIGNATED IT WITH A COMPLETE COPY
25 AS 1760-A , AS IN APPLE

1 THE COURT I UNDERSTAND

2 MR BARNES PLAINTIFFS'?

3 MR EPPS NO, DEFENSE

4 BY MR EPPS

5 Q I WANT TO DRAW YOUR ATTENTION, DR DEAN, TO A COUPLE
6 OF EXHIBITS THAT WERE INTRODUCED DURING THE DEFENDANTS'
7 CASE AND THE FIRST IS A POWERPOINT USED BY ONE OR MORE OF
8 THEIR EXPERTS I THINK THIS WAS USED CERTAINLY BY DR
9 GUTHRIE AND PERHAPS OTHERS

10 AND IT'S PAGE 32 OF THE POWERPOINT WHICH SHOWS
11 CURRENT OPERATING EXPENSES PER PUPIL, PARENTHESIS,
12 EXCLUDES CAPITAL PROJECTS AND DEBT SERVICE 2000, 2001
13 AND THEN ON THE LEGEND IT ALSO HAS THE COMPARISON OF 2001
14 TO 2002 DO YOU SEE THAT?

15 A YES, I DO YES

16 Q AND IF YOU TRACK ACROSS THE CHART, IT SHOWS MARION
17 SEVEN'S CURRENT OPERATING EXPENDITURES PER PUPIL AT
18 SOMEWHERE AROUND, LOOKS LIKE THE \$9,700 RANGE OR SOMETHING
19 LIKE THAT CORRECT?

20 A THAT'S CORRECT

21 Q AND I ALSO WANT TO DRAW YOUR ATTENTION TO IN-SITE
22 DATA WHICH WAS USED BY THE DEFENSE DURING THEIR TESTIMONY
23 AND ASK YOU IF THIS IS THE IN-SITE DATA, AND MRS
24 LANDRESS, YOU MAY NEED TO PULL IT UP A LITTLE BIT, FOR
25 MARION SCHOOL DISTRICT NUMBER SEVEN FOR THE FISCAL YEAR

1 2001, 2002

2 MRS LANDRESS, PULL IT UP SO YOU SEE THE BOTTOM ON
3 THERE IF YOU CAN, PLEASE I TELL YOU WHAT DR DEAN, DO
4 YOU HAVE A COPY?

5 A YES

6 Q LOOK AT YOUR COPY AND SEE IF THAT'S 2001, 2002?

7 A IT IS

8 Q AND THE IN-SITE DATA FOR THAT YEAR FOR MARION SEVEN
9 SHOWS A TOTAL EXPENDITURES OF \$10,817,671?

10 A THAT'S CORRECT

11 Q AND WHEN YOU DELETE A CAPITAL AND OUT-OF-DISTRICT
12 OBLIGATIONS OF A MILLION 4,783 -- EXCUSE ME 834, THE
13 FIGURE IS REDUCED TO \$9,338,837?

14 A THAT'S CORRECT

15 Q FOR PER PUPIL SPENDING OF 9,738, CORRECT?

16 A THAT'S CORRECT

17 Q OKAY NOW, VERY BRIEFLY IF YOU WILL, DR DEAN, AND
18 WE'LL GO INTO THIS IN MORE DETAIL AS WE GO THROUGH, TELL
19 ME WHAT SOURCES OF REVENUE ARE AVAILABLE TO SCHOOL
20 DISTRICT NUMBER SEVEN, MARION COUNTY SCHOOL DISTRICT
21 NUMBER SEVEN

22 A WELL, YOU HAVE, OF COURSE, YOUR LOCAL REVENUE THAT
23 COMES IN FROM TAXES ON THE LOCAL RESIDENTS, SOMETIMES
24 REFERRED TO AS ACTUAL LEARNING TAXES YOU HAVE YOUR -- IN
25 THIS PARTICULAR YEAR WE HAD ONE TRANSFER INTER-GOVERNMENT

1 AND THE STATE TRANSFERS THAT YOU COME IN
2 THOSE ARE INTO THE GENERAL FUND YOU HAVE YOUR --
3 YOU WANT ME TO PROCEED?
4 Q WELL, I'M JUST TALKING ABOUT THE GENERAL --
5 A THE GENERAL?
6 Q -- THE GENERAL FUNDS REVENUES AT THIS POINT IN TIME
7
8 A YOU HAVE YOUR LOCAL, YOUR STATE AND YOUR FEDERAL
9 Q ALL RIGHT MRS LANDRESS, IF WE CAN PULL UP PAGE
10 THREE OF THE POWERPOINT PLEASE AND, DR DEAN, THIS
11 SHOWS, FIRST OF ALL, A FUND NUMBER ON THE LEFT-HAND
12 COLUMN YOU SEE THAT?
13 A THAT'S CORRECT YES
14 Q AND THIS IS FUND NUMBER 100?
15 A YES
16 Q NOW, AS WE MOVE THROUGH TODAY'S EXAMINATION, DOES THE
17 STATE OF SOUTH CAROLINA HAVE FUND NUMBERS THAT ALL SCHOOL
18 DISTRICTS FOLLOW?
19 A YES
20 Q SO --
21 A IF --
22 Q I'M SORRY
23 A AND THOSE ARE OUTLINED IN YOUR FUNDING MANUAL
24 Q IN THE FUNDING MANUAL ALL RIGHT IT SHOWS -- AND
25 THIS IS FOR THE CALENDAR YEAR 2001, 2002 THAT WE'RE

1 LOOKING AT?

2 A THAT'S CORRECT

3 Q IF -- IT SHOWS THAT IN TERMS OF LOCAL REVENUE RAISED
4 THAT THE DISTRICT RAISED \$1,407,085, CORRECT?

5 A THAT'S CORRECT

6 Q AND THERE WAS AN INTER GOVERNMENTAL TRANSFER OF
7 \$4,306?

8 A THAT'S CORRECT

9 Q AND FROM THE STATE GENERAL FUND, I ASSUME, AND YOU
10 TELL ME IF I'M WRONG, THE SCHOOL DISTRICT RECEIVED
11 \$3,451,086?

12 A THAT'S CORRECT

13 Q AND THAT WOULD -- THAT RESULTED IN TOTAL GENERAL FUND
14 REVENUE OF \$4,862,477?

15 A THAT'S CORRECT

16 Q OKAY NOW, I THINK WE HAD A LOT OF DISCUSSION ABOUT
17 HOW THE GENERAL FUNDS OPERATES BUT IN ONE OR TWO
18 SENTENCES, TELL US HOW THE GENERAL FUND OPERATES AS
19 OPPOSED TO OTHER MONIES PERHAPS RECEIVED BY THE SCHOOL
20 DISTRICT

21 A OKAY THESE ARE THE FUNDS THAT THE SCHOOL DISTRICT
22 REALLY, AND THE BOARD OF TRUSTEES HAS CONTROL OVER THEY
23 CAN DETERMINE HOW THESE FUNDS ARE UTILIZED PROVIDED THEY
24 ARE PROVIDING THE PROGRAMS WITHIN THE CONSTRAINTS OF
25 PROVIDING THE PROGRAMS THAT THE STATE REQUIRES YOU TO

1 PROVIDE

2 AND THOSE ARE OUTLINED IN WHAT IS KNOWN AS THE
3 DEFINED PROGRAM AND YOU HAVE TO MAKE SURE YOU'RE
4 PROVIDING THE DEFINED PROGRAM SO YOU HAVE TO EXPEND THESE
5 MONIES FIRST ON THE -- INSURING YOU HAVE THE DEFINED
6 PROGRAM IN PLACE

7 Q NOW, THE DEFINED PROGRAM HISTORICALLY HAD BEEN CALLED
8 THE DEFINED MINIMUM PROGRAM?

9 A IT HAD

10 Q AND THEY DROPPED THE WORD MINIMUM?

11 A I -- YES, I THINK IT'S CALLED THAT'S A LITTLE
12 TECHNICALITY BUT IT -- THAT -- I THINK IT'S REFERRED TO
13 NOW AS THE DEFINED PROGRAM

14 Q ALL RIGHT MRS LANDRESS, IF YOU'LL PULL UP SLIDE
15 FOUR AND, DR DEAN, IS THE -- DOES THIS SHOW THE SOURCES
16 OF THE LOCAL FUNDS RAISED BY THE MARION SCHOOL DISTRICT
17 NUMBER SEVEN?

18 A IT -- IT DOES

19 Q BY PERCENTAGES?

20 A YES

21 Q RIGHT?

22 A IT DOES

23 Q ALL RIGHT AND IT SHOWS PROPERTY TAXES CONSTITUTE
24 89 41 PERCENT OF THE LOCAL FUNDS CORRECT?

25 A CORRECT

1 Q TAXES, PENALTY AND INTEREST, I GUESS THAT'S FOR
2 PAYING YOUR TAXES LATE AND INTEREST ON MONEY?

3 A THAT'S CORRECT

4 Q OF 2 43 PERCENT WELL, THEY HAVE ANOTHER CATEGORY,
5 INTEREST EARNED OF 49 PERCENT, RIGHT?

6 A CORRECT

7 Q AND, QUOTE, OTHER SOURCES RIGHT?

8 A CORRECT

9 Q AND THE OTHER SOURCES CONSTITUTES 7 67 PERCENT
10 DISTRICT AGAIN IN A SENTENCE OR LESS, TELL US WHAT THE
11 OTHER SOURCES GENERALLY WOULD BE

12 A OKAY THOSE -- THOSE MIGHT BE, IF YOU SAY -- SELL A
13 PIECE OF PROPERTY, SOMETHING OF THAT NATURE IT'S -- IT'S
14 SOMETHING THAT'S USUALLY A ONE-TIME OCCURRENCE THAT BRINGS
15 IN SOME REVENUE

16 MR BARNES YOUR HONOR

17 THE COURT YES, SIR

18 MR BARNES COULD I JUST HAVE SOME
19 CLARIFICATION AS TO WHETHER OR NOT THIS WAS THE
20 PERCENTAGE FOR THAT '01, '02 YEAR? IT'S NOT LISTED
21 HERE AND I JUST WANT --

22 MR EPPS YOUR HONOR, ALL OF THE DOCUMENTS THAT
23 I WILL BE USING TODAY COME OUT OF THE -- OUT OF THE
24 '01, '02 YEAR

25 MR BARNES OKAY

1 THE COURT THANK YOU

2 BY MR EPPS

3 Q ALL THE FINANCIAL DOCUMENTS CERTAINLY AND I THINK ALL
4 THE DOCUMENTS IN GENERAL AND, DR DEAN, IT WAS OUR
5 EFFORT TO COMPARE APPLES TO APPLES WITH THE CHARTS THAT
6 THE DEFENSE HAD INTRODUCED DURING THEIR CASE? DID YOU
7 UNDERSTAND THAT QUESTION?

8 A NO, SIR I DON'T UNDERSTAND THAT QUESTION

9 Q OKAY ALL RIGHT THE CHART THAT I SHOWED YOU
10 INITIALLY WITH THE PER PUPIL SPENDING?

11 A YES, ON THE IN-SITE?

12 Q YES, SIR

13 A YES, SIR

14 Q THAT WAS '01, '02?

15 A THAT'S CORRECT IT WAS

16 Q AND THE DOCUMENTS WE'RE TO BE GOING THROUGH TODAY
17 SHOW A COMPARISON OF '01, '02?

18 A THAT -- THAT IS CORRECT THE INFORMATION THAT WE
19 USED, WE USED AUDITED FIGURES AND OUR AUDIT WAS COMPLETED
20 JUNE, '02 WHICH COVERED THE '01, '02 SCHOOL YEAR

21 Q OKAY

22 A SO THE FIGURES THAT ARE USED FOR REVENUE ARE THE
23 AUDITED FIGURES OUT OF THAT AUDIT

24 Q ALL RIGHT DR DEAN, I WANT TO TURN TO ANOTHER
25 CATEGORY OF FUNDING WHICH I'M GOING TO CALL RESTRICTED

1 FUNDS OKAY?

2 A OKAY

3 Q AND --

4 A YOU -- THAT'S FINE

5 Q -- IS THAT -- ARE THEY CALLED RESTRICTED FUNDS WITHIN
6 THE INDUSTRY OR WITHIN THE PROFESSION OR WHAT WOULD BE THE
7 PROPER WORD?

8 A OKAY SOME PEOPLE WOULD REFER TO THEM AS CATEGORICAL
9 FUNDS AND IN FINANCE COURSES SOME PEOPLE REFER TO THEM AS
10 RESTRICTED OR SOME PEOPLE REFER TO THEM AS EARMARKED
11 FUNDS THEY ARE -- THEY ARE FOR SPECIFIC PURPOSES

12 Q ALL RIGHT IF WE COULD PULL UP NUMBER FIVE, MRS
13 LANDRESS AND MY FIRST QUESTION TO YOU IS, HAVE YOU
14 PREPARED A LIST OF ALL CATEGORICAL OR RESTRICTED FUNDS
15 THAT COME INTO THE SCHOOL DISTRICT?

16 A YES, WE DID

17 Q OKAY AND I WANT TO START AS WE GO THROUGH THIS IN
18 LOOKING FIRST AT CATEGORICAL OR RESTRICTED FUNDING
19 AVAILABLE, RAISED ON A LOCAL BASIS AND I HAVE PULLED UP
20 PAGE NUMBER FIVE FROM THE POWERPOINT AND TELL US WHAT
21 THAT IS, PLEASE

22 A OKAY THESE ARE FUNDS THAT WE TRANSFER INTO THE
23 GENERAL FUND THAT HAVE A RESTRICTED USE AND THAT -- THEY
24 HAVE A SPECIFIC PURPOSE WHEN THEY -- WHEN THEY COME IN
25 THEY COME IN

1 Q ALL RIGHT WELL, LET'S GO THROUGH THESE -- THESE
2 VERY QUICKLY

3 A OKAY

4 Q STARTING WITH CODE NUMBER 208

5 A MEDICAID? MEDICAID IS REIMBURSABLE FUNDS THAT COME
6 TO US FROM MEDICAID, USUALLY FOR SERVICES SUCH AS SPEECH
7 SERVICES OR CERTAIN TESTING WITH HANDICAPPED STUDENTS, AND
8 YOU CAN CLAIM BACK MEDICAID REIMBURSEMENT WHEN YOU PROVIDE
9 THOSE SERVICES AND THAT'S WHAT THAT SOURCE OF REVENUE
10 IS

11 Q ALL RIGHT YOU SAY 504 IS SPECIAL MILLS WHAT IS
12 THAT?

13 A RIGHT THAT'S A -- A -- A \$60,000 ALLOCATION THAT
14 COUNTY BOARD OF EDUCATION GIVES TO DISTRICT SEVEN
15 SPECIFICALLY TO KEEP OUR BUILDINGS IN REPAIR IF WE HAVE
16 A BROKEN SEWER LINE OR A LEAKY ROOF OR THINGS OF THAT
17 NATURE, THAT'S HOW THOSE FUNDS ARE EXPECTED TO BE USED

18 Q AND DEBT SERVICE?

19 A OF COURSE DEBT SERVICE IS THE PAYING OFF OF MONEY
20 THAT'S BEEN BORROWED FOR RENOVATIONS OR ADDITIONS TO
21 FACILITIES

22 Q ALL RIGHT YOU HAVE TWO SCHOLARSHIP FUNDS THEN
23 CODE NUMBER 810 IS INTEREST EARNED ON INVESTMENTS OF
24 \$9,238?

25 A RIGHT

1 Q AND THEN THE 700S CODE SHOWS PUPIL ACTIVITY
2 ACTIVITY, WITH A NOTATION BESIDE IT THAT THESE FUNDS WERE
3 RAISED BY THE STUDENTS

4 A RIGHT

5 Q AND JUST VERY BRIEFLY, HOW DO THEY GO ABOUT RAISING
6 THOSE FUNDS?

7 A FOR EXAMPLE, YOU MAY HAVE THE JUNIOR CLASS SELL
8 WORLD'S FINEST CHOCOLATE AND RAISE MONEY FOR THE JUNIOR
9 SENIOR PROGRAM AND IT'S, YOU KNOW, THEN YOU'RE EXPECTED TO
10 UTILIZE THAT MONEY TO GO TOWARD THE JUNIOR SENIOR PROGRAM
11 THOSE TYPE ACTIVITIES

12 THAT MIGHT BE THE P T O RAISES MONEY FOR PLAYGROUND
13 EQUIPMENT SOMETHING OF THAT NATURE BUT IT -- IT'S
14 RAISED FOR A SPECIFIC PURPOSE IN THE SCHOOLS AND THEN IT'S
15 UTILIZED THERE

16 Q ALL RIGHT LET'S -- THE TOTAL OF LOCAL RESTRICTED
17 FUNDS AVAILABLE TO MARION SEVEN IS \$635,429?

18 A THAT'S CORRECT

19 Q ALL RIGHT LET'S TURN NOW TO THE NEXT POWERPOINT AND
20 TELL US WHAT THAT IS, PLEASE

21 A THESE ARE YOUR STATE RESTRICTED FUNDS THAT -- THAT
22 MARION SCHOOL DISTRICT SEVEN RECEIVED DURING THE '01, '02
23 FISCAL YEAR

24 Q AND WHAT WERE -- WHAT WAS THE SOURCE OF THESE FUNDS?

25 A THEY -- THEY USUALLY FLOW THROUGH FROM THE STATE

1 DEPARTMENT OF EDUCATION OR FROM THE STATE TO DISTRICT
2 SEVEN YOU COULD RECEIVE THESE FUNDS IN A VARIETY OF
3 WAYS, BUT THEY ARE FOR A SPECIFIC PURPOSE

4 Q ALL RIGHT AGAIN, IF YOU LOOKED AT THE -- AT PAGE
5 NUMBER SIX IN THE POWERPOINT IT SHOWS STATE RESTRICTED
6 WITH FUND NUMBERS BELOW IT OF COURSE, THOSE ARE THE
7 CODES THAT WE'VE ALREADY DISCUSSED, RIGHT?

8 A THAT'S CORRECT

9 Q ALL RIGHT I WANT TO TAKE THE TIME, DR DEAN, TO GO
10 THROUGH EACH ONE OF THOSE STATES RESTRICTED FUNDS AND YOU
11 TELL ME OR TELL THE COURT WHAT THESE FUNDS ARE TO BE USED
12 FOR

13 A OKAY YOU TO WANT ME TO START WITH GEARUP --

14 Q YES, SIR

15 A -- OR DO YOU WANT TO ASK EACH ONE INDIVIDUALLY?

16 Q NO, I WILL STOP YOU YOU JUST GO AHEAD AND I'LL STOP
17 YOU IF I NEED TO

18 A OKAY GEARUP IS A PROGRAM SPONSORED BY THE
19 COMMISSION ON HIGHER EDUCATION IT'S DESIGNED TO
20 ENCOURAGE MIDDLE SCHOOL STUDENTS TO BECOME INTERESTED IN
21 GOING TO COLLEGE

22 ENRICHMENT ACTIVITIES, ACADEMIC ACTIVITIES, FIELD
23 TRIPS, VISITS TO COLLEGES THAT'S HOW THAT MONEY WAS USED
24 TO TRY TO ENCOURAGE MIDDLE SCHOOLERS TO GO TO COLLEGE

25 Q ALL RIGHT

1 A THIS WAS A COMPETITIVE GRANT

2 Q ALL RIGHT THAT WAS MY NEXT QUESTION AS WE LOOK AT

3 THE RIGHT-HAND SIDE OF SLIDE NUMBER SIX, IT SHOWS

4 COMPETITIVE GRANT WRITTEN AND FUNDED NOW WHENEVER WE SEE

5 THAT ON THIS POWERPOINT DOES THAT MEAN THAT THAT WAS A

6 GRANT THAT THE MARION SEVEN SCHOOL DISTRICT WROTE FOR AND

7 GOT?

8 A THAT'S CORRECT WE APPLIED FOR THOSE AND THEY

9 RECEIVED THEM

10 Q OKAY

11 A IT WAS COMPETITION FOR THEM USUALLY

12 Q ALL RIGHT WE DON'T NEED TO GO INTO A WHOLE LOT OF

13 DETAIL AS WE GO THROUGH THESE FUNDS BUT I DO WANT JUST A

14 BRIEF EXPLANATION OF WHAT IT IS AND KEEP ON GOING IF YOU

15 WILL, PLEASE

16 A OKAY IDEAS STATE GRANT THAT'S A GRANT TO PROVIDE

17 SOME ASSISTANCE WITH SPECIAL EDUCATION PROGRAM

18 Q OKAY

19 A -- IS THAT ADEQUATE?

20 Q YEAH, IT IS AND CODE NUMBER?

21 A 204

22 Q YES AND THE NEXT -- THAT'S ALSO A COMPETITIVE GRANT

23 YOU SAID AND THE NEXT ONE IS 216 AND TELL US WHAT THAT

24 IS

25 A ADEPT -- THESE ARE STATE FUNDS THAT ALL DISTRICTS

1 RECEIVE FOR WORKING WITH FIRST YEAR TEACHERS YOU -- NEW
2 TEACHERS TO THE PROFESSION

3 Q SO ALL SCHOOL DISTRICTS IN SOUTH CAROLINA ARE
4 ELIGIBLE FOR AND RECEIVE SOME OF THESE FUNDS?

5 A THAT'S CORRECT

6 Q ALL RIGHT AS I SEE ALL GOING DOWN THE RIGHT-HAND
7 COLUMN, AM I TO UNDERSTAND THAT ALL MEANS THAT ALL SCHOOL
8 DISTRICTS IN SOUTH CAROLINA RECEIVE THESE FUNDS?

9 A THAT'S CORRECT

10 Q OKAY ALL RIGHT LET'S MOVE ON NOW WITH EARLY
11 CHILDHOOD PRESCHOOL

12 A EARLY INTERVENTION PRESCHOOL?

13 Q I'M SORRY

14 A THIS IS DESIGNED FOR HANDICAPPED CHILDREN THAT ARE
15 UNDER THE AGE OF FOUR BEFORE THEY BECOME ELIGIBLE FOR THE
16 CHILD DEVELOPMENT PROGRAM, FOUR YEAR OLD KINDERGARTEN AND
17 IT'S TO PROVIDE SERVICES FOR THOSE CHILDREN

18 Q ARE THESE SPECIAL EDUCATION CHILDREN?

19 A YES, THEY HAVE SOME TYPE OF HANDICAP IT COULD BE
20 PHYSICAL, IT COULD BE MENTAL

21 Q ALL RIGHT APPLE TAGS I'M GOING -- WHEN I CAN DR
22 DEAN, UNDERSTAND I CAN'T DO THIS A LOT OF TIMES, APPLE
23 TAGS ARE SALES OF LICENSE PLATES WITH THE APPLE ON THEM?

24 A THAT'S CORRECT

25 Q OKAY

1 A MONEY GOES TO TECHNOLOGY HAS --

2 Q AS WE CONTINUE DOWN ALTERNATIVE SCHOOL WEIGHTING?

3 A THAT'S CORRECT IT'S A WEIGHTING FOR STUDENTS THAT
4 ATTEND THE ALTERNATIVE SCHOOL IT'S LIKE ON THE EQUAL
5 WEIGHTING OR HEAVIER WEIGHTING YOU RECEIVE ADDITIONAL
6 MONEY AND IT GOES TO HELPING EDUCATE CHILDREN IN THE
7 ALTERNATIVE SCHOOL

8 Q ALL RIGHT 226 IS SHOWN AS BEING E A A PRINCIPAL
9 SLASH CURRICULUM SPECIALIST AND IT SHOWS OUT BESIDES IT
10 \$215,091 WITH THE WORD TARGETED AND WHAT DO YOU MEAN BY
11 THAT, PLEASE?

12 A DISTRICTS THAT ARE LOW ACHIEVING OR SCHOOLS REALLY
13 FOR SCHOOLS THAT HAVE LOW ACHIEVING -- HAVE BEEN LOW
14 ACHIEVING ACADEMICALLY, THEY RECEIVE TARGETED ASSISTANCE
15 SUCH AS THE POSSIBILITY OF A PRINCIPAL SPECIALIST TO COME
16 IN AND WORK IN THE SCHOOLS

17 THAT PARTICULAR YEAR DISTRICTS HAVE HAD TWO PRINCIPAL
18 SPECIALIST AND CAME UP FOR SALARY AND FRINGE BENEFITS TO
19 AROUND \$215,091

20 Q ARE THOSE PRINCIPAL SPECIALISTS THAT YEAR WERE A MR
21 WHITCOMB AND A MR GILCHRIST?

22 A THAT'S CORRECT

23 Q OKAY THE NEXT ONE IS STATE REDUCED CLASS SIZE
24 \$245,711, ALL AND THAT'S -- THAT WAS A STATEWIDE
25 INITIATIVE TO REDUCE CLASS SIZES?

1 A YES

2 Q AND IT WAS AVAILABLE AND IS AVAILABLE TO ALL
3 DISTRICTS?

4 A YES

5 Q E A A SUMMER SCHOOL, \$48,967 AND I ASSUME THAT'S
6 TARGETED TO LOW PERFORMING SCHOOLS?

7 A THAT'S CORRECT

8 Q ALL RIGHT EXCELLENCE AT MIDDLE SCHOOL \$41,000, ALL
9 AND WHAT'S THAT FOR, PLEASE?

10 A YOU CAN USE IT ONE OF THREE WAYS YOU COULD USE IT
11 EITHER FOR COUNSELORS, RESOURCE OFFICERS OR SCHOOL NURSES
12 WE USE IT TO PROVIDE ADDITIONAL COUNSELING SERVICES

13 Q OKAY IT'S TARGETED MONEY BUT --

14 A BUT, AND IT HAS TO BE USED AT THE MIDDLE SCHOOL
15 LEVEL

16 Q TARGETED MONEY AT THE MIDDLE SCHOOL FOR ONE OF THOSE
17 THREE SERVICES?

18 A YES

19 Q AND THE NEXT ONE, 235 IS S A T IMPROVEMENT T B H S
20 I'M SURE THAT'S TERRELL'S BAY HIGH SCHOOL RIGHT?

21 A THAT'S CORRECT

22 Q AND YOU -- THE SCHOOL RECEIVED IN 2001, 2002, \$58,000
23 FOR IMPROVEMENT IN ITS S A T SCORES?

24 A THAT'S CORRECT THEY HAD A LARGE JUMP IN S A T
25 SCORES

1 Q AND THAT WAS AN AWARD GIVEN TO THEM BY THE STATE?
2 A THAT WAS AN AWARD PROGRAM THE STATE HAD AT THIS TIME
3 Q ALL RIGHT D S S PARENTING SLASH FAMILY LITERACY
4 \$25,000?
5 A RIGHT THIS IS A -- WAS AVAILABLE FOR HOME VISITORS
6 TO GO INTO THE HOMES OF CHILDREN FROM -- TO WORK WITH
7 PARENTS AND CHILDREN FROM AGE, FROM BIRTH TO ABOUT AGE
8 FIVE TRYING TO ENCOURAGE THE PARENTS TO INTERACT, PROMOTE
9 LITERACY AND READ TO THEIR CHILDREN, BECOME MORE INVOLVED
10 WITH THEM
11 Q ALL RIGHT AND ALL SCHOOL DISTRICTS ARE ELIGIBLE FOR
12 AND RECEIVE FUNDING THROUGH THAT LINE ITEM CORRECT?
13 A YES
14 Q ALL RIGHT THE NEXT ONE IS TECH PREP AND I'M JUST
15 GOING TO ASSUME THAT'S TO BE USED IN PREPARATION OF
16 STUDENTS IN THE TECHNICAL PROGRAM?
17 A RIGHT
18 Q AND ALL STUDENTS ARE ELIGIBLE FOR THAT?
19 A YES
20 Q AND ALL SCHOOL DISTRICTS?
21 A ALL SCHOOL DISTRICTS
22 Q I SHOULDN'T HAVE SAID ALL STUDENTS, BUT ALL SCHOOL
23 DISTRICTS, CORRECT?
24 A CORRECT
25 Q NEXT ONE IS SCHOOL TO WORK THAT'S THE

1 SCHOOL-TO-WORK TRANSACTION?
2 A TRANSITION
3 Q SCHOOL-TO-WORK TRANSITION ACT AND ALL SCHOOL
4 DISTRICTS GET SOME OF THAT MONEY, CORRECT?
5 A THAT'S CORRECT
6 Q BUT IT HAS TO BE USED FOR THAT PROGRAM?
7 A YES
8 Q THE NEXT ONE IS THE TECHNOLOGY TRAINING GRANT,
9 \$3,845 AND THAT'S A TRAINING GRANT I'M ASSUMING THE
10 STATE ISSUES TO ALL SCHOOL DISTRICTS FOR TECHNOLOGY?
11 A RIGHT IT'S DESIGNED PRIMARILY TO ASSIST IN BRINGING
12 TEACHERS UP TO SPEED IN THE USE OF TECHNOLOGY
13 Q OKAY LOCAL SCHOOL INNOVATION, AS I RECALL IT,
14 THAT'S AN E I A PROGRAM?
15 A RIGHT
16 Q \$36,647 AND ALL SCHOOLS GET SOME OF THAT FUNDING?
17 A CORRECT
18 Q IS THE FUNDING GENERALLY ON A PER CAPITA BASIS FOR
19 THESE FUNDS, DR DEAN, PER STUDENT COUNT?
20 A USUALLY BUT THEY -- THEY CAN VARY A LITTLE BIT --
21 Q OKAY
22 A -- ON HOW THEY ARE, HOW THE MONEY IS ALLOCATED
23 Q OKAY THE NEXT ONE IS ADVANCED PLACEMENT \$300 AND
24 TELL US ABOUT THAT, IF YOU WILL
25 A OKAY ADVANCED PLACEMENT IS REALLY THE MONIES THAT

1 COME IN TO THE SCHOOL FOR STUDENTS TO PAY FOR THEIR
2 ADVANCED PLACEMENT EXAM, THE TEST THAT THEY TAKE AT THE
3 END OF ADVANCED PLACEMENT COURSE
4 Q IS \$300 A MINIMUM LEVEL OF FUNDING FOR A SCHOOL
5 DISTRICT?
6 A I THINK IT'S REALLY DONE ON THE NUMBER OF TESTS THAT
7 YOU ADMINISTER
8 Q OKAY
9 A I BELIEVE
10 Q ALL RIGHT THE NEXT ONE IS THE GIFTED AND TALENTED,
11 ACADEMIC, AND THE SCHOOL DISTRICT GOT \$14,080 FOR THAT
12 PROGRAM I ASSUME THAT'S TO SUPPORT THE GIFTED AND
13 TALENTED PROGRAM?
14 A THAT IS CORRECT
15 Q THE NEXT ONE IS E A A PRINCIPAL TEACHER SPECIALISTS
16 I THINK ALL KNOW WHAT THAT IS AND WE WERE RUNNING THIS
17 NUMBER DOWNSTREAM, BUT IT SHOWS \$865,026 AS TARGETED MONEY
18 TO LOW PERFORMING SCHOOLS AND I ASSUME THAT THAT WAS TO
19 PAY FOR TEACHER SPECIALISTS EVEN THOUGH IT SAYS PRINCIPAL
20 SPECIALISTS WE COVERED THAT, HAVE WE NOT?
21 A YES THIS -- THIS REALLY IS FOR THE TEACHER
22 SPECIALIST FOR THAT YEAR IT WAS \$865,026
23 Q AND SINCE WE WERE RUNNING THIS NUMBER DOWNSTREAM THIS
24 WOULD-INCLUDE FRINGE BENEFITS?
25 A YES, IT DOES

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1 Q BUT THE -- THE COST OF THE TEACHER SPECIALIST IS PAID
2 FOR BY THE STATE, BUT ASSESSED TO THE SCHOOL DISTRICT FOR
3 COUNTY PURPOSES CORRECT?

4 A THAT'S CORRECT

5 Q I'M SORRY DO YOU NEED TO SAY ANYTHING ELSE?

6 A WELL, I WOULD JUST SAY THAT THE WAY -- IT'S A LITTLE
7 UNUSUAL, THAT PROGRAM

8 Q RIGHT

9 A THE HOME DISTRICT AT THAT TIME PAID THE TEACHER
10 SPECIALISTS, THE STATE WOULD SEND THE MONEY, FOR EXAMPLE,
11 TO FLORENCE ONE IF THAT'S THE HOME DISTRICT OF THE TEACHER
12 THAT CAME TO US

13 AT THE END OF THE YEAR THOUGH THOSE -- AND THEY WOULD
14 PAY THE TEACHER EVERY MONTH THE DISTRICT SEVEN DIDN'T
15 PAY THE TEACHER SPECIALIST FLORENCE ONE WOULD CUT THE
16 CHECK AND PAY THE TEACHER SPECIALIST

17 AT THE END OF THE YEAR THOUGH WE HAD TO TALLY UP
18 THOSE FUNDS, THE AUDITOR DID, ALL THE REVENUE THAT HAD
19 BEEN DESIGNATED FOR TEACHER SPECIALISTS AND THEN WAS
20 CHARGED BACK TO DISTRICT SEVEN

21 Q AND COUNTED AS REVENUE?

22 A AND COUNTED IN OUR PER PUPIL EXPENDITURE

23 Q OKAY CRITICAL TEACHING NEEDS, \$4,286, ALL SCHOOL
24 DISTRICTS ARE ELIGIBLE FOR AND RECEIVE SOME OF THAT MONEY?

25 A YES

1 Q THE NEXT ONE IS NATIONAL BOARD CERTIFICATION \$8,865
2 IT LOOKS LIKE YOU HAD A TEACHER WITHIN THE DISTRICT WHO
3 WAS APPLYING FOR OR RECEIVED NATIONAL BOARD CERTIFICATION?

4 A YES AND THAT WAS THE, I THINK IT'S \$7,500 AND THE
5 FRINGE THAT GOES ON THAT

6 Q AND THAT BOARDED THE \$8,865?

7 A YES

8 Q THAT WOULD BE ONE TEACHER?

9 A I BELIEVE IT WAS ONE TEACHER

10 Q ALL RIGHT THE NEXT IS TEACHER OF THE YEAR AWARD,
11 2001 AND \$53 ALL SCHOOL DISTRICTS GET A FUND FOR THAT?

12 A IF YOU HAVE A TEACHER YOU -- YOU QUALIFY AND RECEIVED
13 THAT TO REWARD THAT DISTRICT TEACHER OF THE YEAR

14 Q ALL RIGHT THE NEXT ONE IS PROFESSIONAL DEVELOPMENT
15 ON STANDARDS, \$50,949 AND ALL SCHOOL DISTRICTS GET THE
16 FUNDING UNDER THAT PROGRAM?

17 A YES

18 Q THE NEXT ONE IS GOVERNOR'S INSTITUTES OF READING
19 \$10,000 AND THAT APPEARS TO BE A GRANT THAT THE DISTRICT
20 WROTE FOR AND RECEIVED FROM THE STATE?

21 A THAT'S CORRECT

22 Q THE NEXT ONE IS FOUR YEAR OLD CHILD DEVELOPMENT,
23 \$71,000 THAT APPEARS TO BE A STATEWIDE INITIATIVE AGAIN
24 WHERE ALL SCHOOL DISTRICTS ARE ELIGIBLE FOR AND RECEIVE
25 MONEY UNDER THAT PROGRAM

1 A RIGHT THAT PARTICULAR PROGRAM IS PAID, IS -- IS --
2 DESIGNED TO PAY, IT DOESN'T NEAR PAY FOR IT BUT IT'S
3 DESIGNED TO PAY FOR A HALF-DAY PROGRAM FOR FOUR YEAR OLD
4 STUDENTS HALF-DAY KINDERGARTEN

5 Q ALL RIGHT THE NEXT ONE IS ACADEMIC ASSISTANCE K
6 DASH THREE \$137,612 AND WHAT IS THAT FOR, PLEASE?

7 A OKAY THAT'S COMES UNDER YOUR ACT 135 IT'S -- IT'S
8 DESIGNED TO EXTEND LEARNING TIME FOR STUDENTS, PROVIDE
9 ADDITIONAL TIME FOR STUDENTS THAT ARE BEHIND IN ACADEMIC

10 Q AND ALL SCHOOL DISTRICTS IN SOUTH CAROLINA ARE
11 ELIGIBLE FOR IT AND PRESUMABLY RECEIVE THESE FUNDS?

12 A THAT'S CORRECT

13 Q IF NEXT ONE IS ACADEMIC ASSISTANCE FOUR THROUGH 12,
14 \$169,519 AND I GUESS YOUR ANSWER TO THAT WOULD BE THAT
15 THAT'S GRADE LEVELS FOUR THROUGH 12 AND THAT ALL SCHOOL
16 DISTRICTS IN SOUTH CAROLINA ARE ELIGIBLE FOR AND RECEIVE
17 SOME OF THOSE MONIES?

18 A THAT'S CORRECT

19 Q THE NEXT ONE IS, I THINK WE NEED TO TALK ABOUT FOR A
20 SECOND, TEACHER SALARY INCREASES AND IT'S \$282,205 AND
21 TELL US ABOUT THAT IF YOU WILL, PLEASE

22 A OKAY THE STATE LEGISLATURE EACH YEAR SETS THE
23 SALARY SCHEDULE, THE STATE SALARY SCHEDULE, THE INCREASE
24 ON THE SALARY SCHEDULE THIS IS WHAT THAT -- THIS MONEY
25 IS PAID FOR AND IT'S USED TO PAY FOR THAT SALARY INCREASE

1 IT'S OFF -- I THINK IT'S OFTEN REFERRED TO AS E I A

2 TEACHER SALARY INCREASE

3 AND WE USUALLY TRANSFER THAT TO THE GENERAL FUND BACK
4 TO PAY TEACHERS

5 Q SO THAT MONEY ACTUALLY ALTHOUGH IT'S PAID THROUGH THE
6 E I A IS TRANSFERRED INTO THE GENERAL FUND AND CAN BE
7 USED TO PAY TEACHER SALARIES UNDER THE GENERAL FUND?

8 A THAT'S CORRECT

9 Q AND ALL SCHOOL DISTRICTS IN SOUTH CAROLINA RECEIVE
10 THOSE FUNDS?

11 A THAT'S CORRECT

12 Q AND THE NEXT ONE IS EMPLOYER CONTRIBUTIONS \$52,228
13 AND IS THAT TO PAY FRINGE BENEFITS?

14 A IT IS TO PAY THE FRINGE BENEFITS ON THE SALARY
15 INCREASE

16 Q AND ALL SCHOOL DISTRICTS RECEIVE IT?

17 A THAT'S CORRECT

18 Q AND THAT'S ALSO TRANSFERRED TO THE GENERAL FUND TO
19 PAY FRINGE BENEFITS FOR TEACHER SALARIES?

20 A CORRECT

21 Q THE NEXT ONE IS COMPETITIVE TEACHER GRANTS, \$15,930

22 A OKAY THESE ARE GRANTS THAT INDIVIDUAL TEACHERS
23 WRITE IT MIGHT BE AN AREA THEY HAVE INTEREST IN AND THEY
24 WRITE A GRANT AND THEY PUT FORTH THE PROGRAM THESE ARE
25 COMPETITIVE GRANTS

1 AND THEY ARE JUDGED AND SOME ARE SELECTED AND THIS
2 PARTICULAR YEAR YOU -- WE HAD ABOUT 15,900 -- NOT ABOUT
3 BUT WE HAD \$15,930 IN THESE GRANTS THEY HAVE TO BE SPENT
4 SPECIFICALLY IN THE MANNER IN WHICH THE TEACHER WROTE THE
5 GRANT

6 Q ALL RIGHT, SIR THE NEXT ONE IS -- IS TEACHER
7 SALARIES AND IT'S \$16,600 I'M SORRY YOU'RE RIGHT
8 THANK YOU TEACHER SUPPLIES YES, SIR?

9 A THESE ARE FUNDS THE LEGISLATURE ALLOCATED FOR
10 TEACHERS AT THE BEGINNING OF THE YEAR YOU GIVE EACH
11 TEACHER A \$200 CHECK TO HELP DEFRAY COSTS ON MONEY --
12 SUPPLIES THEY PURCHASED FOR THEIR ROOMS AND DECORATING
13 THEIR ROOMS OR SET UP THEIR ROOMS AND THAT'S WHAT THESE
14 FUNDS ARE DESIGNED FOR

15 Q AND EVERY TEACHER IN SOUTH CAROLINA GETS THAT \$200?

16 A YES

17 Q AS WE MOVE TO THE NEXT PAGE, DR DEAN, PRINCIPAL
18 SALARY INCREASE, IS THIS ALSO AN E I A PROGRAM?

19 A IT IS

20 Q AND YOUR DISTRICT GETS \$5,305 AND IT CAN BE
21 TRANSFERRED TO THE GENERAL FUND?

22 A IT IS TRANSFERRED TO THE GENERAL FUND AND WE SPEND IT
23 THAT WAY

24 Q AND ALL SCHOOL DISTRICTS RECEIVE THAT FOR THEIR --

25 A YES

1 Q -- PRINCIPALS?

2 A YES

3 Q THE NEXT ONE IS THE E A A HOMEWORK CENTER, \$55,729
4 SAYS TARGETED SO I ASSUME THAT THAT WAS ASSIGNED TO YOUR
5 SCHOOL DISTRICT BECAUSE IT HAD LOW PERFORMING SCHOOLS?

6 A YES

7 Q THE NEXT ONE IS BUS DRIVER SALARY SUPPLEMENT, \$1,507
8 MAY I ASSUME THAT THAT IS ALSO E I A MONEY THAT CAN BE
9 TRANSFERRED TO THE GENERAL FUND TO HELP DEFRAY THE COST OF
10 BUS DRIVERS?

11 A THAT IS CORRECT

12 Q NOW WE GOT THIS OTHER E I A , \$50 FUND AND I DON'T
13 THINK YOU HAVE A CLUE, DO YOU?

14 A NO AND WE COULDN'T REALLY RECONCILE THAT \$50

15 Q THE NEXT ONE IS A SCHOOL FACILITY BOND AND IT SHOWS
16 \$2,063,168 NOW, AND IT SAYS ALL BESIDE IT SO JUST TELL
17 ME IF YOU WILL HOW THAT WORKS

18 A OKAY A FEW YEARS AGO THE LEGISLATURE ALLOCATED
19 BONDS FOR THE -- STATE BONDS FOR THE PURPOSES OF GOING
20 TOWARD SCHOOL FACILITIES AND OUR ALLOCATION WAS
21 2,063,168 AND IT IS TO BE USED TO RENOVATE OR BUILD
22 SCHOOL FACILITIES

23 WE UTILIZED THIS MONEY WHEN WE -- WE DID NOT UTILIZE
24 IT THIS PARTICULAR YEAR WE UTILIZED IT THE FOLLOWING
25 YEAR IN THE BUILDING OF OUR HIGH SCHOOL

1 Q WAS THAT MONEY CARRIED FORWARD FROM THE TIME IT WAS
2 ALLOCATED UNTIL THE TIME IT WAS --

3 A YEAH IT WAS HELD IN COLUMBIA HELD -- THEY DON'T
4 SEND IT TO ME AND I COULD DRAW INTEREST ON IT OR ANYTHING
5 LIKE THAT

6 Q IF I WAS TO LOOK AT THE PREVIOUS YEAR'S FINANCIALS,
7 FOR EXAMPLE, I MIGHT SEE --

8 A YOU COULD YOU COULD SEE IT COME UP A COUPLE OF
9 YEARS

10 Q AND ULTIMATELY YOU DID BUILD SOME NEW SCHOOLS IN
11 MARION COUNTY AND THIS HELPED PAY OR DEFRAY A PROPORTION
12 OF THE COST FOR THE SCHOOLS?

13 A THAT'S CORRECT

14 Q THE NEXT ONE IS THE -- NEXT ONE IS CODE 600, IT'S
15 FOOD SERVICE TELL US HOW THAT WORKS, PLEASE

16 A FOOD SERVICE IS PRETTY MUCH YOUR REIMBURSEMENTS FOR
17 YOUR FREE AND REDUCED LUNCH, JUICE AND BREAKFASTS ALSO
18 INCLUDES PAYING YOUR STUDENTS MONIES THAT COME IN AND THE
19 EXPENDITURES TO GOVERN YOUR -- YOUR BREAKFAST PROGRAM AND
20 YOUR LUNCH PROGRAM

21 Q IS THAT ESSENTIALLY THE PASS THROUGH MONEY THAT COMES
22 FROM THE FEDERAL GOVERNMENT TO THE STATES AND PASSED ON TO
23 THE DISTRICT?

24 A IN DISTRICTS SEVEN, THAT'S PRETTY MUCH HOW IT IS
25 WE -- WE DON'T HAVE A LOT OF PAYING CUSTOMERS

1 Q ALL RIGHT, SIR SHOWS UP ON THE STATE'S -- THE
2 STATE'S REVENUE, BUT IT'S A PASSED THROUGH FROM THE
3 FEDERAL GOVERNMENT?

4 A YES

5 Q THE NEXT ONE SAYS CHARACTER EDUCATION IT SOUNDS
6 LIKE AN E I A PROGRAM TO ME IS IT?

7 A YES

8 Q AND YOU GOT A THOUSAND DOLLARS ALL SCHOOL DISTRICTS
9 GET SOME OF THAT MONEY?

10 A THAT'S CORRECT

11 Q AND BACKING UP ON THE CHART, I THINK YOU SAID ALL
12 SCHOOL DISTRICTS GET SOME SCHOOL FACILITIES BOND MONEY,
13 THEY GET SOME FOOD SERVICES, CORRECT?

14 A CORRECT

15 Q THE NEXT ONE IS 901 INCREASED HIGH SCHOOL DIPLOMA
16 IS THAT ALSO AN E I A PROVISION?

17 A I BELIEVE THAT IS A E I A PROVISION IT CAME IN
18 WHEN WE WERE -- INCREASED THE UNITS FROM 20 UNITS TO 24
19 UNITS THE FUNDS ARE DESIGNED TO HELP DEFRAY THE COSTS OF
20 ADDITIONAL COURSES NEEDED TO PUT IN YOUR CURRICUIUM, TO
21 COVER -- TO ALLOW THE STUDENTS THAT ATTAIN 24 UNITS AS
22 OPPOSED TO 20 UNITS WHICH --

23 Q AND I THINK THAT WAS E I A ?

24 A OKAY

25 Q AN E I A PROVISION AND ALL SCHOOL DISTRICTS WOULD

1 GET THAT PRESUMABLY BASED ON STUDENT COUNT OR SOME OTHER
2 FORMULA, RIGHT?

3 A RIGHT

4 Q THE NEXT ONE IS CAREER AND TECHNOLOGY EDUCATION AND
5 LOOKS LIKE EQUIPMENT WOULD FOLLOW?

6 A RIGHT, IT IS EQUIPMENT

7 Q AND WHAT IS THAT, PLEASE?

8 A IT -- THAT'S DESIGNED TO PROVIDE EQUIPMENT ESPECIALLY
9 FOR YOUR CAREER AND TECHNOLOGY PROGRAMS, CAREER PROGRAMS
10 FOR A LACK OF A BETTER WORD USED TO BE CALLED PROPERLY
11 VOCATIONAL PROGRAMS, PROGRAMS THAT LEAD TO EMPLOYMENT

12 Q THE NEXT ONE REFURBISH SCIENCE KITS THAT LOOKS
13 SELF-EXPLANATORY TO ME

14 A IT IS IT'S AT THE ELEMENTARY LEVEL WE'VE DEVELOPED
15 SCIENCE KITS TO HELP TEACH THE STATE SCIENCE STANDARDS AND
16 THAT MONEY IS UTILIZED TO, WHEN THEY USE UP CERTAIN
17 SUPPLIES OR EQUIPMENT IN THE KITS TO REFURBISH THEM

18 Q AND BOTH THE INCREASED HIGH SCHOOL DIPLOMA AND -- I'M
19 SORRY, THE CAREER AND TECHNOLOGY, EDUCATION EQUIPMENT AND
20 THE REFURBISH SCIENCE KITS ARE AVAILABLE TO ALL SCHOOL
21 DISTRICTS IN SOUTH CAROLINA?

22 A THAT'S CORRECT

23 Q NEXT ONE IS K-12 TECH PARTNERSHIP IF YOU'LL TELL US
24 WHAT THAT IS VERY BRIEFLY

25 A OKAY K-12 TECH PARTNERSHIP IS, IT'S A PARTNERSHIP

1 THAT PROMOTES TECHNOLOGY, CAREER AND TECHNOLOGY

2 Q THE NEXT ONE IS FIRST STEPS VISITATION, \$52,000, ALL?

3 A RIGHT THIS IS FIRST STEP MONEY TO -- FIRST STEP
4 PROGRAM EACH COUNTY HAS A BOARD, FIRST STEP BOARD AND
5 MARION COUNTY, WE DECIDED TO USE THE FIRST STEP MONIES IN
6 TWO WAYS PRIMARILY

7 THE FIRST ONE WAS HOME VISITATIONS THE SCHOOL
8 DISTRICT, IT WAS ALLOCATED TO THE SCHOOL DISTRICT BY THE
9 FIRST STEP BOARD TO PROVIDE HOME VISITORS FOR CHILDREN AND
10 PARENTS AGES BIRTH TO ABOUT AGE FIVE

11 Q OKAY

12 MR EPPS YOUR HONOR, THERE'S A -- A NOTE AT
13 THE BOTTOM THAT SAYS SCHOOL FACILITY BOND REVENUE HAS
14 BEEN OMITTED FROM THIS WORKSHEET AS IT'S GENERALLY
15 NOT INCLUDED WITHIN OPERATIONS AND I'LL HAVE TO
16 CHECK MY MATH IF IT SHOWS IN HERE IT SHOULD HAVE
17 BEEN DELETED BUT I HAVE TO GO BACK AND CHECK MY MATH,
18 OKAY?

19 I DON'T THINK THAT NUMBER IS INCLUDED BUT I
20 CAN'T SAY THAT WITHOUT CHECKING THE MATH

21 THE COURT THE \$2 MILLION MAY NOT BE INCLUDED
22 IN THE 5 MILLION?

23 MR EPPS THAT'S WHAT I'M SAYING

24 THE COURT ALL RIGHT, SIR

25 MR EPPS AND I JUST DON'T KNOW

1 THE COURT IT WILL BE A SIMPLE, A SIMPLE --
2 MR EPPS RIGHT I THINK IT'S -- I'LL JUST
3 HAVE TO CHECK IT, YOUR HONOR I WOULD HATE TO
4 SPECULATE ON THAT
5 THE COURT ALL RIGHT IF YOU LET US KNOW THAT
6 MR EPPS I WILL
7 THE COURT THANK YOU
8 BY MR EPPS
9 Q THE TOTAL OF STATE RESTRICTED REVENUE FROM WHATEVER
10 SOURCE IS SHOWN AS \$5,427,055
11 A THAT'S CORRECT THAT'S
12 Q AND SOME OF THE MONEY AS WE SAW, SPECIFICALLY THE
13 TEACHER SALARY INCREASE, THE EMPLOYEE -- EMPLOYER
14 CONTRIBUTIONS, THE PRINCIPAL SALARY INCREASE, AND THE BUS
15 DRIVER SUPPLEMENT CAN AND WERE ALL TRANSFERRED TO THE
16 GENERAL FUND?
17 A THAT'S CORRECT
18 Q SO AT SOME POINT IN TIME WE COULD ACTUALLY INCLUDE
19 THIS IN THE GENERAL FUND REVENUE IF WE CHOSE TO DO THAT?
20 A YES
21 Q NOW, ALL OF THE PROGRAMS THAT WE WENT THROUGH WITH
22 THE STATE, DR DEAN, ARE THEY ALL TARGETED TO SPECIFIC
23 INITIATIVES OR PROGRAMS OR CAN THEY BE USED IN ANY MANNER
24 THAT YOU CHOOSE WHEN RUNNING YOUR SCHOOL SYSTEM?
25 A THESE -- THESE ARE SPECIFICALLY TARGETED FOR SPECIFIC

1 PROGRAMS YOU CAN'T JUST USE IT ANY WAY YOU WISH TO

2 Q ALL RIGHT MRS LANDRESS, IF WE COULD PULL UP PAGE

3 EIGHT

4 MR EPPS JUST ONE SECOND, YOUR HONOR

5 THE COURT ALL RIGHT

6 (PAUSE -- MR EPPS CONFERRING WITH STAFF)

7 MR EPPS YOUR HONOR, I THINK THAT IT WAS
8 SCHOOL, THE FIRST SHOWS AT THE BOTTOM WHAT IT WAS
9 INCLUDED BUT I'M GOING TO CHECK IT AGAIN TO MAKE

10 CERTAIN

11 THE COURT OKAY SHOULD IT BE INCLUDED?

12 MR EPPS IT SHOULD NOT BE IN TERMS OF
13 OPERATING EXPENSE TYPICALLY IT'S TAKEN OUT

14 THE COURT THAT'S RIGHT

15 MR EPPS AND IT'S TAKEN OUT LATER ON AS WE'LL
16 SEE IN THE EXPENDITURES AND I'M -- THE ASTERISK IS
17 DOWN THERE, YOUR HONOR, BECAUSE I INTENDED TO TAKE IT
18 OUT I THINK SOMEHOW OR ANOTHER THERE'S A GLITCH
19 YEAH

20 AND IF I VERIFY THAT IT WAS INDEED REMOVED I'LL
21 HAVE TO COME BACK AND CORRECT IT, OF COURSE, THE
22 BOTTOM NUMBER BUT IT SHOULD NOT BE INCLUDED IN
23 OPERATING EXPENSES WHICH IS WHAT EVERYBODY HAS BEEN
24 DISCUSSING

25 THE COURT OKAY

1 BY MR EPPS

2 Q IF WE COULD PULL UP SLIDE NUMBER EIGHT WHICH WE HAVE
3 AND I'M NOT GOING TO GO THROUGH EACH OF THESE, DR DEAN,
4 BUT FIRST OF ALL TELL US WHAT SLIDE NUMBER EIGHT
5 REPRESENTS?

6 A THESE ARE FEDERAL RESTRICTED REVENUES THAT CAME TO
7 MARION SCHOOL DISTRICT SEVEN DURING THE 2001, 2002 FISCAL
8 YEAR

9 Q OKAY NOW AGAIN WE HAVE FUND NUMBERS WHICH WE CAN
10 TRACK IF I WANT TO LOOK AT THESE FUND NUMBERS ANYWHERE
11 IN SOUTH CAROLINA I CAN TRACK THE SAME MONEY BY USING
12 THESE CODES IF I WANTED TO DO THAT, CORRECT?

13 A THAT IS CORRECT

14 Q ALL RIGHT AND ON THE RIGHT-HAND -- FAR RIGHT-HAND
15 SIDE YOU TELL US WHETHER THESE MONIES WERE RECEIVED
16 BECAUSE IT WAS A GRANT MONEY OR WAS A COMPETITIVE GRANT
17 MONEY, RIGHT?

18 A THAT IS CORRECT

19 Q AND YOU HAVE BEEN THROUGH THESE NUMBERS AND YOU CAN
20 VERIFY THE INFORMATION CONTAINED ON POWERPOINT NUMBER
21 EIGHT IS CORRECT?

22 A THAT'S -- I CAN

23 Q YOUR HONOR, I'M GOING TO HAVE TO MARK THIS POWERPOINT
24 AT THE END OF MY PRESENTATION AND INTRODUCE IT AND GIVE AN
25 EXHIBIT NUMBER

1 THE COURT ALL RIGHT

2 BY MR EPPS

3 Q I JUST WANT TO TALK TO YOU ABOUT A FEW OF THESE OR A
4 COUPLE MAYBE, DR DEAN, AND ONE OF THEM I DO WANT TO
5 ADDRESS WITH YOU IS TITLE ONE MONEY AND TELL US IF YOU
6 WILL ABOUT TITLE ONE MONEY AND HOW IT'S USED AND WHAT
7 RESTRICTIONS YOU HAVE ON IT

8 A OKAY TITLE ONE MONEY IS -- IS MONEY THAT COMES TO
9 THE SCHOOL DISTRICT PRIMARILY AS A RESULT OF HAVING HIGH
10 POVERTY RATES STUDENTS THAT QUALIFY FOR FREE AND REDUCED
11 LUNCH

12 WE UTILIZE THIS MONEY IN THE ELEMENTARY SCHOOLS FOR
13 SEVERAL INITIATIVES YOU WRITE A, WHAT WE CALL A PROJECT
14 OR A PLAN, YOU SUBMIT IT TO THE STATE DEPARTMENT FOR
15 APPROVAL, THEY APPROVE IT AND THEN YOU HAVE TO FOLLOW
16 THROUGH WITH THE PLAN YOU MAKE AND UTILIZE THE FUNDS UNDER
17 THAT PLAN

18 Q CAN TITLE ONE MONEY BE USED TO INCREASE TEACHER
19 SALARIES?

20 A NO, YOU COULD NOT ONE -- ONE SPECIFIC REQUIREMENT
21 OF TITLE ONE MONEY IS YOU CANNOT SUPPLANT A PROGRAM YOU
22 CAN SUPPLEMENT A PROGRAM YOU HAVE BUT YOU CANNOT SUPPLANT
23 A PROGRAM

24 AND THAT WOULD PROHIBIT YOU FROM BEING ABLE TO JUST
25 USE TITLE ONE MONEY TO UP TEACHER SALARIES IN THE DISTRICT

1 OR

2 Q DID YOU FINISH?

3 A YES, SIR

4 Q CAN YOU USE TITLE ONE MONEY TO HIRE TEACHERS?

5 A YES, YOU CAN EMPLOY PEOPLE

6 Q ALL RIGHT BUT YOU CAN'T USE IT TO INCREASE TEACHER
7 SALARIES IN THE DISTRICT?

8 A THAT'S RIGHT YOU COULDN'T PUT A LINE ITEM IN THE
9 TITLE ONE BUDGET AND INCREASE TEACHER SALARIES FOR IT

10 Q ALL RIGHT NOW, THE TOTAL FEDERAL DOLLARS RECEIVED
11 FOR THE SCHOOL YEAR 2001, 2002 EITHER GRANT MONEY OR
12 FEDERAL DOLLARS THAT ARE DISTRIBUTED -- DISTRIBUTED
13 THROUGHOUT THE COUNTRY IN YOUR DISTRICT IS SHOWN AS
14 \$1,259,380 CORRECT?

15 A CORRECT

16 Q NOW, IS ANY OF THIS MONEY FLEXIBLE MONEY AND BY THAT
17 I MEAN YOU COULD -- YOU COULD SPEND IT TO INCREASE TEACHER
18 SALARIES?

19 A NO

20 Q OKAY DO YOU HAVE TO SPEND EACH OF THESE DOLLARS TO
21 FULFILL THE TERMS OF THE GRANT IF IT'S GRANT MONEY?

22 A CERTAINLY

23 Q AND IF IT'S NOT GRANT MONEY AND IT'S UNDER SOME OTHER
24 TITLE OR FEDERAL GOVERNMENT PROGRAM, DO YOU HAVE TO SPEND
25 THE MONEY TO INSTITUTE OR SUPPLEMENT THAT PROGRAM?

1 A YES YOU HAVE TO UTILIZE THE MONEY TO FOLLOW THROUGH
2 WITH THE PROGRAM

3 Q NOW IF YOU WERE TO LOOK ACROSS THE STATE OF SOUTH
4 CAROLINA, DR DEAN, WOULD YOU FIND THAT ALL SCHOOL
5 DISTRICTS WITHIN SOUTH CAROLINA RECEIVE FEDERAL FUNDS?

6 A I WOULD THINK THEY DO, BUT I DON'T KNOW THAT FOR A
7 FACT

8 Q ARE FEDERAL FUNDS OFTENTIMES BASED ON A PER CAPITA
9 COUNTS OF FREE AND REDUCED LUNCH STUDENTS?

10 A YES, THEY ARE

11 Q ARE MANY OF THE FUNDS SHOWN ON PAGE NUMBER EIGHT
12 BASED ON PER CAPITA COUNTS OF FREE AND REDUCED LUNCH
13 STUDENTS?

14 A YES

15 MR EPPS YOUR HONOR, I THINK I READ INTO THE
16 RECORD THE TOTAL AMOUNT OF MONEY UNDER FEDERAL
17 FUNDING

18 THE COURT YES, SIR, YOU DID

19 MR EPPS I DID? ALL RIGHT

20 BY MR EPPS

21 Q NOW, DR DEAN, THE NEXT SLIDE I WANT YOU TO LOOK AT
22 IS A SLIDE NUMBER NINE AND THIS IS A -- THIS IS IN
23 SUMMARY FASHION I'LL GIVE THE -- GIVE EVERYONE A HEADS
24 UP, IT SUMMARIZES WHAT WE JUST WENT THROUGH, CORRECT?

25 IT'S -- IT STARTS TO DO THAT IT SHOWS LOCAL FUNDS,

1 CORRECT?

2 A CORRECT

3 Q AND THAT WOULD BE WHAT YOU CALL GENERAL FUNDS AND
4 STATE GENERAL FUNDS WELL, LET ME -- I MEAN, TO CLARIFY
5 THAT, DO YOU CALL THE LOCAL FUNDS THAT WE'VE DISCUSSED AT
6 THE OUTSET OF THIS -- OF THIS PRESENTATION OR TESTIMONY
7 THAT ARE RAISED BY TAXES, THAT FIRST SET THAT WAS NOT
8 CATEGORIZED AS RESTRICTED LOCAL FUNDS AND THE TOTAL NUMBER
9 THERE WAS A \$1,407,085 SO DO YOU CATEGORIZE INTERNALLY
10 THOSE AS BEING GENERAL FUNDS?

11 A YES, THAT -- THOSE ARE -- GO INTO YOUR GENERAL FUND

12 Q OKAY IF YOU GO BACK THROUGH WHAT WE DID AND YOU
13 INCLUDE THE -- THE GENERAL FUND, THE LOCAL RESTRICTED, THE
14 STATE RESTRICTED AND THE FEDERAL RESTRICTED CATEGORICAL
15 FUNDS, IT SHOWS A TOTAL REVENUE TO THE DISTRICT OF
16 \$10,121,173 CORRECT?

17 A THAT'S CORRECT

18 MR EPPS YOUR HONOR, AND ON PAGE TEN, IF YOU
19 GO BACK AND COMPARE THAT WITH THE EARLIER CHART WHEN
20 WE WERE DISCUSSING THE SCHOOL FACILITIES BOND --

21 THE COURT RIGHT

22 MR EPPS -- THAT -- THE NUMBER ON PAGE TEN
23 SHOWING STATE RESTRICTED FUNDS IS \$3,363,887

24 THE COURT RIGHT

25 MR EPPS SO I DO BELIEVE THE SCHOOL FACILITIES

1 BOND WAS DELETED FOR THE PURPOSES OF LOOKING AT THE
2 TOTAL FUNDING THAT GOES INTO THE DISTRICTS, ALL
3 RIGHT?

4 THE COURT IT WOULD APPEAR TO, YES

5 MR EPPS THANK YOU

6 THE COURT NOW MR -- MR EPPS, LET ME CLARIFY
7 ONE POINT, LOOKING BACK AT MY NOTE IT WAS WHEN --
8 WHEN DR DEAN WAS TALKING ABOUT THE LOCAL GENERAL
9 FUND, THE 100 ACCOUNT, AND HE TESTIFIED THAT THOSE
10 WERE FUNDS THAT THE LOCAL DISTRICT HAD CONTROL OVER
11 WITHIN THE DEFINED PROGRAM, WAS THAT TO IMPLY THAT
12 THESE WERE DISCRETIONARY FUNDS AS OPPOSED TO
13 CATEGORICAL FUNDS ON THE SECOND -- AS APPEARED ON THE
14 OTHER SLIDES?

15 MR EPPS THAT'S EXACTLY WHAT I INTENDED TO
16 SAY, YOUR HONOR IF I DID NOT SAY IT --

17 THE COURT NO THAT'S WHAT YOU SAID AND THAT
18 WAS MY UNDERSTANDING THEN THEY WERE ALL THROWN BACK
19 INTO THE MIX FOR THE FINAL TOTAL OF THE 10 MILLION
20 PLUS THAT WOULD THEN INCLUDE THE UNRESTRICTED FUNDS
21 FROM THE LOCAL AS WELL AS THE RESTRICTED FUNDS FROM
22 STATE AND FEDERAL AM I RIGHT IN THAT?

23 MR EPPS YOUR HONOR, TO MAKE SURE THAT I
24 UNDERSTAND WHAT YOU'RE ASKING

25 THE COURT HERE'S WHAT I'M GETTING AT

1 MR EPPS OKAY

2 THE COURT I TAKE IT THAT SOME OF THIS LINE OF
3 QUESTIONING OF COURSE IS DESIGNED TO SHOW THAT THE
4 FUNDS CANNOT BE SWITCHED AROUND AS PERHAPS
5 PROFESSIONAL JUDGMENT PANELS SUGGESTED OR SOME OTHER
6 WITNESSES MAY HAVE SUGGESTED

7 AND SO WHAT WE HAVE HERE IS A MIX OF THOSE LOCAL
8 FUNDS THAT I WANT TO BE SURE THAT I UNDERSTAND DR
9 DEAN'S TESTIMONY, BUT HE DOES HAVE SOME DISCRETION TO
10 SWITCH AROUND BUT CERTAINLY WITHIN THE DEFINED
11 PROGRAM

12 MR EPPS THAT'S CORRECT, YOUR HONOR

13 THE COURT BUT THEN THE STATE RESTRICTED AND
14 THE FEDERAL RESTRICTED FUNDS CAN ONLY BE APPLIED FOR
15 THOSE EARMARKED USES THAT SHOW UP ON THE CATEGORY
16 HEADING THAT'S RIGHT

17 MR EPPS THAT'S CORRECT YOUR HONOR AND
18 ADDITIONALLY, \$635,429 OF LOCAL FUNDS ARE RESTRICTED

19 THE COURT RIGHT EXACTLY

20 MR EPPS SO WE DO INDEED BREAK OUT OF WHAT
21 GOES INTO THE GENERAL FUND WHICH IS DISCRETIONARY
22 WITHIN THE CONSTRAINTS THAT YOU SAID OF COURSE THE
23 SCHOOL DISTRICT HAS TO MEET THE DEFINED PROGRAM

24 THE COURT RIGHT

25 MR EPPS AND PART OF THAT, WHAT I WOULD CALL

1 DISCRETIONARY MONEY OR GENERAL FUND MONEY IS INDEED
2 LOCAL MONEY

3 THE COURT OKAY THANK YOU
4 BY MR EPPS

5 Q NOW, DR DEAN, IF WE CAN LOOK AND THIS IS A GRAPHIC
6 PRESENTATION OF THE FUNDING SOURCES AVAILABLE TO MARION
7 SCHOOL DISTRICT NUMBER SEVEN ON PAGE 12 IT SHOWS THE
8 GENERAL FUNDS CONSTITUTES A 34 1 PERCENT AND THAT IS THE
9 STATE PORTION OF THE GENERAL FUND?

10 A YES

11 Q YEAH I'LL HELP YOU OUT

12 A YEAH, I SEE IT I WAS -- I WAS LOOKING AT THE
13 GENERAL FUND TOTAL

14 Q RIGHT

15 A LOCAL AND I TRANSFERRED THOSE OUT

16 Q AND THE 13 9 PERCENT OF STILL THE GENERAL FUND JUST
17 SEPARATES OUT OF THAT THE LOCAL CONTRIBUTIONS?

18 A YES

19 Q AND WE HAVE A 04 PERCENT WHICH WAS THE TRANSFERS
20 CORRECT?

21 A CORRECT

22 Q THOUSAND DOLLARS BEING TRANSFERRED AND THEN WE HAD
23 TOTAL RESTRICTED REVENUE STATEWIDE OF 33 24 PERCENT
24 CORRECT?

25 A CORRECT

1 Q FEDERAL, 12 44 PERCENT?

2 A CORRECT

3 Q AND LOCAL RESTRICTED 6 28 PERCENT?

4 A THAT'S CORRECT

5 Q OKAY AND SO IF I LOOK AT THIS PIE CHART I AT LEAST

6 CAN SEE IN TERMS OF THE OVERALL PICTURE WHAT PERCENTAGE OF

7 THE BUDGET COMES FROM WHAT SOURCE CORRECT?

8 A THAT IS CORRECT

9 Q NOW AGAIN, DR DEAN, WITH THE TESTIMONY THAT WE HAVE

10 GONE THROUGH THUS FAR, HAVE WE EXHAUSTED ALL OF THE

11 SOURCES OF REVENUE FROM MARION COUNTY SCHOOL DISTRICT

12 NUMBER SEVEN?

13 A YES

14 Q ALL RIGHT I WANT TO TURN NOW TO THE EXPENSE SIDE IF

15 I CAN AND TELL US IF YOU WILL AND WE CAN START ON PAGE

16 13 WELL, LET'S JUST -- LET'S START AT -- YOU START ON

17 PAGE 13 OR IN GENERAL WHAT WERE YOU ATTEMPTING TO DO

18 HERE?

19 A OKAY WHAT WE ATTEMPTED TO DO WAS WE TOOK THE

20 IN-SITE DATA HERE IN-SITE IS DERIVED FROM AUDITED

21 FIGURES, FROM THE AUDITED FIGURES YOU SEND YOUR AUDITED

22 FIGURES TO THE DEPARTMENT OF EDUCATION AND THEY CATEGORIZE

23 IT ACCORDINGLY THEY HAVE CERTAIN WAYS YOU BREAK IT OUT

24 ACCORDING TO THE -- TO THE SHEET

25 AND BY CERTAIN FUNDS AND FUNCTIONS OF CERTAIN FUNDS

1 GO UNDER CERTAIN CATEGORIES SUCH AS INSTRUCTION,
2 FACE-TO-FACE TEACHING OR SUCH AS INSTRUCTION FOR SUPPORT
3 OR OPERATIONS OR RIGHT ON THROUGH THE -- THE FIVE
4 CATEGORIES THAT IN-SITE HAS LAID OUT

5 WHAT WE TRIED TO DO WAS TAKE -- WHAT WE DID DO WAS WE
6 TOOK THE IN-SITE -- TOOK THE AUDITED FIGURES FROM THE
7 AUDIT AND BROKE THEM OUT IN IN-SITE UNDER THE IN-SITE
8 FORMAT BY RESTRICTED AND NONRESTRICTED FUNDS

9 Q OKAY NOW, YOU SEND YOUR AUDITED FINANCIAL STATEMENT
10 TO THE STATE OF SOUTH CAROLINA?

11 A THAT'S CORRECT

12 Q AND THEN THEY HAVE THEIR, THEIR OWN WAY OF DECODING
13 OR CLASSIFYING EXPENSES AND REVENUES WITHIN YOUR AUDITED
14 STATEMENT CORRECT?

15 A IN-SITE IS JUST EXPENSES OF HOW YOU SPEND YOUR MONEY

16 Q I'M SORRY JUST EXPENSES, BUT THEY HAVE THEIR OWN WAY
17 OF CORRELATING THE INFORMATION ON YOUR AUDITED FINANCIALS
18 WITH THE WAY THEY PLACE IT ON THE IN-SITE DATA
19 PRESENTATION WHICH WE INTRODUCED DURING THE TRIAL FOR THE
20 YEAR 2001, 2002?

21 A THAT'S CORRECT

22 Q AND SO SOMETIMES IT -- IF YOU LOOK AT HOW, WHERE THEY
23 PUT MONEY, IT MAY, YOU KNOW, YOU MAY HAVE PUT IT IN A
24 DIFFERENT PLACE BUT IT ALL WORKS OUT IN THE END TO BE
25 ABOUT THE SAME THING?

1 A THAT'S CORRECT

2 Q LET'S LOOK NOW AT THE EXPENSE SIDES WITH THAT
3 PREFACE AND WE'LL START FIRST WITH HOW THE GENERAL FUND
4 MONIES ARE EXPENDED AND THAT STARTS ON PAGE 13 IF YOU'LL
5 SEE IT SAYS THE FUND NUMBER IN THE LEFT-HAND COLUMN THE
6 OBJECT, IN OTHER WORDS, WHAT IS BEING SPENT ON

7 AND THEN ON THE RIGHT IN THE CAPTION IT SAYS GENERAL
8 FUND SO WE KNOW THIS IS GENERAL FUND MONEY, RIGHT?

9 A CORRECT

10 Q OKAY JUST RUN DOWN THESE, DR DEAN, AND WE
11 REALLY -- WE CAN TALK ABOUT SOME OF THE ITEMS IF YOU'D
12 LIKE, BUT JUST KIND OF RUN DOWN THE -- LET'S START WITH
13 THE YELLOW SECTION, THAT'S THE 100 SERIES, AND JUST TELL
14 US WHAT THAT, PLEASE

15 A OKAY FOR EXAMPLE, THE -- THE FUND IS FUND 100 THE
16 FUNCTION IS 110, 110 IS STANDARD FOR SALARIES, TEACHER
17 SALARIES, WHICH IS YOUR INSTRUCTIONAL TEACHERS AND THEN
18 YOU HAVE YOUR AMOUNT TO THE RIGHT THAT WE SPENT ON TEACHER
19 SALARIES IN THE GENERAL FUND

20 Q OKAY AND SO AS WE GO DOWN THROUGH THE 100 SERIES WE
21 CAN SEE HOW THE MONEY WAS SPENT LIKE A MILLION 767 OF
22 THE GENERAL FUND'S MONEY WAS SPENT ON INSTRUCTION SLASH
23 TEACHER WHICH IS TEACHER SALARY, RIGHT?

24 A CORRECT

25 Q AND THEN WE CAN GO ON DOWN AND LOOK AT THE BENEFITS

1 THAT WAS PAID OUT OF THE GENERAL FUND, \$541,146 DURING THE
2 COURSE OF THE YEAR APPARENTLY THE DISTRICT HAD TO
3 PURCHASE CERTAIN SERVICES --

4 A CORRECT

5 Q -- THAT COST A HUNDRED THOUSAND DOLLARS THEY HAD TO
6 SPENT \$45,000 ON SUBSTITUTE TEACHERS CORRECT?

7 A CORRECT

8 Q THEN YOU HAD SOME TECHNOLOGY EXPENDITURES LOOKS LIKE
9 ABOUT 7000, \$8000, AND THEN YOU HAVE \$26,000 IN THE 100
10 CATEGORY ON INSTRUCTIONAL SUPPLIES AND INSTRUCTIONAL
11 EQUIPMENT, RIGHT?

12 A CORRECT

13 Q SO OUT OF THE -- THE HUNDRED SERIES WHICH INCLUDES
14 THOSE SUBJECTS DISCUSSED, INSTRUCTIONAL SUPPLIES, PUPIL
15 TECHNOLOGY, AIDES, SUBSTITUTE TEACHERS, BENEFITS, FOUR --
16 EXCUSE ME, \$2,537,183 WAS -- WAS -- WAS SPENT OUT OF THE
17 GENERAL FUND?

18 A THAT'S CORRECT

19 Q AND THE NEXT CATEGORY WOULD BE INSTRUCTIONAL SUPPORT
20 AND WE CAN GO DOWN THROUGH THAT GUIDANCE AND COUNSELING,
21 LIBRARY AND MEDIA, EXTRACURRICULAR, STUDENT HEALTH
22 SERVICES, CURRICULUM DEVELOPMENT, IN-SERVICE AND STAFF,
23 PROGRAM DEVELOPMENT, THERAPIST AND PSYCHOLOGY, AND OUT OF
24 THOSE FUNDS THE 200, ONE 300 AND ONE 400 SERIES OF FUNDS
25 AN ADDITIONAL \$613,779 FROM THE GENERAL FUND MONEY WAS

1 SPENT, CORRECT?

2 A CORRECT

3 Q AND THE NEXT ITEM ON THE NEXT CODE SECTION, TRYING TO

4 MATCH THE IN-SITE DATA AS WE GO THROUGH THIS, RIGHT?

5 A THAT'S CORRECT

6 Q OPERATIONS AND IT SHOWS THAT THE TRANSPORTATION,

7 FOOD SERVICE, SAFETY, BUILDING UTILITIES AND MAINTENANCE,

8 DATA PROCESSING, BUSINESS OPERATIONS, THE DISTRICT SPENT

9 ANOTHER \$1,148,872

10 A THAT'S CORRECT

11 Q AND THEN WE HAVE ALSO SPENT OUT OF THE GENERAL FUND A

12 CATEGORY CALLED OTHER COMMITMENTS SUCH AS DEBT SERVICE,

13 CAPITAL PROJECTS, OUT-OF-DISTRICT SERVICES, LITIGATION,

14 AND OUT-OF-DISTRICT OBLIGATIONS, AND THEY'VE ALL --

15 ACTUALLY EXPENSES HAVE BEEN DELETED FROM THIS SECTION

16 BECAUSE THEY'RE DELETED ON THE IN-SITE DATA, CORRECT?

17 A THAT'S CORRECT

18 Q SO WE ONLY HAVE EXPENDITURES UNDER THE OTHER

19 COMMITMENT SECTION OF \$2,530

20 A THAT'S CORRECT

21 Q AND THE LAST SECTION THERE IS LEADERSHIP, PRINCIPALS

22 AND ASSISTANTS, EMPLOYEE BENEFITS, SERVICES, SUPPLIES, AND

23 OTHERS AND PROGRAM SUPERVISION, BOARD OF EDUCATION, OFFICE

24 OF THE SUPERINTENDENT, AND THEN THE TWO EXTRA TO THE

25 OFFICE OF SUPERINTENDENT ONE IS 149,000, THE OTHER IS

1 14,000 UNDER THE CATEGORY LEADERSHIP THE DISTRICT SPENT
2 \$695,483 OF THE GENERAL FUND MONEY, CORRECT?

3 A CORRECT THAT'S--

4 Q AND ACTUALLY IF YOU GO BACK AND YOU LOOK AT THE MONEY
5 IN THE GENERAL FUND, THE REVENUE SIDE IN THE GENERAL FUND,
6 YOU WILL FIND THE EXPENDITURES FOR THESE CATEGORIES EXCEED
7 THE REVENUE DO YOU RECALL THAT?

8 A YES

9 Q THE TOTAL REVENUE IN THE GENERAL FUND WAS \$4,862,477,
10 AND WE HAVE SPENT \$4,997,847 DURING THE SCHOOL YEAR '01,
11 '02 AND I ASSUME THAT YOU CAN DO THAT BECAUSE OF THE
12 ABILITY TO TRANSFER SOME OF THE SALARIES AND FRINGE OUT OF
13 THE E I A INTO THE GENERAL FUND?

14 A YES

15 Q OKAY NOW, DR DEAN, IN LOOKING AT YOUR GENERAL FUND
16 LET'S FOCUS ON THAT JUST FOR A SECOND IF YOU WANT TO
17 INCREASE TEACHER SALARIES, IS THIS WHERE THE MONEY HAS TO
18 COME FROM?

19 A IN MY OPINION IT DOES AND BECAUSE YOU -- WHEN YOU
20 INCREASE THE LOCAL SUPPLEMENT AND THAT'S HOW YOU INCREASE
21 TEACHER SALARIES BY ADDING ONTO THE -- THE -- THE
22 SUPPLEMENT, I HAVE TO TELL MY BOARD WITH -- WITHOUT A
23 DOUBT THAT I HAVE A CONSISTENT FUNDING SOURCE THAT -- THAT
24 I CAN GO TO FOREVER TO -- TO PROVIDE THAT MONEY

25 BECAUSE ONCE YOU PUT THAT SUPPLEMENT ON, YOU CAN'T

1 TAKE IT OFF AND THAT'S -- THAT'S IN STATE LAW THAT YOU
2 HAVE TO CONTINUE WITH THE SUPPLEMENT YOU CAN'T GIVE A
3 LOCAL SUPPLEMENT OF \$10,000 ONE YEAR AND \$300 THE NEXT
4 YEAR IT HAS -- ONCE YOU PUT IT ON, IT HAS TO BE ON
5 FOREVER

6 THEREFORE, YOU HAVE TO HAVE A FUNDING SOURCE THAT YOU
7 CAN COUNT ON, YOU KNOW IT'S THERE, AND THAT YOU HAVE THE
8 FLEXIBILITY TO USE IT IN THAT WAY

9 MR EPPS YOUR HONOR, AT THIS TIME I WOULD HAND
10 UP PLAINTIFFS' EXHIBIT 6833
11 BY MR EPPS

12 Q DR DEAN, THIS IS THE CODE SECTION I THINK YOU WERE
13 ALLUDING TO WHEN YOU WERE TALKING ABOUT THE -- ONCE YOU
14 ESTABLISH A SALARY LEVEL YOU CANNOT GO BELOW IT AGAIN IN
15 THE FUTURE

16 A THAT'S CORRECT

17 Q IS THAT ESSENTIALLY WHAT YOU WERE SAYING?

18 A YES, SIR

19 Q AND, DR DEAN, DO YOU HAVE IN YOUR HAND A COPY OF
20 PLAINTIFFS' EXHIBIT 6833?

21 A I DO

22 Q NOW THERE'S SOME UNDERLYING PORTION UNDER CODE
23 SECTION 59-20-50 SECTION 4-B THAT SAYS AS FOLLOWS, AND
24 IT -- IT APPEARS TO BE IN BOLD PRINT AND IT'S UNDERLINED
25 YOU DID NOT DO THAT, DID YOU?

1 A NO, I DID NOT

2 Q UNDER THIS SCHEDULE, SCHOOL DISTRICTS ARE REQUIRED TO
3 MAINTAIN LOCAL SALARY SUPPLEMENTS PER TEACHER NO LESS THAN
4 THEIR PRIOR FISCAL YEAR NOW, DR DEAN, YOU GAVE ME THIS
5 DOCUMENT WHERE DID YOU GET THIS DOCUMENT?

6 A WE DOWNLOADED IT

7 Q OFF THE WEB?

8 A YES

9 Q OKAY IF I WERE TO LOOK AT THE CODE, FOR EXAMPLE, IT
10 MIGHT NOT BE UNDERLINED IN THE ACTUAL CODE OF LAWS BUT IT
11 WAS WHERE YOU GOT IT?

12 A IT WAS

13 Q OKAY ALL RIGHT BEFORE I LEAVE THE GENERAL FUND
14 AND WE'VE TALKED ABOUT THE EXPENDITURES UNDER THE GENERAL
15 FUND, I WANT YOU TO GO BACK, DR DEAN, AND LOOK AT THE
16 CATEGORIES OF EXPENSES IN THE GENERAL FUND AND ANSWER TWO
17 QUESTIONS FOR ME IF YOU WILL

18 AND THE FIRST QUESTION IS, DO YOU -- AND TAKE YOUR
19 TIME AND LOOK AT THEM

20 A IS IT ON PAGE 13?

21 Q IT STARTS ON PAGE 13 AND RUNS THROUGH PAGE 15

22 A ALL RIGHT

23 Q I WANT YOU TO LOOK AT YOUR GENERAL FUND MONEY AND
24 TELL ME WHETHER IN YOUR VIEW THE DISTRICT IS SPENDING
25 MONEY WHERE IT DOES NOT NEED TO BE SPENDING MONEY AND

1 WHETHER IT HAS THE CAPACITY TO RAISE TEACHER SALARIES

2 A THE DISTRICT IS NOT SPENDING MONEY WHERE IT DOES NOT
3 NEED TO SPEND IT, I KNOW THAT

4 Q DO YOU --

5 A AND, THE -- AND THEN I CAN -- I -- I DO KNOW THAT
6 THERE ISN'T ENOUGH MONEY THERE TO RAISE TEACHER SALARIES
7 OF ANY -- YOU JUST COULDN'T RAISE TEACHER SALARIES FOR
8 EXAMPLE, WE HAVE APPROXIMATELY 78 TEACHERS IN OUR
9 DISTRICT

10 IF YOU RAISE THE TEACHER SALARY SUPPLEMENT \$100, YOU
11 TOSS IN ANOTHER 19 TO 20 PERCENT FRINGE, IT WILL COST YOU
12 OVER \$9,000 TO RAISE \$100 IF YOU RAISE A THOUSAND
13 DOLLARS, YOU'RE TALKING ABOUT A -- A COMMITMENT OF OVER
14 \$90,000 EVERY YEAR FOR RIGHT ON IN EVERY BUDGET

15 AND REALLY TO GET OUR SUPPLEMENTS UP WHERE IT'S GOING
16 TO MAKE ANY DIFFERENCE, YOU'RE TALKING ABOUT 10,000 SO
17 YOU'D BE RIGHT AT A MILLION DOLLARS A YEAR TO DO THAT TO
18 GET UP AROUND \$10,000

19 Q I'M GOING TO REDUCE SOME OF THAT INFORMATION BEFORE
20 WE COMPLETE OUR QUESTIONING AND ANSWERING, DR DEAN BUT
21 TWO QUESTIONS DOES THE DISTRICT PAY A SALARY SUPPLEMENT
22 TO ITS TEACHERS?

23 A WE PAY \$300 LOCAL SUPPLEMENT

24 Q IS THAT ALL TEACHERS ACROSS THE BOARD?

25 A YES

1 Q FROM BEGINNING TEACHERS TO THE LONGEST SERVING
2 TEACHER --

3 A YES

4 Q -- WITH THE MOST ADVANCED DEGREE?

5 A AND WHETHER THEY HAVE A BACHELOR'S DEGREE OR WHETHER
6 THEY HAVE A DOCTORATE

7 Q SO CAN I LOOK AT THE MINIMUM SALARY SCHEDULE AND
8 MATCH IT BY CELL? DO YOU UNDERSTAND WHAT I MEAN BY CELL?

9 A YES, I KNOW ALL YOU WOULD HAVE TO DO IS EACH CELL
10 ADD \$300

11 Q OKAY NOW HOW LONG HAS -- HAS MARION COUNTY AND I
12 KNOW MARION COUNTY NUMBER -- SCHOOL DISTRICT SEVEN HAS NOT
13 BEEN IN EXISTENCE FOR A FEW YEARS BUT TELL ME WHAT YOU
14 KNOW ABOUT HOW LONG MARION COUNTY HAS BEEN PAYING \$300 AS
15 ITS TEACHER SALARY LOCAL SUPPLEMENT

16 A WHEN I CAME TO DISTRICT THREE IN 1993, I BELIEVE IT
17 WAS, THEY WERE PAYING THE \$300 SUPPLEMENT THEN

18 Q SO WE'RE TALKING --

19 A WE'VE BEEN PAYING THAT \$300 SUPPLEMENT AT LEAST TEN
20 YEARS AND IT MIGHT -- I'M SURE IT WAS BEFORE THAT, BUT
21 WASN'T THERE THEN

22 Q I'M GOING TO COME BACK AND REVISIT THAT TOWARD THE
23 END OF OUR DISCUSSION, DR DEAN, BUT DO YOU REGULARLY
24 REVIEW YOUR BUDGET AND CONFER WITH FINANCIAL PEOPLE SUCH
25 AS YOUR AUDITOR TO SEE IF YOU CAN FIND MONEY TO RAISE

1 TEACHERS' SALARIES WITH A LOCAL SUPPLEMENT IN ANY
2 MEANINGFUL FASHION?

3 A SURE AND CERTAINLY DO SEVERAL TIMES A YEAR AND
4 ESPECIALLY STARTING IN THE EARLY WINTER WHEN THE -- WE
5 REALLY GET SERIOUS ABOUT BUDGETING IN JANUARY, FEBRUARY,
6 MARCH THOSE ARE THE KEY BUDGETING MONTHS

7 AT LEAST YEARLY AND MORE OFTEN WITH THE AUDITOR,
8 CONSULT WITH COUNTY BOARD CHAIRMAN ABOUT WHERE WE STAND
9 AND WHAT HE THINKS THE BOARD WOULD DO AS FAR AS RAISING
10 TAXES, PERSONNEL WITHIN THE DISTRICT, NOT STAFF, ASSISTANT
11 SUPERINTENDENTS, PEOPLE THAT -- THAT WORK WITH
12 ADMINISTERING OUR PROGRAMS, OUR PRINCIPALS, WE TALK BUT
13 THAT -- BUT WHEN YOU GET TO THE BOTTOM LINE THE MONEY IS
14 NOT THERE TO DO IT WITH

15 Q JUST WHILE WE'RE ON THE SUBJECT OF THE BOARD AND THAT
16 SORT OF THING, DOES MARION COUNTY SCHOOL DISTRICT NUMBER
17 SEVEN HAVE ANY INDUSTRY? YOU DON'T --

18 A NO

19 Q I DON'T WANT YOU TO TELL ME THE STORY ABOUT THE
20 CRICKETS KEEP THE CRICKET FARM OUT OF THERE DOES IT
21 HAVE ANY INDUSTRY?

22 A NO

23 Q OKAY SO THE -- THE TAX CAPACITY IS TERMED, IS
24 DETERMINED BY RESIDENTIAL AND AGRICULTURAL PROPERTY?

25 A YES

1 Q ALL RIGHT I'M GOING TO COME BACK AGAIN, DR DEAN,
2 AND REVISIT THAT BEFORE WE CONCLUDE BUT IF WE WILL FLIP
3 NOW TO 16 I JUST WANT TO GET KIND OF A SNAPSHOT OF WHERE
4 THE GENERAL FUND MONIES ARE SPENT

5 AND LOOKING AT THE SNAPSHOT YOU HAVE 50 77 PERCENT
6 SPENT ON INSTRUCTION?

7 A THAT'S CORRECT

8 Q AND THEN ON LEADERSHIP IT APPEARS THAT YOU HAVE
9 13 92 PERCENT, CORRECT?

10 A THAT'S CORRECT

11 Q INSTRUCTIONAL SUPPORT 12 28 PERCENT?

12 A THAT'S CORRECT

13 Q AND OPERATIONS 22 99 PERCENT

14 A THAT'S CORRECT

15 Q AND THEN YOU GOT A 5, 05 PERCENT IN WHAT'S
16 CATEGORIZED AS OTHER COMMITMENTS SO TELL ME JUST BRIEFLY
17 IF YOU WILL, WHAT'S INCLUDED IN OPERATIONS

18 A OKAY OPERATIONS ARE WHAT IT TAKES TO OPERATE YOUR
19 DISTRICT, GET IT -- OR OPERATE YOUR SCHOOLS IT INCLUDES
20 YOUR -- EVERYTHING FROM YOUR ELECTRIC BILLS TO YOUR PHONE
21 BILLS TO YOUR BUYING YOUR CLEANING SUPPLIES FOR
22 CUSTODIANS, THE PERSONNEL TO CLEAN THE BUILDINGS, THE
23 PERSONNEL TO CUT THE GRASS, THE LAWN MOWERS

24 ALL THOSE TYPE, YOU KNOW, PEOPLE AND EQUIPMENT TO
25 OPERATE YOUR SCHOOLS FROM -- FROM MAINTENANCE AND

1 CUSTODIAL STANDPOINT

2 AND THOSE ARE SOME OF YOUR BIG ITEMS, BUT THE BIG ONE
3 IS OPERATION AND MAINTENANCE, HAS BEEN IN OUR DISTRICT
4 BECAUSE OF THE OLD BUILDINGS, THINGS CONSTANTLY BREAKING
5 DOWN AND HAVING TO HAVE REPAIRED, THOSE KIND OF THINGS

6 Q ALL RIGHT DR DEAN, NOW I WANT TO TURN FROM THE
7 GENERAL FUND EXPENDITURES TO THE RESTRICTED FUND
8 EXPENDITURES AGAIN TRACKING AND WE'LL -- WE'LL HAVE TO
9 TRACK IT LATER ON BECAUSE THIS DOES NOT TRACK IT BY ITSELF
10 BUT WE'RE GOING TO TRACK BACK TO THE IN-SITE DATA, OKAY?

11 AND LET'S GO THROUGH THE RESTRICTED FUNDS AND HOW
12 THEY ARE SPENT AND WE'LL DO IT FIRST IN FAIRLY GENERIC
13 TERMS AND THEN WE'LL BREAK IT DOWN IN SOME PRETTY GOOD
14 DETAIL, ALL RIGHT? YOU WITH ME? WE START ON PAGE 17

15 A I'M ON PAGE 17

16 Q OKAY FOR INSTRUCTIONAL LEADERSHIP, I AM SORRY, FOR
17 INSTRUCTIONAL TEACHERS THE CODE NUMBER IS, IT'S UNDER
18 SECTION 100, OBJECT NUMBER 110 OUT OF THE RESTRICTED
19 FUNDS IS \$1,624,035 RIGHT?

20 A THAT'S CORRECT

21 Q NOW, WOULD THE RESTRICTED FUNDS INCLUDE BOTH STATE
22 AND FEDERAL MONEY?

23 A YES

24 Q THERE'S NO STIPEND EMPLOYEE BENEFITS OUT OF THE
25 RESTRICTED FUNDS OR \$454,839 RIGHT?

1 A AND BENEFITS OF 454,839

2 Q AND WE CAN GO ON DOWN THE CHART PURCHASE SERVICES
3 AGAIN OUT OF RESTRICTED FUNDS 143,470 SUBSTITUTES 7,000,
4 PARAPROFESSIONALS 146,000, TECHNOLOGY, THREE SEPARATE
5 ENTRIES THERE, 14,000, 44,000 AND 101,000, AND THEN
6 INSTRUCTIONAL SUPPLIES AND -- AND EQUIPMENT

7 AND SO UNDER THE FIRST CATEGORY OF SPENDING OF
8 RESTRICTED FUNDS COMES \$2,775,478 CORRECT?

9 A CORRECT

10 Q NOW, LET'S TURN TO A FURTHER BREAKDOWN OF THAT
11 STARTING WITH SLIDE 18 AND NOW WE CAN SEE HOW THE
12 RESTRICTED FUNDS ON 17 ARE BEING SPENT AND TAKE US, DR
13 DEAN, DOWN THROUGH

14 MR EPPS YOUR HONOR, THIS MIGHT BE AN
15 OPPORTUNE TIME FOR A BREAK NUMBER ONE, I WANT TO
16 CHECK SOMETHING TO MAKE SURE EVERYTHING IS IN ORDER
17 HERE

18 THE COURT ALL RIGHT, SIR THIS WILL BE AS
19 GOOD A TIME AS ANY WE WILL TAKE OUR RECESS AT THIS
20 POINT IN TIME WE'LL TAKE ABOUT 20 MINUTES I NEED
21 TO MAKE A COUPLE OF SCHEDULING CALLS

22 DOCTOR, YOU NEED TO BE REMINDED YOU CAN'T TALK
23 ABOUT YOUR TESTIMONY WITH ANYONE WHILE YOU ARE OFF
24 THE STAND THANK YOU
25 (WITNESS LEFT THE STAND)

1 (WHEREUPON A RECESS WAS HAD)

2 (WITNESS BACK ON STAND)

3 BY MR EPPS

4 Q DR DEAN, WE ARE GETTING READY TO BREAKDOWN THE MONEY
5 THAT PASSES THROUGH THE DISTRICT WHICH IS EITHER
6 CATEGORICAL MONEY OR RESTRICTED MONEY DEPENDING ON WHICH
7 TERM YOU WOULD PREFER TO USE AND AS YOU READ DOWN THROUGH
8 THESE THINGS, FOR EXAMPLE, WITH EARLY INTERVENTION
9 PRESCHOOL, IT APPEARS ON PAGE, ON 18, FAIRLY EARLY ON

10 I MIGHT SEE FOR EXAMPLE UNDER THE TOPIC INSTRUCTION
11 CATEGORY 100 OBJECT 110, INSTRUCTIONAL TEACHER AS I GO
12 DOWN THROUGH THESE DIFFERENT BREAKOUTS I MIGHT SEE, FOR
13 EXAMPLE, EARLY INTERVENTION PRESCHOOL MENTIONED SEVERAL
14 TIMES AS THESE CATEGORIES ARE FURTHER BROKEN DOWN
15 CORRECT?

16 A YES

17 Q RIGHT SO, FOR EXAMPLE, REDUCED CLASS SIZE, ONE
18 THROUGH THREE I MIGHT SEE IT IN DIRECT TEACHER PAY AND
19 THEN I MIGHT SEE IT AGAIN IN FRINGE BENEFITS, FOR EXAMPLE?

20 A THAT'S CORRECT

21 Q OKAY ALL RIGHT WELL, WITH THAT, LET'S START AND
22 THIS AGAIN IS TRACKING IN-SITE AND ULTIMATELY WE WILL
23 MATCH ALL THIS UP TO THE -- TO THE IN-SITE DATA LET'S
24 START NOW THROUGH THESE CATEGORICAL PROGRAMS AND THE FIRST
25 CATEGORY IS INSTRUCTIONAL TEACHING ON PAGE 18 AND

1 MEDICAID I THINK THE FIRST ENTRY AT CODE 208 IS
2 SELF-EXPLANATORY, RIGHT?

3 A THAT'S CORRECT

4 Q DO WE NEED TO GO THERE? DO WE NEED TO DISCUSS THAT?
5 THAT'S MEDICAID PAYMENTS THAT TARGETED TO MEDICAID?

6 A RIGHT IT'S TARGETED TO PAY FOR TEACHERS THAT WORK
7 WITH SPEECH FOR STUDENTS PRIMARILY

8 Q OKAY ALL RIGHT NOW, TAKE US THROUGH, DR DEAN,
9 AND I THINK IF -- IF OUR MEMORY SERVES US DECENTLY, WE
10 CAN -- WE CAN REFLECT BACK ON THE REVENUE SIDE THAT WAS
11 BROKEN OUT BY CATEGORICAL AND GENERAL AND MATCH THESE, AT
12 LEAST MENTALLY, THESE EXPENDITURES WITH THE REVENUE CODES
13 AND THE REVENUE RESTRICTIONS AS WE WENT THROUGH THEM AT
14 THE INITIATION OF THIS TESTIMONY CORRECT?

15 A THAT'S CORRECT

16 Q OKAY I'M NOT GOING TO ATTEMPT TO DO THAT LINE BY
17 LINE BUT CERTAINLY WE WENT THROUGH THOSE, THE STATE, THE
18 STATE SPECIFICALLY AND THE FEDERAL FAIRLY GENERICALLY
19 BUT I THINK EVERYBODY CAN KIND OF KEEP IN MIND THAT THESE
20 ARE THE EXPENSES THAT MATCH THE REVENUE, RIGHT?

21 A THAT'S CORRECT

22 Q OKAY I JUST WANT TO RUN THROUGH THE PROGRAMS AND
23 UNDER THE STATE INSTRUCTIONAL LEADER EXPENDITURE AND THE
24 TOTAL UNDER SECTION 110 IS GOING TO BE \$1,624,035

25 WE HAVE \$5,000 FOR EARLY INTERVENTION PRESCHOOL,

1 \$190,000 FOR REDUCED CLASS SIZE GRADES ONE THROUGH THREE,
2 AND I'M JUST GOING TO MAKE A -- A BOOKMARK TO COME BACK
3 AND REVISIT THAT BEFORE WE COMPLETE TODAY

4 SUMMER SCHOOL REMEDIATION IS COVERED PARENTING,
5 PARENTING, GIFTED AND TALENTED, GIFTED AND TALENTED THE
6 E A A TEACHER SPECIALISTS YOU CAN SEE HERE UNDER 326 THAT
7 THE E A A TEACHER SPECIALIST IS INCLUDED ON THE IN-SITE
8 DATA IN YOUR PER PUPIL SPENDING CORRECT?

9 A THAT'S CORRECT

10 Q AND THIS \$703,669 DOES NOT INCLUDE FRINGE BENEFITS,
11 DOES IT?

12 A THAT'S CORRECT IT DOES NOT INCLUDE FRINGE BENEFITS

13 Q AND WE WILL PICK THAT UP DOWNSTREAM, CORRECT?

14 A THAT'S RIGHT

15 Q ALL RIGHT SO YOU HAVE \$7500 FOR NATIONAL BOARD
16 WHICH WOULD SUGGEST THAT YOU HAVE ONE NATIONAL BOARD
17 CERTIFIED TEACHER?

18 A THAT'S CORRECT

19 Q THEN TEACHER OF THE YEAR AND ALL THESE THINGS KIND OF
20 TRACK BACK THE REVENUE SIDE, THE GOVERNOR'S INSTITUTE OF
21 READING, FOUR YEAR OLD EARLY CHILD DEVELOPMENT, ACADEMIC
22 ASSISTANCE K THROUGH THREE, ACADEMIC ASSISTANCE FOUR
23 THROUGH 12, HOMEWORK CENTERS, INCREASED HIGH SCHOOL
24 DIPLOMA, FIRST STEPS VISITATION, FIRST STEPS 4K , AND THE
25 TOTAL UNDER THAT FIRST CATEGORY IN TERMS OF STATE TARGETED

1 REVENUE IS \$1,283,489, CORRECT?

2 A THAT'S CORRECT

3 Q AND I'M NOT GOING TO ATTEMPT TO GO BACK AND MATCH UP,
4 YOU KNOW, WHICH IS TARGETED TO YOUR DISTRICT AS OPPOSED TO
5 WHICH IS AVAILABLE THROUGHOUT THE STATE, BUT IF WE WANTED
6 TO WE COULD DO THAT, COULD WE NOT?

7 A WE COULD

8 Q AND WHEN I SAY YOUR DISTRICT, I MEAN A DISTRICT THAT
9 IS CATEGORIZED AS AN UNSATISFACTORY OR BELOW AVERAGE OR
10 NEEDS TECHNICAL ASSISTANCE DISTRICT

11 A YES

12 Q OKAY

13 A WE COULD GO BACK AND IDENTIFY THOSE ONES

14 Q ALL RIGHT THEN UNDER THE FEDERAL MONEY WE CAN START
15 TRACKING FEDERAL MONEY IN THE NEXT CATEGORY WHICH STARTS
16 WITH CODE 201 AND IT SHOWS IN TERMS OF INSTRUCTIONAL
17 TEACHER THAT WE SPENT \$144,743 OF TITLE ONE MONEY ON
18 INSTRUCTIONAL TEACHERS, RIGHT?

19 A THAT IS CORRECT

20 Q AND THEN IDEA OF PRESCHOOL HANDICAP AS TO HANDICAPPED
21 CHILDREN RIGHT?

22 A THAT IS CORRECT

23 Q AFTER SCHOOL PROGRAM, THEN YOU -- ON THE NEXT PAGE,
24 PAGE 19, WE HAVE TITLE SIX CLASS SIZE REDUCTION THAT WAS
25 A FEDERAL PROGRAM?

1 A CORRECT

2 Q RIGHT? WE COULD SEE PART OF THE EXPENDITURES HERE ON

3 THE INSTRUCTIONAL SECTION?

4 A YES, THIS IS THE SALARY STATUTE

5 Q OKAY THE SALARY SECTION, EXCUSE ME AND THEN THE

6 OTHER FEDERAL PROGRAMS SPENT UNDER INSTRUCTION, UNDER

7 SALARIES, IS \$319 \$576 (SIC)?

8 A THAT IS CORRECT

9 THE COURT STATE THAT AGAIN PLEASE 319,000?

10 MR EPPS THANK YOU, YOUR HONOR

11 THE COURT TRYING TO HELP OUT THE REPORTER

12 BY MR EPPS

13 Q \$319,576, DR DEAN I MISREAD THAT AND MISSPOKE

14 NOW, IS IT \$319,576?

15 A IT IS

16 Q AND THE TOTAL -- THERE'S NO STIPEND BEING PAID

17 CORRECT?

18 A NO STIPENDS

19 Q ALL RIGHT AND THE TOTAL THUS FAR IS \$454,839 UNDER

20 THAT CATEGORY I'M SORRY I'M SORRY 319,000 NOW WE

21 MOVING INTO EMPLOYEE BENEFITS?

22 A CORRECT

23 Q AND THE TOTAL UNDER EMPLOYEE BENEFITS IS \$454,839,

24 RIGHT?

25 A THAT'S CORRECT

1 Q AND IT'S -- AS WE TRACK DOWN THE EMPLOYEE BENEFITS'
2 SECTION WE COULD MATCH THEM UP PRETTY WELL WITH THE --
3 WITH THE TEACHER SALARY?

4 A YES

5 Q OR INSTRUCTIONAL SALARY SECTION JUST ABOVE, COULD WE
6 NOT?

7 A THAT'S CORRECT

8 Q AND THE STATE PORTION OF THAT IS \$349,025 AND IF WE
9 TRACK DOWN THE FEDERAL PORTION MATCHING BACK AGAIN TO THE
10 CATEGORICAL EXPENDITURES, THE FEDERAL EXPENDITURES UNDER
11 THE FRINGE BENEFITS SECTION IS \$100,679?

12 A THAT IS CORRECT

13 Q PURCHASE SERVICES WOULD BE THE NEXT SECTION OF TRYING
14 AGAIN TO MATCH THE IN-SITE DATA WHICH WE WILL DO BEFORE WE
15 CONCLUDE, THE TOTAL PURCHASE SERVICES WAS \$143,470?

16 A THAT'S CORRECT

17 Q OKAY AND THEN WE CAN GO THROUGH, IT STARTS WITH
18 MEDICAID AGAIN AND WE CAN GO THROUGH THESE PROGRAMS AND
19 SOME OF THE PROGRAMS WILL MATCH OTHER PROGRAMS AND SOME
20 MIGHT BE A LITTLE DIFFERENT, RIGHT?

21 A THAT IS CORRECT

22 Q AND THE STATE SPENT \$32,967 AND THE FEDERAL
23 GOVERNMENT SPENT UNDER THIS SECTION \$73,226?

24 A THAT'S CORRECT

25 Q ALL RIGHT SO NOW WE'RE TRACKING AGAIN, DR DEAN,

1 WE'RE TRACKING WHAT THE DISTRICT SPENT TO COMPLY WITH THE
2 CATEGORICAL TYPE FUNDING ON THE REVENUE SIDE THAT WE --
3 THAT WE'VE ALREADY ADDRESSED?

4 A THAT IS WHAT WE'RE DOING

5 Q AND, IS THE DISTRICT SPENDING THE MONEY AS IT'S
6 OBLIGATED TO DO UNDER THE CATEGORICAL FUNDING?

7 A THAT IS CORRECT

8 Q ALL RIGHT OTHER OBJECTS IS \$18,687, AND WE'VE GOT
9 SOME PUPIL ACTIVITIES IN THERE, \$18,000, THEN THE NEXT
10 ITEM IS SUBSTITUTES AND THAT WILL BE SUBSTITUTES FOR FOUR
11 YEAR OLD EARLY CHILD DEVELOPMENT, ACADEMIC ASSISTANCE FOUR
12 THROUGH 12, COMPETITIVE TEACHER GRANTS AND OTHER E I A
13 WHICH WAS A THOUSAND DOLLARS OUT-OF-STATE FUNDS,
14 CORRECT?

15 A THAT'S CORRECT

16 Q AND THEN FOR SUBSTITUTES UNDER THE FEDERAL, TAKEN OUT
17 OF THE FEDERAL FUNDS WAS \$5,973?

18 A THAT IS CORRECT

19 Q AND THEN WE HAVE THE NEXT CATEGORY AS BEING
20 PROFESSIONAL SLASH AIDES?

21 A PARAPROFESSIONALS

22 Q I'M SORRY, PARAPROFESSIONALS SLASH AIDES THESE ARE
23 GENERICALLY BE CALLED TEACHER'S AIDES?

24 A THAT'S CORRECT

25 Q AND SO UNDER THE CATEGORICAL MONEY THE DISTRICT SPENT

1 IN THESE PROGRAMS THAT WE'VE BEEN THROUGH \$146,132?

2 A THAT -- THAT IS CORRECT

3 Q OR TEACHERS AIDES OR PARAPROFESSIONALS SLASH AIDES
4 REQUIRED UNDER THESE PROGRAMS OR MANY OF THEM?

5 A IN SOME OF THEM THEY ARE AN EXAMPLE OF ONE WHERE
6 YOU ARE IS THE KINDERGARTEN PROGRAM AND THE FOUR YEAR OLD
7 CHILD DEVELOPMENT PROGRAM, YOU HAVE TO HAVE AIDES

8 Q ALL RIGHT SO IF WE TRACK ON TO PAGE 22 IT SHOWS YOU
9 WHERE THE TEACHER'S AIDES ARE TO BE USED, IS THAT CORRECT?

10 A YES YES

11 Q ALL RIGHT SO TEACHER'S AIDES ARE USED IN SUMMER
12 SCHOOL SLASH REMEDIATION, ACADEMIC ASSISTANCE K THROUGH
13 THREE, ACADEMIC ASSISTANCE K THROUGH 12, AND THEN UNDER
14 THE FEDERAL PROGRAM TEACHER'S AIDES ARE CALLED FOR IS
15 THAT CORRECT?

16 A THAT'S CORRECT

17 Q PUPIL TECHNOLOGY IS THE NEXT CATEGORY IT'S \$14,803
18 AND THAT APPARENTLY WAS -- WAS FUNDED BY A FEDERAL GOALS
19 2000 FUND?

20 A THAT'S CORRECT

21 Q AND THEN THE NEXT CATEGORY UNDER PUPIL TECHNOLOGY
22 BROKEN DOWN BY FUND IS A SEPARATE CATEGORY IS \$44,000 AND
23 YOU CAN SEE WHERE IT'S BEING USED IT'S -- EARLY
24 INTERVENTION PRESCHOOL, TEACHER GRANTS, HOMEWORK CENTERS,
25 FEDERAL PROGRAMS SUCH AS IDEA, LEARN AND SERVE AMERICA,

1 CORRECT?

2 A THAT'S CORRECT

3 Q AND THEN YOU -- YOU SAID VERY EARLY ON CONTINUING
4 WITH -- WITH PUPIL TECHNOLOGY THAT THE LICENSE TAGS IN
5 SOUTH CAROLINA, THE APPLE TAGS, HAD TO BE USED FOR
6 TECHNOLOGY AND HERE IT SHOWS ON PAGE 23

7 A THAT IS CORRECT

8 Q AND WE'RE STILL NOW IN THE INSTRUCTIONAL SALARY SLASH
9 BENEFITS SECTION OF THE IN-SITE CATEGORIZATION, ARE WE
10 NOT?

11 A WELL --

12 Q WELL I --

13 A -- WHEN YOU GO TO SALARY, THAT'S 110 SALARIES COME
14 UNDER 110

15 Q I THINK I MISSPOKE DIDN'T I?

16 A YEAH, I THINK YOU -- AND WHEN YOU GO DOWN TO 200S ARE
17 USUALLY CONSIDERED FRINGE BENEFITS

18 Q OKAY

19 A AND 300S ARE PURCHASE SERVICES 400S ARE USUALLY
20 SUPPLIES

21 Q YEAH, I THINK I MISSPOKE AND I APPRECIATE YOU
22 STRAIGHTENING ME OUT ON THAT AND THAT'S WHERE I'M GOING
23 TO MOVE RIGHT NOW

24 INSTRUCTIONAL SUPPLIES BREAK DOWN BY FUND ANYWAY
25 THE INSTRUCTIONAL SUPPLIES UNDER THE FIRST SUBJECT IN THE

1 IN-SITE DATA, CORRECT? AM I STILL IN THE INSTRUCTION
2 SECTION?
3 A YES, YOU ARE
4 Q OKAY SO IF WE LOOK AT IN-SITE, I'M STILL IN
5 INSTRUCTION?
6 A THAT'S RIGHT
7 Q OKAY INSTRUCTIONAL SUPPLIES \$141,990 AND YOU CAN
8 SEE WHERE THAT MONEY IS SPENT AND IS THE MONEY BEING SPENT
9 AS IT'S REQUIRED TO BE SPENT UNDER THE RESTRICTED
10 PROGRAMMED?
11 A YES
12 Q AND IT BREAKS IT DOWN IN THE STATE AND FEDERAL
13 CORRECT?
14 A IT DOES
15 Q IF YOU TURN TO PAGE 24?
16 A IT DOES
17 Q AND INSTRUCTIONAL EQUIPMENT IS \$78,488?
18 A THAT'S CORRECT
19 Q AND WE CAN BREAK THAT DOWN AGAIN BY FUND, COMPETITIVE
20 TEACHER GRANTS, CAREER CENTER, CAREER TECH EQUIPMENT?
21 A THAT'S CORRECT
22 Q THEN WE HAVE THE -- WE HAVE THE FEDERAL MONIES
23 TRAILING AFTER THAT, OCCUPATIONAL ED AND ARK, A R K ,
24 CORRECT?
25 A THAT'S CORRECT THAT'S AFTER SCHOOL PROGRAM

1 Q ALL RIGHT NOW, THE TOTAL INSTRUCTION UNDER THE
2 STATE AND FEDERAL CATEGORICAL PROGRAM IN -- WHICH AT THIS
3 POINT IN TIME HAS INCLUDED THE, OF COURSE, THE TEACHER
4 SPECIALISTS OF 700 AND I THINK \$3000
5 A IN SALARY, IT'S OVER 800,000 WITH FRINGE BENEFITS,
6 THE TEACHERS
7 Q DID I PASS THE FRINGE BENEFITS AND MISS THAT? I
8 THINK I MAY HAVE RIGHT IT'S ON PAGE 19 I'M SORRY, I
9 MISSED THAT, DR DEAN IT'S CODE NUMBER 326 AND THE
10 ACTUAL TOTAL FOR FRINGE BENEFITS FOR TEACHER SPECIALISTS
11 PROGRAM IS \$161,356?
12 A THAT IS RIGHT
13 Q OKAY THANK YOU TOTAL INSTRUCTION AS COMPUTED BY
14 IN-SITE IS \$2,775,478 AND THIS IS ON THE RESTRICTED SIDE
15 OF THE -- OF THE REVENUE, CORRECT? AND BY THAT I MEAN?
16 A TURN -- EXCUSE ME
17 Q THIS IS THE RESTRICTED SIDE OF THE EXPENDITURES OF
18 THE REVENUE
19 A REPEAT THAT FIGURE, PLEASE
20 Q SURE IT'S ON PAGE 24, TOTAL INSTRUCTION, AT THE
21 VERY BOTTOM, \$2,775,478
22 A THAT'S CORRECT
23 Q OKAY NOW AGAIN, DR DEAN, TRACKING THE IN-SITE DATA
24 AND THE NEXT CATEGORY IN IN-SITE DATA IS A NEW SECTION
25 THAT IS CALLED INSTRUCTIONAL SUPPORT IT'S THE BLUE COLOR

1 ON THE POWERPOINT AND WE DID OUR BEST TO MATCH THE
2 POWERPOINT UP WITH THE COLORS ON THE -- ON THE IN-SITE
3 REPORTS WITH SOME SUCCESS, NOT TOTAL BUT WE TRIED

4 A OKAY

5 Q AND IF YOU LOOK AT THE TOTAL EXPENDITURES UNDER THE
6 CATEGORICAL FUNDING AND I ASSUME THIS IS STATE AND FEDERAL
7 ON PAGE 25?

8 A ON 25? YES

9 Q OKAY

10 A THIS IS -- THIS COULD BE -- I'M LOOKING TO BE SURE

11 Q WE WILL BREAK IT DOWN, DR DEAN, AS WE GO THROUGH IT
12 AND I THINK WE WILL FIND IT'S BOTH STATE AND FEDERAL MONEY
13 WITHIN THIS \$585,699

14 A OKAY

15 Q OKAY? ALL RIGHT ANYWAY, UNDER INSTRUCTIONAL
16 SUPPORT WE HAVE THE GENERAL CATEGORIES OF GUIDANCE AND
17 COUNSELING, LIBRARY AND MEDIA, EXTRACURRICULAR, STUDENT
18 HEALTH SERVICES, CURRICULUM DEVELOPMENT, IN-SERVICE AND
19 STAFF, PROGRAM DEVELOPMENT, THERAPISTS AND PSYCHOLOGY
20 WHICH AGAIN TOTALS UP TO BE \$585,699, CORRECT?

21 A THAT'S CORRECT

22 Q ALL RIGHT LET'S START BREAKING IT DOWN IF WE CAN,
23 DR DEAN STARTING ON PAGE 26

24 A OKAY

25 Q AND THE FIRST CATEGORY OF INSTRUCTIONAL SUPPORT IS

1 GUIDANCE AND COUNSELING AND UNDER THAT SECTION UNDER
2 STATE FUNDING FOR EXCELLENCE IN MIDDLE SCHOOLS, SCHOOL TO
3 WORK AND CHARACTER EDUCATION, THERE WAS AN EXPENDITURE OF
4 \$80,759?

5 A THAT IS CORRECT

6 Q OCCUPATIONAL EDUCATION \$5,728?

7 A THAT'S CORRECT

8 Q AND AS WE CONTINUE DOWN THE LIST WE WILL SEE A
9 GUIDANCE AND COUNSELING AGAIN OF \$16,027 AND THAT IS
10 BROKEN OUT WITHIN THESE BOOKS, WITHIN YOUR BOOKS AS YOU
11 WOULD CATEGORIZE IT AS S A T IMPROVEMENT, \$14,000, STATE
12 AND \$1,000 OCCUPATIONAL EDUCATION UNDER THE FEDERAL

13 A THAT'S CORRECT

14 Q AND NEXT CATEGORY IS LIBRARY AND MEDIA AND THE
15 TOTAL THERE, THE BREAKDOWN IS SELF-EVIDENT SO I'M NOT
16 GOING TO DO EACH ONE OF THESE THINGS THE BREAKDOWN IS
17 SHOWN BUT THE TOTAL EXPENDITURE UNDER THAT SECTION IS
18 \$1,042 STATE?

19 A UNDER LIBRARY MEDIA?

20 Q YES, SIR ON PAGE 26

21 A YES YES, \$1,042 FROM THE STATE

22 Q RIGHT AND IF YOU FLIP OVER TO PAGE 27, YOU WILL SEE

23 A -- FEDERAL DOLLARS BEING SPENT ON LIBRARY AND MEDIA

24 UNDER THE TITLE SIX PROGRAM AND THE TECH LITERACY

25 CHALLENGE \$57,974, RIGHT?

1 A THAT'S CORRECT

2 Q ALL RIGHT AND THEN WE MOVE THROUGH EXTRACURRICULAR

3 DID --

4 A I THINK THE TOTAL ON THE TITLE SIX AND THE TECHNOLOGY

5 LITERACY CHALLENGE WAS 32,175

6 Q YOU'RE RIGHT I'M MISSPOKE AGAIN 32,175 THE

7 EXTRACURRICULAR WAS \$57,974?

8 A THAT'S CORRECT

9 Q OKAY I MISSPOKE THANK YOU ALL RIGHT LET'S

10 MOVE TO PAGE 26 CONTINUING TO TRACK IN-SITES FORMAT

11 GUIDANCE AND COUNSELING IS BROKEN DOWN BY FUND THE FUNDS

12 INCLUDE EXCELLENCE IN MIDDLE SCHOOLS, SCHOOL TO WORK,

13 CHARACTER EDUCATION, OCCUPATIONAL ED, S A T IMPROVEMENT,

14 ANOTHER OCCASIONAL ED, LIBRARY MEDIA, HAVE A PRIVATE

15 DONATION

16 I THOUGHT I HAD SEEN THAT BEFORE, BUT IN ANY EVENT

17 SOMEBODY GAVE \$57 TO THE DISTRICT?

18 A THAT'S CORRECT

19 Q YOU HAVE THE SCHOOL INNOVATION PROGRAM UNDER THE

20 E I A AND THEN YOU HAVE A TEACHER GRANT, ALL REFLECTED ON

21 POWERPOINT 26 UNDER THE TOP -- EXCUSE ME, UNDER THE TOPIC

22 INSTRUCTIONAL SUPPORT AM I MOVING TOO FAST FOR YOU?

23 A NO, YOU -- THAT'S CORRECT

24 Q OKAY

25 A I'M RIGHT WITH YOU

1 Q IF WE TURN TO 28 YOU GOT THE STUDENT HEALTH
2 SERVICES BEING UNDER -- UNDER THE SAME CATEGORY AS
3 INSTRUCTIONAL SUPPORT THAT'S \$58,000, \$4,500 BEING PAID
4 BY THE STATE AND \$54,000 BEING PAID BY THE FEDERAL
5 GOVERNMENT, CORRECT?

6 A WHICH PAGE ARE YOU ON?

7 Q TWENTY-EIGHT DID I SKIP ONE? I DID SKIP ONE

8 A PAGE 27

9 Q I SKIPPED ONE SOMEHOW WELL, NO, I MOVED THROUGH
10 PAGE 27 THAT WAS EXTRACURRICULAR

11 A OKAY

12 Q AND SO I HAD GONE TO PAGE 28, WHICH I GUESS THIS IS
13 STILL UNDER THE CATEGORY EXTRACURRICULAR IF YOU LOOK
14 AT -- IF YOU LOOK AT THE TOP OF PAGE 28 WE HAVE STUDENT
15 HEALTH SERVICES THERE

16 A CORRECT

17 Q AND IS THAT UNDER EXTRACURRICULAR?

18 A NO, I DON'T THINK IT IS

19 Q THAT'S JUST SOMEHOW MISTYPED OR MISS-APPLIED?

20 A YES

21 Q OKAY BUT FOR THE STUDENT HEALTH SERVICES I READ THE
22 NUMBERS IN THE RECORD JUST A MOMENT --

23 A THAT -- I'M SORRY WHEN THEY DO IN-SITES, THEY DO
24 THESE BROAD SWEEPING CATEGORIES THEY TAKE A -- A -- LIKE
25 A -- A -- A GROUP OF FUNDS HERE THAT RUN UNDER 273, 100 TO

1 600 WELL, THEY SORT OF TITLED IT EXTRACURRICULAR BUT YOU
2 COULD HAVE A NUMBER OF THINGS UNDER THAT
3 Q OKAY
4 A EVIDENTLY THAT'S WHAT
5 Q ALL RIGHT ANYWAY, THEY'VE GOT STUDENT HEALTH
6 SERVICE -- SERVICES ON THERE
7 A OKAY
8 Q OF \$58,550, \$4,500 STATE FUNDS AND \$54,050 FEDERAL
9 FUNDS? I THINK THIS TOPIC COULD BE SUPPORT, DR DEAN IT
10 COULD BE JUST MISAPPLIED OF COURSE IT DOESN'T SEEM TO
11 BELONG UNDER EXTRACURRICULAR, DOES IT?
12 A IT DOESN'T
13 Q OKAY DID I READ THE NUMBERS RIGHT ON THE HEALTH
14 SERVICES?
15 A 58,550?
16 Q RIGHT
17 A YES, SIR THAT'S WHAT'S ON HERE
18 Q AND ALSO THE BREAKDOWN, STATE AND FEDERAL, \$4,500?
19 WELL, THAT'S NOT -- THAT'S JUST NOT -- IT IS RIGHT IT IS
20 UNDER THAT, \$4,500 OF IT IS UNDER THE LOCAL -- LOCAL
21 FUNDING AND THE FEDERAL FUNDING IS \$54,050 CORRECT?
22 A I'M NOT FOLLOWING YOU
23 Q LOOK AT PAGE 28
24 A OKAY I'M ON 28
25 Q ALL RIGHT YOU HAVE STUDENT HEALTH SERVICES,

1 \$58,550?

2 A CORRECT

3 Q AND IT'S BROKEN DOWN BY, SAYS LOCAL AND FEDERAL

4 RIGHT?

5 A I DON'T SEE THAT, WHERE THE -- OKAY

6 Q BREAKDOWN BY FUNDS

7 A BREAKDOWN BY FUND

8 Q LOCAL?

9 A LOCAL, BRITTON'S NECK CLASS SCHOLARSHIP

10 Q RIGHT THAT --

11 A SCHOLARSHIP WOOD BERRY SCHOLARSHIP \$4,500

12 Q AND THEN THE FEDERAL IS \$54,050?

13 A RIGHT

14 Q OKAY BACK ON TRACK NEXT SECTION IS CURRICULUM

15 DEVELOPMENT AND AGAIN, I ASSUME THIS IS CATEGORICAL

16 MONEY EITHER STATE OR FEDERAL?

17 A YES THESE ARE CATEGORY

18 Q ALL RIGHT 59,513 UNDER THE STATE AND 44,000 UNDER

19 FEDERAL?

20 A 49,513 UNDER THE STATE AND 44,008 UNDER FEDERAL

21 Q AND SOME OF THAT MONEY IS TITLE ONE MONEY, I SEE

22 \$28,000?

23 A CORRECT

24 Q AND THE NEXT SECTION CONTINUING UNDER THE GENERAL

25 TOPIC INSTRUCTIONAL SUPPORT ON THE IN-SITE DATA IS

1 IN-SERVICE AND STAFF AND WE CAN GO THROUGH THAT AND SEE
2 THAT, THAT STATE HAD \$104,288?

3 A THAT'S CORRECT

4 Q AND THIS WOULD FALL UNDER THE CATEGORY OF IN-SERVICE
5 AND STAFF, RIGHT?

6 A THAT'S CORRECT

7 Q AND THE FEDERAL HAD \$47,384?

8 A THAT'S CORRECT

9 Q AND PROGRAM DEVELOPMENT DOES NOT SEEM TO HAVE AN
10 ENTRY, IF I'M READING THIS RIGHT?

11 A THAT'S CORRECT

12 Q THERAPISTS AND PSYCHOLOGY, \$11,000?

13 A THAT'S RIGHT

14 Q OKAY AND THE TOTAL, DR DEAN, UNDER THE
15 INSTRUCTIONAL SUPPORT IS \$585,699?

16 A THAT'S RIGHT

17 Q ON PAGE 30

18 A THAT'S CORRECT

19 Q AND THAT WOULD INCLUDE SOME -- SOME LOCAL, NOT MUCH
20 THAT I PICKED UP, SOME LOCAL AS I WENT THROUGH THIS?

21 A VERY LITTLE

22 Q AND THE OTHER BEING STATE AND FEDERAL?

23 A THAT'S CORRECT

24 Q THE LOCAL MONEY WOULD HAVE BEEN SOME OF THAT
25 RESTRICTED MONEY, THROUGH RESTRICTED REVENUE WE TALKED

1 ABOUT EARLIER?

2 A YES IT WOULD HAVE BEEN

3 Q ALL RIGHT ARE YOU READY NOW, DR DEAN, TO CONTINUE

4 TO TRACK IN-SITE TO MOVE INTO THE SECTION CALLED

5 OPERATIONS?

6 A I'M READY

7 Q STARTING ON PAGE 31 ARE YOU WITH ME?

8 A I'M WITH YOU

9 Q THE FIRST BROAD CATEGORY IS TRANSPORTATION, \$30,507

10 RIGHT?

11 A THAT'S CORRECT

12 Q FOODS SERVICES, \$483,738?

13 A CORRECT

14 Q THAT JUST -- THAT TRACKS THE DISCUSSION WE HAD ABOUT

15 THE REVENUE SIDE WHICH IS FEDERAL MONEY PASSED THROUGH?

16 A THAT'S CORRECT

17 Q SAFETY UNDER OPERATIONS, THAT'S FOR SAFETY OFFICER

18 WHAT IS THAT?

19 A YES, RESOURCE OFFICERS

20 Q RESOURCE OFFICERS AND YOU PAID OUT OF THE

21 RESTRICTED FUNDS \$7,675 FOR BUILDING UTILITIES AND

22 MAINTENANCE?

23 A THAT'S CORRECT

24 Q OKAY AND WHATEVER -- WHATEVER -- WHATEVER ELSE YOU

25 HAD ON BUILDING AND UTILITIES AND MAINTENANCE, I ASSUME

1 WOULD COME OUT OF THE GENERAL FUND?

2 A THAT'S CORRECT

3 Q DATA PROCESSING YOU PAID \$19,000?

4 A CORRECT

5 Q THERE'S NOTHING LISTED HERE UNDER BUSINESS

6 OPERATIONS AND SO THE TOTAL OPERATIONS, TRACKING THE

7 IN-SITES METHOD OF ACCOUNTING FROM SCHOOL DISTRICT MARION

8 SEVEN IS \$580,930?

9 A THAT IS RIGHT

10 Q NOW, LET'S TURN TO 32

11 A OKAY

12 Q AND WE'LL START, IT'S BREAKING IT OUT BY FUNDS AGAIN

13 WELL, BEFORE WE GET TO THAT IS THE FIRST ONE IS

14 TRANSPORTATION OF \$30,507?

15 A YES

16 Q OKAY WILL THAT COVER THE TRANSPORTATION

17 REQUIREMENTS OF THE SCHOOL?

18 A ABSOLUTELY NOT

19 Q WELL, WILL IT COVER THE TRANSPORTATION REQUIREMENTS

20 OF ANY AFTER-SCHOOL PROGRAM OR SUMMER, SUMMER SCHOOL

21 PROGRAM?

22 A THAT'S HOW THIS 30,000 WAS USED, UTILIZED

23 Q OKAY

24 A IT'S PAID OUT OF RESTRICTED FUNDS TO COVER

25 TRANSPORTATION FOR AFTER-SCHOOL PROGRAMS, PRIMARILY, AND

1 SUMMER SCHOOL PROGRAMS

2 Q ALL RIGHT AND ANY OTHER TRANSPORTATION COSTS?

3 A COMES OUT THE GENERAL FUND

4 Q OKAY NOW, BREAKDOWN BY FUNDS OF OPERATIONS, IT
5 LOOKS LIKE YOU FOR THE SUMMER SCHOOL REMEDIATION PROGRAM
6 UNDER TRANSPORTATION YOU SPENT \$1,631 AND FOR THE BUS
7 DRIVER SUPPLEMENT WHICH WOULD BE FOR SUMMER SCHOOL
8 REMEDIATION AND/OR THE GIFTED AND TALENTED ARTISTIC
9 PROGRAM THE BUS DRIVER SUPPLEMENT WAS \$1,500, RIGHT?

10 A CORRECT

11 Q THAT YOU PAID FOR STATE FUNDS AND THEN USED FEDERAL
12 FUNDS TO PAY OTHER TRANSPORTATION COSTS AND THE FEDERAL
13 FUNDS YOU USED FOR THE FEDERAL PROGRAMS WAS \$27,150?

14 A CORRECT

15 Q FOOD SERVICE, I DON'T THINK WE NEED TO DISCUSS
16 ANYMORE, \$483,738 SAFETY IS BROKEN OUT BY FUND AND
17 YOU'VE GOT TWO THINGS UNDER SAFETY BROKEN OUT BY FUND,
18 STATE CODE NUMBER 130 IS FOR IT SAYS GEARUP RIGHT?

19 A THAT'S CORRECT

20 Q AND THAT'S THE ONE OF THE FIRST THINGS WE TALKED
21 ABOUT THIS MORNING?

22 A THE MIDDLE SCHOOL, WE DID

23 Q ALL RIGHT AND THEN YOU SAID THAT THE SAFETY WE
24 MENTIONED EARLIER WAS RESOURCE OFFICER AND HERE HE IS AS
25 WE BREAK IT OUT OF \$33,843?

1 A CORRECT

2 Q AND THERE'S A BUILDING, UTILITIES AND MAINTENANCE

3 THAT YOU PAID OUT OF THE RESTRICTED FUNDS OF \$7,675?

4 A CORRECT

5 Q AND IF WE GO TO 33, PLEASE WE HAVE -- WE HAVE SOME

6 FUNDS BROKEN OUT HERE WHICH WOULD INCLUDE SOME STATE

7 FUNDS, \$5,969 FOR TECH TRAINING IN K-12 TECH PARTNERSHIP,

8 ONE'S A GRANT AND I GUESS THE OTHER IS -- DO YOU KNOW IF

9 THAT'S E I A MONEY OR WHAT IT IS?

10 A I'M NOT SURE WHETHER IT'S E I A MONEY I KNOW IT

11 WAS DESIGNED FOR THE -- FOR TECHNOLOGY USE AND TRAINING IN

12 TECHNOLOGY

13 Q ALL RIGHT SO K-12 TECH PARTNERSHIP WE'RE NOT SURE

14 WHICH STATUTORY AUTHORITY UNDERLIES THAT FUND? YOU DON'T

15 KNOW? YOU ARE NOT SURE?

16 A I'M NOT SURE

17 Q OKAY ALL RIGHT AND THEN WE HAVE \$1,700 FEDERAL

18 MONEY SPENT UNDER OPERATIONS FOR THE -- FOR THE FEDERAL

19 PROGRAMS, RIGHT?

20 A THAT'S CORRECT

21 Q THAT, DATA PROCESSING IS SELF-EXPLANATORY AND IT'S

22 \$19,000 \$19,433 TO BE SPECIFIC, SCHOOL INNOVATION AND

23 I THINK THAT'S A -- THAT IS AN E I A PROGRAM?

24 A YES

25 Q IS IT NOT? AND THAT TOTALS THE \$580,938 UNDER THE

1 OPERATIONS' CLASSIFICATION FROM THE IN-SITE DATA?

2 A THAT'S CORRECT

3 Q AND I ASSUME THE DISTRICT IS CONTINUING TO SPEND THIS
4 MONEY WITHIN THE CONSTRAINTS AND WITHIN THE LETTER OF
5 EITHER THE LAW OR THE GRANT?

6 A THAT IS EXACTLY RIGHT IT'S JUST WE -- IF IT'S
7 RESTRICTED WE SPEND IT WITHIN THE CONFINES OF THE FUNDING
8 MANUAL THAT YOU'RE REQUIRED TO STAY WITHIN OR IF IT'S A
9 GRANT, WITHIN THE GUIDELINES OF THE GRANT

10 Q THE NEXT CATEGORY ON THE IN-SITE DATA, DR DEAN, IS
11 CALLED OTHER COMMITMENTS AND IT'S KIND OF LIKE THEY PUT
12 THEM IN AND THEY TAKE THEM OUT, I THINK, FOR THE MOST
13 PART, BUT UNDER CAPITAL WE GOT DEBT SERVICE DEBT SERVICE
14 IS PAID OUT OF THE RESTRICTED FUNDS WAS \$151,263?

15 A THAT'S CORRECT

16 Q AND THEN CAPITAL PROJECTS PAID OUT OF THE RESTRICTED
17 FUNDS WAS 1,237,096, RIGHT?

18 A THAT'S RIGHT

19 Q LOOKS LIKE YOU HAD LITIGATION EXPENSES OF \$1,929
20 CONGRATULATIONS AND THE TOTAL OUT-OF-DISTRICT
21 OBLIGATIONS OR A CATEGORY CALLED OUT-OF-DISTRICT
22 OBLIGATIONS IS \$85,064 AND THE TOTAL UNDER THE OTHER
23 COMMITMENTS CATEGORY OF IN-SITE DATA IS \$1,475,352,
24 CORRECT?

25 A THAT'S CORRECT

1 Q DR DEAN, I'M JUST GOING TO LET YOU LOOK AT PAGE 35
2 AND YOU TELL ME IF THERE IS ANYTHING THAT YOU THINK WE
3 NEED TO ADDRESS ON THAT PAGE THAT COMES UNDER THE BROAD
4 CATEGORY OF OTHER COMMITMENTS

5 A I DON'T

6 Q I SEE SOMETHING I WANT TO ADDRESS YOU GOT THE STATE
7 BOND BUILDING FUNDS OF A MILLION DOLLARS, \$1,029,556 IT
8 LOOKS LIKE YOU ACTUALLY SPENT SOME OF THE \$2 MILLION OF
9 THE BOND FUND THAT YOU HAD THAT YEAR?

10 A I DON'T RECALL SPENDING THAT THAT YEAR WE WERE --
11 WE WERE IN THE PROCESS OF STARTING THAT HIGH SCHOOL ALONG
12 IN -- THE NEW HIGH SCHOOL ALONG IN THERE I -- I CAN'T
13 REMEMBER FOR SURE

14 Q OKAY

15 A WHETHER --

16 Q COULD IT HAVE BEEN --

17 A COULD HAVE BEEN

18 Q -- TO PURCHASE OF LAND OR --

19 A IT COULD HAVE BEEN

20 Q -- PRE-CONSTRUCTION DRAWINGS?

21 A IT POSSIBLY COULD HAVE BEEN BUT THE AUDITED FIGURES
22 WOULD REFLECT THAT

23 Q LET ME ASK YOU A QUESTION, DR DEAN DID THE STATE
24 BOND BUILDING FUND PAY FOR ANY OF YOUR SCHOOL BUILDINGS?

25 A NO

1 Q \$2 MILLION THAT YOU WERE ALLOCATED?

2 A IT -- IT CERTAINLY WOULD NOT PAY FOR THE WHOLE ENTIRE
3 BUILDING WE DID UTILIZE THOSE FUNDS IN DEFRAYING SOME OF
4 THE COSTS

5 Q JUST FOR THE RECORD, DR DEAN, SINCE NOBODY HAS
6 TALKED ABOUT THIS WE HAVE THE CATEGORY OUT-OF-DISTRICT
7 OBLIGATIONS JUST TELL US WHAT THAT IS, PLEASE

8 A OKAY I'M DRAWING A BLANK OUT-OF-DISTRICT
9 OBLIGATIONS, 700

10 Q WELL, I CAN--

11 A I CAN LOOK AT THE AUDIT AND TELL YOU

12 Q IF YOU FLIP OVER TO NEXT PAGE IT TELLS YOU, IT GIVES
13 YOU AT LEAST A HINT DOES IT NOT? LOOKS LIKE YOU HAVE
14 \$6,887 IN MEDICAID AND THEN OUT-OF-DISTRICT OBLIGATIONS
15 FOR SCHOOL RESOURCE OFFICERS, EXCELLENCE IN MIDDLE
16 SCHOOLS, ET CETERA, ET CETERA, ET CETERA, \$78,000 DOES
17 THAT RING A BELL WITH YOU?

18 A (NO RESPONSE)

19 Q IF YOU'RE NOT SURE --

20 A I'M NOT FOLLOWING WHAT YOU -- I'M NOT FOLLOWING THAT
21 I'M NOT REGISTERING WITH THAT RIGHT NOW

22 Q OKAY HOW MANY CATEGORIES OF FUNDING DOES YOUR
23 DISTRICT --

24 A AROUND, CLOSE TO A HUNDRED DIFFERENT --

25 Q CLOSE TO A HUNDRED?

1 A -- AREAS

2 Q ALL RIGHT THE LAST SECTION UNDER ON THE IN-SITE

3 DATA IS CALLED LEADERSHIP AND THE TOTAL EXPENDITURES

4 UNDER LEADERSHIP IS, AS I READ IT, IS \$401,962

5 A THAT'S CORRECT

6 Q AND IT LOOKS TO ME LIKE THE \$218,698 MATCHES BACK TO

7 THE TWO PRINCIPAL SPECIALISTS THAT YOU HAD?

8 A THAT'S CORRECT

9 Q AND IN SOME FORM OR FASHION THERE WAS \$183,264 PAID

10 FOR SERVICES, SUPPLIES DASH OTHER I PUT THE DASH IN

11 THERE, SAYS SERVICE AND SUPPLIES OTHER AND PROGRAM

12 SUPERVISION RIGHT?

13 A THAT'S ON PAGE 37?

14 Q YES, SIR

15 A OH, YES

16 Q OKAY AND WE TURN TO PAGE 38 YOU ACTUALLY CAN SEE

17 THE BREAKDOWN AGAIN

18 A OKAY

19 Q NOW, YOU SEE HOW THE LEADERSHIP AND ASSISTANCE WAS

20 SPENT AND IT CONFIRMS THE PRINCIPAL SPECIALIST?

21 A YES

22 Q AND THE SALARY AND THE FRINGE BENEFITS?

23 A 213,393

24 Q BENEFITS OF 5,305?

25 A CORRECT

1 Q AND THAT WOULD TAKE US BACK TO THE REVENUE SHOOT
2 WHICH CORRESPONDINGLY SHOWS THAT YOU SPENT \$218,619 FOR
3 YOUR PRINCIPAL SPECIALIST?

4 A THAT'S CORRECT

5 Q I SAY SPENT, I USE THAT TERM LOOSELY THAT WAS
6 ATTRIBUTED TO YOU IN YOUR DISTRICT SPENDING?

7 A THAT'S CORRECT

8 Q OKAY AND I WANT TO SHOW NOW, DR DEAN, JUST A PIE
9 CHART WHICH AS WE DID EARLIER THAT SHOWS HOW ALL OF THE
10 RESTRICTED FUNDS ARE BROKEN OUT

11 AND IT SHOWS THAT 47 69 PERCENT WENT TO INSTRUCTION,
12 6 91 PERCENT WENT TO LEADERSHIP, 9 89 PERCENT WENT TO
13 OPERATIONS 10 06 PERCENT WENT TO INSTRUCTIONAL SUPPORT,
14 AND OTHER COMMITMENTS WAS 25 POINTS OF 35 PERCENT,
15 RIGHT?

16 A OKAY

17 Q THAT'S WHERE WE FOUND THE SCHOOL FACILITIES'
18 EXPENDITURES, RIGHT?

19 A RIGHT

20 Q NOW WE CAN START AND HERE'S -- HERE'S WHERE WE CAN
21 START TRACKING BACK, DR DEAN, TO THE IN-SITE DATA BY
22 COMBINING THE NUMBERS AND WE'RE NOT GOING TO HIT IT ON
23 THE NOSE EVERY TIME, ARE WE?

24 A NO, WE'RE NOT

25 Q OKAY ON PAGE 40 WE CAN NOW MATCH UP ACROSS THE

1 BOARD -- MRS LANDRESS, JUST IF YOU'LL HIGHLIGHT THE
2 YELLOW PORTION, PLEASE CAN YOU HIGHLIGHT -- CAN'T DO IT?
3 OKAY CANNOT DO IT HAVE TO USE YOUR EYES, DR DEAN

4 A OKAY

5 Q THE TOTAL WHEN YOU WENT THROUGH YOUR AUDITED
6 FINANCIAL STATEMENT FOR 2001, 2002, AND THE WAY YOU
7 ALLOCATED THE MONEY IT SHOWS THAT TOTAL UNDER THE CATEGORY
8 INSTRUCTION WAS \$5,312,000 AND AS REPORTED ON THE IN-SITE
9 DATA IT'S ACTUALLY \$5,300,000 SO SOMEHOW THE ALLOCATIONS
10 WERE DIFFERENT BY ABOUT \$12,000?

11 A IT'S REALLY NOT THE ALLOCATIONS IT'S NOW, THE --
12 THE EXPENDITURES IT'S NOT REVENUE, IT'S EXPENDITURES

13 Q ALL RIGHT

14 A AND REALLY WHERE THE DIFFERENCE COMES IN IS PROBABLY
15 SOMEBODY IN THE STATE DEPARTMENT AND THEN HOW WOULD
16 THEY -- YOU CAN CALL IT MAPPING OR CROSS WALKING OR MOVING
17 THE -- THE DATA TO -- TO THE CATEGORIES THAT YOU'RE -- BY
18 BEING RESTRICTED OR UNRESTRICTED

19 IT WAS JUST A LITTLE OFF I MEAN, YOU COULD -- YOU
20 COULD -- THEY'RE -- THE PERSON AT THE STATE DEPARTMENT DID
21 MAY HAVE CHOSEN TO PUT A CERTAIN FUND IN -- IN
22 FACE-TO-FACE INSTRUCTION WE PUT IT IN SUPPORT OR VICE
23 VERSA

24 WHEN YOU -- WHEN YOU GET TO THE BOTTOM ANALYSIS
25 THOUGH, WHEN YOU GO DOWN TO THE NEXT ONE ON SUPPORT YOU'RE

1 GOING TO SEE THAT THE -- THE NUMBERS WILL FLIP AND YOU'LL
2 HAVE ABOUT THAT MUCH RIGHT AT \$12,000 LESS

3 MR BARNES WELL, AND, YOUR HONOR, I -- I WAS
4 HOPING -- I DIDN'T OBJECT BEFORE HE STARTED
5 ANSWERING NUMBER ONE, I THINK HE'S SPECULATING
6 ABOUT WHERE THE ERROR COMES

7 AND IF ALL OF THIS CAME OUT IN THE WASH AT THE
8 END OF THE DAY AND THE -- THE TOTALS MATCHED AT THE
9 VERY BOTTOM OF PAGE 42, I MIGHT BE SATISFIED TO LET
10 HIM SPECULATE ABOUT THAT BUT AT THE END OF THE DAY
11 THEY DON'T MATCH UP

12 SO IT'S NOT A -- IT'S NOT A MATTER OF
13 ATTRIBUTING IT TO RESTRICTED OR UNRESTRICTED OR
14 INSTRUCTIONAL SUPPORT OR WHATEVER THE NUMBERS AT
15 THE BOTTOM DON'T MATCH UP TO IN-SITE

16 AND SO, YOU KNOW, I -- SO HIS ANSWER IS
17 SPECULATIVE AND THEN I GUESS THE BIGGER QUESTION IS
18 WHAT MY OBJECTION IS WITH THE VERACITY OF THIS DATA
19 AT ALL AND HOW RELIABLE IT IS

20 THE COURT WELL, THE -- I DON'T HAVE A
21 POWERPOINT IN FRONT OF ME SO I DON'T HAVE THE BENEFIT
22 OF BEING ABLE TO LOOK AHEAD TO SEE HOW FAR OFF IT
23 MIGHT BE THE EXPLANATION ON ITS FACE OF COURSE
24 WOULD NOT APPEAR TO BE COMPLETELY SPECULATION

25 THAT IS DIFFERENT ACCOUNTING ASSIGNMENTS AND

1 DIFFERENT ACCOUNTING CATEGORIES AS BETWEEN THE
2 VARIOUS PEOPLE WHO HAVE LOOKED AT THESE THINGS

3 OF COURSE, WE HAVE ALL SEEN THE FIGURES CHANGE
4 FROM TIME TO TIME ALTHOUGH THE IN-SITE DATA BECAUSE
5 IT'S AUDITED IS GENERALLY PRETTY SPECIFIC AND
6 CONSISTENT

7 BUT I THINK THAT THE -- THAT THE DISTINCTION
8 BETWEEN WHAT IS SHOWN ON IN-SITE AND WHAT THIS
9 INTERNAL AUDIT SHOWED IS SOMETHING THAT GOES TO THE
10 WEIGHT TO BE GIVEN TO THIS

11 AND I'M NOT SURE THAT IT HAS A DRAMATIC IMPACT
12 UNTIL I LOOK AT THE FINAL FIGURES ON THE -- ON THE
13 OVERALL THESIS OF THIS -- THIS LINE OF TESTIMONY,
14 THAT IS THE -- THE DISTINCTION BETWEEN RESTRICTED AND
15 NON-RESTRICTED FUNDING EXPENDITURES

16 SO I'M GOING TO ALLOW HIM TO CONTINUE, BUT I --
17 I'LL TAKE NOTE OF THE FACT THAT IF FIGURES DON'T
18 MATCH, THEY DON'T MATCH AND HE CAN EXPLAIN IT AS
19 BEST HE CAN, BUT -- BUT WHEN WE GET TO THE END, AND
20 I'M TALKING IN THE BLIND NOW BECAUSE I SEE A ONLY
21 \$12,000 DISTINCTION HERE, OUT OF OVER 5,300,000,
22 WHICH IS, YOU KNOW, PROPORTIONATELY NOT A GREAT
23 DISCREPANCY

24 I DON'T KNOW WHAT IT IS ON PAGE 42, Y'ALL HAVE
25 TO TELL ME THAT BECAUSE I DON'T HAVE IT

1 MR EPPS YOUR HONOR, WE'RE -- IF I MAY SPEAK
2 OUT OF \$10 MILLION WE'RE \$400 DIFFERENT AT THE END
3 OF THE DAY WHEN WE GO THROUGH THIS, OUR DATA AND
4 IN-SITE'S DATA SOMEHOW THE WAY THEY COMPILE IT AND
5 THE WAY WE COMPILE IT IS A \$400 DIFFERENCE

6 SO, YOU KNOW, IF MR BARNES IS QUESTIONING THE
7 RELIABILITY OF THAT, THEN I THINK THAT INDEED DOES GO
8 TO THE WEIGHT AND I THINK DR DEAN HAS EXPLAINED
9 AND I'LL ASK HIM AGAIN, YOU KNOW, WHAT COULD MAKE THE
10 DIFFERENCE, ALTHOUGH IN MY VIEW IT'S MINISCULE

11 THE COURT I THINK HE'S ALREADY ANSWERED, AS
12 BEST HE CAN, THAT QUESTION

13 MR EPPS RIGHT

14 THE COURT ALL RIGHT I WILL ALLOW YOU TO
15 CONTINUE I NOTE MR BARNES' COMMENT UPON THAT AND I
16 THINK IT DOES GO TO THE WEIGHT THAT I WOULD GIVE THIS
17 LINE OF TESTIMONY I DON'T THINK IT AFFECTS ITS
18 ADMISSIBILITY

19 BY MR EPPS

20 Q THANK YOU, YOUR HONOR DR DEAN, THE PURPOSE OF THIS
21 EXERCISE WAS TO TRY TO TRACK THE IN-SITE DATA BECAUSE OF
22 THE TESTIMONY THAT HAD BEEN OFFERED DURING THE TRIAL OF
23 THE CASE, CORRECT

24 MR BARNES YOUR HONOR, I OBJECT THAT'S A
25 LEADING QUESTION YOU KNOW, I DON'T KNOW WHAT

1 DOCTOR -- THE PURPOSE OF DR DEAN'S DOING THIS WAS
2 THE COURT RIGHT AND CERTAINLY THAT'S
3 PROBABLY NOT A QUESTION, BUT IT'S NECESSARILY ONE
4 THAT HAS TO BE ANSWERED BY DR DEAN, MR EPPS COULD
5 HAVE STATED THAT TO ME AS A -- AND THAT WOULD HAVE
6 BEEN JUST AS EFFICACIOUS IN THIS REGARD AND I ACCEPT
7 IT

8 MR EPPS THANK YOU, YOUR HONOR
9 BY MR EPPS

10 Q NOW, IN TERMS OF THE RELIABILITY OF THE INFORMATION
11 THAT WE PRESENTED TODAY, FIRST OF ALL, ALL THE INFORMATION
12 THAT YOU HAVE PRESENTED COMES FROM YOUR AUDITED FINANCIAL
13 RECORDS CORRECT?

14 A THAT'S CORRECT

15 Q NOW, YOU KNOW, HOW THE FOLKS AT THE STATE DEPARTMENT
16 MAY INTERPRET SOME OF THAT INFORMATION WE DON'T REALLY
17 KNOW I MEAN, WE'RE NOT CERTAIN RIGHT?

18 A THAT'S CORRECT

19 Q BUT YOUR TESTIMONY AS TO THE EXPENDITURES AS WE WENT
20 THROUGH THE GENERAL FUND AND THE RESTRICTED FUNDS IS BASED
21 ON YOUR AUDITED FINANCIAL RECORDS AND DO YOU HAVE ANY
22 QUESTION AT ALL ABOUT THE RELIABILITY OF THE INFORMATION
23 THAT YOU HAVE OFFERED?

24 A I HAVE NO, NO QUESTION ABOUT THE RELIABILITY OF THE
25 INFORMATION WE PRESENTED ON -- ON THESE -- ON THESE

1 DOCUMENTS

2 Q OKAY

3 A THEY ARE THE AUDITED FIGURES OF DISTRICT SEVEN
4 THAT'S WHAT WAS USED

5 MR BARNES YOUR HONOR, I OBJECT ACTUALLY AND
6 MOVE TO STRIKE THAT ANSWER I THINK THE RELIABILITY
7 OF IN-SITE AS COMPARED TO THEIR AUDITED FINANCIAL
8 STATEMENTS IS FOR THE TRIER OF FACT

9 AND I'M NOT SURE IT'S PROPER FOR DR DEAN TO
10 COMMENT ON THE RELIABILITY OF HIS AUDITED FINANCIAL
11 STATEMENTS AND THEN HAVE MR EPPS SAY, WELL, WE DON'T
12 KNOW WHAT THE DEPARTMENT OF EDUCATION DID WITH REGARD
13 TO S D E

14 THE COURT I AGREE THAT'S A COMPARISON
15 CERTAINLY DR DEAN IS WELL CAPABLE OF QUALIFYING THE,
16 OR CATEGORIZING HIS OWN AUDITED FINANCIAL DATA HE'S
17 WORKED WITH IT HE'S DONE ALL THESE THINGS THAT HE'S
18 INDICATED HE'S DONE WITH IT AND HE CAN COMMENT UPON
19 THAT

20 AS TO THE -- AS TO THE RELIABILITY OF IN-SITE IF
21 THAT'S EXACTLY WHAT HE'S GETTING AT, I'M NOT SURE
22 THAT THAT'S EXACTLY WHAT HE MEANT, BUT THE
23 RELIABILITY OF IN-SITE DATA IS -- IS A MATTER THAT I
24 WILL HAVE TO DETERMINE I THINK WE'VE ALL BEEN
25 RELYING UPON IT CONSISTENTLY THROUGHOUT THIS

1 PROCEEDING AS BEING PRETTY RELIABLE DATA

2 AND THE DISTINCTION, I RECOGNIZE THE
3 DISTINCTIONS AS MR EPPS HAS ALLUDED TO THAT, I DON'T
4 KNOW HOW MANY DIFFERENT CATEGORIES OF -- OF
5 EXPENDITURES AND HOW MANY CATEGORIES OF REVENUES
6 THERE ARE ON THESE VARIOUS PAGES

7 BUT THEY'RE IN THE RECORD AND -- AND FRANKLY,
8 SOME DISCREPANCY WITHIN -- WITHIN REASON GIVEN THE
9 WAY THAT THESE CATEGORIES HAVE BEEN PULLED OUT AND
10 COMPARED TO EACH OTHER WOULD NOT BE UNUSUAL FOR OUR
11 PURPOSES UNLIKE THE IN-SITE DATA AND INDEED UNLIKE TO
12 A CERTAIN EXTENT THE FINANCIAL DATA PRESENTED BY THE
13 DISTRICT

14 THIS FROM AN EVIDENTIARY STANDPOINT DOES NOT
15 HAVE TO MEET THE STANDARD THAT WOULD BE APPLIED TO AN
16 AUDIT NORMALLY BECAUSE AS I UNDERSTAND IT THE PURPOSE
17 OF THIS IS NOT TO SHOW NECESSARILY THE MATHEMATICAL
18 EXACTITUDE OF THESE FUNDS SO MUCH AS IT IS TO SHOW
19 TRENDS AND ALLOCATIONS AND FLEXIBILITY OR LACK OF
20 FLEXIBILITY IN FUNDING

21 I THINK SOME MINOR MATHEMATICAL DIFFERENCES, I
22 DON'T CALL THEM ERRORS, MATHEMATICAL DIFFERENCES IN
23 THAT REGARD GO TO THE WEIGHT THAT I WILL CHOOSE TO
24 GIVE THEM FOR THAT PURPOSE

25 MR EPPS THANK YOU, YOUR HONOR

1 BY MR EPPS

2 Q DR DEAN, I WANT TO JUST FINISH JUST THE COMPARISON,
3 OKAY, WITH THE IN-SITE DATA AND, YOU KNOW, I THINK
4 EVERYBODY CLEARLY UNDERSTANDS, DR DEAN, THAT THE
5 INFORMATION THAT YOU HAVE PRESENTED COMES FROM YOUR
6 AUDITED FINANCIAL STATEMENTS

7 AND I THINK YOU TESTIFIED THAT THIS WAS PUT TOGETHER
8 BY YOUR AUDITOR, BY YOU AND YOUR BUSINESS TEAM WITHIN THE
9 SCHOOL DISTRICT?

10 A THAT IS CORRECT

11 Q NOW, THE POWERPOINTS THEMSELVES OF COURSE WERE DONE
12 BY MY LAW OFFICE, CORRECT?

13 A THAT'S CORRECT

14 Q ALL RIGHT UNDER THE INSTRUCTIONAL SUPPORT SECTION,
15 IT LOOKS LIKE YOU KNOW, THE DISTRICT, THE DISTRICTS WERE
16 ACCOUNTING FOR THE MONEY WAS ABOUT \$12,000 HIGHER THAN THE
17 IN-SITE DATA AND YOU ALLUDED TO THIS BUT UNDER THE
18 INSTRUCTIONAL SUPPORT SECTION, THE -- THE DISTRICT'S
19 METHOD OF ALLOCATING THE EXPENDITURES IS ABOUT, WHAT IS
20 THAT, \$11,000 DIFFERENCE?

21 A THAT'S CORRECT

22 Q AND THE DISTRICT, THE DISTRICT'S EXPENDITURES BEING
23 \$11,000 LOWER, RIGHT?

24 A CORRECT

25 Q OKAY ONE WAS HIGHER AND ONE WAS LOWER?

1 A THAT'S CORRECT

2 Q OKAY OPERATIONS UNDER YOUR METHOD OF ACCOUNTING
3 THERE'S A \$2 DIFFERENCE FROM THE -- FROM THE WAY YOU FOLKS
4 AT THE DISTRICT OFFICE CALCULATED WHAT YOU THOUGHT WAS
5 PROPER UNDER THAT ALLOCATION FROM WHAT'S REPORTED ON THE
6 IN-SITE DATA?

7 A THAT'S CORRECT

8 Q AND UNDER OTHER COMMITMENTS IT LOOKS LIKE ABOUT A
9 \$180 -- NO MORE THAN THAT I HAVE -- LET ME SEE IF I CAN
10 DO THE MATH, I'M NOT SURE IF I CAN, \$2,500 DIFFERENCE FROM
11 THE WAY YOU ALLOCATED TO THE WAY THEY ALLOCATED
12 I AM MISREADING SOMETHING, DR DEAN

13 A YEAH

14 Q A LITTLE BIT LESS THAN \$2,000 DIFFERENCE CORRECT?

15 A CORRECT

16 Q THE TOTAL OUT OF DISTRICT WOULD BE DIFFERENT BY ABOUT
17 \$2,500 RIGHT? IT DOESN'T REALLY MATTER DON'T EVEN
18 ANSWER THE QUESTION I WITHDRAW THE QUESTION

19 AND WHEN YOU GO THROUGH THE LEADERSHIP, DR DEAN, AND
20 TOTAL THAT UP AND THEN TOTAL ALL OF THE EXPENDITURES WHICH
21 OBVIOUSLY INCLUDED SOME CAPITAL EXPENDITURES, DEBT SERVICE
22 AND OUT-OF-DISTRICT OBLIGATIONS, EVERYTHING INCLUDED, THE
23 DISTRICT'S TOTAL AS IT ALLOCATED THE MONEY WAS \$10,817,268
24 WHEREAS THE IN-SITE DATA SHOWS \$10,817,671, CORRECT?

25 A THAT'S CORRECT

1 Q AND, YOU KNOW, MY ROUGH MATH WOULD SHOW A LITTLE BIT
2 LESS, NO, ABOUT A \$400 DIFFERENCE OUT OF \$10 MILLION

3 A THAT'S CORRECT

4 Q OKAY NOW, MRS LANDRESS, CAN YOU PULL UP TWO, WHICH
5 IS THE IN-SITE DATA? HIGHLIGHTED ON THAT RED COLUMN DO
6 YOU HAVE A COPY, DR DEAN, OF THE --

7 A YES

8 Q YOU GOT IT IN YOUR HANDS? OKAY THE \$10,000 AS
9 REPORTED AND COUNTED ON THE IN-SITE DATA IS REDUCED BY --
10 \$10 MILLION BY CAPITAL AND OUT-OF-DISTRICT OBLIGATIONS
11 WHICH WAS REPORTED ON THE IN-SITE DATA AS \$1,478,834 WHICH
12 REDUCES THE L E A EXPENDITURES TO \$9,338,837?

13 A THAT'S CORRECT

14 Q DR DEAN, I WANT TO NOW TALK TO YOU ABOUT -- ABOUT
15 SOME OF THE PROGRAMS WENT THROUGH A LOT OF PROGRAMS
16 VARIOUS PROGRAMS UNDER THE CATEGORICAL FUNDS, OKAY? I
17 WANT TO START OFF TALKING ABOUT TWO SPECIFIC PROGRAMS, AND
18 THAT'S THE REDUCED CLASS SIZE PROGRAMS ALL RIGHT?

19 AND WHAT CATEGORICAL FUNDING IS AVAILABLE FOR CLASS
20 SIZE REDUCTION?

21 A FROM THE STATE YOU HAVE A CATEGORY OF REDUCED CLASS
22 SIZE PRIMARILY FOR, TO REDUCE CLASS SIZE 15 TO ONE
23 THAT'S STATE FUNDED YOU ALSO AT THAT TIME IN '01, '02
24 YOU HAVE REDUCED CLASS SIZE IN FEDERAL ALLOCATION THAT
25 WAS TO REDUCE CLASS SIZE TO 18 TO ONE AND THEN YOU COULD

1 CHOOSE TO USE TITLE ONE MONEY TO REDUCE CLASS SIZE

2 Q OKAY ALL RIGHT LET'S, LET'S BREAK THAT OUT, IF I
3 CAN, AND I WANT TO TALK TO YOU ABOUT REDUCED CLASS SIZE
4 UNDER THE STATE PROGRAM AND IF I FLIP BACK TO WHERE WE
5 STARTED WITH THE, ON THE REVENUE SIDE, AND LOOK AT
6 CATEGORY 229

7 THERE IS A STATE PROGRAM FOR STATE REDUCED CLASS
8 SIZE, GRADES ONE THROUGH THREE

9 A THAT'S CORRECT

10 Q AND IT'S ON PAGE SIX AND UNDER THE REDUCED CLASS
11 SIZE PROGRAM, MARION COUNTY RECEIVED \$245,711 CORRECT?

12 A THAT'S CORRECT

13 Q AND WE ESTABLISHED AS WE WENT THROUGH THIS THIS
14 MORNING EARLIER THAT THE REDUCED CLASS SIZE PROGRAM IS A
15 STATEWIDE PROGRAM AND IS NOT DIRECTED AT LOW PERFORMING
16 SCHOOLS?

17 A THAT'S CORRECT

18 Q AND SO IF ANY DISTRICT IN THE STATE WANTED TO, CHOSE
19 TO, TAKE ADVANTAGE OF THE REDUCED CLASS SIZE PROGRAM, THEN
20 THEY COULD DO THAT, RIGHT?

21 A THEY COULD THEY COULD

22 Q OKAY NOW, DID MARION SCHOOL DISTRICT NUMBER SEVEN
23 DECIDE TO TAKE ADVANTAGE OF THE STATE REDUCED CLASS SIZE
24 PROGRAM IN GRADES ONE THROUGH THREE?

25 A WE DID

1 Q ALL RIGHT TELL US, IF YOU WILL, DR DEAN, WHAT THE
2 DISTRICT CHOSE TO DO

3 A WELL, WE -- YOU HAVE AN ALLOCATION OF, I THINK IT WAS
4 AROUND \$345,000 WHAT I DID WAS TO SEE HOW MANY TEACHERS
5 I COULD PAY OUT OF THAT \$345,000 AND BRING THEIR CLASS,
6 YOU HAVE TO WEIGH OUT WHETHER YOU CAN BRING THEIR PUPIL
7 TEACHER RATIO TO 15 TO ONE OR LESS

8 YOU HAVE TO ALSO KEEP THAT IN, IN CONSIDERATION YOU
9 HAVE TO MAKE SURE THOSE TEACHERS YOU PAY WITH THOSE FUNDS
10 HAVE NO MORE THAN 15 CHILDREN IN THEIR CLASSROOM AND WE
11 DID UTILIZE THAT MONEY FOR THAT PURPOSE AND I THINK IT
12 PAID FOR, I BELIEVE IT WAS FOUR, FOUR OR FIVE TEACHERS

13 AND I'M DOING THAT FROM MEMORY I HAVE -- I HAVE
14 THAT HERE PAID FOR SIX -- SIX TEACHERS OUT OF 12 PRIMARY
15 TEACHERS

16 Q ALL RIGHT

17 A WHICH IS GRADES ONE, TWO AND THREE

18 Q ALL RIGHT TO MAKE SURE THAT I UNDERSTAND ABOUT THE
19 REDUCED CLASS SIZE PROGRAM, IF YOU DO NOT TAKE ADVANTAGE
20 OF THE PROGRAM AND REDUCE CLASS SIZE, WHAT HAPPENS TO THE
21 MONEY?

22 A IT GOES BACK TO THE STATE

23 Q OKAY SO YOU LOSE THE MONEY?

24 A YOU LOSE THE MONEY

25 Q SO THE -- IS THE QUESTION WHETHER I SHOULD TAKE

1 ADVANTAGE OF THE STATE PROGRAM AND REDUCE MY CLASSES TO
2 THE EXTENT I CAN OR LET IT SIT WHERE IT IS AT THE STATE?
3 A AND TAKE, AND NOT TAKE ADVANTAGE OF IT AND THE
4 CHOICE IS EITHER YOU TAKE ADVANTAGE OF IT, IF YOU DON'T
5 TAKE ADVANTAGE OF IT YOU JUST LOSE IT AND YOU HAVE
6 LARGER CLASSES, AND YOU DON'T GET THE REVENUE
7 Q ALL RIGHT I WANT TO -- I PUT UP ON THE PROGRAM --
8 ON THE BOARD I THINK WHAT YOU JUST SAID ON REDUCED CLASS
9 SIZE AND THE STATE PROGRAM IS FOR GRADES ONE THROUGH THREE
10 WHICH YOU CALL THE PRIMARY GRADES?
11 A THAT'S CORRECT
12 Q AND THERE WAS \$245,000 AVAILABLE AND THE DISTRICT
13 USED THAT MONEY TO REDUCE CLASS SIZE TO 15?
14 A CORRECT
15 Q IN HALF OF ITS CLASSES, SIX OUT OF 12?
16 A RIGHT
17 Q CLASSES IN GRADES ONE THROUGH THREE?
18 A RIGHT
19 Q AND ALSO THE DISTRICT CHOSE TO IMPLEMENT OR APPLY
20 SOME OF THE TITLE ONE FUNDS TO REDUCE ANOTHER ONE OF THE
21 PRIMARY GRADE CLASSES SO YOU ENDED UP REDUCING SEVEN OF 12
22 CLASSES?
23 A THAT'S CORRECT
24 Q OKAY NOW MY QUESTION TO YOU, DR DEAN, IS THIS I
25 ASKED YOU EARLIER WHETHER THE TITLE ONE FUNDS COULD BE

1 USED TO INCREASE TEACHER SALARIES AND YOUR ANSWER WAS
2 NO

3 A THAT'S CORRECT

4 Q DO YOU REMEMBER THAT? NOW, COULD YOU HAVE USED THIS
5 STATE FUND OF \$245,000 TO REDUCE CLASS SIZE? I MEAN,
6 EXCUSE ME, TO INCREASE YOUR TEACHER SALARIES?

7 A YOU COULD NOT YOU HAVE TO USE IT TO REDUCE CLASS
8 SIZE YOU CAN'T USE IT TO UP TEACHER SALARIES

9 Q ALL RIGHT SO IN TERMS OF MAKING AN ELECTION THEN
10 BETWEEN -- BETWEEN REDUCING CLASS SIZE OR RAISING TEACHER
11 SALARIES?

12 A THAT'S NOT A CHOICE YOU HAVE

13 Q OKAY ALL RIGHT NOW I WANT TO TURN TO THE
14 ELEMENTARY GRADES WHICH IN YOUR SCHOOL ARE GRADES FOUR
15 THROUGH SIX

16 A THAT'S CORRECT

17 Q AND WAS THERE A CLASS SIZE REDUCTION PROGRAM
18 AVAILABLE UNDER THE FEDERAL FUNDS?

19 A YES

20 Q AND I THINK WE PASSED THROUGH THAT ON THE WAY THROUGH
21 AND THAT'S UNDER FUND NUMBER 262

22 A THAT'S CORRECT

23 Q AND I THINK THE -- WELL, THE DOCUMENT SHOWS \$61,764
24 AVAILABLE UNDER FEDERAL MONIES, RIGHT?

25 A THAT'S CORRECT

1 Q NOW, DOES THE FEDERAL PROGRAM REQUIRE YOU TO HOLD
2 BACK A CERTAIN PERCENTAGE OF YOUR MONEY?

3 A I'M SORRY REPEAT THE QUESTION

4 Q RIGHT OUT OF THAT FEDERAL REDUCED CLASS SIZE
5 PROGRAM, ARE YOU REQUIRED TO HOLD BACK A PERCENTAGE OF
6 YOUR MONEY? DOES THAT RING A BELL WITH YOU?

7 A I -- NO

8 Q ALL RIGHT LET'S TALK THEN ABOUT WHAT YOU DID IN
9 GRADES FOUR THROUGH SIX AND WHETHER YOU USED THE FEDERAL
10 MONEY YOU DID OF COURSE USE FEDERAL MONEY TO REDUCE
11 CLASS SIZE IN FOUR THROUGH SIX?

12 A WE DID

13 Q SAME LINE OF QUESTIONS AND AGAIN THIS IS
14 CATEGORICAL MONEY FOR THAT SPECIFIC PURPOSE AND WHAT
15 WERE YOU ABLE TO DO IN GRADES FOUR THROUGH SIX IN THE
16 MARION SEVEN SCHOOL DISTRICT?

17 A WELL, WHEN YOU -- WHEN YOU DID FEDERAL REDUCED CLASS
18 SIZE YOU COULD REDUCE IT TO 18 TO ONE TO QUALIFY FOR THE
19 MONEY, NOT 15 TO ONE SO YOU -- YOU COULD BRING -- YOU
20 COULD BRING A CLASS SIZE DOWN TO 18 TO ONE YOU COULD
21 UTILIZE THESE FEDERAL REDUCED CLASS SIZE FUND MONIES TO
22 PAY SALARY AND FRINGE BENEFITS FOR TEACHER

23 SO 61,000 PAID FOR ABOUT ONE TEACHER'S SALARY AND
24 FRINGE BENEFITS SO WE TOOK ONE TEACHER OUT OF THE
25 FEDERAL REDUCED CLASS SIZE MONEY ALSO YOU USED SOME

1 TITLE ONE MONEY TO PAY A SECOND ELEMENTARY TEACHER TO
2 BRING THAT CLASS SIZE DOWN TO 18 TO ONE
3 Q WELL, I HAVE ON THE BOARD THERE THAT YOU WERE ABLE TO
4 REDUCE THREE OUT OF YOUR 12 ELEMENTARY GRADES, FOUR
5 THROUGH SIX, BY USING THE FEDERAL FUNDS?
6 A RIGHT
7 Q PART -- PART OF WHICH WAS CATEGORICAL TO REDUCE
8 CLASS -- TO REDUCE CLASS SIZE, AND PART OF WHICH YOU TOOK
9 OUT OF YOUR TITLE ONE FUNDS?
10 A THAT'S CORRECT
11 Q AS -- DID YOU THINK IT WAS APPROPRIATE TO USE TITLE
12 ONE MONEY TO REDUCE CLASS SIZE?
13 A WE DID
14 Q DO YOU THINK IT WAS IMPORTANT IN YOUR SCHOOL DISTRICT
15 TO REDUCE CLASS SIZE?
16 A YES
17 Q SAME QUESTIONS WITH RESPECT TO THIS AND I THINK THE
18 ANSWERS ARE OBVIOUS BUT I NEED TO ASK THEM COULD YOU
19 HAVE USED EITHER THE FEDERAL CLASS SIZE REDUCTION
20 CATEGORICAL FUNDS OR THE TITLE ONE FUNDS WHICH WE'VE
21 COVERED SEVERAL TIMES, TO INCREASE TEACHER SALARIES WITHIN
22 YOUR SCHOOL DISTRICT?
23 A YOU CANNOT DO THAT
24 Q ALL RIGHT NOW, I WANT TO FLIP BACK, DR DEAN, TO
25 ANOTHER QUESTION AND IN THE FIRST, THE STATE FUNDS TO

1 REDUCE CLASS SIZE, YOU WERE ABLE TO REDUCE SIX OUT OF 12
2 OF YOUR PRIMARY GRADE CLASSES, CORRECT?

3 A CORRECT

4 Q AND THE FEDERAL SIDE YOU USED TITLE ONE MONEY TO
5 REDUCE CLASS SIZE AND ONE OTHER?

6 A THAT'S CORRECT

7 Q AND IN YOUR ELEMENTARY GRADE YOU USED FEDERAL FUNDS
8 TO REDUCE CLASS SIZE IN THREE OF YOUR 12 SCHOOLS?

9 A THREE SECTIONS, THREE CLASSES THREE OF 12 SECTIONS
10 OR CLASSES WE -- WE REDUCED CLASS SIZE, NOT SCHOOLS BUT
11 SECTIONS

12 Q CLASS -- CLASSES?

13 A CLASSES

14 Q OKAY SO YOU WERE ABLE THROUGH THE USE OF
15 CATEGORICAL FUNDS TO ESSENTIALLY AS I -- AS I GATHER,
16 REDUCE CLASS SIZE IN TEN OF THE 24 PRIMARY AND ELEMENTARY
17 CLASSES THAT MARION SCHOOL DISTRICT NUMBER SEVEN SERVES?

18 A THAT IS CORRECT

19 Q DID YOU HAVE ENOUGH MONEY TO REDUCE CLASS SIZE IN ALL
20 OF YOUR 24 CLASSES?

21 A NO

22 Q WOULD YOU HAVE LIKED TO HAVE REDUCED CLASS SIZE IN
23 ALL OF YOUR 24 CLASSES?

24 A YES

25 Q DO YOU THINK IT WOULD HAVE HELPED YOUR STUDENTS IN

1 THE PRIMARY AND ELEMENTARY GRADES TO HAVE BEEN ABLE TO
2 OPERATE IN SMALLER CLASSES?
3 A YES, I DO
4 Q DID YOU THINK IT WAS IMPORTANT TO REDUCE CLASS SIZE
5 ACROSS THE BOARD IN YOUR ELEMENTARY AND PRIMARY --
6 A YES
7 Q -- SCHOOLS?
8 A ABSOLUTELY
9 Q DID YOU USE GENERAL FUND MONEY TO REDUCE CLASS SIZE
10 UNDER EITHER -- EITHER ONE OF THESE TWO PROGRAMS?
11 A NO
12 Q IF WE -- IF WE -- IF WE FLASH BACK TO THE PROGRAMS
13 THAT WE WENT THROUGH, THE -- THE FAMILY OUTREACH PROGRAMS
14 AND THE EARLY CHILDHOOD DEVELOPMENT PROGRAMS AND THE
15 AFTER-SCHOOL PROGRAMS, THE HOMEWORK CENTERS, WE WENT
16 THROUGH A NUMBER OF PROGRAMS THAT -- THAT MARION SEVEN HAS
17 EITHER GOTTEN BECAUSE IT'S A LOW-PERFORMING DISTRICT
18 RIGHT?
19 A CORRECT
20 Q OR BECAUSE IT HAS A HIGH RATE OF POVERTY, FREE AND
21 REDUCED LUNCH?
22 A THAT'S CORRECT
23 Q OR BECAUSE IT HAD THE INITIATIVE TO APPLY FOR AND GET
24 GRANTS, CORRECT?
25 A THAT'S CORRECT WE'RE CLOSE WE GO GET THE GRANTS

1 Q OKAY NOW, ARE YOU ABLE TO SERVE ALL OF THE CHILDREN
2 WHO NEED SERVICE IN ANY OF THESE PROGRAMS WITH THE FUNDING
3 AVAILABLE?

4 A DID YOU SAY ALL OF THEM?

5 Q I DID

6 A NOT ALL OF THEM

7 Q EARLY CHILDHOOD DEVELOPMENT, PRE-K?

8 A WE -- WE HAVE HAD -- WE -- WE PRETTY MUCH SERVE THE
9 FOUR YEAR OLDS

10 Q OKAY WOULD YOU LIKE TO HAVE A THREE YEAR OLD
11 PROGRAM?

12 A ABSOLUTELY

13 Q DO YOU HAVE ONE?

14 A NO

15 Q YOUR AFTER-SCHOOL PROGRAM DO YOU HAVE ENOUGH FUNDS,
16 RESOURCES, TEACHERS, TO SERVE ALL THE CHILDREN THAT YOU
17 NEED TO SERVE IN YOUR AFTER-SCHOOL PROGRAMS?

18 A NO, WE DO -- WE DO NOT HAVE ENOUGH TO SERVE ALL OF
19 OUR CHILDREN, AND TO THE EXTENT THEY NEED TO BE SERVED IN
20 OUR AFTER-SCHOOL PROGRAMS

21 Q ALL RIGHT AFTER HAVING GONE THROUGH THIS LITANY OF
22 DIFFERENT CATEGORICAL FUNDINGS THAT WE'VE BEEN THROUGH, IS
23 IT YOUR TESTIMONY THAT YOU CAN SERVE THE NEEDS OF YOUR
24 STUDENTS IN THE PLAINTIFF DISTRICTS WITH THESE PROGRAMS OR
25 THAT YOU STILL LACK RESOURCES TO DO THAT?

1 A WE STILL LACK RESOURCES TO BE ABLE TO SERVE ALL THE
2 CHILDREN

3 Q NOW, DR DEAN, I WANT TO TALK TO YOU ABOUT RAISING
4 TEACHER SALARIES AND FOCUS ON THAT FOR A MOMENT, OKAY?
5 AND YOU TESTIFIED, WE LOOKED AT IT THE OTHER DAY AND I'VE
6 FORGOTTEN EXACTLY WHEN BUT IT WAS JUST A LITTLE OVER A
7 YEAR AGO, I THINK IT WAS SOMETIME PERHAPS THIS WEEK A
8 YEAR --

9 THE COURT STARTED JULY THE 31ST I BELIEVE
10 AND TESTIFIED UNTIL THE FIRST -- FIRST COUPLE DAYS IN
11 AUGUST IS THAT RIGHT?

12 THE WITNESS THAT'S CORRECT IT WAS LATE JULY
13 AND EARLY AUGUST

14 MR EPPS WAS IT DR ANDERSON, YOUR HONOR, THAT
15 WAS A YEAR LATER?

16 THE COURT IT'S WAS DR PODA

17 MR EPPS THANK YOU SORRY I WAS CONFUSED
18 BUT WELL --

19 THE COURT HE WAS ONE OF THE FIRST
20 BY MR EPPS

21 Q YOU DODGED THE BULLET FOR 13 MONTHS NOW WELL, I
22 REMEMBERED THE DISCUSSION WHEN YOU WERE ON THE STAND AND
23 WE WERE TALKING ABOUT THE COMPETITION THAT YOU HAVE FOR
24 RECRUITING AND RETAINING TEACHERS ALL RIGHT

25 MR BARNES AND, YOUR HONOR, I OBJECT WE

1 DIDN'T DISCUSS COMPETITION -- TWO THINGS IT'S
2 BEYOND THE SCOPE OF OUR CASE BECAUSE WE DIDN'T TALK
3 ABOUT COMPETITION AND SALARIES AS I RECALL AND,
4 FURTHERMORE, HE'S ALREADY TESTIFIED

5 AS I RECALL, THAT WAS MY FIRST OBJECTION ABOUT
6 COMPARING DISTRICTS AND OVER MY OBJECTION YOUR HONOR
7 LET IN THE COMPARISON TO Horry COUNTY IT'S BEEN
8 DONE

9 THE COURT I THINK YOU'RE RIGHT I REMEMBER
10 THE Horry COUNTY DISCUSSION BUT LET ME SEE WHERE
11 HE'S GOING WITH HIS QUESTION FIRST OF ALL

12 MR EPPS SURE

13 BY MR EPPS

14 Q LET'S ASSUME, DR DEAN, THAT THERE'S BEEN TESTIMONY
15 OR EVIDENCE PRESENTED BY THE STATE THAT YOU HAVE PLENTY OF
16 MONEY WITHIN YOUR PER PUPIL SPENDING AND THE FUNDS
17 ALLOCATED TO MARION SCHOOL DISTRICT NUMBER SEVEN TO JUST
18 RAISE SALARIES AND BE COMPETITIVE IF THAT'S YOUR CHOICE
19 IT'S A MATTER OF CHOICE THAT YOU MAKE THAT YOUR SALARY
20 IS LOW BECAUSE IT'S A MATTER OF CHOICE, OKAY?

21 AND IF YOU WANT TO BE COMPETITIVE THAT YOU CAN BUT
22 JUST ASSUME THAT THERE'S BEEN EVIDENCE PRESENTED TO THAT
23 EFFECT OKAY?

24 MR BARNES WELL, YOUR HONOR, I'M NOT SURE THAT
25 DR DEAN GETS TO ASSUME THAT I MEAN, EITHER THERE

1 IS OR THERE ISN'T AND THAT'S WHAT THE PURPOSE OF
2 REPLY IS BUT HE'S NOT AN EXPERT AND I DON'T THINK
3 MRS EPPS GETS TO POSE A HYPOTHETICAL SITUATION TO
4 HIM WHICH GOES BACK TO MY -- MY -- I MEAN, TO MY
5 ORIGINAL OBJECTION I THINK IT'S BEYOND THE SCOPE

6 THE COURT WELL, IF -- IF IN FACT THERE WAS
7 TESTIMONY THAT -- THAT AS I RECALL THERE WAS IN THE
8 DEFENSE'S CASE, THAT BECAUSE OF FLEXIBILITY IN SOME
9 OF THE SPENDING THAT, THAT IS -- AS A MATTER OF FACT,
10 THERE WAS A SPECIFIC TESTIMONY BY ONE OF THE EXPERT
11 WITNESSES FOR THE DEFENSE WHO SAID THAT -- THAT THE
12 DISTRICT WAS CONFRONTED WITH A CHOICE OF EITHER
13 PAYING THEIR TEACHERS MORE AND HAVING FEWER TEACHERS
14 OR HAVING MORE TEACHERS AND PAYING THEIR TEACHERS
15 LESS

16 I THINK THAT WAS THE COMPARISON THAT WAS DRAWN
17 AND I THINK THAT'S WHAT MR EPPS WAS NO DOUBT
18 REFERRING TO IN THIS PARTICULAR CASE

19 I THINK HE'S ENTITLED TO INQUIRE IF THAT'S WHAT
20 DR DEAN FINDS TO BE THE REALITY OF THESE WORDS,
21 WHETHER WE CAN DO THAT OR NOT I AGREE BUT I DON'T
22 WANT TO RUN BACK TO ANY MORE COMPARISONS BECAUSE I
23 DON'T THINK HE HAS TO IT'S ALREADY IN THE RECORD

24 BUT I THINK WITHIN THE CONTEXT OF TESTIMONY THE
25 WITNESS WHO DID TESTIFY ALONG THOSE LINES I WILL

1 ALLOW HIM TO RESPOND TO IT AND THE ONLY REASON I
2 THINK HE'S BEING ASKED TO ASSUME THAT IT HAPPENED IS
3 BECAUSE EVEN THOUGH HE --

4 MR EPPS YES AND, YOUR HONOR, I DO HAVE TWO
5 COMPARISONS AND I WOULD HOPE THAT THE COURT WOULD
6 BE PATIENT AND UNDERSTAND WHY I'M DOING THIS BECAUSE
7 WE TALKED WITH THEIR EXPERTS THEIR EXPERTS SAID
8 THERE WAS NO REASON THAT WE COULDN'T BE COMPETITIVE

9 THE COURT RIGHT

10 MR EPPS I DON'T INTEND TO SPEND MUCH TIME ON
11 THIS BUT I HAVE A COMPARISON WITH STATE AVERAGE AND I
12 HAVE A COMPARISON WITH THE -- A COMPETITIVE DISTRICT
13 THAT I WOULD LIKE TO SHOW DR DEAN

14 THE COURT THE COMPARISON AS I RECALL IT WAS,
15 BEFORE WAS NOT TO -- NOT TO SET THE STANDARD OF WHAT
16 WAS APPROPRIATE IN ANY SINGLE DISTRICT, BUT SIMPLY TO
17 GO TO AS TO WHETHER OR NOT THAT DISTRICT HAD THE
18 ABILITY TO PROVIDE AN OPPORTUNITY REQUIRED UNDER THE
19 ABBEVILLE DECISION

20 THE STATE AVERAGE WOULD OBVIOUSLY BE SOMEWHAT
21 RELEVANT JUST FOR THE PURPOSES OF OVERALL COMPARISON
22 IN THAT REGARD IF IT GOES TO HIS ABILITY IN HIS
23 DISTRICT TO PROVIDE ABBEVILLE, WHAT THE ABBEVILLE
24 MANDATE IS I'LL LET YOU DO THAT IF YOU CAN DO IT
25 CONCISELY

1 MR EPPS YES THANK YOU, YOUR HONOR

2 THE COURT THANK YOU OVER OBJECTION OF

3 DEFENSE COUNSEL THANK YOU

4 BY MR EPPS

5 Q DR DEAN, WHEN YOU TESTIFIED BACK IN JULY, LATE JULY,
6 FIRST OF AUGUST WE TALKED ABOUT YOUR NEIGHBOR, YOUR CHIEF
7 COMPETITION AS I RECALL YOUR TESTIMONY WAS HORRY COUNTY
8 WHICH IS ADJACENT TO, VERY CLOSE TO MARION COUNTY DO YOU
9 REMEMBER ALL OF THAT?

10 A YES, I DO

11 Q IS -- IS HORRY COUNTY STILL YOUR COMPETITOR?

12 A YEAH

13 Q OKAY NOW I WANT TO SHOW YOU A COUPLE OF FIGURES,
14 DR DEAN AND THE FIRST ONE, YOUR HONOR, COMES OUT OF THE
15 RANKINGS BOOK FOR 2003 YOUR HONOR, I HAVE TO SUPPLY THAT
16 LATER I DO NOT HAVE THE EXHIBIT NUMBER FOR RANKINGS FOR
17 2003

18 THE COURT ALL RIGHT

19 BY MR EPPS

20 Q AND IT SHOWS THE AVERAGE TOTAL CONTRACTED SALARY FOR
21 CLASSROOM TEACHERS FOR 2001, 2002 BY DISTRICTS AND
22 HERE'S -- HERE WHAT'S IT SHOWS, DR DEAN

23 IT SHOWS THAT MARION SCHOOL DISTRICT NUMBER SEVEN
24 DURING THE CALENDAR YEAR 2001, 2002, THE AVERAGE SALARY
25 ACROSS THE BOARD FOR ALL TEACHERS WAS \$33,352 WHEREAS

1 THE STATE AVERAGE BY COMPARISON BASED ON THE SAME CRITERIA
2 IS \$39,923 DO YOU SEE THAT?

3 A I SEE IT

4 Q ALL RIGHT AND THE FIRST QUESTION I WOULD ASK YOU
5 AND THIS IS -- WE'RE CIRCLING BACK NOW TO SOME TESTIMONY
6 THAT YOU GAVE EARLY THIS MORNING, WAS WHERE CAN YOU FIND
7 MONEY WITHIN THE MARION COUNTY SCHOOL DISTRICT IN YOUR
8 GENERAL FUND OR ELSEWHERE TO RAISE YOUR TEACHER SALARIES
9 SO THAT YOU CAN BE COMPETITIVE WITHIN THE STATE?

10 A YOU -- IT'S NOT THERE YOU CAN'T DO THAT IT'S NOT
11 AVAILABLE IT'S JUST NOT THERE WHEN YOU OPERATE, PAY
12 YOUR OPERATING COST AND YOU PAY THE PROGRAMS YOU ARE
13 REQUIRED TO HAVE AND YOU SPEND THE MONEY IN ACCORDANCE
14 WITH THE REGULATIONS AND LAWS THAT YOU'RE REQUIRED TO OBEY
15 WHICH MY BOARD INFORMS ME TO FOLLOW THOSE LAWS, I KNOW
16 THERE'S SOME SUPERINTENDENTS THAT MAYBE HAVE GOTTEN IN
17 TROUBLE BY NOT FOLLOWING SOME OF THOSE LAWS, YOU HAVE TO
18 STAY WITHIN THE REGULATIONS AND IF YOU DON'T, YOU'RE
19 ASKING FOR TROUBLE

20 THAT I -- PLUS JUST ETHICALLY THAT WOULD GO AGAINST
21 MY GRAIN I DON'T DO THAT KIND OF THING I WOULDN'T DO
22 IT AND IT'S NOT RIGHT YOU HAVE TO STAY WITHIN THE
23 REGULATIONS AND I DON'T THINK ANYBODY IS EXPECTING YOU
24 NOT TO

25 Q ALL RIGHT, SIR THAT TESTIMONY WAS DIRECTED TO

1 CATEGORICAL FUNDING?

2 A YES

3 Q AND THE -- AND YOU AS A SUPERINTENDENT OF YOUR
4 DISTRICT ARE NOT GOING TO FUDGE, I TAKE IT?

5 A THAT'S CORRECT

6 Q YOU'RE NOT GOING TO JUST SHIFT MONEY AROUND OUTSIDE
7 OF THE -- WHICH IS AGAINST THE FEDERAL LAW, AND CERTAINLY
8 OUTSIDE OF THE GRANT SO THAT YOU CAN PAY HIGHER TEACHER
9 SALARIES IS THAT CORRECT?

10 A THAT'S CORRECT AND MY BOARD WOULDN'T TOLERATE THAT
11 THEIR EXPECTATIONS OF ME IS TO RUN THE SCHOOL DISTRICT IN
12 A BUSINESSLIKE MANNER THAT IS WITHIN THE LAWS AND
13 REGULATIONS OF THE STATE OF SOUTH CAROLINA AND THE
14 CONSTITUTION OF THE UNITED STATES

15 Q ALL RIGHT I WANT TO -- I WANT TO SHOW YOU, DR
16 DEAN, AND YOU'VE LOOKED AT THIS AND THE FIRST THING I WANT
17 TO SHOW YOU IS CALLED THE FUNDING INDEX FOR THE EDUCATION
18 FINANCE ACT 2001, 2002 AND THIS ALSO COMES OUT OF THE
19 2003 RANKINGS BOOK, YOUR HONOR

20 AND THE EXHIBIT NUMBER IS DEFENDANTS' -- WE FOUND IT,
21 DEFENDANTS' 3225 CAN YOU FIND IT, MRS LANDRESS, OR IS
22 THAT ASKING TOO MUCH OF YOU? I TELL YOU WHAT,
23 MRS LANDRESS, IN THE INTEREST OF TIME WE WILL HAVE TO
24 READ IN THE OLD FASHIONED WAY

25 LET'S LOOK AT TABLE 103, DR DEAN AND IT HAS

1 RANKINGS MRS LANDRESS, IF YOU COULD FOCUS FIRST AT THE
2 TOP WHAT DO YOU HAVE HERE? THE ONE I WANT, MRS
3 LANDRESS, IS -- IS THIS ONE WHICH IS BY RANK WE DON'T --
4 MRS LANDRESS, FORGET THAT WE DON'T NEED TO TIE THE
5 COURT'S TIME UP

6 THE COURT IT'S RIGHT THERE SHE'S GOT IT

7 MR EPPS EVERYBODY'S GOT A HARD COPY

8 THE COURT IN THE WORDS OF THE ENGINEERS WHO
9 BUILT THE AL-CAN HIGHWAY, THE DIFFICULT WE CAN DO
10 RIGHT AWAY, THE IMPOSSIBLE TAKES A LITTLE LONGER

11 MR EPPS THAT'S WHY IT'S HARD TO WRITE A SHORT
12 LETTER

13 BY MR EPPS

14 Q LET'S DO THIS THE EASY WAY, DR DEAN, AND I WANT YOU
15 TO LOOK AGAIN BACK AT TABLE 103, FUNDING INDEX FOR THE
16 EDUCATION FINANCE ACT AND THIS IS ESSENTIALLY THE INDEX
17 OF TAXPAYING ABILITY?

18 A THAT'S CORRECT THAT'S THIS TABLE IS

19 Q ALL RIGHT NOW, MARION SEVEN FOR THE YEAR IN
20 QUESTION, THE YEAR WE'VE BEEN DISCUSSING TODAY IN TERMS OF
21 ITS ABILITY TO RAISE MONEY FOR THE TAX BASE WAS RATED
22 82ND?

23 A WE RANKED 82ND

24 Q OUT OF 85 DISTRICTS?

25 A THAT'S CORRECT

1 Q OKAY AND I WANT TO NOW TURN TO TABLE 102, IF YOU
2 COULD FIND THAT AND IT'S CALLED LOCAL TAX EFFORT BY
3 DISTRICT NOW YOU -- YOU SHOULD HAVE, DR DEAN, RANKED
4 NUMERICALLY, THAT'S THE PAGE I WANT YOU TO LOOK AT NOT
5 ALPHABETICALLY DO YOU SEE IT?

6 A I'M SORRY I WAS LOOKING -- I APOLOGIZE OKAY

7 Q ALL RIGHT IS THE LOCAL TAX EFFORT 2001, 2002 BY
8 DISTRICT AND IF YOU FIND MARION SEVEN IN THE RANKINGS OF
9 SCHOOLS AND THEIR TAX EFFORT, ARE -- YOU WILL FIND THAT
10 MARION SEVEN MAKES THE FIFTH HIGHEST TAX EFFORT OF ANY
11 SCHOOL DISTRICT IN THE STATE CORRECT?

12 A THAT IS CORRECT

13 Q SO WHAT YOU HAVE IS YOU HAVE --

14 MR BARNES YOUR HONOR, I OBJECT
15 BY MR EPPS

16 Q IS IT TRUE?

17 THE COURT THAT'S RIGHT

18 BY MR EPPS

19 Q LET ME ASK YOU THIS, DR DEAN

20 THE COURT IS IT TRUE DOESN'T TAKE CARE OF IT

21 I REALIZE HE'S GOING TO REPHRASE IT

22 BY MR EPPS

23 Q DR DEAN, IF YOU'RE THE -- IF YOU HAVE A -- THE
24 FOURTH LOWEST FISCAL CAPACITY, THE ABILITY TO RAISE AND
25 PAY TAXES, AND YOU ARE ALREADY MAKING THE FIFTH HIGHEST

1 EFFORT TO RAISE TAXES LOCALLY, WHAT DOES THAT DO TO THE
2 SCHOOL DISTRICT MARION -- MARION SEVEN SCHOOL DISTRICT IN
3 TERMS OF TRYING TO RAISE MORE LOCAL MONEY FOR SCHOOL
4 OPERATIONS INCLUDING TEACHER SALARIES?

5 A WHAT THAT SAYS TO ME AS A SUPERINTENDENT IS THAT OUR
6 PEOPLE HAVE ABOUT MAXED OUT IN WHAT THEY CAN TAP FROM A
7 TAXING STANDPOINT ON -- ON -- FROM LOCAL TAXES

8 IT'S REALLY A SITUATION WHERE YOU HAVE HIGH -- A HIGH
9 POVERTY RATE, LOW VALUE OF PROPERTY, LOW VALUE IN THE
10 COUNTY OVERALL, AND THEN YOU HAVE A -- A GROUP OF PEOPLE
11 THAT SEE THAT EDUCATION IS IMPORTANT, THAT'S THE FUTURE
12 FOR THEIR CHILDREN

13 AND THEY'RE MAKING A STRONG EFFORT AS BEST THEY CAN
14 WITH WHAT THEY HAVE TO MAKE THAT EFFORT, TO MAKE THEIR
15 CONTRIBUTION TO SUPPORT THEIR CHILDREN AND -- AND -- AND
16 ATTAINING THEIR EDUCATION FROM A FINANCIAL STANDPOINT

17 Q AND YOUR VIEW, DR DEAN, ARE THE CITIZENS OF MARION
18 SCHOOL DISTRICT NUMBER SEVEN FULFILLING THEIR OBLIGATION
19 TO THEIR CHILDREN IN ATTEMPTING TO RAISE LOCAL FUNDS
20 THROUGH THE OPERATION OF THE SCHOOLS?

21 A I THINK THEY ARE, THEY ARE REALLY -- YOU KNOW, IN A
22 BIG SENSE, GOING TO EVEN THE SECOND MILE

23 Q ALL RIGHT I WANT TO TURN NOW TO SLIDE NUMBER 47,
24 DR DEAN AND THIS IS A COMPARISON OF MARION SEVEN TO
25 HORRY COUNTY AND IT'S THE SAME SIDE-BY-SIDE COMPARISON OF

1 AVERAGE, TOTAL CONTRACTED SALARY FOR CLASSROOM TEACHERS,
2 2001, 2002 BY DISTRICT

3 AND IT SHOWS THAT HORRY COUNTY HAS AN AVERAGE SALARY
4 OF \$41,008 AND MARION COUNTY AS REFLECTED ON THE PREVIOUS
5 CHART, NUMBER 46, HAS AN AVERAGE SALARY BASED ON THE SAME
6 CRITERIA OF \$33,352

7 A UH-HUH

8 Q NOW, ON BOTH CHARTS IT SHOWS IN TERMS OF TEACHER PAY
9 THAT MARION SEVEN IS THE NEXT-TO-THE-LOWEST PAYING
10 DISTRICT IN THE STATE OF SOUTH CAROLINA CORRECT?

11 A THAT'S CORRECT

12 Q AND ON CHART NUMBER 47 IT SHOWS THAT HORRY COUNTY IS
13 RANKED 18TH IN WHAT IT PAYS TEACHERS IT'S THE 18TH
14 HIGHEST PAYING DISTRICT CORRECT?

15 A THAT'S CORRECT

16 Q NOW, TELL ME WHAT, FIRST OF ALL, AND WE DON'T NEED A
17 LOT OF DISCUSSION, DR DEAN, BECAUSE WE HAD SOME, BUT TELL
18 ME WHAT IT'S LIKE TO BE IN MARION SEVEN IN TRYING TO
19 RECRUIT AND RETAIN TEACHERS?

20 MR BARNES I OBJECT, YOUR HONOR WE HEARD A
21 HALF A DAY OF THAT

22 THE COURT I SUSTAIN THAT OBJECTION I RECALL
23 THAT VERY WELL HAVE MY NOTES IN FRONT OF ME,
24 REMINDING ME AGAIN IN CASE I HAD FORGOTTEN AS TO WHAT
25 HE CAN DO TO CLOSE THE GAP TO MAKE IT MORE

1 COMPETITIVE

2 I THINK THE PROBLEM IS INHERENT IN THE LAST
3 ANSWER BUT I THINK THAT WOULD BE MORE RELEVANT THAN
4 THIS ONE IS THANK YOU

5 BY MR EPPS

6 Q DR DEAN, WHAT CAN MARION SEVEN DO, YOU KNOW, TO
7 CLOSE THE GAP WITH ITS COMPETITION OR TO END THE GAP WITH
8 ITS COMPETITION IN HORRY COUNTY AND ITS ABILITY TO RECRUIT
9 AND RETAIN QUALIFIED TEACHERS?

10 A WELL, I THINK A KEY WOULD BE TO HAVE A -- A -- A
11 SALARY THAT WOULD ENTICE TEACHERS TO COME TO RURAL SCHOOL
12 DISTRICTS

13 Q THAT'S NOT MY QUESTION MY QUESTION WAS WASN'T
14 THERE -- WASN'T REALLY ASKING FOR IDEAS I WAS ASKING FOR
15 PRACTICALITIES AND REALITIES CAN MARION SEVEN NARROW THE
16 GAP, CLOSE THE GAP, OR DO ANYTHING WITH THE GAP BETWEEN IT
17 AND HORRY COUNTY?

18 A WITH THE PRESENT FINANCIAL SITUATION THAT WE'RE IN,
19 I -- I DON'T SEE THAT HAPPENING

20 Q CAN YOU MOVE FUNDS AROUND WITHIN THE CATEGORICAL
21 FUNDING TO RAISE TEACHER SALARIES?

22 MR BARNES ASKED AND ANSWERED, YOUR HONOR
23 THE COURT HAS BEEN THANK YOU

24 BY MR EPPS

25 Q I WANT TO MINE DOWN INTO YOUR -- INTO YOUR GENERAL

1 A YES, SIR

2 Q OKAY AND ACTUALLY AS I UNDERSTAND IT THESE CODES,
3 THE 100 CODES, ET CETERA, ACTUALLY PREDATED IN-SITE
4 DIDN'T THEY, DR DEAN?

5 A YOU CERTAINLY HAD A FUNDING MANUAL AND A -- A CODE
6 FOR KEEPING UP WITH YOUR FUNDS PRIOR TO IN-SITE BEING
7 FEDERAL

8 Q AND DO YOU KNOW WHETHER OR NOT IN-SITE SORT OF
9 EVOLVED OUT OF THAT AS A WAY TO JUST KIND OF COMPARE
10 DISTRICT TO DISTRICT HOW DISTRICTS WERE SPENDING THEIR
11 MONEY?

12 A WELL, I THINK -- I THINK IT HAD A COUPLE USES ONE
13 IS SO THAT THE DISTRICT ITSELF CAN TRACK HOW IT'S SPENDING
14 ITS FUNDS YOU CAN MONITOR WHETHER YOU'RE HEAVY IN
15 ADMINISTRATION OR LEADERSHIP OR HEAVY IN, YOU KNOW, WHAT
16 YOU'RE DEVOTING ENOUGH MONEY TO OPERATIONS OR WHATEVER
17 CATEGORY HELPS YOU TRACK THAT WAY

18 YOU COULD MAKE COMPARISONS BETWEEN DISTRICTS WITHIN
19 THAT I'M SURE PEOPLE TRY TO DO THAT BUT I THINK MOST
20 SCHOOL DISTRICTS INTERNALLY USE IT TO TRY TO MONITOR THEIR
21 SPENDING AND HOW THEY'RE USING THEIR RESOURCES

22 Q OKAY DR DEAN, I WANT TO GET YOU IF I COULD -- I
23 THINK SINCE WE'RE USING A POWERPOINT WE CAN'T SPLIT OUR
24 SCREEN HERE -- BUT PLEASE, IF YOU WOULD, SIR, PULL OUT
25 PAGE THREE OF YOUR POWERPOINT THAT WE HAD JUST LOOKED AT A

1 OF MONEY THAT WE SAW IN THE INSTRUCTION SIDE

2 SO HOW IS IT, DR DEAN, THAT YOU COME TO SAY, OKAY,
3 OF THESE RESTRICTED DOLLARS WE'RE GOING TO SPEND 585,000
4 ON INSTRUCTIONAL SUPPORT AND NEARLY 3 MILLION ON
5 INSTRUCTION?

6 A AND IT DEPENDS ON THE FUNDING SOURCE YOU HAVE TO
7 TAKE EACH ONE INDIVIDUALLY YOU -- AND YOU HAVE TO LOOK
8 AT THE REGULATIONS, THE -- THE GUIDELINES THAT YOU HAVE TO
9 STAY WITHIN SOME OF THEM REQUIRE YOU TO ACTUALLY -- IF
10 IT'S A GRANT, CERTAINLY THAT'S LAID OUT IN THE GRANT HOW
11 YOU WILL USE IT

12 YOU MAY WRITE IT SPECIFICALLY FOR HAVING AFTER SCHOOL
13 INSTRUCTION, PAY TEACHERS, OR IT MAY BE SUMMER SCHOOL
14 INSTRUCTION TO PAY TEACHERS IT MAY ALSO CALL FOR HAVING
15 A GUIDANCE COUNSELOR AT THE AFTER SCHOOL PROGRAM TO HELP
16 WITH PROBLEMS OR SOMETHING IT'S IN THE GRANT

17 IF IT'S -- FOR EXAMPLE, THERE WOULD BE SOME SUCH AS
18 TITLE ONE WHERE YOU WRITE A PLAN OR A PROJECT THAT YOU
19 HAVE TO GET APPROVED, AND YOU HAVE -- YOU MAKE -- WHEN YOU
20 WRITE THAT PLAN OR PROJECT, YOU MAKE A DECISION ABOUT WHAT
21 SERVICES YOU NEED TO -- TO BE PROVIDING YOUR SCHOOLS

22 Q OKAY

23 A AND YOU INVOLVE YOUR -- I MEAN, AND THOSE USUALLY
24 INVOLVED, ESPECIALLY WITH TITLE ONE WHICH IS YOUR BIG ONE,
25 YOU HAVE A COMMITTEE OF THE PARENTS ARE ON THAT THE

1 PRINCIPAL IS INVOLVED WITH, TEACHERS ARE INVOLVED IN IT,
2 THEY HAVE INPUT INTO IT

3 THE ASSISTANT SUPERINTENDENT ACTUALLY PUTS IT ON
4 PAPER, SUBMITS IT, IT'S APPROVED, AND THEN YOU'RE BOUND TO
5 UTILIZE THE FUNDS IN THOSE KIND OF WAYS

6 Q OKAY AND SO YOU'RE SAYING, DR DEAN, TODAY THAT OF
7 THIS \$585,000 RIGHT HERE, MUCH OF WHICH CAME FROM THE SAME
8 SOURCES THAT WE SAW ON THE INSTRUCTION SIDE HERE, THERE
9 WAS NO ADDITIONAL MONEY, AND WITHIN THAT \$585,000 THAT YOU
10 COULD HAVE MADE A DECISION TO USE AND PUT TOWARDS THE
11 INSTRUCTIONAL SALARY OF TEACHERS?

12 A I'M NOT SAYING THAT YOU COULD HAVE MADE THAT
13 DECISION AND PUT IT TOWARD INSTRUCTION I DON'T THINK YOU
14 COULD PUT IT TOWARDS JUST RAISING SALARIES YOU COULD
15 HAVE HIRED MORE TEACHERS, EMPLOYED MORE TEACHERS,
16 ADDITIONAL TEACHERS YOU COULD HAVE SPENT MORE ON
17 INSTRUCTIONAL SUPPLIES

18 YOU COULD HAVE TAKEN A BIGGER PART OF YOUR -- COULD
19 HAVE CUT AND NOT HAD A GUIDANCE COUNSELOR INVOLVED IN MORE
20 INSTRUCTIONAL SUPPLIES FOR INSTANCE THOSE ARE CHOICES
21 YOU HAVE TO MAKE I MEAN THAT -- WHEN I SAY YOU, THE
22 SCHOOL DISTRICT HAS TO MAKE WHEN THEY'RE EDUCATING THOSE
23 CHILDREN

24 YOU HAVE TO WEIGH THOSE THINGS OUT TO MAKE THE BEST
25 DECISION YOU CAN MAKE FOR THE CHILDREN OR THE SCHOOLS FOR

1 PAID OUT OF THAT

2 Q OKAY MOVING ON TO OTHER COMMITMENTS, I DON'T KNOW
3 THAT WE NECESSARILY NEED TO REALLY DISCUSS THAT BECAUSE --
4 I'M NOT SURE LET ME ASK YOU NONE OF THAT MONEY LOOKS
5 LIKE IT COMES FROM A SOURCE THAT YOU COULD NECESSARILY OPT
6 TO SEND OVER TO INSTRUCTION

7 A NO, YOU COULDN'T

8 Q OKAY

9 A THOSE -- ARE -- THOSE ARE REALLY PRIMARILY YOUR LOCAL
10 TAXES THAT -- THAT YOU PAY OFF DEBT SERVICE FOR YOUR
11 BUILDINGS THAT'S WHAT THAT'S ABOUT

12 Q OKAY LET'S MOVE ON TO PAGE 37 THEN, LEADERSHIP
13 PRINCIPAL AND ASSISTANTS, THAT'S THE \$218,000 ITEM THERE
14 IS THAT -- WAS THAT FOR YOUR PRINCIPAL SPECIALIST?

15 A THAT WAS FOR PRINCIPAL SPECIALIST ONLY

16 Q OKAY SO THAT MONEY ACTUALLY CAME IN AND WENT RIGHT
17 OUT?

18 A THAT'S CORRECT

19 Q IT -- YOU WERE JUST A FLOW-THROUGH?

20 A THAT'S CORRECT WE WERE JUST THE AGENT THAT
21 DISBURSED THE CHECKS EVERY MONTH

22 Q NOW, WHAT ABOUT THE 183,000 PROGRAM SUPERVISION
23 WHAT'S THAT?

24 A OKAY THOSE ARE THINGS LIKE WHEN YOU HAVE -- SUCH
25 AS -- YOU HAVE INDIVIDUALS TO MONITOR OR SERVE AS

1 FURTHER

2 Q OKAY WHEN YOU WERE LOOKING AT RESTRICTED, THE
3 RESTRICTED DOLLARS THAT WE JUST DISCUSSED A MINUTE AGO, WE
4 STARTED OUT WITH KIND OF A GENERAL CHART LIKE THIS FOR
5 EACH CATEGORY AND THEN WE LOOKED AT SUBCATEGORIES

6 A I DON'T HAVE ONE THAT BREAKS IT DOWN FURTHER THAN
7 THIS

8 Q OKAY WELL, LET ME JUST ASK YOU THOUGH, WITH REGARD
9 TO THIS INSTRUCTIONAL SUPPORT CATEGORY, AND THEN THE
10 OPERATIONS SUPPORT CATEGORY, IS IT ALSO TRUE THAT YOU HAVE
11 MADE CHOICES WITHIN THOSE CATEGORIES ABOUT SPENDING MONEY
12 ON THOSE ITEMS AND WHAT SPECIFICALLY YOU WERE GOING TO
13 SPEND THEM ON?

14 A UNDER THE GENERAL FUND, YES

15 Q OKAY

16 A YEAH, YOU MAKE SOME JUDGMENTS ABOUT THAT

17 Q AND SO YOU'RE NOT SAYING, DR DEAN, ARE YOU, THAT OF
18 THE \$4,862,000 OF DISCRETIONARY MONEY YOU HAD, YOU
19 COULDN'T HAVE COME UP WITH SOME MORE MONEY OUT OF THAT FOR
20 TEACHER SALARY, ARE YOU?

21 A I'M SAYING -- I'M SAYING YOU COULDN'T

22 Q YOU COULD NOT HAVE?

23 A YOU COULD NOT

24 Q OKAY NO -- NO FLEXIBILITY THERE, RIGHT?

25 A WELL, THE REASON I SAY YOU CAN'T DO THAT IS BECAUSE

1 IF I RECOMMEND TO THE BOARD THAT WE INCREASE OUR LOCAL
2 SUPPLEMENT, THEN I'M DOING THAT ON -- FOR ON AND ON AND
3 ON, YEARS AND YEARS AND YEARS TO COME I'VE JUST
4 COMMITTED THE TAXPAYERS OF MARION COUNTY FOR A LONG-TERM
5 COMMITMENT TO PAY THAT SUPPLEMENT

6 AND IF THEY DID THAT, THEN THEY WOULD HAVE TO
7 CONTINUE TO UPHOLD THAT AND UNLESS I'M CONFIDENT THAT I
8 HAVE A FUNDING SOURCE THAT IS GOING TO BE CONSISTENTLY
9 THERE AND OF AN AMOUNT THAT WILL COVER THAT, I THINK I'D
10 BE DERELICT IN MY DUTIES AS A SUPERINTENDENT TO RECOMMEND
11 THAT TO THE BOARD

12 Q OKAY LET ME GET YOU IF I COULD PLEASE TO TURN TO
13 PAGE 46 OF THE POWERPOINT AND PAGE 46 OF THE POWERPOINT,
14 DR DEAN, WAS THE AVERAGE TOTAL CONTRACTED SALARY FOR
15 CLASSROOM TEACHERS FOR MARION SEVEN AND THEN AS COMPARED
16 TO THE STATE AVERAGE, CORRECT?

17 A CORRECT

18 Q AND YOUR AVERAGE TEACHER SALARY IN MARION SEVEN IS
19 \$33,352, IS THAT CORRECT?

20 A IN '01, '02

21 Q '01, '02 NOW DR DEAN, I BELIEVE YOU TESTIFIED I
22 THINK EVEN TODAY HERE, THAT -- AND BUT FOR SURE WHEN YOU
23 WERE HERE LAST TIME, THAT -- THAT ONE OF YOUR BIG, BIGGEST
24 PROBLEMS WAS THAT YOU SORT OF GOT THE NEW TEACHERS IN
25 MARION SEVEN, IS THAT TRUE?

1 ALTERNATIVE SCHOOL

2 THE COURT OKAY I SEE ABOVE I CAN SEE
3 BETTER ON THE SCREEN THAN I CAN HERE OKAY I SEE
4 THAT I WAS TRYING TO COMPARE THE ORANGEBURG THREE
5 IN THAT TO THE ORANGEBURG THREE IN THIS, BUT THAT'S
6 APPLES AND ORANGES ,

7 MR BARNES YES, SIR I'M TALKING ABOUT
8 SOMETHING DIFFERENT

9 THE COURT OKAY

10 MR EPPS YOUR HONOR, JUST IF I MAY ARE YOU
11 ABLE TO SEE THIS, DR DEAN? HE'S ASKING YOU
12 QUESTIONS ABOUT IT

13 THE WITNESS I'M SEEING IT UP HERE ON THE
14 SCREEN

15 BY MR BARNES

16 Q WELL, DR DEAN, DO YOU SEE WHERE UNDER THE
17 FLEXIBILITY PROVISOS THIS DOCUMENT SAYS ORANGEBURG THREE
18 SENT -- TRANSFERRED \$25,000 OF ITS RETRAINING MONEY TO
19 FUND SOME THREE ALTERNATIVE SCHOOL TEACHERS?

20 A I SEE WHERE IT SAYS RETRAINING GRANT 56 IS THE
21 ALLOCATION, 25,000 TRANSFERRED, 44-POINT -- POINT
22 6 PERCENT ALLOCATION

23 Q AND NOW SHOW THE COLUMN WHERE IT TRANSFERRED TO AND
24 WE DON'T HAVE THESE SIDE-BY-SIDE BECAUSE IT'S TOO BIG TO
25 PUT, BUT WOULD YOU BELIEVE ME WHEN I SAY THAT THE \$25,000

1 THE COURT NO I WAS TRYING TO MAKE A
2 PHONECALL BEFORE IT GOT TOO LATE, BUT I DON'T WANT TO
3 DELAY THIS ANY FURTHER

4 MR EPPS LET'S TAKE A BREAK

5 THE COURT IF YOU'VE GOT JUST A FEW MINUTES YOU
6 CAN GET DR DEAN UP AND DOWN, WE'LL PRESS ON

7 MR EPPS YOUR HONOR, LET'S -- LET'S SAY GO
8 AHEAD AND TAKE THE BREAK NOW IF THAT SUITS YOU

9 THE COURT ALL RIGHT LET ME DO THIS TRY AND
10 MAKE SOME CHANGES IN MY SCHEDULE IF I CAN THANK
11 YOU, DOCTOR YOU CAN STEP DOWN

12 (WITNESS LEFT THE STAND)

13 (WHEREUPON A RECESS WAS TAKEN)

14 REDIRECT EXAMINATION

15 BY MR EPPS

16 Q JUST A COUPLE QUESTIONS VERY BRIEFLY MR BARNES
17 ASKED YOU A SERIES OF QUESTIONS ABOUT TRANSFERRING MONEY
18 UNDER THE FLEXIBILITY PROVISIONS AS SHOWN IN DEFENDANTS'
19 EXHIBIT 3224

20 AND, YOU KNOW, JUST GLANCING THROUGH HERE -- WELL,
21 LET ME ASK YOU THIS DO ANY OF THE -- THE DISTRICTS THAT
22 HE QUESTIONED YOU ABOUT OR THE SCHOOLS THAT HE QUESTIONED
23 YOU ABOUT USE THE MONEY TO INCREASE TEACHER SALARIES THAT
24 YOU SAW?

25 A NOT THAT I SAW

1 I DID THAT JUST BY GOING TO THE WEB SITE AND LOOKING
2 UNDER THE OFFICE OF RESEARCH'S DATA, AND THEN I LOOKED AT
3 THE PROFESSIONAL CERTIFIED STAFFING LIST, AND WE ACTUALLY
4 HAVE CODES THAT ARE USED BY THE DISTRICTS TO CLASSIFY
5 TEACHERS, AND SO I LOOKED AT THOSE PARTICULAR CODES
6 Q OKAY WELL, IF YOU WOULD, WOULD YOU PLEASE PULL UP
7 PLAINTIFFS' EXHIBIT 6857A

8 MRS HART YOUR HONOR, I'D LIKE TO HAND UP A
9 HARD COPY OF THIS POWERPOINT FOR YOU IN CASE YOU HAVE
10 A LITTLE DIFFICULTY VIEWING THE SCREEN

11 THE COURT THANK YOU
12 BY MRS HART

13 Q DO YOU HAVE A HARD COPY OF THIS?

14 A YES, I DO

15 Q NOW, YOU REFERRED TO THE PROFESSIONAL CERTIFIED STAFF
16 CODES IS THAT REFERRED TO AS PCS?

17 A YES, IT IS

18 Q OKAY TELL US ABOUT THAT THEN

19 A EACH YEAR THE SCHOOL DISTRICTS ARE ASKED TO PROVIDE
20 INFORMATION TO THE STATE DEPARTMENT OF EDUCATION ON THE
21 CLASSIFICATIONS OF TEACHERS THAT THEY EMPLOY AND THEY
22 USE THESE CODES BECAUSE THESE PARTICULAR CODES ARE TIED
23 BACK TO THE FUNDING THAT THE DISTRICT RECEIVES FOR THOSE
24 TEACHERS

25 AND SO THIS IS A LIST OF THOSE THAT -- THE ONES THAT

1 YOU HAVE ON THE SCREEN ARE THE ONES THAT MAKE UP THE
2 ENTIRE TEACHER WORK FORCE

3 Q OKAY SO, THERE IS ONE CODE THAT SAYS CLASSROOM
4 TEACHER, THAT'S 08

5 A THAT'S CORRECT THAT'S THOSE TEACHERS IN GRADES ONE
6 THROUGH 12 THAT ARE NOT TEACHING SPECIAL EDUCATION

7 Q ALL RIGHT DOES THE POSITION CODE --

8 MRS HART ACTUALLY, YOUR HONOR, I'D LIKE TO
9 SHOW AT THIS POINT PLAINTIFFS' EXHIBIT 6836 AND OFFER
10 THAT INTO EVIDENCE AS WELL

11 MRS GRAY THE NUMBER AGAIN, PLEASE?

12 MRS HART 6836 (CONFERRING WITH MRS GRAY)

13 BY MRS HART

14 Q NOW, WHAT DOES THIS EXHIBIT SHOW, DR PODA?

15 A WELL, WHEN I STARTED LOOKING AT THE DATA, I WAS
16 TRYING TO DETERMINE HOW THEY MIGHT HAVE COME UP WITH AN
17 ESTIMATE OF 37,000 TEACHERS, SO I JUST LOOKED AT THE DATA
18 IN TERMS OF POSITION CODE EIGHT AND THAT PRODUCED A NUMBER
19 OF 37,928 OF THESE -- THIS IS FOR THE SCHOOL YEAR '01,
20 '02

21 Q ALL RIGHT NOW, ON THE LEFT SIDE IS THE -- IS THE
22 COLUMN SHOWING A SERIES OF NUMBERS WHAT IS THAT?

23 A THOSE ARE THE NUMBER OF TEACHERS IN CODE EIGHT THAT
24 WERE EMPLOYED BY THAT DISTRICT IN THE -- THE SECOND
25 COLUMN IS THE DISTRICT CODE NUMBER AND THEN THE DISTRICT

1 Q ALL RIGHT SO IN THE -- LEE COUNTY SCHOOL DISTRICT
2 HAS 202 TEACHERS WHO ARE CLASSIFIED AS CODE EIGHT
3 TEACHERS?

4 A THAT IS CORRECT

5 Q AND AT THE BOTTOM IS THE NUMBER 37,928?

6 A THAT IS CORRECT

7 Q OKAY DOES POSITION -- I MAY HAVE ALREADY ASKED
8 THIS DOES POSITION CODE EIGHT CAPTURE ALL CLASSROOM
9 TEACHERS?

10 A NO, IT DOESN'T IT EXCLUDES ALL THOSE TEACHERS WHO
11 TEACH FOUR YEAR OLD KINDERGARTEN, KINDERGARTEN AND ALL THE
12 SPECIAL EDUCATION CLASSES IT ALSO DOESN'T CAPTURE THE
13 TEACHERS WHO COME FROM A FOREIGN COUNTRY WHO ARE
14 CONSIDERED PURCHASE SERVICES FOR THOSE SCHOOL DISTRICTS

15 Q OKAY WHAT IMPACT DOES LOOKING ONLY AT POSITION CODE
16 EIGHT IN -- IN LOOKING AT A SET OF DATA ON TEACHERS HAVE
17 ON THE CALCULATIONS AS OPPOSED TO LOOKING AT ALL THESE
18 CODES THAT YOU HAVE TALKED ABOUT?

19 A WELL, FIRST OF ALL IT REDUCES THE NUMBER WE LOSE
20 ABOUT 8000 TEACHERS OUT OF THE -- THE TOTAL THAT ARE --
21 ARE IN THE TEACHER WORK FORCE, AND THEN MORE SPECIFICALLY
22 YOU LOSE ALL THE TEACHERS WHO TEACH SPECIAL EDUCATION, AND
23 THAT'S WHERE ABOUT 85 PERCENT OF OUR TEACHERS WHO ARE ON
24 OUT OF FIELD PERMITS ARE LOCATED, IN SPECIAL EDUCATION,
25 AND ALSO MANY MORE OF OUR TEACHERS WHO ARE ON SOME KIND OF

1 A -- MAYBE PERHAPS A SUBSTANDARD CERTIFICATE LIKE OUR
2 INTERNATIONAL TEACHERS WHO AREN'T USUALLY FULLY CERTIFIED
3 WHEN THEY FIRST COME HERE, SO IT TAKES OUT ALL OF THOSE
4 PEOPLE FROM THE NUMBERS THAT ARE USED

5 Q HAVE YOU DETERMINED THE NUMBER OF TEACHERS IN --
6 CLASSROOM TEACHERS IN SOUTH CAROLINA IN THE PLAINTIFF
7 DISTRICTS USING POSITION CODE EIGHT AS WELL AS THE OTHER
8 CODES YOU IDENTIFIED AS CLASSROOM TEACHERS? THAT IS, HAVE
9 YOU IDENTIFIED THE WHOLE SPECTRUM OF WHAT YOU WOULD
10 IDENTIFY AS CLASSROOM TEACHERS AND QUANTIFIED THAT?

11 A YES AND AGAIN, I VERIFIED IT IT'S 45,837 AND
12 THAT WAS IN THE '02 -- '02, '03 SCHOOL YEAR, AND THAT'S --
13 THAT INFORMATION IS ON THE WEBSITE

14 Q OKAY IS IT DIFFICULT TO FIND ON THE WEBSITE?

15 A IT'S UNDER THE OFFICE OF RESEARCH AND UNDER THEIR
16 STATISTICS UNDER QUICK FACTS

17 Q QUICK FACTS?

18 A YES

19 Q IS THAT LIKE A ONE PAGE OR--

20 A IT'S A LITTLE PAMPHLET THAT'S PUBLISHED EVERY YEAR BY
21 THE DEPARTMENT OF EDUCATION THAT GIVES JUST A QUICK
22 OVERVIEW OF A LOT OF INFORMATION, SPECIFICALLY A BREAKDOWN
23 OF ALL THE TEACHERS

24 Q ALL RIGHT SO IF YOU COUNT ALL CLASSROOM TEACHERS
25 YOU'RE GOING TO HAVE A COUNT OF APPROXIMATELY 45,837 PLUS

1 EXPERIENCE FACTORS I THINK ALL OF THOSE ARE IMPACTED BY
2 USING LESS NUMBERS OF TEACHERS

3 Q OKAY LET'S LOOK AT THE -- AT DEFENDANTS' EXHIBIT
4 3164 WHICH WAS INTRODUCED THROUGH DR WOLKOLF IT'S
5 TITLED, FULL-YEAR SOUTH CAROLINA TEACHERS WITH MORE THAN
6 BA CREDITS NOW, DO YOU HAVE ANY COMMENTS ABOUT THIS
7 ANALYSIS?

8 A WELL, ALL TEACHERS HAVE TO HAVE A BACHELOR'S DEGREE
9 WHEN THEY'RE EMPLOYED AS A TEACHER IN SOUTH CAROLINA AND
10 THEN THEY'RE REQUIRED TO RENEW THEIR CERTIFICATES EVERY
11 FIVE YEARS BY TAKING SIX OR MORE HOURS

12 SO THE ONLY TEACHERS THAT WOULDN'T HAVE CREDITS
13 BEYOND THE BACHELOR'S DEGREE ARE ONES THAT HAVE JUST
14 STARTED TEACHING OR THAT ARE IN THEIR FIRST FEW YEARS OF
15 TEACHING, SO YOU SHOULD SEE A REAL LARGE NUMBER OF PEOPLE
16 WHO HAVE CREDITS BEYOND THE BACHELOR'S EXCLUDING THOSE WHO
17 ARE IN THE FIRST FEW YEARS OF TEACHING THAT HAVEN'T
18 ALREADY TAKEN CLASSES

19 Q WELL, IS IT A REASONABLE ANALYSIS TO LOOK AT -- AT
20 TEACHERS WITH MORE THAN BA CREDITS WHO TRY TO MAKE SOME
21 KIND OF COMPARISON OF THOSE TEACHERS BETWEEN THE PLAINTIFF
22 AND THE NON-PLAINTIFF DISTRICTS?

23 A I THINK YOU'D HAVE TO LOOK TO SEE WHAT THEY TOOK THE
24 COURSES IN, IN WHETHER OR NOT IT'S -- IT'S IT SAME AREA IN
25 WHICH THEY'RE TEACHING BECAUSE IF THEY -- IF THEY'RE

1 TAKING COURSES IN ADMINISTRATION, FOR EXAMPLE, AND THEY'RE
2 WORKING AS A THIRD GRADE TEACHER, THAT'S NOT GOING TO TELL
3 YOU MUCH ABOUT HOW IT'S IMPACTING THE TEACHERS AT ALL

4 SO I THINK YOU'D HAVE TO LOOK AT IT IN THOSE TERMS
5 BUT IN TERMS OF THE PLAINTIFFS AND NONPLAINTIFFS, ALL OF
6 THEM HAVE THE SAME REQUIREMENT THAT THEY HAVE TO TAKE
7 COURSE WORK IN ORDER TO RENEW THEIR CERTIFICATE

8 Q LET'S LOOK NOW PLEASE, DR PODA, AT DEFENDANTS'
9 EXHIBIT 3167 WHICH IS TITLED, CERTIFICATION STATUS AY,
10 WHICH I BELIEVE IS ACADEMIC YEAR, 2000, WHICH I ALSO THINK
11 IS THE ACADEMIC YEAR 1999, 2000, OR FISCAL YEAR 1999,
12 2000

13 NOW, THIS HAS A COMPARISON OF PROFESSIONAL VERSUS
14 OTHER THAN PROFESSIONAL CERTIFICATE TEACHERS DOES THAT
15 MEAN ANYTHING TO YOU, DR PODA, THAT KIND OF COMPARISON?
16 A WELL, FIRST OF ALL, IN 19 -- 2001 IS WHEN WE STARTED
17 A TWO-TIERED SYSTEM FOR CERTIFICATION, SO UP UNTIL THAT
18 POINT WHEN YOU STARTED TEACHING YOU RECEIVED A
19 PROFESSIONAL CERTIFICATE UNLESS YOU WERE ON SOME KIND OF A
20 SUBSTANDARD CERTIFICATE

21 SO IN THIS CASE EVERYONE SHOULD HAVE RECEIVED A
22 PROFESSIONAL CERTIFICATE THE DAY THEY STARTED TEACHING
23 UNLESS THEY HAD SOME DEFICIENCY IN THEIR CREDENTIALS

24 Q OKAY

25 A SO -- IN THIS PARTICULAR YEAR

1 Q ALL RIGHT WELL, THERE ARE A NUMBER OF SLIDES THAT
2 WERE INTRODUCED OR EXHIBITS THAT WERE INTRODUCED THROUGH
3 DR WOLKOLF THAT MADE THE COMPARISON BETWEEN PROFESSIONAL
4 AND OTHER THAN PROFESSIONAL DOES THE FACT THAT A TEACHER
5 HOLDS A PROFESSIONAL CERTIFICATION SAY ANYTHING TO YOU
6 ABOUT THE QUALITY OF THE TEACHER?

7 A IT SAYS THAT THEY HAVE MINIMUM SKILLS TO BE A
8 TEACHER, THAT THEY HAVE PASSED CERTAIN REQUIREMENTS THAT
9 WE HAVE THAT -- THAT DEMONSTRATE THAT THEY HAVE THE
10 MINIMUM SKILLS TO START TEACHING IN SOUTH CAROLINA

11 Q OKAY DOES IT SAY ANYTHING MORE ABOUT THEIR QUALITY?

12 A NO, NOT AT -- NOT AT THAT POINT IN TIME

13 Q OKAY NOW LET'S LOOK AT DEFENDANTS' EXHIBIT 3173
14 WHICH IS TITLED, FULL-YEAR SOUTH CAROLINA TEACHER BETWEEN
15 SCHOOL MOBILITY BY DISTRICT TYPE THIS EXHIBIT WAS
16 INTRODUCED THROUGH DR WOLKOLF AND AGAIN THERE ARE A
17 NUMBER OF EXHIBITS LOOKING AT MOBILITY OF TEACHERS

18 AND DO YOU RECALL HIS TESTIMONY AND THESE EXHIBITS
19 ABOUT THAT?

20 A YES, I DO

21 Q WELL, CAN YOU COMMENT FOR US PLEASE, DR PODA, ON THE
22 MOBILITY OF TEACHERS?

23 A WELL, THE PLAINTIFF DISTRICTS HAVE A LARGE TURNOVER
24 IN THEIR TEACHER WORK FORCE ON AN ANNUAL BASIS IN SOME
25 CASES IT'S HIGH AS 33 PERCENT ANNUALLY AND SO I -- WHAT

1 THIS CHART SHOWS IS THAT THE TEACHERS ARE EITHER GOING TO
2 MOVE TO A DIFFERENT SCHOOL OR LEAVE THE PROFESSION
3 ALTOGETHER

4 AND TEACHERS IN THE PLAINTIFF DISTRICTS IN
5 PARTICULAR, WHEN THEY HAVE THE OPPORTUNITY TO MOVE
6 SOMEWHERE ELSE, TO A BETTER WORKING CONDITIONS, BETTER
7 SALARY, BETTER LOCATION, WHATEVER, THOSE THINGS -- FACTORS
8 COME INTO PLAY, THEY LEAVE THOSE SCHOOLS AT A MUCH HIGHER
9 RATE THAN THE NON-PLAINTIFF SCHOOLS

10 Q WELL, WHAT ABOUT THE SIGNIFICANCE OF INCLUDING OR
11 USING ONLY FULL-YEAR DEFINED BY DR WOLKOLF AS THOSE WHO
12 TAUGHT 170 DAYS MORE AS OPPOSED TO THOSE WHO TAUGHT 190,
13 WHAT'S THE SIGNIFICANCE OF CONFINING THIS KIND OF ANALYSIS
14 TO WHAT HE DEFINED AS FULL-YEAR AND WHAT YOU DEFINED AS
15 FULL CONTRACT YEAR TEACHERS?

16 A WELL AGAIN, IT DOESN'T SHOW YOU THE MOBILITY THAT
17 OCCURRED WITHIN A SCHOOL YEAR THERE ARE A NUMBER OF
18 VACANCIES THAT EXIST ONCE SCHOOL STARTS IN OUR -- THAT
19 AREN'T FILLED UNTIL AFTER THE SCHOOL YEAR IS ALREADY UNDER
20 WAY OR THE TEACHER LEAVES BEFORE THE SCHOOL YEAR IS OVER
21 AND THEN THOSE CLASSES ARE TAUGHT BY SUBSTITUTE TEACHERS

22 AND UNFORTUNATELY OUR ONLY REQUIREMENT FOR A
23 SUBSTITUTE TEACHER IS THAT THEY HAVE TO HAVE A HIGH SCHOOL
24 DIPLOMA SO THIS -- THIS REALLY DOESN'T TELL YOU WHAT
25 GOES ON WITHIN A SCHOOL YEAR IN TERMS OF THE NUMBER OF

1 SUBSTITUTES AND THE NUMBER OF CLASSES THAT ARE FILLED BY
2 SOMEONE WHO DOESN'T HAVE ANY KIND OF CERTIFICATION OR THE
3 MOBILITY THAT OCCURS WITHIN THAT SCHOOL YEAR

4 Q DOES IT TELL YOU ANYTHING ABOUT THE MOBILITY OF
5 TEACHERS WHO COME IN LATE, AFTER THE SCHOOL YEAR STARTED,
6 WHO LEAVE EARLY AND WORK LESS THAN 170 DAYS?

7 A NO, IT DOESN'T AND AGAIN, WE KNOW THAT AT LEAST 202
8 TEACHERS IN THE PLAINTIFF DISTRICTS DID START LATE OR
9 LEAVE EARLY AND -- IN THE SCHOOL YEAR

10 Q AND LET'S JUST LOOK AT HOW LARGE AN EFFECT THAT IS ON
11 OUR PLAINTIFF DISTRICTS IF WE COULD LOOK AT PLAINTIFFS'
12 EXHIBIT 6857CC AND THIS IS THE CALCULATION THAT YOU DID
13 OF ALL THOSE TEACHERS WHO WORKED LESS THAN 190 DAYS?

14 A YES, THAT'S CORRECT

15 Q SO DOES THIS CAPTURE THOSE TEACHERS WHO COME IN LATE
16 TO A SCHOOL YEAR OR WHO LEAVE IN THE MIDDLE OF THE SCHOOL
17 YEAR?

18 A YES THESE ARE PEOPLE THAT ARE EMPLOYED LESS THAN
19 190 DAYS

20 Q OKAY WHAT ARE THE PROBLEMS THAT YOU SEE AS A PERSON
21 WHO IS RESPONSIBLE FOR TEACHER QUALITY WITH TEACHERS WHO
22 COME IN LATE LIKE THAT OR LEAVE EARLY BEFORE THE SCHOOL
23 YEAR IS COMPLETE?

24 A WELL, THE FIRST ONE BEING THAT THE CLASS STILL GOES
25 ON THERE HAS TO BE A CLASS HELD EVERY DAY WHETHER

1 THERE'S A CERTIFIED OR QUALIFIED TEACHER IN THE CLASSROOM
2 OR NOT

3 SO SOMEONE IS -- IS HOLDING THAT CLASS, AND USUALLY
4 IT IS A SUBSTITUTE AND THE SUBSTITUTE HAS VERY MINIMAL
5 SKILLS, USUALLY A HIGH SCHOOL DIPLOMA OR A GED IT ALSO
6 INCLUDES THOSE TEACHERS WHO LEAVE IN THE MIDDLE OF THE
7 YEAR, AND THAT -- THEY USUALLY LEAVE FOR -- MAYBE THEY GET
8 FRUSTRATED WITH THE SITUATION THAT THEY'RE IN OR DON'T
9 FEEL LIKE THEY'RE BEING EFFECTIVE AND SO THEY -- THEY
10 LEAVE, AND AGAIN THOSE STUDENTS ARE TAUGHT BY SOMEONE WHO
11 IS NOT QUALIFIED

12 AND IT'S JUST THAT -- ALSO THAT INSTABILITY THAT
13 OCCURS IN A SCHOOL WITH TEACHERS COMING IN AND OUT OF
14 THE SCHOOL BUILDING, THE STUDENTS DON'T HAVE THE SAME
15 CONSISTENT KIND OF INSTRUCTION THAT YOU WOULD HOPE THAT
16 ALL CHILDREN WOULD HAVE THE OPPORTUNITY FOR

17 Q OKAY IN CONNECTION WITH DR WOLKOLF'S TESTIMONY ON
18 THE MOBILITY OF TEACHERS IN AND OUT OF DISTRICTS HE ALSO
19 TESTIFIED ABOUT THE JOB MARKET AND THE COMPETITION FOR
20 THESE PEOPLE, WHETHER THEY'RE GOING TO -- WHO WE'RE
21 COMPETING WITH FOR THESE TEACHERS CAN YOU COMMENT ON
22 THAT?

23 A YEAH I WAS A LITTLE SURPRISED AT HIS TESTIMONY
24 THERE BECAUSE EDUCATORS DON'T COMPETE WITH OTHER
25 BUSINESSES WE COMPETE WITH OTHER EDUCATORS OR OTHER

1 EDUCATION ENTITIES AND SO THE ONLY EXCEPTION TO THAT
2 WOULD BE WITH OUR TEACHERS WHO GO THROUGH AN ALTERNATIVE
3 ROUTE, BUT THAT'S A -- A SMALL PERCENTAGE OR SMALL
4 PERCENTAGE OF THE WHOLE TEACHER WORK FORCE

5 SO WHEN HE'S COMPARING OUR COMPETITION WITH ALL THESE
6 OTHER BUSINESSES, ESPECIALLY IN THE PLAINTIFF DISTRICTS,
7 AND I THINK HIS -- HIS POINT WAS THAT, YOU KNOW, IN TERMS
8 OF THE OTHER BUSINESSES IN THOSE PARTICULAR DISTRICTS,
9 TEACHING LOOKS PRETTY GOOD

10 WELL, YOU STILL HAVE TO BE QUALIFIED TO TEACH YOU
11 CAN'T JUST BE A TEXTILE WORKER TODAY AND A TEACHER
12 TOMORROW YOU WOULD HAVE TO HAVE SOME MINIMUM SET OF
13 SKILLS, A BACHELOR'S DEGREE IN THE SUBJECT AREA, OR
14 SOMETHING IN ORDER FOR YOU TO DO THAT

15 SO I THOUGHT THAT WAS PRETTY MISLEADING IN TERMS OF
16 LOOKING AT THE COMPETITION THAT WE HAVE WITH THOSE OTHER
17 BUSINESSES AND EVEN COMPARING SALARIES AND OTHER ISSUES
18 LIKE THAT, I THINK HE WAS COMPARING APPLES TO ORANGES
19 BECAUSE THAT'S NOT THE COMPETITION THAT WE SEE IN THE
20 FIELD OF EDUCATION

21 Q LET'S MOVE ON THEN TO DEFENDANTS' EXHIBIT 3189, THIS
22 IS TITLED AND ALSO CAME IN I BELIEVE THROUGH DR WOLKOLF
23 IT'S TITLED FULL-YEAR AGAIN THAT WOULD BE YOUR 170 AS
24 OPPOSED TO 190 DAY TEACHERS, IS THAT RIGHT?

25 A YES

1 SO THERE -- THEY'RE LOOKING TO SEE DOES THAT TEACHER
2 HAVE THE ABILITY TO APPLY OR IMPLEMENT THE CONTENT
3 KNOWLEDGE THAT THEY HAVE AND IF IT'S SHOWING UP THAT
4 THEY'RE NOT, THEN -- THEN I THINK THAT THIS IS AN
5 INDICATOR THAT A NUMBER OF TEACHERS ARE LACKING IN THOSE
6 ESSENTIAL CHARACTERISTICS THAT MAKE THEM EFFECTIVE
7 TEACHERS

8 Q ALL RIGHT I'M GOING TO TURN A LITTLE BIT NOW AND
9 LOOK AT ANOTHER CHART THAT WAS INTRODUCED THROUGH DR
10 WOLKOLF IT'S DEFENDANTS' EXHIBIT 3171 IT'S TITLED
11 RELATIVE PROPORTION OF PROFESSIONALLY CERTIFIED TEACHERS
12 IN THE PLAINTIFF DISTRICTS

13 HOW MANY ARE THE DATA DISPLAYS ON PROFESSIONAL
14 CERTIFICATION VERSUS NON-PROFESSIONAL CERTIFICATION,
15 CERTIFIED TEACHERS, HOW MEANINGFUL ARE THOSE DISPLAYS TO
16 YOU?

17 A THIS CHART IS NOT VERY MEANINGFUL TO ME BECAUSE I'M
18 NOT SURE -- FIRST OF ALL I HAVE TO ASSUME THAT THE
19 NON-PLAINTIFF DISTRICTS ARE AT 100 PERCENT AND THEN THIS
20 IS SHOWING ME THAT THE PORTION OF -- FROM THE PLAINTIFF
21 DISTRICTS TO THE NON-PLAINTIFF

22 BUT THEN THE PROFESSIONAL CERTIFIED, HE'S SHOWN IT
23 IN -- INSTEAD OF LOOKING AT IT FROM THOSE WHO ARE NOT
24 PROFESSIONALLY CERTIFIED, I THINK IS WHAT HE'S TRYING
25 TO -- TO DO WITH THIS PARTICULAR CHART, BUT I -- I'M NOT