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EQUITY AND EXCELLENCE COMMISSION

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PHILADELPHIA TOWN HALL

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FRIDAY,
APRIL 29, 2011

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 DUNGEE GLENN, Commissioner

SHEILAH VANCE, Institute for Educational Equity and Opportunity

MICHAEL CHURCHILL, Public Interest Law Center of Philadelphia

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1 P-R-O-C-E-E-D-I-N-G-S

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

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

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

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

22 That'll take us to about 7:00 pm.,

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1 where we'll open it up for public comment and
2 we'll hear from different individuals. We'll
3 have about three minutes each to talk about
4 their observations on the ground, and then
5 we'll have some closing comments and we'll
6 wrap up the session.

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

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

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

22 But it's really great to see

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1 everybody here tonight, I think we will have a
2 productive and meaningful conversation. I
3 want to just say a little bit about who we are
4 and why we're doing this.

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

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

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

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1 generations to come.

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

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

17 David Sciarra is also here as the
18 Executive Director of the Education Law Center
19 in New Jersey. The Education Law Center works
20 to improve educational opportunities and
21 outcomes for low income students, students of
22 color and students with special needs. And

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1 David is actually here as a commissioner as
2 well as a speaker tonight, so he's kind of
3 wearing two hats.

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

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

20 We also want to hear about
21 promising practices. If there are things that
22 you all see that are happening in schools that

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1 are working, we want to take those ideas back
2 to the rest of the commission and think about
3 how we can scale those and work those in other
4 parts of the country.

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

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

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

22 We could not do it without his

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1 support. We are thrilled that he is here with
2 us tonight and has been with us every step of
3 the way. I'm going to just turn the floor
4 over to him and let him say a few words.

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

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

18 We have a significant national
19 deficit of a trillion and a half dollars and
20 mounting national debt. But notwithstanding
21 the challenges of the moment, the future of
22 the country is going to be determined by

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1 whether or not we finally and fundamentally
2 fix the flawed system of educational
3 opportunity.

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

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

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

19 Less access to qualified teachers,
20 a less rigorous curriculum. They, in many
21 instances, don't even get textbooks printed in
22 their own lifetime. We have a severe problem

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1 that fundamentally is in the design of the
2 system.

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

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

18 So I would just tell you that we
19 have to address this problem and at its root
20 is the real question that confronts the
21 country, which is whether or not we're going
22 to educate all of our children, whether we're

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1 going to make sure that every child gets the
2 opportunity to live up to their potential.

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

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

18 So this is about rethinking this
19 system and at the heart of it, if we use
20 property taxes, if you just follow this for a
21 minute, you're always going to have a
22 situation where poor children end up on the

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1 short end because if we're following the
2 mileages, you're going to end up, in poor
3 communities, paying a higher rate, but putting
4 less behind each child.

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

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

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

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1 now have a commission.

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

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

18 So we can think about the
19 immediate challenges, but unless we
20 fundamentally think about how to change this
21 system, we're always going to be in a position
22 in which youngsters in Philadelphia and in

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1 similarly situated communities across our
2 state are going to be having to do with less
3 in terms of the inputs that are important to
4 create an educational opportunity that we
5 need.

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

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

19 And these are the same young
20 people who are going to have to compete for
21 all the prizes in life. College admission,
22 jobs and opportunity. And we can do better as

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1 a society and this commission is about
2 beginning the work that needs to be done.

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

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

16 So here we are, with a new
17 opportunity to think about a different way to
18 finance and fund our education system and to
19 design a system in which every child will have
20 the same opportunity to live up to their
21 potential as we would want for our own
22 children. Thank you very much.

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1 MR. RETANA: Thank you,
2 Congressman for your words and for your
3 leadership and for making this commission a
4 reality and I'm hopeful that we won't be
5 having this same conversation 40 years from
6 now looking back, but that we will do what we
7 have to do to build both the public will and
8 come up with the great ideas that we can to
9 advance some changes.

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

16 She has a J.D. from Georgetown
17 University Law Center in D.C. and a B.A. in
18 communications magna cum laude from Howard
19 University in D.C. as well. Vance is an
20 adjunct professor at Villanova University
21 School of Law where she has taught education
22 law for the past 10 years.

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1 She also maintains a private law
2 practice in Philadelphia and in Paoli,
3 Pennsylvania. Vance has published and
4 presented extensively in the areas of public
5 education and legal education including at
6 conferences at Oxford University in England,
7 the American Association of Law Schools, the
8 Education Law Association, the Law Admissions
9 Council and now here at the Equity and
10 Excellence Commission in Philadelphia. And so
11 with that, I'd like to bring up Sheilah Vance.
12 Give her a nice, warm applause.

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

18 Again, I'm Sheilah Vance,
19 President and General Counsel of the Institute
20 for Educational Equity and Opportunity, or
21 IFEEO for short. You can find our website at
22 www.ifeeo.org. IFEEO is a non-profit

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1 organization dedicated to the pursuit of
2 educational equity and opportunity,
3 particularly for disadvantaged United States
4 public school children through legal means.

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

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

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

20 Three, implementation of an
21 archives project to preserve the rich history
22 of the educational equity movement. And four,

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1 grants the plaintiffs' counsel in equity cases
2 to hire law students to assist with drafting
3 an article regarding school equity and finance
4 litigation.

5 In furtherance of our mission to
6 educate the public about these issues, we have
7 published two award winning books. The first
8 is called, "Education in the 50 States: A
9 Deskbook of the History of the History of
10 State Constitutions and Laws About Education."

11 The second is called, "A Quality
12 Education for Every Child: Stories From
13 Lawyers on the Front Lines". These books show
14 that the federal government has had a
15 significant role and a purpose in the creation
16 and maintenance of a high quality public
17 education system.

18 However, that role has devolved to
19 the system that we have today where a high
20 quality education for every child is too often
21 an accident of birth, favoring those who live
22 in high wealth school districts or dependent

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1 on the stamina and financial resources of
2 plaintiffs' attorneys who represent children
3 who do not live in those districts.

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

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

17 They explained their pressing need
18 for education in terms that remained constant
19 from the 1600s through the 20th century. The
20 explanation was that a vital democracy
21 requires educated citizens to have the tools
22 necessary to vote, to train the next

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1 generation of leaders and to perform useful
2 work.

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

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

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

19 However, the court did not have
20 the evidence before it of the deep connections
21 between education and the idea of a citizen
22 that was embodied in the U.S. constitution.

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1 Well, they do now, and so do you
2 all. The tapestry of these histories speaks a
3 powerful, consistent truth. Education was not
4 merely important, but it was an implicit right
5 derived from the meaning of citizenship.

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

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

17 As with other attributes of
18 citizen, the constitution's framers did not
19 have to expressly articulate every attribute
20 because they were a well-recognized part of
21 the landscape. This is a truth for use by
22 advocates, litigators and policymakers in

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1 making real the aspirations of our
2 forefathers.

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

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

16 This resulted in education clauses
17 in the state constitutions. Each state
18 constitution has a clause that requires that
19 state to maintain a system of free public
20 education. Those clauses vary, especially
21 when addressing the type of system that must
22 be provided.

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1 For instance, here in Pennsylvania
2 and New Jersey, the state is required to
3 provide a thorough and efficient system.
4 Other state constitutions use such terms as
5 general, uniform, suitable, complete or open.
6 Florida uses the most expansive term, uniform,
7 efficient, safe, secure and high quality.

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

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

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

21 Our second book, "A Quality
22 Education for Every Child: Stories from the

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1 Lawyers on the Front Lines" is a unique look
2 at 17 of the most important school finance and
3 educational equity cases in this country from
4 the viewpoint of the lawyers who litigated the
5 cases.

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

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

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

18 And Michael Churchill at the end
19 here wrote two articles on two Pennsylvania
20 cases that he litigated. Anyone reading these
21 articles can see how easy it is to shortchange
22 children when educational equity issues are

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1 battled out on a case-by-case and
2 state-by-state basis.

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

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

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

19 But when it is defined in terms of
20 outputs, for example, the opportunity to
21 achieve certain outcomes, costs are more
22 difficult to prove.

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1 Attorneys have to distinguish for
2 the court between guaranteeing equal results
3 and guaranteeing equal opportunity to obtain
4 equal results.

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

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

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

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

21 Six, good facts and great need are
22 not sufficient to drive courts to decide for

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1 clients when restitution involves wide issues
2 of power or where there are ramifications for
3 the courts because of a need for continuing
4 supervision of the remedy.

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

11 Again, if these lessons are not well
12 learned, a plaintiff's case can fall and
13 children will suffer. So why should this
14 state of affairs be where we find ourselves in
15 2011? Why shouldn't the federal government
16 have a larger role in education?

17 Today, the United States of
18 America is not a collection of isolated states
19 just coming together to form a union whose
20 people, because of lack of transportation and
21 communication are confined to their own
22 borders.

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1 We are a united nation with common
2 goals and understandings brought on by
3 increased travel and instantaneous
4 communication.

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

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

16 IFEEEO hopes that this commission
17 will help ensure that every child receives a
18 quality education, especially as a function
19 and a responsibility of the federal
20 government. Thank you.

21 MR. RETANA: Excellent, thank you
22 so much. We're going to now bring up David

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1 Sciarra from the Education Law Center. David
2 is the executive director of the Education Law
3 center, Newark, New Jersey.

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

10 Please give Mr. Sciarra a warm
11 applause.

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

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

20 Liz King is here as his assistant
21 and Liz, just make sure that the congressman
22 knows how much we in this field and those of

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1 us who have labored on this issue and
2 countless parents and community leaders all
3 over the country appreciate so much his
4 leadership on this issue.

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

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

14 I'm going to talk a little bit
15 about, to set up the conversation that I hope
16 we'll have about the situation about funding
17 equity in Pennsylvania, which, living in New
18 Jersey, I read the *Inquirer* and I'm following
19 what's going on here and it's very, very
20 distressing, although it actually is following
21 a pattern that started last year in New Jersey
22 and has sort of migrated over the river now.

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1 And I know I want to hear from you
2 about the current budget situation in
3 Pennsylvania and what impact these cuts are
4 going to have on schools and particularly our
5 at-risk and high poverty schools in your
6 state.

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

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

17 And frankly, this is the first
18 real serious set of metrics in which we can
19 compare school funding adequacy, equity,
20 whatever you want to call it, we're calling it
21 fairness, from state to state and from region
22 to region.

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1 You know, it's always important to
2 remind ourselves, particularly if you see
3 anybody talking about what we spend on
4 American public education and they put any
5 kind of data or chart up there which looks at
6 national spending. Just walk away.

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

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

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1 talk about 50 different state systems.

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

7 So I hope I can move it. Oh,
8 there we go. So what is fair school funding?

9 We have to redefine now, you know,
10 Congressman Fattah talked about 40 years ago
11 and the situation with school system, as bad
12 as it was then is still today and he's right
13 about that.

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

19 Forty years ago, everything was
20 delegated down to the local school district.
21 Curriculum, instruction, all that. Now the
22 state has content standards, performance

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1 standards, state assessments. Pennsylvania
2 has its own set of assessments, its own set of
3 standards in language arts and math that all
4 local school districts have to meet.

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

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

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

21 This is particularly important
22 since we're all moving towards common core

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1 standards, which is a national set of
2 standards that are going to drive state
3 standards across the country.

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

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

22 We have it all backwards in this

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1 country, as Congressman Fattah talked about
2 it. The more lower poverty, more affluent
3 districts have more resources than the
4 districts with the greatest needs in terms of
5 meeting state standards.

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

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

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

21 New Jersey is going down.
22 Pennsylvania, if the cuts go through, is going

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

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

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

16 So does your system deliver more
17 resources as poverty increases in schools and
18 districts? And the answer is, we have two
19 states that do. New Jersey largely through
20 the court interventions that Sheilah talked
21 about, but we have four states that don't, and
22 Pennsylvania is one of them.

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1 The states with the rank of D are
2 what we call regressive states, meaning they
3 provide less resources as poverty increases.
4 The wealthier your school, the more money you
5 get. The poorer your school, the less money
6 you get. It's as simple as that.

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

15 There's not a lot of money to
16 spend or they don't spend a lot of money,
17 period, on anybody. So these are grouped by
18 region. Pennsylvania is in this Midwest
19 region and Pennsylvania, as you'll see, is a
20 regressive state, meaning that your state
21 system, remember, the property tax, raising
22 money-off the property tax, the state allows

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1 it.

2 One way to think about funding is,
3 all funding is controlled by the state. It's
4 a fiction about property tax. If you can
5 raise more-off the property tax, the state
6 lets you do it, right? So Pennsylvania is a
7 state which is regressive. It spends less as
8 poverty and student need increases.

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

17 What's so interesting about New
18 Jersey and New York is that New York spends a
19 lot, but it's a regressive state. If you're
20 in Utica, Syracuse, Buffalo, or New York City,
21 you get substantially less money than if
22 you're in Westchester County or Long Island

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1 Public Schools. And so it drives that curve
2 downward.

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

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

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

19 And let me say this. All the
20 education reforms that we're hearing about
21 today, pick up the paper, tenure reform,
22 turning around low performing schools, getting

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1 highly qualified teachers to teach in poor
2 school districts.

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

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

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

20 Their systems are disconnected,
21 even though you did have a cost study a little
22 while ago, it's now being pushed aside. So

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1 your finance systems remain disconnected from
2 any attempt to figure out what it costs to
3 provide and deliver common standards to all
4 kids.

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

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

18 And one could argue, they are
19 subsidizing inequity. So we need new federal
20 policies, we need a national dialogue that
21 this commission is been engaged in and will
22 continue to engage in. It's long overdue.

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1 I just want to mention, though,
2 that this is really important for Pennsylvania
3 because I was looking at today the cuts that
4 are proposed in your budget.

5 Operating budget allotment to
6 schools is cut 29 percent. Kindergarten cut
7 43 percent to reduce to halftime Pre-K.
8 Halftime Pre-K. I thought we were getting to
9 full time, full day Pre-K, now we're going to
10 go back to half time. Transportation cut 44
11 percent, alternative education programs cut 50
12 percent, extended day programs eliminated for
13 11,000 students, vocational education cut 30
14 percent, extra teaching positions to reduce
15 class size cut 34 percent, special education
16 funding cut, gifted and talented funding cut.

17 And I suspect, I suspect, and
18 maybe Michael will tell us a little bit more,
19 that these state aid cuts always, always, this
20 is a truism. When the state cuts its budget
21 and cuts state aid, they always impact
22 heaviest on the poorest kids and the poorest

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1 school districts because they depend more
2 heavily on the state aid for the extra
3 programs that they need.

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

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

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

20 MR. CHURCHILL: Thank you so much.
21 I really appreciate the opportunity to talk
22 with you. I echo the sentiments that we need

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1 to thank Congressman Fattah for putting this
2 very, very important commission together so
3 that we now can begin that dialogue that David
4 mentioned.

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

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

18 Unfortunately, our courts started
19 very early in cutting that down and coveting
20 it, trying to bring it under control. And
21 really, we need to take the politics back into
22 it.

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1 It's not going to happen from the
2 courts, it's going to happen when the politics
3 of it begins to ignite that same kind of
4 radical belief in real equality.

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

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

15 The reasons why we have such gross
16 disparities is really very simple. This is
17 the state where the local share of the
18 contribution between state and local funding,
19 the local share is high. And you can just
20 take it as an iron rule of economics that the
21 higher the local share, the more inequality
22 there's going to be.

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1 Sometimes, having a high state
2 share doesn't solve the problem of equality
3 because the state doesn't distribute its own
4 collections very fairly.

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

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

19 And that's why we have such
20 inequality. These gross levels that I have
21 discussed mask the real level of inequality,
22 because as you've been told, educators know

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1 the cost of educating, and we do, all of us,
2 know that the cost of educating all children
3 are not the same.

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

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

14 And to answer those questions, the
15 legislature in 2006 ordered the commissioning
16 of a costing-out study by the State Board of
17 Education, which was completed in December of
18 2007 and we really need to thank a number of
19 agencies, not mine, but the Education Policy
20 and Leadership Center, the Good Schools
21 Pennsylvania and the Pennsylvania version of
22 the Education Law Center, for getting that

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1 legislation authorized.

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

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

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

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

21 And because we have a coherent,
22 single set of state standards, we were able to

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1 measure the cost of providing the average
2 student proficient education in every part of
3 the state and then the additional cost of
4 children with disabilities, English language
5 learners, children from families in poverty.

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

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

22 Again, things that are recommended

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1 in David's study were actually incorporated in
2 the Pennsylvania costing out study. It did
3 not use a factor for concentration of poverty
4 because it accounted actual numbers of
5 students in poverty and not census figures on
6 poverty in the community.

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

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

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

22 The results were revealing. Out

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1 of 501 districts, only 25 had no gaps. It
2 wouldn't surprise you to know that those are
3 the wealthiest in the state. Five districts
4 had gaps greater than \$5,000 per student.
5 Just think of how much money that is.

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

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

16 The interesting this is, although
17 there was not perfect alignment, districts
18 with the smallest gaps between what they spend
19 and the adequacy amount needed for all
20 students to achieve had the most students at
21 grade level, i.e., small gaps, high funding,
22 high proficiency.

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1 Those with the largest adequacy
2 gaps had the largest percentages of students
3 below grade levels. So the schools with gaps
4 less than \$2,000 per student had 80 percent of
5 their students at state proficiency levels.

6 If the gap widened from \$2,000 to
7 \$4,000, only 73 percent were proficient. And
8 at schools with gaps of greater than \$4,000,
9 only 55 percent were proficient. You cannot
10 say that money is not necessary. It may not
11 be sufficient to get good schools, but you
12 sure can't do it without it.

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

19 Whatever criticism there might be
20 of the exactitude of the cost model, the
21 bottom line was that all districts, for the
22 first time, were being judged by the same

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1 standard and the differences between their
2 resources were dramatic.

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

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

18 And as David suggested, an
19 analysis of these cuts that have been made by
20 the Education Law Center in Pennsylvania and
21 by the School Funding Coalition in
22 Pennsylvania shows that they will bear most

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1 heavily on poorer school districts. The more
2 you need the money, the bigger your gap, the
3 more you're going to be cut.

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

12 And because it tells us that some
13 solutions to solving problems of the so-called
14 failing schools are misguided. The
15 Pennsylvania legislature is considering a
16 voucher proposal, for instance, like many
17 states, to initially help students leave the
18 144 persistently failing schools located in 22
19 school districts, on the grounds that we
20 morally need to help students leave failing
21 schools. Presumably because that is the only
22 way to get them an adequate education.

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1 But an examination of those 22
2 districts show that all but two historically
3 have been grossly underfunded. To say a
4 public school has failed these children is to
5 identify the wrong perpetrator.

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

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

22 That is the civil right that has

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1 been denied too long. It is no mystery why
2 this matters. The Supreme Court, long ago, in
3 1954, told us in Brown, "Today, education is
4 perhaps the most important function of state
5 and local governments."

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

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

21 But the most important reason why
22 we need to pay attention lies in what such

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1 inequality and denial of opportunity means in
2 the hearts and minds of the young people who
3 have to live it daily.

4 I want to end my time by reading a
5 most remarkable poem I heard Wednesday night,
6 which a couple people in this audience I know
7 heard also, which was written by a
8 Philadelphia student, Jacob Winterstein, in
9 2004, but it is still relevant today.

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

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

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1 given."

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

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

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

22 "But in the city, your school is

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1 old and cracked like the Liberty Bell. I
2 don't know what teachers expect of me, except
3 they want to get rid of me. Fifty years later
4 and you can learn more from poetry stages than
5 you can ever learn from outdated, ripped up
6 textbook pages, going to schools that feel
7 like prison cages."

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

14 "Because my state can't find
15 \$7,000 for a student to do well, because they
16 can find \$35,000 to keep a young person locked
17 in a jail cell. They can't find money for
18 teachers or books, but they can find money for
19 camera and cops to treat us like crooks."

20 "The feds can never find money for
21 teachers to teach me. But they can always
22 find money for ROTC. Step one foot inside a

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1 school if you don't believe me."

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

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

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

14 MR. RETANA: Thank you so much,
15 and before turning it over to our
16 commissioners and particularly Sandra Dungee-
17 Glenn to give some remarks, I wanted to,
18 particularly with that poem just ask how many
19 students we have here. If you're a student at
20 a school, particularly a high school or a
21 middle school student, if you could stand up
22 real quick, give you guys some love for being

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1 here. Thank you so much for being here. Look
2 forward to hearing from you a little bit later
3 during public comment. Thank you.

4 Have a seat. Thank you so much.
5 So Sandra, if you could say a few words?

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

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

20 And give, Michael, as you ended
21 your comments, you talked about how essential
22 education is to the 21st century in terms of

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1 being able to find a way to provide yourselves
2 with any kind of quality of life. The young
3 people being prepared for that, the amount of
4 knowledge and information that they need to
5 have is increased even more than it has been.

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

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

19 But I want to raise with you
20 Kelley Williams-Bolar and Tanya McDowell.
21 Kelley Williams-Bolar, whose children attended
22 Copley-Fairlawn Schools while her home address

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1 was in dispute, was sentenced to 10 days in
2 jail and community service for falsifying
3 records so that her children could attend the
4 high achieving suburban district rather than
5 the Akron Public Schools.

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

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

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

21 So the criminal behavior in this
22 country is for a parent to demand a quality

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1 education for his or her child even if that
2 means they might actually have to go to
3 another district.

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

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

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

22 And the priorities being that

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1 there should be nothing more important than
2 breaking down the walls that are denying
3 access to our children as opposed to putting
4 up false walls to separate county lines and
5 require that you go to jail rather than
6 provide your child with equal access to
7 education.

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

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

18 Essentially, you'll have five
19 seconds, no, just joking. We have a good
20 crowd here, so we have about three minutes
21 each to make your statement and make your
22 points. We're going to get through folks and

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1 hopefully, assuming we have a little bit of
2 time, maybe we can have a little bit of a
3 dialogue towards the end.

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

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

18 Oh, excellent, come on up, yes.
19 Well, you know what? Actually, from there,
20 that way you can look at us directly, you can
21 address us. If that's all right? Sorry, I
22 should explain that. And I'm guessing Shayla

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1 Johnson will be immediately following you, so.

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

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

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

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

18 So we wanted, wait, so we saw the
19 needs across schools, school climate and
20 school safety without pushing students out and
21 without, while making sure that all the
22 students have the right resources.

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1 You're probably wondering why we
2 came up with the idea of a nonviolent school.
3 Adults always talk about youth as being
4 violent, rude, and disrespectful, so we wanted
5 to define the meaning of violence for
6 ourselves and get to the root cause of why
7 students are violent.

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

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

19 Not only that, but I believe in
20 this cause strong and wholeheartedly and I
21 want to see a change for the youth to come. I
22 have a little sister and a nephew that I don't

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1 want to see go through the same things that
2 I'm going through. This is why I'm active.

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

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

16 It is the same with our schools
17 and our systems. We see inter-personalized
18 violence in our schools all the time and we
19 want to see students also go through an
20 education system that can, we don't want to
21 see them go through a educational system that
22 can hurt them without chances for survival.

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1 We need to make sure that our
2 system is helping our chances for survival.
3 This is what the platform is all about. Now
4 we launched the Campaign for Nonviolent
5 Schools in January last year on Martin Luther
6 King Day.

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

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

16 We know we couldn't take on this
17 campaign because, wait, we knew we could take
18 on this campaign because we've had great
19 successes at individual schools and
20 restorative practices, student led trainings
21 of school police officers in ending some
22 negative policies in our school.

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1 With the campaign, we want
2 students to be looked at differently and in a
3 positive way. We are working together to
4 change the perception as youth as a whole and
5 in the community as well as in the media.

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

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

19 They clearly demonstrate student
20 feedback is valued and acted upon. The school
21 district has made strides in increasing
22 student engagement through avenues like city

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1 wide student government. However, this is
2 still more to be done.

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

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

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

19 And, you know, most students know
20 that this is, I'm so sorry. Can't be the last
21 thing I wanted to say. But, okay, so I hope
22 you get that point.

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1 But the reason why this relates to
2 equity and equality is because we have to
3 start with ourselves and respecting each other
4 in the school community to be able to, you
5 know, create a nonviolent school system and
6 get equal funding, you know, yes. Sorry.

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

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

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

20 We are one of the organizations
21 working on the Campaign for Nonviolent Schools
22 because we believe that students and

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1 communities have the ability to transform our
2 schools into safe and equitable learning
3 environments through the power of youth,
4 parent and community leadership.

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

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

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

22 The divestment in student support

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1 services is one of the varying factors that
2 causes low graduation rates, low college
3 attendance and completion and decreased
4 economic advantages in the future for the
5 city's students.

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

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

18 Later on in the line of our work,
19 youth leaders and community organizations
20 filed a complaint with the Department of
21 Justice for deliberate indifference on the
22 part of the school district in dealing with

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1 violence against Asian immigrant students.

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

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

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

21 There must be a paradigm shift in
22 the way we look at education. From a

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1 standardized curriculum and overcrowded,
2 manufactured, assembly line mentality to
3 creating safe spaces that encourages students
4 to learn though critical and divergent
5 thinking.

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

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

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

22 This inequity is caused by the

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1 systemic underfunding of our schools and the
2 basic inequity in the funding structure. Over
3 the last year, hundreds of Philadelphia High
4 School students came together to create a
5 unified platform within the school district.

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

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

13 Id like to bring up William
14 Browning, legislative and education director
15 for Action United. Are you here, William
16 Browning? Excellent, thank you.

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

21 Well, equitable resources requires
22 more than parity. To really be equitable and

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1 ensure all kids are getting equal access to
2 the opportunity to succeed, we know that low
3 income students and English learners require
4 more spending resources to help them overcome
5 the particular challenges they bring with them
6 to school.

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

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

21 With those that know that these
22 two bills are starting to address the

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1 comparability provision that is under Title I.
2 Here in Pennsylvania, up until this year, we
3 were moving in the right direction.

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

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

16 The federal government should use
17 this costing out study at the school level
18 across the country. The federal government
19 should also use the upcoming \$700 million for
20 competitive grants to encourage districts to
21 pilot weighed out formula throughout the
22 school.

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1 The federal government should also
2 readdress the blueprint which they have for
3 the reauthorization for ESEA. They are
4 missing one major component in all four of the
5 models in which they've presented.

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

18 Insist that educational strategies
19 be research-based and aimed at improving
20 school culture and any transformation plan
21 should include a plan to provide wraparound
22 support for all students. There are 95,000

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1 school in the USA and in Pennsylvania we spend
2 over a million dollars on teacher turnover.
3 Implement these strategies and we will have
4 over a billion dollars saved each school year
5 which can be used to reduce class-sizes,
6 purchase instructional materials and
7 equipment, improve facilities and their
8 surroundings and allow the wrap-around support
9 our children need. Thank you.

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

18 MS. GOBRESKI: Hi. Thank you for
19 having me and thank you for doing this. My
20 name is Susan Gobreski, I'm the executive
21 director of Education Voters, which is an
22 advocacy organization. And I wish I had

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1 really fancy detailed remarks, but it's been a
2 long week here in Pennsylvania.

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

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

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

22 First, oh, we're also fighting

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1 vouchers. I can cover that one. Have another
2 session. I'm also a mother, I want to say
3 that. One of the things I would like to do
4 today is submit for you to the commission, the
5 Opportunity to Learn materials produced by The
6 Schott Foundation for Public Education, which
7 evaluates the Opportunity to Learn and the
8 resource allocation by students, by racial
9 group, by money.

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

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

21 Okay. Second thing I would like
22 to do, I will send these materials to the

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1 commission. The second thing I would like to
2 do is, as a mother, there's a lot of ways to
3 talk about equity. There's a lot of ways.

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

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

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

20 And so I think there are a lot of
21 people like Michael here and David, who can
22 offer you a much more sophisticated

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1 understanding. But that's mine.

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

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

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

20 People get all worked up and we
21 need to do this. My last thing is the role of
22 federal government is to set the standards for

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1 fair. It just says, you know, states do have
2 the right to do something different, but the
3 federal government is supposed to say, "You
4 have to be at least here. You can be better
5 than this, but you can't be less than this."

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

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

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

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

22 We were kind of supposed to do our

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1 platform all together, but it's cool. I just
2 want people to take a look, hopefully, at the
3 Campaign for Nonviolent Schools platform and
4 the way that it really connects to equity is
5 that this vision of nonviolent schools is the
6 same vision of equitably funded schools.

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

17 Again, just as you've been talking
18 about the correlations between funding and
19 achievement, there's also a correlation
20 between funding and school climate. There's a
21 correlation between resources and how young
22 people perceive that they are being treated

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1 and the frustration and anger that they feel
2 as a result.

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

8 And we very much appreciate it.
9 Thank you.

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

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

19 So again, my name is Bach and I'm
20 a junior at the Science Leadership Academy.
21 I'm speaking as a member of the Asian Students
22 Association of Philadelphia and we also are a

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1 member of the Campaign for Nonviolent Schools.

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

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

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

19 So I stopped coming out for lunch
20 because it were too violent. I cannot eat
21 while people fighting. And, but it still
22 exists in hallway and campuses. I witnessed

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1 my friend getting attacked every day and
2 wonder why would something happen in your
3 school?

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

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

18 And through talking to people to
19 adopt advocate to community, it's happened
20 with them 20 years ago, 30 years ago and it
21 happened to us now. And we wonder, it because
22 the way we look?

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1 And we bite high school. We file
2 a lawsuit with the Department of Justice and
3 we were recognized and we were found in
4 December 2010 and that the school district was
5 deliberately indifference in the case with the
6 Asian immigrant students.

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

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

22 And where students remember that

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1 policeman better than the teacher then. And I
2 have to listen to my friend being attacked
3 every day because the way we look and I have
4 to flee our school because it were too
5 horrors.

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

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

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

21 MR. RETANA: Thank you, Bach.
22 Ellen Somekawa from AAU? There you are. Hey.

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1 MS. Somekawa: It's great to see
2 everybody. Thank you very much. My name is
3 Ellen Somekawa, I'm here as a co-founder of
4 the Folk Arts Cultural Treasures Charter
5 School, a six year old K-8 charter school
6 serving a number of immigrant students here in
7 Philadelphia Chinatown.

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

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

17 But I'm here to talk primarily
18 about the role of a rapidly expanding choice
19 system within Philadelphia and the impact on
20 new immigrant students, particularly those who
21 are enrolled in English language learner
22 programs.

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1 Over the past decade,
2 Philadelphia's seen one of the most rapid
3 expansions of school choice within a major
4 urban school district. Under former
5 superintendent Paul Vallas, the district went
6 from roughly 22 or so neighborhood high
7 schools and a number of magnet high schools to
8 creating over 60+ different high school
9 options, many of them modeling a small school
10 model.

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

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

22 As we know in any system of school

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1 choice, there are those who can choose and
2 those who can't. And among those who can't
3 are immigrant students who are shut out of
4 most choice options, particularly magnet and
5 charter schools because of their limited
6 English language learner services.

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

15 According to a 2008 Public School
16 Notebook study, three-fourths of the high
17 school-aged English language learners are
18 housed in just nine district high schools.
19 These neighborhood schools have seen their
20 immigrant student's populations increase
21 dramatically even as our overall populations
22 decline.

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1 For example, South Philadelphia
2 High where we did work, today has close to a
3 quarter of the student population is Asian
4 even as its population overall has dropped
5 almost 40 percent enrollment in the last four
6 years.

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

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

16 In the time that we worked at
17 South Philadelphia High, one of the most
18 striking things that we noticed is that even
19 in schools which have high concentrations of
20 ELL students, we had been surprised by the
21 lack of training and understanding about basic
22 issues of immigrant student rights, oh,

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1 immigrant student issues, forgive me,
2 recognition of bias and harassment, failure to
3 understand the role of translation and
4 interpretation and a reluctance to support
5 multicultural, multiracial ethnic studies in
6 schools and build it into the school time.

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

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

21 The second point I want to address
22 quickly is this issue of funding around ELLs

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1 and charter schools. I've heard that the U.S.
2 Department of Justice has strongly encouraged
3 the charter schools to serve ELL students
4 within them.

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

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

19 And yet, we receive the exact same
20 amount of money for a school of our size
21 serving zero ELL students. There is not, just
22 for us, any financial balancing of their work,

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1 but in fact, a punitive financial result
2 because of it.

3 The statistics on charters bear
4 out the consequences of the barriers to fund
5 ELL students in the state system. Although
6 these numbers are slightly dated, in 2006 and
7 2007, only four charter schools out of 61 at
8 the time served 10 percent Ell students or
9 more, all four of which had a specific mission
10 to do so.

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

20 So I'm just saying again, no
21 matter any message, no matter how compelling
22 or sincere, will not be able to adjust for a

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1 punitive financial reality.

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

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

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

21 Before closing I thought we would
22 just hear a little bit from our commissioners

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1 for a quick second and then turn it over to
2 Stephen for closure, but if there were any
3 thoughts, reactions, reflections based on what
4 we've heard today, be great.

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

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

21 Again, just making that connection
22 that what we're really looking at is not an

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1 achievement gap, but an opportunity gap.
2 Because if we don't have equitable and equal
3 investment, then how can we expect to have
4 equal outcomes?

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

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

19 Is that something that they need
20 to be in the common language, step to about,
21 if you would? And do we need to take an
22 opportunity to do that?

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1 The other thing that I felt was
2 very helpful from the comments that we
3 received, I think the speaker, and I apologize
4 for not remembering names, the idea that this
5 kind of information needs to be broadcast.
6 That we need to really make sure that this
7 issue of equity and the disparities and what
8 it looks like on the ground needs to be out
9 there in the public realm much more than it
10 is.

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

16 And I want to thank the student
17 unions and the students' comments about this
18 correlation between funding and school
19 climate. Because I think there's a lot of
20 attention that's talked about, in terms of
21 attention given to safety and enforcement,
22 punitive measures, if you would, and not

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1 nearly enough in terms of setting up
2 preventative measures and the best way to do
3 that and the role that dollars play in
4 determining school climate.

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

16 And I think that is something we
17 have to pay particular attention to. I think
18 the idea of school choice has a number of very
19 positive benefits to it, but we need to make
20 sure it's done in a way that all students
21 have, again, equitable access to those
22 choices.

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1 So, I want to thank, I mean, those
2 were some of the comments that I heard tonight
3 that I think would be particularly helpful to
4 me as a commission member, so thank you for
5 this information that you brought forth.

6 MR. RETANA: Thank you, Sandra.
7 David?

8 MR. SCIARRA: Let me add a couple.
9 I echo what Sandra said, all of her comments,
10 but I'll add a few of my own and I want to
11 particularly thank the students for coming out
12 tonight and talking with us and taking the
13 time to be with us and talk about what's going
14 on in your school and the great work that
15 you're doing.

16 So a couple of points. One is,
17 I'm reminded again, as the students brought
18 out, Sandra referred to it, is the issue of
19 the resources that are needed in schools,
20 particularly schools that have high
21 concentrations or high numbers of ELL
22 students, recent immigrants, kids who need a

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1 lot of extra help in terms of behavioral
2 issues and other problems.

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

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

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

14 And the issue of having fair and
15 adequate funding, particularly with more
16 resources to schools with greater needs really
17 is addressing the very things that you're
18 talking about. So thanks for making that
19 connection as to why schools that serve
20 special populations or higher concentrations
21 of poor kids, recent immigrants, ELL kids need
22 the extra resources in order to provide the

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1 critical academic and other supports to create
2 a strong climate, to provide extra resources,
3 extra help, both academically and also for the
4 faculty.

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

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

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

22 And we have to make sure that we

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1 have equitable frameworks to ensure that
2 charter schools are both equitable, meaning
3 they're serving comparable student
4 populations. That's been discussed, thank you
5 for bringing that up.

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

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

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

20 But that has to be within a larger
21 framework of making sure that charter schools
22 are not creating separate school systems,

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1 gleaning students away, bringing in extra
2 money that's not accounted for from private
3 and philanthropic sources, but know that
4 they're fully accountable, transparent and
5 that they are held to be effective and
6 equitable to contribute to the education of
7 all kids in the community.

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

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

19 Taking a school finance system
20 that was one of the worst in the nation,
21 getting that cost study done, the heroic
22 effort to get that completed, finally laying

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1 bare the extent of the gaps throughout the
2 state.

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

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

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

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

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1 there's no maintenance of effort."

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

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

11 And we simply can't have that, so
12 I appreciate you all for bringing that lesson.

13 And it's a lesson, frankly, that we see in
14 states across the country, so it's not just
15 here, but we see it in state capitals across
16 the country and we've seen it over time.

17 So the issue of how do we move
18 towards better school funding, fairer school
19 funding, closing these resource gaps in our
20 states and sustain the effort over time
21 through successive administrations of whatever
22 political party, really requires the federal

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1 government to step up to the plate.

2 Thank you very much for that.

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

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

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

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

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1 funding.

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

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

14

15 That's deeply, deeply problematic.

16 And those are the real stories that we wanted
17 to hear, because, you know, we can have these
18 conversations in D.C. and sort of, as they say
19 in the Beltway, and they're valuable
20 conversations.

21 But I think what's always missing
22 from those discussions is the real public face

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1 and the real impact that it's having on
2 students and parents and so I really
3 appreciate you all sharing your experiences
4 and your stories with us.

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

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

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

20 But there are several populations
21 that really need additional resources and we
22 need to think about what each student really

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1 needs and kind of how we can meet those
2 students where they are.

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

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

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

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1 again, for the rest of the commissioners.

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

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

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