The town hall came to order at 6:00 p.m. in the Bodek Lounge of Houston Hall, University of Pennsylvania, 3417 Spruce Street, Philadelphia, PA, Alberto Retana, Director of Community Relations, Presiding.

PRESENT:

ALBERTO RETANA, Moderator, Director of Community Outreach, U.S. Department of Education
RUSSLYN ALI, Assistant Secretary for Civil Rights, U.S. Department of Education
CHAKA FATTAH, U.S. Congressman
STEPHEN CHEN, Executive Director, Equity and Excellence Commission
DAVID SCIARRA, Commissioner
SANDRA DUNGEY GLENN, Commissioner
SHEILAH VANCE, Institute for Educational Equity and Opportunity
MICHAEL CHURCHILL, Public Interest Law Center of Philadelphia
I-N-D-E-X

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MR. RETANA: Good evening. My name is Alberto Retana, I'm the Director of Community Outreach for the U.S. Department of Education and will be calling this Town Hall Meeting to order.

Thought I'd start by just giving you a quick rundown of the agenda and then turn this over to our Executive Director of our commission to talk a little bit more about the commission.

But first, we'll just hear a little opening remarks from Stephen Chen about the commission and he will bring up Congressman Fattah to talk about this important work.

Then we'll hear from a panel of three experts in this area, they'll present some of their findings and research. That'll take us to about 3:00 this morning, when we'll start public comment. No, joking.

That'll take us to about 7:00 pm.
where we'll open it up for public comment and
we'll hear from different individuals. We'll
have about three minutes each to talk about
their observations on the ground, and then
we'll have some closing comments and we'll
wrap up the session.

So thank you all for making it out
on a little bit of a rainy day, on a Friday
night, to a very critical and important
collection.

And so just to take us further
into why we're having this conversation and
what this commission is about, I'd like to
bring up Stephen Chen, the Executive Director
of the Equity and Excellence Commission.
Let's give him a round of applause, please.

MR. CHEN: Good evening. I wanted
to echo Alberto's welcome and thank you all
for coming, giving up a Friday night and
coming through the weather and the crows for
the Penn Relays.

But it's really great to see
everybody here tonight, I think we will have a productive and meaningful conversation. I want to just say a little bit about who we are and why we're doing this.

This event is being held by the Equity and Excellence Commission, it's a new commission that the Department of Education just started this past year. The commission is tasked with looking at systems of school finance and how they affect educational opportunity.

We certainly realize that our schools are underfunded and we need to do something better and we need to do something that is responsive to the needs of the students that are out there.

So we have assembled this commission with 27 members and we really just wanted to bring them together so that we could get smarter on these issues and figure out the best way to plan out school funding and increase educational opportunity for hopefully
generations to come.

The 27 members represent a range of areas of expertise from education and academia to the law, to tax business. And tonight we do have two of our commissioners with us, I want to introduce them briefly. Sandra Dungee Glen is the President and Chief Executive Officer of the American Cities Foundation.

She's also served on the Board of Education for the school district of Philadelphia, as well as was a commissioner on the School Reform Commission and was the chairwoman of that commission. She's also served on the Pennsylvania State Board of Education.

David Sciarra is also here as the Executive Director of the Education Law Center in New Jersey. The Education Law Center works to improve educational opportunities and outcomes for low income students, students of color and students with special needs. And
David is actually here as a commissioner as well as a speaker tonight, so he's kind of wearing two hats.

As part of the commission, though, while we've assembled these 27 leaders who are national experts on this issue, we also realized that we really needed to hear from real people from the community.

And it's some of why we're doing this event here. This is the 2nd of 4 town halls that we're hosting across the country and five other community conversations so that we can hear from actual parents and students and teachers, folks who know what's going on in the schools and can give us insight into things that are happening that we should be taking into account as we develop our report and recommendations for the Secretary of Education.

We also want to hear about promising practices. If there are things that you all see that are happening in schools that
are working, we want to take those ideas back
to the rest of the commission and think about
how we can scale those and work those in other
parts of the country.

So as Alberto mentioned, we're
going to have the speakers do some short
presentations and then we're going to open the
floor to you all so that we can hear from you.

We are transcribing this event
tonight and we will do a summary of that for
the other commissioners who couldn't be here
tonight so that they can have the benefit of
your expertise.

With that, I also wanted to
introduce Congressman Chaka Fattah, who's a
senior member of the House Appropriations
Committee and really needs no introduction
here, given this is his neighborhood.
Congressman Fattah has been really
instrumental in getting our commission off the
ground.

We could not do it without his
support. We are thrilled that he is here with us tonight and has been with us every step of the way. I'm going to just turn the floor over to him and let him say a few words.

CONGRESSMAN FATTAH: Let me thank the great staff of the commission and the commissioners who are here and the witnesses who are going to testify. There is not a more important subject in terms of our country's future than education and fundamental fairness and it dictates that we think beyond the problems of the moment and that we have some very significant problems of the moment.

We have a governor with very severe cuts in education proposed in this state and in similarly situated governors in other states.

We have a significant national deficit of a trillion and a half dollars and mounting national debt. But notwithstanding the challenges of the moment, the future of the country is going to be determined by
whether or not we finally and fundamentally fix the flawed system of educational opportunity.

Because whether or not we have cuts, and I oppose in the strongest ways possible the cuts proposed by the governor, we are still, without those cuts, we would still have a very uneven playing field.

And the only thing the cuts will do is make create less opportunities for those who are on the short end of the opportunity today.

So I want you to think about funding education from a systemic basis and think about why it is that we've created a system in which poor children get everything less, of everything that we know they need in order to get a quality education.

Less access to qualified teachers, a less rigorous curriculum. They, in many instances, don't even get textbooks printed in their own lifetime. We have a severe problem
that fundamentally is in the design of the system.

We have, in our state, 501 school districts. We have a circumstance that the formally elected school superintendent in Arizona said is designed so that wealthier communities can withhold their tax dollars from the educational needs of poor children, because we use the property tax-based system.

Malcolm X put it like this. He says, it's a vicious cycle. You live in a poor community, you go to a poorly funded school and you end up with a poor education and then you end up with a poor paying job, if any. And the only place you can afford to live is in a poor community and the cycle goes on.

So I would just tell you that we have to address this problem and at its root is the real question that confronts the country, which is whether or not we're going to educate all of our children, whether we're
going to make sure that every child gets the opportunity to live up to their potential.

Now, when I started this effort, we had a congressman contiguous to Philadelphia who said in the Sunday Inquirer when we talked about equal funding that, "We don't want to have equal funding. The reason why we moved out here into the suburbs is to give our children a better opportunity."

And I think we have to think about this anew. The country is, it was wrongheaded thinking then, but given the competition from countries much larger than our own economically, given our additional challenges that we face, we need to get a renewed commitment to a quality public educational opportunity for every child.

So this is about rethinking this system and at the heart of it, if we use property taxes, if you just follow this for a minute, you're always going to have a situation where poor children end up on the
short end because if we’re following the
mileages, you’re going to end up, in poor
communities, paying a higher rate, but putting
less behind each child.

Now, there's some who say, "Well, money doesn't really make the difference." My position is, if money doesn't make the difference, then we should equalize the funding.

And if it does make the difference, then we should equalize the funding. In fact, I actually think that we should figure out what it takes to educate children and that might be, actually in certain cases, we may have to invest more in communities where children face more challenging circumstances.

In our country today, we do the exact opposite. So I welcome the commission. I'm thankful that when I asked the President to create this commission two years ago that he acted on it and through Secretary Duncan we
now have a commission.

And I know it's hard for us to think beyond the next election or the immediate crisis, but we did not get into this situation because of some short term decisions. These decisions were made long ago and they were structured in a way in which what you have now is, you have, by state law, we only can fund our schools through property tax.

We have, by state law, a third of the property in Philadelphia off the tax rolls. We therefore have property owners in the city paying one of highest mileages in the country, but yet we still end up funding our children at a rate half as much if not more than the districts contiguous to the city.

So we can think about the immediate challenges, but unless we fundamentally think about how to change this system, we're always going to be in a position in which youngsters in Philadelphia and in
similarly situated communities across our state are going to be having to do with less in terms of the inputs that are important to create an educational opportunity that we need.

Now people say, "Well, we can't regulate results." We're not talking about regulating results. What we're talking about is making sure that a child who has a math teacher in front of them in their classroom, actually has a math teacher who majored or minored in math.

That the textbook that they are reading in History was printed in their lifetime and that their classroom doesn't have twice as many children as the children in a school that they can literally almost throw a stone at.

And these are the same young people who are going to have to compete for all the prizes in life. College admission, jobs and opportunity. And we can do better as
a society and this commission is about beginning the work that needs to be done.

And I'll just stop here. There was a commission before this one. It was a long time ago, there was a President by the name of Richard Nixon who created a commission on school finances. We have Stephen, a young attorney from Philadelphia who was the staff director. His name was William Coleman.

And if you read the executive summary of this report some 40 plus years ago, it says that as long as we have a property-based funded school system, poor children are going to disproportionately fail and that this country can do better.

So here we are, with a new opportunity to think about a different way to finance and fund our education system and to design a system in which every child will have the same opportunity to live up to their potential as we would want for our own children. Thank you very much.
MR. RETANA: Thank you, Congressman for your words and for your leadership and for making this commission a reality and I’m hopeful that we won't be having this same conversation 40 years from now looking back, but that we will do what we have to do to build both the public will and come up with the great ideas that we can to advance some changes.

So we're going to start with hearing from some folks that have some great ideas and we're going to start with Sheilah Vance who's president and general counsel of the Institute of Educational Equity and Opportunity.

She has a J.D. from Georgetown University Law Center in D.C. and a B.A. in communications magna cum laude from Howard University in D.C. as well. Vance is an adjunct professor at Villanova University School of Law where she has taught education law for the past 10 years.
She also maintains a private law practice in Philadelphia and in Paoli, Pennsylvania. Vance has published and presented extensively in the areas of public education and legal education including at conferences at Oxford University in England, the American Association of Law Schools, the Education Law Association, the Law Admissions Council and now here at the Equity and Excellence Commission in Philadelphia. And so with that, I'd like to bring up Sheilah Vance. Give her a nice, warm applause.

MS. VANCE: Thank you. Well, good evening. I'm pleased to have this opportunity to testify today. They told us to keep our presentations eight to ten minutes, so if I talk fast, you know why.

Again, I'm Sheilah Vance, President and General Counsel of the Institute for Educational Equity and Opportunity, or IFFEO for short. You can find our website at www.iffeo.org. IFFEO is a non-profit
organization dedicated to the pursuit of educational equity and opportunity, particularly for disadvantaged United States public school children through legal means.

We are especially interested in fair and equitable public school finance laws. IFEEO is the brainchild of Congressman Fattah, whose long commitment to education is recognized in the creation of this commission.

IFEEO has concentrated on four main projects. One, the study of the history of the education clause in the state constitutions of all 50 states and the early federal role in education.

Two, creation of the Legal Fellowship and Summer Associate Award where law students and recent law school graduates work with a public interest educational equity project or attorney.

Three, implementation of an archives project to preserve the rich history of the educational equity movement. And four,
grants the plaintiffs' counsel in equity cases
to hire law students to assist with drafting
an article regarding school equity and finance
litigation.

In furtherance of our mission to
educate the public about these issues, we have
published two award winning books. The first
is called, "Education in the 50 States: A
Deskbook of the History of the History of
State Constitutions and Laws About Education."
The second is called, "A Quality
Education for Every Child: Stories From
Lawyers on the Front Lines". These books show
that the federal government has had a
significant role and a purpose in the creation
and maintenance of a high quality public
education system.

However, that role has devolved to
the system that we have today where a high
quality education for every child is too often
an accident of birth, favoring those who live
in high wealth school districts or dependent
on the stamina and financial resources of plaintiffs' attorneys who represent children who do not live in those districts.

"Education in the 50 States" was prepared by the brilliant legal and American history scholars at The Public Interest Law Center, Philadelphia under a grant that we provided and one of them is at the end of the table there, Michael Churchill.

This unique book explores the earliest history of education in each state. It demonstrates that the early colonists and those who settled the territories consistently established, as one of their first acts, schools and the administrations to govern them.

They explained their pressing need for education in terms that remained constant from the 1600s through the 20th century. The explanation was that a vital democracy requires educated citizens to have the tools necessary to vote, to train the next
generation of leaders and to perform useful work.

The histories also show education's powerful role in bringing together people with widely dissimilar cultures to form a national identity and cohesiveness.

The book also contains a state-by-state timeline of significant education-related events and history, including a unique bibliography section for each state and an appendix listing the language of the education clause in each state from first adoption to present language.

We know that the United States Supreme Court decided in 1973 in San Antonio Independent School District v. Rodriguez, that the U.S. constitution does not contain a right to an education.

However, the court did not have the evidence before it of the deep connections between education and the idea of a citizen that was embodied in the U.S. constitution.
Well, they do now, and so do you all. The tapestry of these histories speaks a powerful, consistent truth. Education was not merely important, but it was an implicit right derived from the meaning of citizenship.

The Constitutional framers did not need to mention education because by the time the Constitution was adopted in 1789, national and state laws, taxing authorities and financing mechanisms were firmly in place, and in some cases had been for over 100 years.

The body politic insisted upon them because a critical attribute of a citizen was the intellectual skills necessary for meaningful participation in the community's political and economic life.

As with other attributes of citizen, the constitution's framers did not have to expressly articulate every attribute because they were a well-recognized part of the landscape. This is a truth for use by advocates, litigators and policymakers in
making real the aspirations of our forefathers.

A significant demonstration of the early government's role in establishing education as a right was its requirement in the Land Ordinance of 1789 and the Northwest Ordinance of 1787 that each state seeking admission to the Union establish public schools.

While the federal government did not fund the local school systems, it used the greatest asset at its disposal, its newly acquired territories, to promote a national system of education and a continuing obligation of the states.

This resulted in education clauses in the state constitutions. Each state constitution has a clause that requires that state to maintain a system of free public education. Those clauses vary, especially when addressing the type of system that must be provided.
For instance, here in Pennsylvania and New Jersey, the state is required to provide a thorough and efficient system. Other state constitutions use such terms as general, uniform, suitable, complete or open. Florida uses the most expansive term, uniform, efficient, safe, secure and high quality.

But what do these words mean? What types of educational programs have to be put in place and how much money has to be put into schools to meet these requirements?

Attorneys have to ask the courts to define these terms and make them real. So far, educational equity and finance lawsuits have been filed in 46 states. Plaintiffs have won 27 of those cases and delivered great improvements for students.

The defendant state has won in 16 of them, results have been mixed in 2 states and 1 case is still pending.

Our second book, "A Quality Education for Every Child: Stories from the
Lawyers on the Front Lines” is a unique look at 17 of the most important school finance and educational equity cases in this country from the viewpoint of the lawyers who litigated the cases.

The articles cover cases in all regions of the country and involve school districts from the rural to the urban and everything in between.

Commission member Michael Rebell wrote the book's introduction and co-authored an outstanding article on the case that litigated in New York State.

Commission member David Sciarra, who is here, litigated and keeps litigating Abbott v. Burke in New Jersey, which is also the subject of an article.

And Michael Churchill at the end here wrote two articles on two Pennsylvania cases that he litigated. Anyone reading these articles can see how easy it is to shortchange children when educational equity issues are
battled out on a case-by-case and state-by-state basis.

The themes that emerge from these articles, lessons learned sections, constitute some of the fragile pieces of successful litigation. I will highlight seven of them, which, if not well-learned, can harm a plaintiff's case.

First, public engagement is key. A school finance case is an inter-play between law and politics. The public, the media and the legislature must be engaged and lobbied for support.

Two, the tremendous impact of the standard's movement must be considered. When educational adequacy is defined in terms of inputs like pencils, books and teachers, it is easier to determine cost.

But when it is defined in terms of outputs, for example, the opportunity to achieve certain outcomes, costs are more difficult to prove.
Attorneys have to distinguish for the court between guaranteeing equal results and guaranteeing equal opportunity to obtain equal results.

Three, counsel and the parties must be flexible as to what claims are made and whether state or federal courts are the appropriate forum.

Four, litigation involving coalitions of and different types of school districts can be more effective than litigation involving a single school district.

For example, the successful North Carolina litigation involved both urban and rural schools, but an unsuccessful Pennsylvania case involved only the Philadelphia School district.

Five, commitment and focus is absolutely necessary. These cases take years and are very costly.

Six, good facts and great need are not sufficient to drive courts to decide for
clients when restitution involves wide issues of power or where there are ramifications for the courts because of a need for continuing supervision of the remedy.

Many courts determine that they cannot decide these cases because of the Separation of Powers doctrines. And lastly, attorneys must be prepared for continuous comprehensive study of how education practices interact with student achievement.

Again, if these lessons are not well learned, a plaintiff's case can fall and children will suffer. So why should this state of affairs be where we find ourselves in 2011? Why shouldn't the federal government have a larger role in education?

Today, the United States of America is not a collection of isolated states just coming together to form a union whose people, because of lack of transportation and communication are confined to their own borders.
We are a united nation with common goals and understandings brought on by increased travel and instantaneous communication.

One of those common goals, even if expressed very differently by political parties and ideologies, is the continuation of this country as a democratic republic with education citizens who can ensure the country's survival.

Thankfully, citizen now includes all people regardless of race or gender. Today we must still consider a quality education as a fundamental requirement to being a political citizen.

IFEEO hopes that this commission will help ensure that every child receives a quality education, especially as a function and a responsibility of the federal government. Thank you.

MR. RETANA: Excellent, thank you so much. We're going to now bring up David
Sciarra from the Education Law Center. David is the executive director of the Education Law center, Newark, New Jersey.

The Education Law Center works to improve educational opportunities and outcomes for low income students, students of color and students with special needs through policy initiatives, action research, public engagement and when necessary, legal action.

Please give Mr. Sciarra a warm applause.

MR. SCIARRA: Good evening, everyone. It's an honor for me to be on the Commission, it's an honor to be here with my fellow commissioner, with Stephen Chen, Alberto and my good friends, colleagues, Sheilah Vance and Mike Churchill.

I also want to just give thanks to Congressman Fattah, I know he has left.

Liz King is here as his assistant and Liz, just make sure that the congressman knows how much we in this field and those of
us who have labored on this issue and
countless parents and community leaders all
over the country appreciate so much his
leadership on this issue.

He has been, your congressman,
congressman Fattah has been a singular,
powerful voice for resource equity and for
giving all kids an equal opportunity to learn
whether they're here in Philadelphia or in San
Jose, California where we were last week or
wherever.

So I do want to recognize
Congressman Fattah's tremendous work on this.

I'm going to talk a little bit
about, to set up the conversation that I hope
we'll have about the situation about funding
equity in Pennsylvania, which, living in New
Jersey, I read the Inquirer and I'm following
what's going on here and it's very, very
distressing, although it actually is following
a pattern that started last year in New Jersey
and has sort of migrated over the river now.
And I know I want to hear from you about the current budget situation in Pennsylvania and what impact these cuts are going to have on schools and particularly our at-risk and high poverty schools in your state.

So to set it up, I'm going to present a little research that we did called, "The National Report Card on School Funding. Is School Funding Fair?" which we published last October.

And I have to mention Danielle Farrie, one of the authors of this report is here today, tonight, so this was a work that we did, I worked on with Dr. Bruce Baker, a school finance expert at Rutgers University.

And frankly, this is the first real serious set of metrics in which we can compare school funding adequacy, equity, whatever you want to call it, we're calling it fairness, from state to state and from region to region.
You know, it's always important to remind ourselves, particularly if you see anybody talking about what we spend on American public education and they put any kind of data or chart up there which looks at national spending. Just walk away.

Because we do not have a national school finance system. We have 50 state school finance systems. As Sheilah pointed out, every single state is responsible for the education of their children. We have no national right to education. We're one of the few countries in the world that does not have a national right to education.

We have 50 state rights to education. We have 50 state systems, the state controls it. The state of Pennsylvania is responsible for the education of children whether they're in Harrisburg, Scranton, Philadelphia or out in the suburbs. And the finance systems are state systems. So when we talk about school funding equity, we have to
talk about 50 different state systems.

And so this report gives you a sense of where the 50 systems are and I'm going to try to walk you through it and raise a few points so we can set up the discussion later.

So I hope I can move it. Oh, there we go. So what is fair school funding? We have to redefine now, you know, Congressman Fattah talked about 40 years ago and the situation with school system, as bad as it was then is still today and he's right about that.

But one thing has really changed in the last 40 years. Forty years ago, the states did not assume substantive responsibility for education, the content of education. They do today.

Forty years ago, everything was delegated down to the local school district. Curriculum, instruction, all that. Now the state has content standards, performance
standards, state assessments. Pennsylvania has its own set of assessments, its own set of standards in language arts and math that all local school districts have to meet.

And they have their own accountability systems and they're happy to begin to label schools as failing if they don't meet those systems.

So it's a very different landscape than 40 years ago. What hasn't kept up is finance. We have not even begun to work on our finance systems so that they can deliver and provide the resources that every student needs in Pennsylvania, for example, to achieve the state's own content and performance standards.

We have finance systems, as I'm going to show you, that are completely disconnected from giving kids an equal opportunity to reach common standards.

This is particularly important since we're all moving towards common core
standards, which is a national set of standards that are going to drive state standards across the country.

So fair school funding is a sufficient level of funding to deliver high quality standards for all kids. And this is really important, with funding allocated, and I'm talking state and local revenue now, allocated through the state system so that poor kids and poor schools get more.

Why? The cost of getting poor kids, at risk kids, kids with disabilities, English language learners, to achieve high quality standards, rigorous standards, costs more. Their needs are greater, they have more programmatic needs and when you concentrate kids in schools as we do, poor kids in schools and have lots of sets of high needs districts, high poverty districts across our states as we do all across the United States, those schools need more resources.

We have it all backwards in this
country, as Congressman Fattah talked about it. The more lower poverty, more affluent districts have more resources than the districts with the greatest needs in terms of meeting state standards.

So this is the definition of fair funding that we're using. And I want to give you, real quickly, a little bit of data. We're going to look at the states in our area.

And if you look at this report, you have a handout in front, you can go look at it. You can look at the states all across the county, but I'm only going to look at our region.

So here's our region. This is the typical amount of funding that each state spends, from $10,435 in Ohio to $16,101 in New Jersey. Now, I have to make a caveat. This data is before all the cuts in the last couple years.

New Jersey is going down. Pennsylvania, if the cuts go through, is going
to go down. Pennsylvania was actually going up a little bit when Governor Rendell and all the advocates got money in the last couple of years, it's going to go down again if these cuts go through.

New York is a high - New York's going down, too, because there've been big cuts in New York. So all these numbers are going to go down. So this is what you typically spend, state and local revenue.

More importantly, though, do you spend more as poverty increases? If we're going to get all kids equal opportunity to achieve common standards, at-risk children, high-poverty schools need extra resources.

So does your system deliver more resources as poverty increases in schools and districts? And the answer is, we have two states that do. New Jersey largely through the court interventions that Sheilah talked about, but we have four states that don't, and Pennsylvania is one of them.
The states with the rank of D are what we call regressive states, meaning they provide less resources as poverty increases. The wealthier your school, the more money you get. The poorer your school, the less money you get. It's as simple as that.

I'm going to put these both together in what we call these little fairness profiles. So we want to see if your state is progressive, meaning you actually allocate more resources where the need is greatest, or regressive, less resources, or flat. A lot of states around the country are low spending and are just flat.

There's not a lot of money to spend or they don't spend a lot of money, period, on anybody. So these are grouped by region. Pennsylvania is in this Midwest region and Pennsylvania, as you'll see, is a regressive state, meaning that your state system, remember, the property tax, raising money-off the property tax, the state allows
One way to think about funding is, all funding is controlled by the state. It's a fiction about property tax. If you can raise more-off the property tax, the state lets you do it, right? So Pennsylvania is a state which is regressive. It spends less as poverty and student need increases.

And this is always an interesting one. I love the comparison between New York and New Jersey. There are very few states in the country, there's only about four or five, which are actually progressive. New Jersey is one of them, Minnesota, Massachusetts and Vermont are others. The rest of the states are either flat or regressive.

What's so interesting about New Jersey and New York is that New York spends a lot, but it's a regressive state. If you're in Utica, Syracuse, Buffalo, or New York City, you get substantially less money than if you're in Westchester County or Long Island.
Public Schools. And so it drives that curve downward.

New Jersey is in the opposite direction, again, largely through the infusion of state aid as a result of the court decisions.

We also want to look at, does your state put-out? Does it have fiscal capacity? This is one measure of it. Delaware doesn't do very much, lots of tax capacity, they don't spend a lot on schools. Pennsylvania does okay, could do better. All of these states could do better.

So, a few final points. Why is fair school funding important? It is essential, as I mentioned, to give all students equal opportunity to achieve common standards.

And let me say this. All the education reforms that we're hearing about today, pick up the paper, tenure reform, turning around low performing schools, getting
highly qualified teachers to teach in poor school districts.

I'm here to tell you that none of it is possible over the long haul unless we fix our finance systems and ensure that all schools have the resources they need to get their kids to common standards. It is not going to happen.

And in fact, one could argue we're working around the margins until we deal with these resource issues. I could talk about the issue of getting all kids into high quality preschool, but I'll leave that for another day.

But at a minimum, we've got to get these finance systems fixed. Most states unfairly fund their public schools. They're either low spending or regressive. Pennsylvania's in that boat.

Their systems are disconnected, even though you did have a cost study a little while ago, it's now being pushed aside. So
your finance systems remain disconnected from any attempt to figure out what it costs to provide and deliver common standards to all kids.

And federal money just comes in anyway. This is what I hope the Equity commission begins to address, Sheilah alluded to it. The federal government still puts that Title I money in even if the state cuts, even if the state is regressive, even if the state is not making an effort.

And frankly, it's high time for the federal government to have a dialogue, a national dialogue that asks the question, "Why is the federal government continuing to pour money into the states that aren't stepping up to the plate?"

And one could argue, they are subsidizing inequity. So we need new federal policies, we need a national dialogue that this commission is been engaged in and will continue to engage in. It's long overdue.
I just want to mention, though, that this is really important for Pennsylvania because I was looking at today the cuts that are proposed in your budget.

Operating budget allotment to schools is cut 29 percent. Kindergarten cut 43 percent to reduce to halftime Pre-K. Halftime Pre-K. I thought we were getting to full time, full day Pre-K, now we're going to go back to half time. Transportation cut 44 percent, alternative education programs cut 50 percent, extended day programs eliminated for 11,000 students, vocational education cut 30 percent, extra teaching positions to reduce class size cut 34 percent, special education funding cut, gifted and talented funding cut.

And I suspect, I suspect, and maybe Michael will tell us a little bit more, that these state aid cuts always, always, this is a truism. When the state cuts its budget and cuts state aid, they always impact heaviest on the poorest kids and the poorest
school districts because they depend more heavily on the state aid for the extra programs that they need.

So I'm looking forward to hearing more about the situation in Pennsylvania.

MR. RETANA: Thank you David. Going to hear from Michael Churchill now, who is a graduate of Harvard College and Harvard Law School. He joined the Public Interest Law Center in 1976. Prior to that he clerked for Chief Judge Edward Lombard in the Second Circuit Court of Appeals.

Mr. Churchill also served as acting general counsel to the Philadelphia School District in 1984 and in 1994 and was the recipient for the Lawyers' Committee for Civil Rights Under Law's Edwin D. Wolf Award. Please give Mr. Churchill another warm applause. Thank you very much.

MR. CHURCHILL: Thank you so much. I really appreciate the opportunity to talk with you. I echo the sentiments that we need
to thank Congressman Fattah for putting this very, very important commission together so that we now can begin that dialogue that David mentioned.

Nothing, as everyone has said, is more important than dealing with the inequality of governmental resources spent on educating children.

Children competing with one another in the same job market do so with starkly different public investments in their success. And the reason why, you know, we even have a concept of equality in these matters is because the 14th Amendment was written by radical Republicans who understood that equality after the Civil War was a necessity.

Unfortunately, our courts started very early in cutting that down and coveting it, trying to bring it under control. And really, we need to take the politics back into it.
It's not going to happen from the courts, it's going to happen when the politics of it begins to ignite that same kind of radical belief in real equality.

Because we don't have it. You know, it's really documenting the obvious, what many of us are saying here. You don't have to go very far to know it.

In Pennsylvania, disparities in spending in gross terms that anybody can see range from $8,237 per student in the Dunmore School District to $21,127 in the Lower Merion School District when you look at just all of their expenditures except financing costs.

The reasons why we have such gross disparities is really very simple. This is the state where the local share of the contribution between state and local funding, the local share is high. And you can just take it as an iron rule of economics that the higher the local share, the more inequality there's going to be.
Sometimes, having a high state share doesn't solve the problem of equality because the state doesn't distribute its own collections very fairly.

But you can be assured, if you're relying on local tax collections, the inequality of wealth in one community over another means you will have high levels of inequality, excuse me for touching the wrong thing here.

Pennsylvania, yes, Pennsylvania has been ranking in the five states with the highest reliance on property taxes of any states in the nation. It was as low as, at one point, 35 percent of the total cost of the education budget for public schools was coming from the state government and the other 65 percent was coming from local share.

And that's why we have such inequality. These gross levels that I have discussed mask the real level of inequality, because as you've been told, educators know
the cost of educating, and we do, all of us, know that the cost of educating all children are not the same.

Students needing special education services, English language learners and children living in deep poverty need more services and obviously cost more.

Pennsylvania, therefore, rather boldly wanted to know what the cost of educating its students to proficiency levels would be for each district and how those costs compared to the amounts currently available in those districts.

And to answer those questions, the legislature in 2006 ordered the commissioning of a costing-out study by the State Board of Education, which was completed in December of 2007 and we really need to thank a number of agencies, not mine, but the Education Policy and Leadership Center, the Good Schools Pennsylvania and the Pennsylvania version of the Education Law Center, for getting that
legislation authorized.

The study, however, not only showed what were the differences between what was needed to educate students and what was available, but it conclusively showed the deep inequalities in educational opportunities that existed.

The report used the principles of fairness which are outlined in the National Report Card that David has just previously discussed.

In particular, it was based on the principle that varying levels of funding are required to provide equal educational opportunities to children with different needs.

But because we were only looking at one state, we didn't have to go through the really very complicated and elaborate mathematical analysis that that report has.

And because we have a coherent, single set of state standards, we were able to
measure the cost of providing the average student proficient education in every part of the state and then the additional cost of children with disabilities, English language learners, children from families in poverty.

And the study then applied those costs to the actual numbers of each type student in each district. It might surprise you to know that Pennsylvania, for 15 years previously had not actually counted the number of students in each district when determining the amount of money that was being distributed.

A unique concept, if you think about it. It then applied, in addition to those demographic factors, that's fancy language for counting kids, it accounted for differences in geographical factors such as regional cost of living, district size, density of the districts and the changes in growth rates.

Again, things that are recommended
in David's study were actually incorporated in
the Pennsylvania costing out study. It did
not use a factor for concentration of poverty
because it accounted actual numbers of
students in poverty and not census figures on
poverty in the community.

But if they were available and
good ones on the differential cost were
available, then those could be incorporated in
the Pennsylvania formula.

The costing out study was really a
report on the cost of an adequate education,
district by district. So it did not have to
separately estimate sufficiency of funding or
whether the distributions were equitable. It
comes right out of the numbers.

And the methodology is set forth
extensively in the report, which is available
on a number of websites. The easiest one to
find it on is the State Board of Education's
website.

The results were revealing. Out
of 501 districts, only 25 had no gaps. It wouldn't surprise you to know that those are the wealthiest in the state. Five districts had gaps greater than $5,000 per student. Just think of how much money that is.

The highest was $6,437 and that was almost half of the actual amount needed. So children in that district had half of what was needed in order to provide an adequate education.

Well, more than half of the districts had gaps greater than $2,500 per student. Overall, the statewide gap was $4.4 billion, which was about 28 percent of the then existing expenditures.

The interesting this is, although there was not perfect alignment, districts with the smallest gaps between what they spend and the adequacy amount needed for all students to achieve had the most students at grade level, i.e., small gaps, high funding, high proficiency.
Those with the largest adequacy gaps had the largest percentages of students below grade levels. So the schools with gaps less than $2,000 per student had 80 percent of their students at state proficiency levels.

If the gap widened from $2,000 to $4,000, only 73 percent were proficient. And at schools with gaps of greater than $4,000, only 55 percent were proficient. You cannot say that money is not necessary. It may not be sufficient to get good schools, but you sure can't do it without it.

Because of the study, for the first time, Pennsylvanians knew what it cost to give every child an equal chance to become proficient and meet those standards. It was also clear that there were huge disparities in the extent of the funding adequacy.

Whatever criticism there might be of the exactitude of the cost model, the bottom line was that all districts, for the first time, were being judged by the same
standard and the differences between their resources were dramatic.

As a result, as had been pointed out, the legislature committed itself in 2008 to a phased-in plan to increase funding and to distributing the new funding based on a formula very similar to that used in the study.

Because of the economic downturn, the legislature has been failing to meet those goals and the current government is proposing they actually reduce state spending on public schools by $1.1 billion. And this, in proportion to the total of state contribution to education funding is a larger increase than even that proposed by Governor Christie in New Jersey, which got so much notoriety last year.

And as David suggested, an analysis of these cuts that have been made by the Education Law Center in Pennsylvania and by the School Funding Coalition in Pennsylvania shows that they will bear most
heavily on poorer school districts. The more you need the money, the bigger your gap, the more you're going to be cut.

So why is this study important? Because in some sense, it's really telling us the obvious. Where, you know, that we have disparities and we're not putting enough money into the system. But one reason is because it allows us to document this in a way that many people have not been willing to believe before.

And because it tells us that some solutions to solving problems of the so-called failing schools are misguided. The Pennsylvania legislature is considering a voucher proposal, for instance, like many states, to initially help students leave the 144 persistently failing schools located in 22 school districts, on the grounds that we morally need to help students leave failing schools. Presumably because that is the only way to get them an adequate education.
But an examination of those 22 districts show that all but two historically have been grossly underfunded. To say a public school has failed these children is to identify the wrong perpetrator.

It is the legislators who have refused to produce adequate resources for these children's schools who have failed the students. It is the legislators, voting to cut public school budgets rather than raise the necessary revenues, who have failed these students. Not the teachers and administrators in those schools struggling with inadequate resources.

Frankly, I am tired of hearing that getting poor and minority children out of failing schools is the new civil rights battle when we have never delivered on the old civil rights of equitable distribution of resources so that all actually have a real chance for an adequate public education.

That is the civil right that has
been denied too long. It is no mystery why this matters. The Supreme Court, long ago, in 1954, told us in Brown, "Today, education is perhaps the most important function of state and local governments."

"In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education."

Numerous studies, including one two years ago by three researchers at the Center for Labor Market Studies in Northeastern, looking at the Philadelphia market, but many other studies have documented that the changing structure of our economy, with its increased emphasis on white collar and service jobs and decreasing industrial jobs mean increasing educational accomplishment is necessary even more today than it was then.

But the most important reason why we need to pay attention lies in what such
inequality and denial of opportunity means in the hearts and minds of the young people who have to live it daily.

I want to end my time by reading a most remarkable poem I heard Wednesday night, which a couple people in this audience I know heard also, which was written by a Philadelphia student, Jacob Winterstein, in 2004, but it is still relevant today.

It is called, "Insufficient Funds". "Fifty years later, fifty years later, fifty years later and this fact can't be evaded, our schools are still segregated. Now color isn't the only divide. We got the city and suburban side. Separated by mere two-way streets and imaginary lines, not found by eyes, only on maps."

"Not just to split districts to be taxed, properties and plots, but to split the haves from the have-nots. Fifty years later and who you are and the neighborhood you live in still determines the education that you're
given."

"If you grow up in the suburbs of Philly, $17,000 are spent on your education. If you grow up in Philly, only $10,000 are spent."

"Between here and there. I'm trying to figure out where $7,000 went. As I look at the discrepancy in the ground beneath me, that is supposedly the land of equal opportunity, seems to me that equality ain't free."

"You got to pay the right fee for a good high school degree? Fifty years later and we still got under qualified teachers in front of overcrowded classrooms leaving the kids stuck in the middle of this sick, twisted riddle that's got me trying to figure out why, if you go to school in the suburbs, you're expected to attend a university, you are treated with humility in your school, with modern day facilities."

"But in the city, your school is
old and cracked like the Liberty Bell. I
don't know what teachers expect of me, except
they want to get rid of me. Fifty years later
and you can learn more from poetry stages than
you can ever learn from outdated, ripped up
textbook pages, going to schools that feel
like prison cages."

"What's going on inside kids' heads is outrageous. But we don't get
counselors to see their faces. Instead we get
security guards to be the replacements. Prisons and schools might as well be
adjacent."

"Because my state can't find
$7,000 for a student to do well, because they
can find $35,000 to keep a young person locked
in a jail cell. They can't find money for
teachers or books, but they can find money for
camera and cops to treat us like crooks."

"The feds can never find money for
teachers to teach me. But they can always
find money for ROTC. Step one foot inside a
school if you don't believe me."

"Fifty years later, and we've taken one step. We've changed the word, the written, the law. If you look at the results, we haven't changed at all. We're stopped, we're stalled. We need us, we need me, we need you."

"We need all of y'all to pick the fight back up because 50 years later and it's still unjust."

That's a student's words, that's the situation we're facing. That's why we need to be here. Thank you.

MR. RETANA: Thank you so much, and before turning it over to our commissioners and particularly Sandra Dungee-Glenn to give some remarks, I wanted to, particularly with that poem just ask how many students we have here. If you're a student at a school, particularly a high school or a middle school student, if you could stand up real quick, give you guys some love for being
here. Thank you so much for being here. Look forward to hearing from you a little bit later during public comment. Thank you.

Have a seat. Thank you so much.

So Sandra, if you could say a few words?

MS. DUNGE-GLENN: Yes. First of all, thank you again and I want to thank everyone for showing the interest and coming out to this town hall meeting tonight and hearing what we are hearing and gathering information on.

I want to thank Sheilah and David and Michael for the facts and the history that you brought forth. And there were a couple of things, sentences from two articles that I read recently that kind of crystallize this subject for me that I just wanted to share because I think, as Congressman Fattah laid it out, it is very simple in some ways.

And give, Michael, as you ended your comments, you talked about how essential education is to the 21st century in terms of
being able to find a way to provide yourselves
with any kind of quality of life. The young
people being prepared for that, the amount of
knowledge and information that they need to
have is increased even more than it has been.

And at the same time, given that,
you would think that the kinds of behavior
that would deny a child access to what is
required, access to a quality education, that
that might be considered criminal behavior.

But in the perverse world of
priorities, we see something that is very
different. So I just wanted to highlight two
cases that have come to the public attention
recently that look at what parents, we often
talk about what parents don't do and how they
aren't interested in their children's'
education.

But I want to raise with you
Kelley Williams-Bolar and Tanya McDowell.
Kelley Williams-Bolar, whose children attended
Copley-Fairlawn Schools while her home address
was in dispute, was sentenced to 10 days in jail and community service for falsifying records so that her children could attend the high achieving suburban district rather than the Akron Public Schools.

Williams-Bolar, who said she was trying to keep her daughter safe, also runs the risk of being disqualified as a school teacher because a felon in Ohio can be disqualified from working as teachers.

And if we turn our attention to Connecticut, a homeless Connecticut mother is fighting charges that she stole $15,000 worth of education by enrolling her son in the wrong school.

Tanya McDowell was in court on Wednesday on the unusual accusation that she stole $15,686 worth of education for her son by sending him to school in Norwalk when they have no permanent address in the town.

So the criminal behavior in this country is for a parent to demand a quality
education for his or her child even if that means they might actually have to go to another district.

And so when we think about the time, attention and money that the government's willing to pay to criminalize the behavior and yet the resistance that we see in the fight to equalize and make adequate access to education, that gives you something, a context, I think, for the conversation we have here today.

And for me, creates the urgency for not just talking about and creating a report, but actually laying out a set of actions that we know and really believe strongly that President Obama's Administration will take to heart.

So I think in many ways, this is a very simple conversation. We talk about complex funding issues, but it really comes down to a matter of priorities.

And the priorities being that
there should be nothing more important than
breaking down the walls that are denying
access to our children as opposed to putting
up false walls to separate county lines and
require that you go to jail rather than
provide your child with equal access to
education.

So I just want to thank you for
the opportunity to make those comments.

MR. RETANA: Before turning over
the conversation to the public, I just wanted
to see if there were any other reactions from
any of the commissioners or any of the
speakers before moving forward. Okay.
Excellent. All right, so wonderful. So for
this next part, we’ve had different folks
who’ve submitted their names to give comments.

Essentially, you’ll have five
seconds, no, just joking. We have a good
crowd here, so we have about three minutes
each to make your statement and make your
points. We’re going to get through folks and
hopefully, assuming we have a little bit of time, maybe we can have a little bit of a dialogue towards the end.

But I think what's real important for this period, for this comment section is to really give us some of your observations on the ground from your perspective either as a student or a community member, of how this impacts your life and any particular recommendations you may have, obviously, for us to take back.

So we're going to start with Shania Morris from the Philadelphia Student Union. And we have Kim here who has a little timer, so just keep an eye out for her and then as your time starts coming to an end, I will politely remind you, so.

Oh, excellent, come on up, yes. Well, you know what? Actually, from there, that way you can look at us directly, you can address us. If that's all right? Sorry, I should explain that. And I'm guessing Shayla
Johnson will be immediately following you, so.

MS. JOHNSON: Yes. No, I'm actually going first and she's going second, so --

MR. RETANA: Okay, all right, we'll flip you, okay, go ahead. Thank you.

MS. JOHNSON: Okay, so I just want to give you like, a brief introduction to the Campaign for Nonviolent Schools. So the Campaign for Nonviolent Schools came from teens just like me in the Philadelphia Student Union because we wanted to improve our schools.

We have worked on a lot of issues over the years, but in the past several years many of our schools were dealing with climate and violent issues.

So we wanted, wait, so we saw the needs across schools, school climate and school safety without pushing students out and without, while making sure that all the students have the right resources.
You're probably wondering why we came up with the idea of a nonviolent school. Adults always talk about youth as being violent, rude, and disrespectful, so we wanted to define the meaning of violence for ourselves and get to the root cause of why students are violent.

We didn't only want to talk about what was wrong without taking the time out to fix what was wrong, so we developed the vision for nonviolent schools.

The reason I am here today speaking to you about the nonviolent schools is very simple. It's the same reason I got involved with organizing. I got tired of sitting around and complaining about things I thought were wrong with my school and I knew that it was time for a change.

Not only that, but I believe in this cause strong and wholeheartedly and I want to see a change for the youth to come. I have a little sister and a nephew that I don't
want to see go through the same things that I'm going through. This is why I'm active.

When we talk about violence, we don't just talk about the physical aspects of violence. We talk about the mental, verbal and systematic parts of violence. We define violence as a power that hurts and we want to be the nonviolence power that helps.

Therefore, any individual person or school or school system can be violent or nonviolent. As individuals, we can use our power to bully, intimidate, or physically hurt our fellow students, or we can use our power to bring students together to lead and to create positive change.

It is the same with our schools and our systems. We see inter-personalized violence in our schools all the time and we want to see students also go through an education system that can, we don't want to see them go through a educational system that can hurt them without chances for survival.
We need to make sure that our system is helping our chances for survival. This is what the platform is all about. Now we launched the Campaign for Nonviolent Schools in January last year on Martin Luther King Day.

From there, we've been moving. We've recruited nine other organizations. We've had two nonviolent flash mobs. We've had a youth power summit and I have personally ran a workshop on restorative justice.

And to celebrate our one year anniversary, we had a Youth Day just about leadership. I ran a workshop about what makes a leader.

We know we couldn't take on this campaign because, wait, we knew we could take on this campaign because we've had great successes at individual schools and restorative practices, student led trainings of school police officers in ending some negative policies in our school.
With the campaign, we want students to be looked at differently and in a positive way. We are working together to change the perception as youth as a whole and in the community as well as in the media.

We want to impact what happens in our schools as well as in district polices. Our platform is our vision for nonviolent schools to bring equity to all youth. That's it.

MS. MORRIS: Hi, I'm Shania, yet again, I'm with the Philadelphia Student Union and I'm also with the Campaign for Nonviolent Schools. Nonviolent schools ensure meaningful, well, this is talking about student voice. Nonviolent schools ensure meaningful student engagement and decision making in school operations.

They clearly demonstrate student feedback is valued and acted upon. The school district has made strides in increasing student engagement through avenues like city
wide student government. However, this is still more to be done.

So the reason why this is important to me is because I've been through a personal experience where my voice as a student wasn't heard and I felt like, and I also feel that students, right, oh, I'm sorry.

I feel that students, we should be able to have a voice in our system and have a voice in our schools because of the fact that we're the ones who sit in school all day and we're also the ones who have to deal with the teachers.

So something we should be able to be a part of is site selection when principals and different teachers are choosing the teachers who are going to, you know, be teaching us.

And, you know, most students know that this is, I'm so sorry. Can't be the last thing I wanted to say. But, okay, so I hope you get that point.
But the reason why this relates to equity and equality is because we have to start with ourselves and respecting each other in the school community to be able to, you know, create a nonviolent school system and get equal funding, you know, yes. Sorry.

MR. RETANA: Thank you. And I thank you for the last point about connecting it to equity I think is real important and so and for both of you keeping to time, so it's good modeling for the rest of us.

And so next I'd like to bring up Minh Nguyen from Boat People SOS. Thank you. Excellent.

MR. NGUYEN: Hello Commission. Thank you everyone for coming today. My name is Minh Nguyen and I'm here from BPSOS, a non-profit organization which works in the Vietnamese community.

We are one of the organizations working on the Campaign for Nonviolent Schools because we believe that students and
communities have the ability to transform our schools into safe and equitable learning environments through the power of youth, parent and community leadership.

Today there remain serious and enormous inequities and inadequacies in the resources, support and services provided to students in Philadelphia's public schools.

Insufficient student supports and services often prevent students in Philadelphia's education system from achieving academic success, therefore widening the gap in student achievement.

Marginalized communities in our city, primarily students in low income neighborhoods, along with immigrant students and English language learners, LGBTQ and gender non-conforming youth, students with disabilities and minority students all consistently struggle to access an equal educational opportunity.

The divestment in student support
services is one of the varying factors that causes low graduation rates, low college attendance and completion and decreased economic advantages in the future for the city's students.

In the summer 2009 while I was working with BPSOS and with the youth in the community, nearly 30 Asian immigrant students were attacked in South Philadelphia High School.

BPSOS came together with other community-based organizations and advocates together to support the Asian immigrant students who launched an eight day boycott, which brought widespread local and national support and attention to the issue of bias violence in schools.

Later on in the line of our work, youth leaders and community organizations filed a complaint with the Department of Justice for deliberate indifference on the part of the school district in dealing with
violence against Asian immigrant students.

A complaint that ultimately led to increased student support structures and services within South Philadelphia High School. Since then, students have worked in collaboration with the new principal, Otis Hackney, to continue this important work from within the school.

Throughout the experience, it has become evident to us that inter-group and inter-personal conflict among students is perpetuated and exacerbated by a lack of student support, services and comprehensive curriculum.

In order to resolve these conflicts there must be changes in the curriculum of the school district, a curriculum that teaches students about their own cultures and others in order to raise ethnic awareness and racial consciousness.

There must be a paradigm shift in the way we look at education. From a
standardized curriculum and overcrowded, manufactured, assembly line mentality to creating safe spaces that encourages students to learn though critical and divergent thinking.

There must also be an increase in student support and services in schools. In a school of 800 students, 200 of which are refugee and immigrant students, South Philly High needs more student supports and services as well as counselors, bilingual counselor assistants and other resources and personnel in order to meet the individualized and personal needs of every student.

One may say, "Well, this is only the case of a single school in one of the largest urban school districts in the nation."

However, this problem of deficiencies in student supports and services persists throughout this whole school district.

This inequity is caused by the
systemic underfunding of our schools and the basic inequity in the funding structure. Over the last year, hundreds of Philadelphia High School students came together to create a unified platform within the school district.

Within that platform, a nonviolent school must have adequate student support and services. Thank you.

MR. RETANA: I should say, too, if at any point any of you have any questions for any of the folks, I think you'd feel free to ask away.

I'd like to bring up William Browning, legislative and education director for Action United. Are you here, William Browning? Excellent, thank you.

MR. BROWNING: Hello everyone. Thank you for allowing me to be here. What can the federal government do to promote equitable and adequate school funding?

Well, equitable resources requires more than parity. To really be equitable and
ensure all kids are getting equal access to
the opportunity to succeed, we know that low
income students and English learners require
more spending resources to help them overcome
the particular challenges they bring with them
to school.

The schools with large
concentrations of these students require even
more beyond that. Federal policy should,
therefore promote equitable spending, not just
equal spending, by requiring that state
education funding be progressive with increase
in state and local support as poverty and the
English learning population increases.

We feel as though this issue is
and was being addressed by two bills that have
recently been submitted by Congressman Chaka
Fattah, who has since left. But these two
bills are The Fiscal Fairness Act and The
Student Bill of Rights.

With those that know that these
two bills are starting to address the
comparability provision that is under Title I.
Here in Pennsylvania, up until this year, we
were moving in the right direction.

    Okay. That direction was based
upon using the weighted student formula
funding. Progress was being made and it was
based upon a report which was mentioned
earlier, but the costing out study, which was
released in 2008, which found that our schools
were being underfunded by more than $4 billion
each year.

    Governor Rendell, in his time,
signed legislation which began to address that
issue. And since then, standardized tests
have been improving every year since.

    The federal government should use
this costing out study at the school level
across the country. The federal government
should also use the upcoming $700 million for
competitive grants to encourage districts to
pilot weighed out formula throughout the
school.
The federal government should also readdress the blueprint which they have for the reauthorization for ESEA. They are missing one major component in all four of the models in which they've presented.

I've heard people introduce it as Model 1 fire, Model 2 fire, Model 3 fire, Model 4, close. As a member of CEPS, in collaboration with over 50 other grassroots, civil rights and faith-based organizations from over 27 states have concluded. So what they need to do in order to have a sustainable model, you need to have a comprehensive, inclusive progress that creates investments by parents, the major stakeholder, students, a major stakeholder and teachers in developing and carrying out the transformation plan.

Insist that educational strategies be research-based and aimed at improving school culture and any transformation plan should include a plan to provide wraparound support for all students. There are 95,000
school in the USA and in Pennsylvania we spend
over a million dollars on teacher turnover. Implement these strategies and we will have
over a billion dollars saved each school year which can be used to reduce class-sizes,
purchase instructional materials and equipment, improve facilities and their surroundings and allow the wrap-around support our children need. Thank you.

MR. RETANA: Mr. Browning, thank you for your patience, I know that the time was quick. I see that you have something in writing. If you would not mind, if you don't mind submitting it, that way we can also have that as well. Next I'd like to bring in Susan Gobreski. Education director, Education Voters, Pennsylvania. Excellent. Thank you.

MS. GOBRESKI: Hi. Thank you for having me and thank you for doing this. My name is Susan Gobreski, I'm the executive director of Education Voters, which is an advocacy organization. And I wish I had
really fancy detailed remarks, but it's been a long week here in Pennsylvania.

We are facing a $1.1 billion cut in budget we actually used. We did what we were supposed to do. We used the stimulus money to help make sure that we were protecting the interests of children through the economic downturn and that we were protecting the infrastructure so that we didn't have to just decimate our schools.

And we also have a 50 percent cut to our state higher education system and our governor just today proposed that we, that some of our state schools perhaps should allow drilling for shale gas so that the schools could meet their budget.

So I was thinking about whether or not I should start trying to map out the elementary schools that might be over the shale as well. So I'm just going to cover a couple of topics just briefly here.

First, oh, we're also fighting
vouchers. I can cover that one. Have another session. I'm also a mother, I want to say that. One of the things I would like to do today is submit for you to the commission, the Opportunity to Learn materials produced by The Schott Foundation for Public Education, which evaluates the Opportunity to Learn and the resource allocation by students, by racial group, by money.

And I'm just going to, I'll show you the quick picture and then I'll turn in the report. I'm a working mother. I'm a mess. So over here, white, well researched, high performing schools. White students over here, black students over here.

Pennsylvania students in poorly resourced, low performing schools, black students over here with the high bar, white students over here with the low bar. Pardon me for one second.

Okay. Second thing I would like to do, I will send these materials to the
commission. The second thing I would like to do is, as a mother, there's a lot of ways to talk about equity. There's a lot of ways.

One of the things that's always amazing to me and when we work with the legislature is how many times the conversation turns to a 3rd grade level of, "But it's not fair."

Right? It's not fair that you want to take money away from my kids and give it to your kid. And I have three children and that conversation happens almost every day in my house. So here's my definition of fair.

When my children need shoes, I do not go out and buy them the exact same pair of shoes in the exact same color for the exact same dollar amount. What I do is, I buy my children the shoes that they need. And that is my definition of equity.

And so I think there are a lot of people like Michael here and David, who can offer you a much more sophisticated
understanding. But that's mine.

I'd like to ask you, one of the things I was reading over was the commission's mission. And one of the things I would like you to more actively pursue and perhaps consider adding as an agenda item is the need to broadcast what you learn.

And I see it in there sort of more implicitly and so one of the things I would like the commission to take up is the need to really do an incredibly amazing job at telling this story.

We need the public buy-in. Education should be the abortion and gun issue. Right? People get all worked about this stuff, but everybody's got a stake, not that everyone doesn't have a stake in those issues, but education affects all of us every day, all the time.

People get all worked up and we need to do this. My last thing is the role of federal government is to set the standards for
fair. It just says, you know, states do have
the right to do something different, but the
federal government is supposed to say, "You
have to be at least here. You can be better
than this, but you can't be less than this."

And I would ask you to make sure
that you work that into your goals in terms of
articulating a definition of fair. Thank you.

MR. RETANA: Thank you so much.
Ms. Dzurinko from Campaign for Nonviolent
Schools.

MS. DZURINKO: Hey everyone.
Thank you so much for having me. It's really
nice to see some of you again and to see new
faces as well.

Just wanted to say, in terms of
the costing out study and the fight for
equitable funding, young people were also a
big part of that fight as well and we're on
the front lines in trying to make sure that
the costing out study was implemented.

We were kind of supposed to do our
platform all together, but it's cool. I just want people to take a look, hopefully, at the Campaign for Nonviolent Schools platform and the way that it really connects to equity is that this vision of nonviolent schools is the same vision of equitably funded schools.

And the vision of nonviolent schools is a vision where we eliminate the structural violence of underfunding and underfunding our public schools. We consider that a form of structural violence because it is hurting young peoples' chance of survival and in that sense, there's a connection between the structural violence that we see in our system and the inter-personal violence and unrest that we see in our schools.

Again, just as you've been talking about the correlations between funding and achievement, there's also a correlation between funding and school climate. There's a correlation between resources and how young people perceive that they are being treated
and the frustration and anger that they feel as a result.

So we do hope that you will take this vision of nonviolent schools with you and think of it as a potential model and a way of speaking about this issue of structural equity.

And we very much appreciate it.

Thank you.

MR. RETANA: Thank you, Najmie. I'm sorry if I pronounce your name wrong. Bach Tong from Asian Students Association? Are you here? Okay. Did I say that all right? Okay, good. All right.

MR. TONG: Hi, I'm Bach. And I don't have print out papers, first because I go green and secondly, you know, economy down and budgets cut when it's paper and money.

So again, my name is Bach and I'm a junior at the Science Leadership Academy. I'm speaking as a member of the Asian Students Association of Philadelphia and we also are a
member of the Campaign for Nonviolent Schools.

So, two years ago, I first attended South Philadelphia High School and since then, there have been many disappointing things that happened to me.

Specifically, on my first day of school, I went out the cafeteria for lunch, and there where is crowded line and I stand in line. While I'm standing in line looking out, there is a girl who face it were on, were covered with blood.

In her hands, she were trying to hold a glass from falling into the floor, with police on both sides of her escorts her out of the lunch. So as I look at her, following the trail of blood I see left behind, thinking about, you know, what's going to happen to me in lunchroom for the rest of years.

So I stopped coming out for lunch because it were too violent. I cannot eat while people fighting. And, but it still exists in hallway and campuses. I witnessed
my friend getting attacked every day and wonder why would something happen in your school?

Then just the balance that being ignored and then it follow into something bigger, and, you know, October 2008 there is that target. Things that happen with the Asian immigrants and we're all Chinese and Vietnamese and half the guys in the room have left school early because they were too afraid we're going to be hurt if we stay in school.

And the same reason happened a year later on December 3, 2009 where 26 students were attacked. Then we have the decision to make, because we couldn't ignore what happened to us, it's an iconic event that happened to our city.

And through talking to people to adopt advocate to community, it's happened with them 20 years ago, 30 years ago and it happened to us now. And we wonder, it because the way we look?
And we bite high school. We file a lawsuit with the Department of Justice and we were recognized and we were found in December 2010 and that the school district was deliberately indifference in the case with the Asian immigrant students.

So even though things happened successfully in a positive direction, I must say I personally have to fly off, have to flee out that school because I want to find space that I can be right and safe for me and where I could feel comfortable where my codes have been respected and where I and my peer understand what are our history and where are we coming from.

So my story, point being, I, myself, as an immigrant student, come to America and, you know, holding that great big American dream, then in growing public, poorly funded public middle school, oh, sorry, thank you.

And where students remember that
policeman better than the teacher then. And I have to listen to my friend being attacked every day because the way we look and I have to flee our school because it were too horrors.

And then I have to struggle to deal with my classes because we don't want to say where is all that coming from. And my story is just one of thousands of our story to our city that you have heard today.

So honor here. We need to understand each other and we need to recognize the past in order to move forward and we need to make sure that the children we move forward with do not hurt us.

And one last quote that I took note recently that one of the old principal at South Philadelphia High School, one told the community that this is South Philadelphia High School. Everyone get hurt. Thank you.

MR. RETANA: Thank you, Bach. Ellen Somekawa from AAU? There you are. Hey.
MS. Somekawa: It's great to see everybody. Thank you very much. My name is Ellen Somekawa, I'm here as a co-founder of the Folk Arts Cultural Treasures Charter School, a six year old K-8 charter school serving a number of immigrant students here in Philadelphia Chinatown.

I'm also here as a board member of Asian Americans United, which helped anchor the successful federal complaint around civil rights abuses at South Philadelphia High School with the U.S. Department of Justice.

We're co-partners with the Philadelphia Citywide Campaign for Nonviolent Schools and fully support and endorse the CNS platform.

But I'm here to talk primarily about the role of a rapidly expanding choice system within Philadelphia and the impact on new immigrant students, particularly those who are enrolled in English language learner programs.
Over the past decade, Philadelphia's seen one of the most rapid expansions of school choice within a major urban school district. Under former superintendent Paul Vallas, the district went from roughly 22 or so neighborhood high schools and a number of magnet high schools to creating over 60+ different high school options, many of them modeling a small school model.

Charter school growth has also exploded over the last decade and today, Philadelphia's 74 charter schools alone comprise the second largest school system in the Commonwealth of Pennsylvania.

Philadelphia's current approach to turnaround has also relied more heavily on privatizations and turning schools over to independent operators and charters than most other school districts around the country, according to a Hechinger Report.

As we know in any system of school
choice, there are those who can choose and those who can't. And among those who can't are immigrant students who are shut out of most choice options, particularly magnet and charter schools because of their limited English language learner services.

The two major points I wanted to make about this is, first, there's an increasing concentration of ELL students all across the country in specific neighborhood high schools that require a specific addressing of racial harmony, issues and training around bias and harassment at these schools.

According to a 2008 Public School Notebook study, three-fourths of the high school-aged English language learners are housed in just nine district high schools. These neighborhood schools have seen their immigrant student's populations increase dramatically even as our overall populations decline.
For example, South Philadelphia High where we did work, today has close to a quarter of the student population is Asian even as its population overall has dropped almost 40 percent enrollment in the last four years.

The concentration of ELL students in specific schools echo national trends that we see, which show concentrations of ELL students in schools which have actually a higher rate of violent incidents in them.

Locally in Philadelphia, those 9 high schools that I mentioned house 10 percent of the student population and report 20 percent of the student incidences of violence.

In the time that we worked at South Philadelphia High, one of the most striking things that we noticed is that even in schools which have high concentrations of ELL students, we had been surprised by the lack of training and understanding about basic issues of immigrant student rights, oh,
immigrant student issues, forgive me, recognition of bias and harassment, failure to understand the role of translation and interpretation and a reluctance to support multicultural, multiracial ethnic studies in schools and build it into the school time.

And although I don't want to spend too much time on this point, I ask that this commission will take into consideration the serious need to urge districts to devote specific resources and efforts towards awareness of harassment and bias concerns at schools with concentrations of immigrant students or rapidly increasing immigrant student populations.

The South Philadelphia High School settlement with the U.S. Department of Justice, I feel, is a good starting model lens for which to view this work and should be shared with and among commission members.

The second point I want to address quickly is this issue of funding around ELLs
and charter schools. I've heard that the U.S. Department of Justice has strongly encouraged the charter schools to serve ELL students within them.

But while this intent of a message is very important, it is essentially rendered ineffective by the basic funding of charters. The school I founded, Folk Arts Cultural Treasure Charter School serves 451 students, a third of whom receive direct services through our ESL program or are closely monitored for ESL programming.

In order to fully serve this population, our staff have five fulltime ELL teachers, one bilingual home school community liaison, a number of part time tutors and the staff personnel, who cover half a dozen languages.

And yet, we receive the exact same amount of money for a school of our size serving zero ELL students. There is not, just for us, any financial balancing of their work,
but in fact, a punitive financial result because of it.

The statistics on charters bear out the consequences of the barriers to fund ELL students in the state system. Although these numbers are slightly dated, in 2006 and 2007, only four charter schools out of 61 at the time served 10 percent ELL students or more, all four of which had a specific mission to do so.

Most of the others had incidental numbers of students, ELL students, 90 percent of which had 3 percent or less. I'm wrapping up. At a recent meeting of charter school students at the Education Law Center, the failure to fund for ELL students was the number one barrier cited by charter school operators for admitting ELL students into the program.

So I'm just saying again, no matter any message, no matter how compelling or sincere, will not be able to adjust for a
punitive financial reality.

So I strongly urge the U.S. Commission on Equity and Excellence and the U.S. Department of Education, which is strongly encouraging the active creation and support of charters around the country, that you must require that state cater school funding formulas include funding for students identified as ELL.

And without that, the charter school movement will continue to neglect and under serve the ELL students and those schools which are seeking innovative and responsible solutions to responsibly include and embrace new immigrants into our school systems will be financially penalized for such efforts. Thank you.

MR. RETANA: Thanks, Ellen. Last, but certainly not least, Jasper Jones. I think he may have stepped out. Okay.

Before closing I thought we would just hear a little bit from our commissioners
for a quick second and then turn it over to
Stephen for closure, but if there were any
thoughts, reactions, reflections based on what
we've heard today, be great.

MS. DUNGEE-GLENN: Well, yes, I
want to thank the members who came out to
speak tonight because I think there were a
number of things that were brought out that
will be very useful to the commission and it's
one of those things, it's kind of like,
highlighting those things that struck me.

And one of the comments that
Michael made, looking at the costing out study
in Pennsylvania, and I guess it should come as
no surprise to any of us about the size of the
funding gaps that were found when we look at
these comparisons from district to district,
the direct correlation with the proficiency
gaps that we talk about with in terms of the
academic outcomes for our young people.

Again, just making that connection
that what we're really looking at is not an
achievement gap, but an opportunity gap. Because if we don't have equitable and equal investment, then how can we expect to have equal outcomes?

And that raises a question as we look at these Pennsylvania, the proposed cuts from Governor Corbett and how they are going to have a disproportionate impact on the schools and districts that can least afford it.

Does that rise to the level of a violation of civil rights in terms of the Department of Education's communicating that to our governor, to this Administration, and, I mean, I don't know the technical range of your purview, but doing anything that furthers disparities and as a state government, taking that action affirmatively.

Is that something that they need to be in the common language, step to about, if you would? And do we need to take an opportunity to do that?
The other thing that I felt was very helpful from the comments that we received, I think the speaker, and I apologize for not remembering names, the idea that this kind of information needs to be broadcast. That we need to really make sure that this issue of equity and the disparities and what it looks like on the ground needs to be out there in the public realm much more than it is.

And thinking about ways that we can do that through earned media and other means, clearly using this opportunity to set, at the federal level, some kind of adequacy floor.

And I want to thank the student unions and the students' comments about this correlation between funding and school climate. Because I think there's a lot of attention that's talked about, in terms of attention given to safety and enforcement, punitive measures, if you would, and not
nearly enough in terms of setting up preventative measures and the best way to do that and the role that dollars play in determining school climate.

And thank you as always, Ellen, for your enlightening information, I don't -- there she is, okay. School choice and the impact on equity, that is something that I had no knowledge about, thinking about how the charter funding, as well as how this push for additional school choices beyond the neighborhood schools, who is leaving in the neighborhood schools and how it's disproportionately impacting English language learning students.

And I think that is something we have to pay particular attention to. I think the idea of school choice has a number of very positive benefits to it, but we need to make sure it's done in a way that all students have, again, equitable access to those choices.
So, I want to thank, I mean, those were some of the comments that I heard tonight that I think would be particularly helpful to me as a commission member, so thank you for this information that you brought forth.

MR. RETANA: Thank you, Sandra.

David?

MR. SCIARRA: Let me add a couple.

I echo what Sandra said, all of her comments, but I'll add a few of my own and I want to particularly thank the students for coming out tonight and talking with us and taking the time to be with us and talk about what's going on in your school and the great work that you're doing.

So a couple of points. One is, I'm reminded again, as the students brought out, Sandra referred to it, is the issue of the resources that are needed in schools, particularly schools that have high concentrations or high numbers of ELL students, recent immigrants, kids who need a
lot of extra help in terms of behavioral
issues and other problems.

All the extra resources that are
needed in schools in order to deal with that.

From guidance counselors, prevention
programs, better curriculum, curriculum
upgrades to make sure that the curriculum is
responsible to the student population.

All of the teachers, properly
trained teachers and so forth and so on. All
of these supports, as they're called, critical
academic supports for both students and
teachers in schools, come with a price tag.

And the issue of having fair and
adequate funding, particularly with more
resources to schools with greater needs really
is addressing the very things that you're
talking about. So thanks for making that
connection as to why schools that serve
special populations or higher concentrations
of poor kids, recent immigrants, ELL kids need
the extra resources in order to provide the
critical academic and other supports to create a strong climate, to provide extra resources, extra help, both academically and also for the faculty.

So I just thank you for making that point. And that also goes to the ELL point that was made as well. That's got to be a critical component of costing out, of determining what we need and making sure that schools get it.

Let me make a -- I'm glad you brought out the charter school point. I think we have to start to put on the table a whole new way of looking at charter schools, the growth of charter schools and how they fit within the overall public education system.

We've got to start talking about charter schools as a governance change in schools. State's still responsible for the education of kids whether they're in district-run schools or charter schools.

And we have to make sure that we
have equitable frameworks to ensure that charter schools are both equitable, meaning they're serving comparable student populations. That's been discussed, thank you for bringing that up.

They're effective in that they contribute to the overall improvement of education for every child in the school district.

That's a whole different frame that we have to look at it. So when we look at it that way, if charter schools are serving special populations, they absolutely should have the funding necessary to meet the needs of those populations.

Even if they're not, they need adequate funding as well. We have to get past the differences between funding of district-run schools and charter schools.

But that has to be within a larger framework of making sure that charter schools are not creating separate school systems,
gleaning students away, bringing in extra money that's not accounted for from private and philanthropic sources, but know that they're fully accountable, transparent and that they are held to be effective and equitable to contribute to the education of all kids in the community.

So that requires a whole new change and I hope we bring that up with the Equity Commission when we talk about what we need states to do around charter schools.

The last point that has come out for me is, Pennsylvania really underscores something that we know and why “It's 50 Years Ago”, the poem, which is, once you start to make progress in states as you did so, and I followed and spent time with some of you over the last six years in Pennsylvania.

Taking a school finance system that was one of the worst in the nation, getting that cost study done, the heroic effort to get that completed, finally laying
bare the extent of the gaps throughout the state.

And then also beginning to get incremental, phased in increases to start to close these gaps. What comes out for me today is how quickly all of that can be undone.

Ten years of work, of tremendous effort to begin to solve one of the most significant problems in this state, in a matter of months can be wiped way.

And that, to me, brings up the need for federal policy. Unless we get the federal government, and I thank the gentleman for really hitting on what the federal government needs to do, unless we can get a change in federal policy that says to the states, "We are not going to allow you have these kinds of finance systems.

We're not going to just hand you over federal dollars to support systems that have these tremendous resource gaps." Where there's no minimums, there's no hold harmless,
there's no maintenance of effort."

   Whatever you want to do, we're going to turn a blind eye to it."

   That day has got to come to an end. Because unless the federal government starts to weigh in and put its weight behind fair school funding, states like Pennsylvania are going to continue to take two steps forward and then three steps back and have to start all over again.

   And we simply can't have that, so I appreciate you all for bringing that lesson. And it's a lesson, frankly, that we see in states across the country, so it's not just here, but we see it in state capitals across the country and we've seen it over time.

   So the issue of how do we move towards better school funding, fairer school funding, closing these resource gaps in our states and sustain the effort over time through successive administrations of whatever political party, really requires the federal
government to step up to the plate.

Thank you very much for that.

MR. RETANA: Thank you all so much, Stephen, if you can close us out, we're at the final minute. We're in on time, too, it's great.

MR. CHEN: Thanks, Alberto. I just wanted to say thanks, again, to our commissioners for being here. Sandra and David, and to our speakers, Sheilah, Michael and David for their comments.

You know, tonight here in Philadelphia, I did want to thank you all for being such an active and participating audience, too.

This was exactly the kind of event that we had envisioned as we were planning out these town halls, as we wanted to reach out and be in the communities. Because I think what we heard tonight was some really powerful stories and some very powerful lessons about the real consequences of the inequities in
funding.

You know, I don't think I ever really conceptualized it as resulting in violence to students and I think that's a really powerful message.

And to hear the consequences that you all face on a day-to-day basis in terms of student supports that are just being stripped out, in terms of where our spending priorities are, especially right now when we are in such difficult economic times, that money isn't going to guidance counselors, but it's still going to school resource officers and police.

That's deeply, deeply problematic. And those are the real stories that we wanted to hear, because, you know, we can have these conversations in D.C. and sort of, as they say in the Beltway, and they're valuable conversations.

But I think what's always missing from those discussions is the real public face
and the real impact that it's having on students and parents and so I really appreciate you all sharing your experiences and your stories with us.

The last thing that I kind of wanted to go back to, too is one other theme that came up in our town hall in San Jose and as well as tonight in the speakers' comments as well as in the public, and that is this notion of what equity really means.

Several people said, you know, parity is not the same as equity. Treating everyone the same is not equal. And I think that's really true and I think that is something that I wanted to assure you all that I think our commission really understands.

We certainly understand the need for additional resources for English language earners and students with disabilities.

But there are several populations that really need additional resources and we need to think about what each student really
needs and kind of how we can meet those students where they are.

So again, I really thank you all for spending a Friday night with us, for coming out and sharing your thoughts. Alberto, I really appreciate you moderating this event as well.

I know you're a little under the weather. But again, thank you all for coming out and if you have further statements or comments or questions and want to be in touch with us in the future, I also wanted to give out our email address.

It's equitycommissin@ed.gov. I think it's on the comment cards. It's in the fliers. But please do send us emails and we'd love to hear from you further and then just on the last thing with the comment cards, which are on every chair, if you also just want to leave comments and sort of parting thoughts with us, we will be happy to take that back and we will transcribe that into a report,
again, for the rest of the commissioners.

So thanks again for coming out and
for being such an active and participatory
audience.

(Whereupon, the foregoing matter was concluded
at 8:14 p.m.)