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1 UNITED STATES COMMISSION ON CIVIL RIGHTS
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3 MASSACHUSETTS ADVISORY COMMITTEE
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6 In the Matter of:
7 VOLUNTARY SCHOOL DESEGREGATION IN LYNN
8 AND
9 THE EDUCATION OF LIMITED-ENGLISH-PROFICIENT
10 STUDENTS IN MASSACHUSETTS

11
12 Wednesday
13 June 9, 2004
14
15 Room T102
16 MBTA Building
17 North Shore Community College
18 Lynn, Massachusetts
19
20

21 The above-entitled matter was convened, pursuant
22 to Notice, at 1:10 p.m., before Peter Kiang,
23 Chairperson, Massachusetts Advisory Committee.
24

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P R O C E E D I N G S

(1:10 p.m.)

1
2
3 MR. ST. HILAIRE: I'm sure we will be
4 filling in as we get going. My name is Aonghas
5 St. Hilaire, I am a staff person at the US Commission
6 on Civil Rights and I work with the Massachusetts
7 Advisory Committee. The frame today is on voluntary
8 school desegregation in Lynn and the education of
9 limited English proficient students in Lynn and in
10 Massachusetts generally. I'll just say a word about
11 the mission, the commission and the advisory committee.

12 The US Commission on Civil Rights is an
13 independent bipartisan agency established by Congress
14 in 1957, it is directed to investigate complaints
15 alleging that citizens are being deprived of their
16 right to vote by reason of their race, color, religion,
17 sex, age, disability or national origin, or by reason
18 of fraudulent practices. It also studies and collects
19 information relating to discrimination or denial of
20 equal protection of the laws under the Constitution
21 because of race, color, religion, sex, age, disability
22 or national origin, or in the administration of
23 justice.

24 It also appraises federal laws and
25 policies with respect to discrimination or the denial

1 of equal protection of the laws. It serves as a
2 national clearinghouse for information in respect to
3 discrimination or denial of equal protection of the
4 laws and it submits reports, findings and
5 recommendations to the President and the Congress and,
6 finally, it issues public service announcements to
7 discourage discrimination or denial of equal protection
8 of the laws.

9 By law, the US Commission on Civil Rights
10 has established advisory committees in all of the 50
11 states and the District of Columbia. The Massachusetts
12 Advisory Committee is one of these and the committees
13 advise the commission of civil rights issues, at the
14 state level, that are within the commission's
15 jurisdiction, and they are authorized to advise the
16 commission which, in turn, submits reports to the
17 President and Congress.

18 On behalf of the Massachusetts Advisory
19 Committee and the US Commission on Civil Rights, I
20 would like to thank Pat Neilson and all the people at
21 North Shore Community College for making this space
22 available, and the audio-visual equipment, and the set
23 up of the tables and chairs and the food. Thank you
24 very much.

25 Now, I would like to turn it over to Peter

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1 Kiang, the Chair of the Massachusetts Advisory
2 Committee. Thank you.

3 MR. KIANG: Yes, thank you. Boy, such a
4 hot, sunny day, I'm sure our audience is at the beach
5 instead of here, but we are here and very thankful to
6 both the audience that is here and the panelists for
7 this first session and then the second session.

8 I would like to just, on behalf of the
9 committee, express our commitment to these issues.
10 Though we don't have a lot of resources and capacity to
11 be very active across the state, we are trying to have
12 some presence across the state on critical issues and
13 this hearing or this forum in Lynn follows four that we
14 have held over the years in Lowell, Springfield and
15 Fall River, and we expect to be moving to some other
16 location, probably in the fall or early spring next
17 year.

18 Several other committee members will be
19 joining us throughout the afternoon, as I'm sure the
20 audience will to but, for the committee members who are
21 here, I would like to give them a chance to introduce
22 themselves and then have Cynthia begin with moderating
23 the first panel. Barry?

24 MR. KNAMM: I'm Barry Knamm.

25 MS. BARATTA: Hi everyone, I'm Karen

1 Baratta.

2 MR. BLANCHARD: I'm Fletcher Blanchard.

3 MS. TUCKER: As you know, we are here
4 today to help to further share background information,
5 legal status, providing the clarity around issues,
6 inform the public around what is going on with this
7 voluntary school desegregation issue that the City of
8 Lynn is experiencing. We have a distinguished panel
9 here today answer any and all inquiries and, from the
10 looks of things, I think that all questions will be
11 answered here, any that you may have, so whatever side
12 of the issue you may be on, what is abundantly clear is
13 that the City of Lynn has made some efforts to address
14 issues of disparities in educations within their school
15 systems.

16 While there may be some dispute as to how
17 that was done, or if it needs some tweaking or does it
18 violate any constitutional parameters, the case is
19 still pending appeal and so the final determination has
20 yet to be made. I should say that there are some
21 parameters on some inquiries that were being made so,
22 if you operate outside those parameters within your
23 questions, because of the pending appeal, we are going
24 to ask you to come back into line because we are not
25 going to be able to address those matters. No

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1 discussion about it, it's just going to be, if they say
2 there is a conflict, that it can't be answered, we are
3 just going to move on.

4 With that, I am going to introduce to you
5 some experts in the field who have been intimately
6 involved with this litigation and I'm sure many of you,
7 anyone who has been following this, cannot know
8 Attorney Richard Cole, he is the senior trial attorney,
9 he is the Assistant Attorney General and the Senior
10 Counsel for the Civil Rights and Civil Liberties
11 Division of the Attorney General's Office and Public
12 Protection Bureau, in the Office of the Attorney
13 General. He has, for 13 years, been with the AG's
14 Office, 11 of which he was Chief of the Civil Rights
15 Division, and he is leading the charge, on behalf of
16 the defendant, along with the City of Lynn and the
17 other defendant, in the appeal that is pending in this
18 matter and, in fact, was the chief trial attorney who
19 conducted the hearing on this matter and represented
20 the defendants in the case that brought us to this
21 point today.

22 We also have Jan Birchenough with us who
23 is the Director of the Equity Program Support System in
24 Lynn. Her responsibilities include the implementation
25 of the Lynn Public Schools voluntary desegregation

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1 plan, which includes the student assignment policy,
2 which is the primary issue that brought the litigation
3 forward. She is the Title IX Coordinator, the home
4 assistance coordinator, the Director of Language
5 Support Systems, I guess until just recently, until May
6 of 2004, and she develops school staffing
7 organizations.

8 I understand that duty called Pat Barton,
9 her commitment today is being as a juror or I believe
10 she was perhaps impaneled at a jury, had to do her jury
11 duty, so she, unfortunately, is not going to be with us
12 and is a principal in one of the schools here in Lynn,
13 but we are going to -- we are not going to miss a beat
14 with that and we are just going to go forward.

15 We have Nancy McArdle. Nancy is a
16 Research Director of the Metro Boston Equity Initiative
17 at Harvard Civil Rights Project and, as we all know,
18 the Harvard Civil Rights Project has been in the
19 forefront of many of the issues confronting civil
20 rights in Massachusetts, particularly around education
21 needs, racial profiling, residential segregation and
22 many other issues. She is studying the changing
23 opportunity structure for people of color in the area
24 of housing, education and employment. She serves as an
25 expert witness in the Lynn school desegregation case,

1 as well as the recent *Hancock v. Driscoll*,
2 Massachusetts School funding case.

3 An instructor for the Neighborhood
4 Reinvestment Corporation, she specializes in housing
5 and demographic analysis. For 14 years, she was a
6 research analyst with the Joint Center for Housing
7 Studies at Harvard University and coauthor of the
8 widely cited report "The State of the Nation's
9 Housing", which documents trends in housing, home
10 ownership attainment, ownership and rental of
11 affordable housing, the stock of low income housing and
12 demographic changes as they effect the housing
13 industry. She is a graduate of Harvard's John F.
14 Kennedy School of Government.

15 We also have with us Michael Williams and
16 Michael is a staff attorney with the Citizens for the
17 Preservation of Constitutional Rights. And Michael has
18 been lead counsel in the Lynn case, so those of you in
19 this area who are involved in litigation I'm certain
20 are very familiar with his works. He has been working
21 the area of civil rights for ten years and he also
22 manages to maintain a private law practice.

23 On the end, we have Linda Tropp and Linda
24 is an assistant professor in the Psychology Department
25 of Boston College. She is a graduate of Wellesley

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1 College, she received her Ph.D. from the University of
2 California in Santa Cruz.

3 Linda, could you just share with me what
4 that doctorate was in?

5 In social psychology. And she has spent
6 ten years studying issues associated with intergroup
7 contact and responses to prejudice and disadvantage,
8 and she is a trained social psychologist.

9 So welcome all, you have a very
10 distinguished and learned panel before you, so we are
11 going to immediately move into the issues and, Richard,
12 I'm not sure if you are prepared to start. Who is the
13 most appropriate person? I'm going to defer to the
14 panel.

15 MR. COLE: Thank you very much for
16 inviting me here. My name is Richard Cole, I'm Senior
17 Counsel for Civil Rights and Civil Liberties at the
18 Massachusetts Office of Attorney General, and I
19 represent the state defendants and the Commonwealth of
20 Massachusetts in the *Comfert v. Lynn School Committee*
21 case and serve as lead trial counsel in the case in the
22 United States District Court and I thank you for the
23 opportunity to speak briefly about this case. This
24 case not only will have a powerful impact on the
25 education of over 15,000 Lynn students but also will

1 likely play a significant role in determining the
2 future of race relations in this country, and I'm going
3 to tell you why in a few minutes.

4 In the Comfert case, plaintiffs claimed
5 that the United States Constitution forbids the State
6 of Massachusetts from providing financial incentives
7 to local communities to desegregate their schools, to
8 voluntarily desegregate their schools. Under the
9 Massachusetts Racial Imbalance Act, they are
10 challenging the constitutionality of the state's Racial
11 Imbalance Act. Secondly, they argue that the
12 constitution prohibits Lynn from continuing to
13 implement its 16 year old integration plan that has
14 successfully desegregated its schools for the last 16
15 years and has prepared students who live in Lynn to
16 live and work in an increasingly diverse society.

17 And the case raises two fundamental
18 questions. The first one, does integration in
19 education matter? And the second, is it
20 constitutionally permissible for K through 12 educators
21 to take voluntary steps to integrate their schools and
22 their classrooms. The Commonwealth and Lynn, together,
23 successfully defended the Racial Imbalance Act and the
24 plan. I feel like I'm turning my head a lot but I want
25 to talk to everyone here.

1 In an 11-day trial in the United States
2 District Court, in June of 2002, and we succeeded at
3 that trial with the help of four nationally recognized
4 experts, one of whom is sitting here, Nancy McArdle,
5 and three other experts, one, probably the leading
6 desegregation expert in the country, Gary Orfield, one
7 of the leading developmental psychologists in the
8 country, Melanie Killen, and one of the leading social
9 psychologists in the country, Jack Devidio, who have
10 won many awards and are leading figures in addressing
11 these kinds of issues.

12 In addition, we had the testimony of key
13 Lynn educators, which included the superintendent of
14 schools. Jan Birchenough, who has been instrumental in
15 the success of this plan, testified and Pat Barton, who
16 is a principal, is one of the people that pressed for
17 the plans being adopted in 1987 and 1988 and is
18 currently a principal, among others.

19 The District Court issued its final
20 decision in September of 2003. As Cynthia Tucker said,
21 this case is currently on appeal in the United States
22 Court of Appeals and we anticipate -- principle briefs
23 have been filed, a reply brief is still due and we
24 anticipate that the case will be argued this summer in
25 the United States Court of Appeals for the 1st Circuit.

1 I became involved in this case as an
2 assistant attorney general because Attorney General Tom
3 Reilly decided that the Commonwealth of Massachusetts
4 needed to intervene in this case for two reasons, one
5 is to defend the constitutionality of the Racial
6 Imbalance Act, which has been instrumental in allowing
7 22 Massachusetts communities to voluntarily desegregate
8 their schools and, secondly, to stand together with
9 communities, like Lynn, that are fighting for the right
10 to voluntarily integrate their schools because their
11 educators believe that integration is in the best
12 education interests of their students.

13 In this case, the 1st Circuit Court of
14 Appeals will decide whether Lynn's white or minority
15 students will continue to learn together in integrated
16 schools or whether they will receive an education in
17 relative isolation from each other in racially
18 segregated classrooms and schools. The federal court
19 decision will likely effect school integration not only
20 in Lynn but throughout this country. Lynn's plan is
21 one of the most effective and least intrusive
22 desegregation plans that could ever be designed, it has
23 allowed a generation of Lynn's students to receive
24 significant educational and citizenship benefits from
25 attending racially diverse schools.

1 The plan promotes integration by
2 encouraging voluntary transfers, allows parents to
3 choose to voluntarily transfer their child to a
4 non-neighborhood school while it guarantees to every
5 parent the right for their child to attend their
6 neighborhood school. I emphasize that school transfers
7 are entirely voluntary. Lynn only denies a parent's
8 request for a voluntary transfer if the transfer would
9 contribute to the segregation of Lynn's schools.
10 Parents can appeal their transfers and, where they
11 document a real hardship from the denial, Lynn will
12 grant an appeal and, over the history of the plan,
13 approximately 50 percent of all appeals have been
14 granted.

15 Under the plan, most Lynn parents have
16 many more school choices than prior to the plan,
17 Before the plan, parents only had one choice, which was
18 their neighborhood school. Additionally, parents
19 denied a transfer to any particular non-neighborhood
20 school do not lose any concrete benefit, education
21 benefit, because, as all the parties agreed at trial,
22 all of Lynn's 25 schools are educationally comparable
23 and are equally successful in providing an education to
24 its students.

25 Now I think it's helpful to provide a

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1 little before and after picture of before the
2 integration plan and after, to get a sense of how
3 important this plan has been to Lynn. Before the plan,
4 Lynn's educational system was in crisis. In a district
5 that was 83 percent white and 17 percent minority,
6 before the plan, Lynn's schools were segregated and its
7 minority students were racially isolated. Its schools
8 were plagued by racial strife, racial polarization,
9 interracial violence between its white and non-white
10 students, poor academic performance, low attendance
11 rates, high discipline rates and significant white
12 flight.

13 For the ten years preceding the plan, each
14 and every year, whites were leaving the system at
15 higher than a five percent annual rate. This is before
16 the plan. Additionally, schools with high
17 concentrations of minority students had inferior
18 educational conditions, overcrowded classes and
19 significantly fewer resources. This was all
20 established at trial and found by the trial court. Now
21 there has been an extraordinary transformation of
22 Lynn's school system. By all measures, Lynn's system
23 and the plan has been a remarkable success and Lynn
24 combines both the integration plan with educational
25 improvements, and the combination of the two has made

1 the difference.

2 In a district that, at trial, was 58
3 percent minority and 42 percent white, 29 percent
4 Latino, 15 percent African American, 14 percent Asian
5 American, the schools have uniformly high attendance
6 rates, declining suspension rates, a stable white
7 student enrollment with no white flight since this plan
8 has been devised. Whites have left the system at lower
9 than a one percent annual rate since the plan has been
10 in effect, compared to over five percent before the
11 plan, which substantially improved achievement and
12 performance gains throughout the school system,
13 particularly in the schools with the highest
14 concentration of minority students.

15 In fact, Lynn's students compare
16 extraordinarily favorable with other urban schools in
17 terms of their performance on the MCAS test. Race
18 relations among students are highly positive. Lynn's
19 schools are safe, without any problem of racial or
20 inter-ethnic tension or violence in the schools.

21 Now how do you explain this
22 transformation? How did this happen? Well five
23 decades of social science research, beginning in 1954
24 with Gordon Allport, developed, established what is
25 called the Inter-group of Social Contact Model as the

1 fundamental strategy for fostering in white and
2 minority children important cognitive, social,
3 citizenship and race relations skills and benefits and
4 in disarming racial stereotypes and preventing
5 interracial conflict.

6 It requires four elements, first of all,
7 it requires desegregation, it requires that white and
8 minority children -- I have one minute left? All
9 right. It requires white and minority children to be
10 together in the schools. Actually, with one minute
11 left, I will go through and I will tell you the four,
12 it requires that children are treated equitably and
13 fairly, it requires that there are common goals that
14 children both recognize in their own identity, also
15 recognize there are broader goals within the school
16 community, and it requires that authority figures, by
17 word and deed, support and encourage interracial
18 contact.

19 I can tell you that it has made a huge
20 difference and I can tell you that, without the plan,
21 based on Lynn's segregated housing patterns, and Jan
22 Birchenough and many other witnesses testified about
23 it, almost half of all the elementary school students
24 that are currently attending racially diverse schools,
25 with many interracial friendships, will instead attend

1 segregated or racially isolated schools with all the
2 racial distrust, fears and misunderstandings that that
3 is likely to generate, which clearly occurred prior to
4 the plan. And my time is up and I thank you very much,
5 members of the panel.

6 (Applause)

7 MS. TUCKER: We'll pass it over to Jan
8 Birchenough now.

9 MS. BIRCHENOUGH: Thank you. I would like
10 to take this opportunity to discuss or describe the
11 role of the Parent Information Center, which is the key
12 piece in our voluntary desegregation plan. The center
13 was opened in 1987 and it was funded primarily from
14 Chapter 636 funding. It employed a director, which I
15 didn't go there until 1992, the former director started
16 in 1987. At that time, we only had three other people
17 in the office, there was a parent coordinator and two
18 clerks.

19 What has happened over the years, because
20 the role of the center has increased to a point where
21 it not only registers students and implements the
22 desegregation plan, we have connected ourselves to all
23 the different offices within the school system to
24 ensure that every students gets the appropriate
25 opportunities, whether it be special needs, bilingual

1 education, transportation, homeless assistance and
2 those kinds of things.

3 As Richard said, every student is allowed
4 to go to their district school and I think, in the
5 beginning, this was a misunderstanding, the people
6 really didn't have as much information as they have
7 now, and that is an absolute definite.

8 No one is told that they cannot attend
9 their district school. The only students who may not
10 be allowed is if it's a specialized program that we do
11 not have in every single school, then we have to
12 provide transportation and that usually comes under
13 special needs or English language education. So
14 currently, right now, because of the expanded role that
15 we have taken on, I'm still there as the director. I
16 have a student assignment officer, who is sitting right
17 here, Elizabeth Bosagian.

18 I have five clerks, one of which just
19 deals with data entering because that is one of the key
20 things that we have to do is to ensure that all student
21 enrollment data is programmed into our student database
22 so that we can access records, we can run reports, we
23 can see how well students are doing from school to
24 school, and that's a huge project because, right now,
25 everything that is entered into that database, there is

1 hundreds of elements and most of those now go directly
2 in a download to the state. We used to do paper
3 reports but now, because the technology is so much
4 better, everything goes straight from our database
5 right out to DOE, and those statistics are used for our
6 funding.

7 Back in 1987, we had seven magnet schools
8 and, as time went on, because of funding changes, we
9 were able to increase that to ten. Unfortunately,
10 those schools were a draw to show parents that there
11 were some highly specialized programs at that school,
12 those schools, so that we could attract students out of
13 district without doing a lot of advertising and having
14 parents visit schools, and we would promote that
15 through the Parent Information Center. Unfortunately,
16 funding was taken back by the state three, three and a
17 half years ago, and most of those programs, some of the
18 parts of those programs are still in place and, in
19 other schools, they weren't because it wasn't supported
20 by the funding.

21 But things that had been
22 institutionalized, such as over at the Washington
23 Magnet School, they have this Micro Society, that's
24 still in place. The Multicultural Society is still
25 working over at Hood School, so finding other means and

1 funding was very important. I think the magnet schools
2 really helped to attract students but I think it was
3 more parent choice, that when they came to the Parent
4 Information Center to see what their options were and
5 also being given descriptive of each of the schools and
6 provided the opportunity to go and visit schools before
7 they made a choice.

8 The Parent Information Center's staff is
9 highly skilled with great people skills, they are there
10 for the parents. We are the opening door to the Lynn
11 Public Schools and we really want people to feel that
12 we are there for them and that we can help them work
13 through their difficulties, regardless of whether it's
14 a special assignment through the special needs office
15 or bilingual, whatever.

16 As Richard had said, our plan is based on
17 residence and, when a parent comes in, the first thing
18 we do is establish where you live. The second criteria
19 is they can give us the options or the choices that
20 they want, but what we have to do, before we can give
21 that assignment, the first thing we have to look at is
22 is there space available because the district student
23 takes the seats first and then, following that, it's
24 any of the requests the parents may have. And then the
25 third part that enters into it, will this assignment

1 help to reduce minority isolation? And, given that,
2 some parents have 18 choices, some parents are much
3 more limited.

4 If the choice that you want is not
5 available because of either class size, you can be
6 placed on a waiting list, if it's a desegregative
7 transfer, and that's happened to us more recently
8 because of the middle school, the bubble of enrollment
9 is coming up from the elementaries. We have three
10 middle schools and we have two K to 8 schools and
11 currently, right now, for most of those schools, there
12 is a waiting list, regardless of whether we can honor
13 the transfer because it's desegregative or if it's gone
14 under an appeal.

15 During the appeals process, a parent fills
16 out a form and we explain the different criteria that
17 the Department of Education would accept. The first,
18 of course, is sibling preference, we want to keep
19 families together, that's the most important thing.
20 The second part of it is under health and safety. Now
21 we are not looking at a health issue that can be
22 something in the school, or a safety issue that has to
23 do with the schools, it's more a safety issue
24 documented by police reports, court documents,
25 restraining orders and those kinds of things, things

1 that happen in the neighborhood or within the family.
2 A health issue has to be documented by doctors,
3 psychiatrists, psychologists so that we have something
4 substantive that would say that we can allow this
5 transfer.

6 And then there is extreme hardship. There
7 are a lot of single parents now that work out of the
8 city, they have no family here, so we try as best we
9 can to honor all of those, if it can be documented that
10 it is really that kind of a hardship. Many times, it's
11 looking for a day care issue after school, not so much
12 getting the child to the school but where they are
13 going to go afterwards, and we have a lot of programs
14 in the core center of the city. We have Girls Inc., we
15 have the Boys and Girls Club, the Gregg House so, for a
16 lot of parents, it's very important for their child to
17 be in that particular area so that it's easier for them
18 to get to this after school arrangement because some of
19 them are there until 6:00 at night.

20 We talked about we do all of the new
21 admissions and the readmissions and the transfers
22 within my office and we probably do about 6,000
23 transactions a year, so it's very intense, when we
24 begin the registration in March, because everybody has
25 to come in, and we make appointments so that we give

1 people enough time to look over what their choices are.
2 But the real high time for us starts in August, from
3 August 1st until mid-October there is a lot of moving
4 around, people moving in the city, moving out of the
5 city and within the city, and that usually occurs on
6 the first of each month.

7 I think you should know, because of this
8 plan, we did receive funding from the state to do some
9 renovations on buildings. The first phase of that, we
10 received about \$22 million, \$22.4 million, to do
11 relevations at six elementary schools, adding on
12 additions to make space for people who wanted to have
13 choice. We also, in the second phase, it was voted to
14 have \$200 million, through the city council, to first
15 start the new high school plans. There was an addition
16 to English High School, as well as the technical
17 school, and a new classical high school, which has now
18 become part of the K to 8 school at Cobbet.

19 And, at first, it was \$70 million for just
20 those high schools, added on another \$20 million
21 because of additional things that they needed,
22 technology and so forth. There still remains about
23 \$120,000 that's already been voted by the council to go
24 back in and start doing some work on the middle schools
25 but, with funding the way it is, we haven't been able

1 to do that, but that was a direct help. Obviously, we
2 get 90 percent reimbursement because we have the plan,
3 other school systems receive less because they are not
4 in the same situation that we are.

5 I just wanted to touch briefly -- my
6 office, it probably takes about \$400,000 a year to
7 operate. As I said, we have expanded services, we are
8 directly connected now with the special needs office,
9 the language support office, the transportation office.
10 We have a nurse, who works as our homeless liaison, who
11 now can identify anybody coming into the school system
12 that is in that situation because, under
13 McKinney-Vento, there are very strong regulations that,
14 we have to follow. And, especially being a nurse, it's
15 very helpful in terms of health records, so she has
16 been there.

17 So our duties have expanded. I don't
18 believe that the Parent Information Center will ever
19 not be part of the Lynn school system because when the
20 funding was pulled by the state, they took a look at it
21 and said there would absolutely be no way to not have
22 this in operation because to spread it out amongst 30
23 schools, you just couldn't get the same kinds of
24 results that we do, and we were quite happy about that.
25 So if you have any questions later, I would be happy to

1 answer them. Thank you.

2 (Applause)

3 MS. TUCKER: We are going to hear from
4 Nancy McArdle at this time.

5 MS. MCARDLE: I'm going to be showing a
6 number of overheads in this room, which are actually
7 kind of important so, if you feel you want to see them
8 and you can't see them, you might want to move at this
9 time. Well it's obvious, in fact it might be so
10 obvious it's not even worth mentioning that without
11 some kind of intervention, neighborhood schools or
12 schools in which assignment is based on where a child
13 lives are going to reflect the racial composition of
14 the neighborhoods in which they are located. Of course
15 that's true, so it behooves us to look at the patterns
16 of racial change that have occurred in Lynn,
17 particularly how these differ spatially, to consider
18 the implications of what might happen if we return to
19 neighborhood schools, and that's what I plan to address
20 in the next nine minutes and 50 seconds.

21 Like many cities in the Northeast and the
22 Midwest, Lynn has undergone dramatic racial change over
23 the last two decades. In 1980, Lynn was 93 percent
24 white, that is non-Latino white. By 2000, their share
25 was 63 percent, a decrease of 30 percentage points in

1 two decades, yet not all people live in communities
2 that are 63 percent white, there is considerable
3 variation. The typical white resident lives in a
4 neighborhood that is 70 percent white while the typical
5 resident of color lives in a community that is 50
6 percent white. This racial transformation has actually
7 been even more dramatic, if we look at the child
8 population, that is kids who are under 18.

9 In 1980, almost 90 percent of Lynn's
10 children were white, non-Latino white. By 2000, that
11 was 46 percent, less than half. Latinos currently are
12 the largest minority group, when it comes to children,
13 at 27 percent, followed by blacks, 15 percent, and
14 Asians at 11 percent. This racial change has very
15 strong racial patterns and you can see that best by
16 looking at a series of three maps that I'm going to
17 show you right now. These show the minority share of
18 the child population in 1980, 1990 and 2000 by a census
19 tract, which is an area of about 4,000 people, for
20 1980, '90 and 2000.

21 This shows the minority share of the child
22 population in 1980 and what you can see is most census
23 tracts, especially those going up here towards the
24 northwest, are less than 10 percent minority, as of
25 1980. In contrast, this area right down here, near

1 downtown, is the only area that's majority minority, in
2 terms of children, at that time, greater than 50
3 percent minority. You can already see this pattern
4 that has developed, to some extent, spatially though,
5 with the highest concentration of minorities in this
6 downtown area and then, as we move outward, decreasing
7 in share, especially as we move north and west.

8 And now we look at what happened by 1990,
9 this is the same map with the same categories, you can
10 see that the number of census tracts with a minority
11 share greater than 50 percent has increased fairly
12 substantially, moving out from this downtown area,
13 while the number of predominantly white areas, less
14 than 10 percent minority, is receding to the north and
15 the west. And by the year 2000, we have this pattern.

16 Now there is only one census tract that is
17 less than 10 percent minority, in terms of children,
18 many, over half, that are majority minority, in terms
19 of children, and some tracts that are more than 80
20 percent minority, in terms of children. So in fact
21 racial change has effected all parts of Lynn, but some
22 areas much more dramatically than others.

23 Can you hold that one just for a second?
24 That's coming up in a minute, thanks.

25 Those areas farther to the north and west

1 have generally undergone little to moderate change and
2 these are areas characterized not only by a high white
3 share by high home ownership rates, a low share of
4 single parents, higher incomes and low shares of people
5 speaking languages other than English at home. I'm
6 going to quickly show you three more maps to show some
7 of the socioeconomic characteristics, just so you can
8 see how they overlay with the racial charts that you've
9 just seen.

10 Here we see median household income, the
11 highest incomes, those over \$50,000, are in these
12 northwestern regions and then, as we move down towards
13 the south and the east, we get to areas like this where
14 the actual median household income is less than
15 \$20,000.

16 If we then go on and look at home
17 ownership, once again, in the northwest area, we have
18 home ownership rates over 60 percent but, moving
19 towards the south and the east, in these areas, home
20 ownership rates are less than 20 percent.

21 And lastly, just to look at the share of
22 people speaking a language other than English at home,
23 I thought this was kind of appropriate to your next
24 panel as well, we also see a very dramatic patterns.
25 In these areas, less than 20 percent of people speak a

1 language other than English at home and in these far
2 northwest areas, it's more like less than ten percent
3 but, in all these census tracts, more than half of the
4 people speak a language other than English at home. I
5 think that's all the ones I'm going to show, so thank
6 you.

7 My analysis indicates that these areas of
8 the northwest that are predominantly white are likely
9 to remain predominantly white for the foreseeable
10 future. Unless there are aggressive public policy
11 initiatives to foster housing integration, like the
12 building of affordable housing, very intensive low cost
13 home buyer programs, intensive counseling or a sudden
14 change in the socioeconomic status of people of color,
15 I do not anticipate substantial racial change in these
16 predominantly white areas in the next five to ten
17 years.

18 Minorities have generally not purchased
19 homes in those areas at anywhere near the rate that
20 they are purchasing in the rest of the city and it's
21 interesting, when we look at other parts of the Boston
22 Metropolitan area, Asians are the group that are
23 primarily moving into these higher income white areas,
24 but that is really not the case so much in Lynn.
25 Fairly small shares of the population in these

1 predominantly white areas are Asian and that is most
2 likely due to the fact that 55 percent of Lynn's Asian
3 population is Cambodian, people with much lower incomes
4 than Asians in other parts of the metro area, such as
5 Chinese and Asian Indians.

6 In contrast, the predominantly minority
7 areas, those that were clustered from downtown to the
8 south and along the eastern side, have seen a much more
9 dramatic racial change over the last 20 years. In fact
10 some tracts have seen an increase up to 60 percentage
11 points in the share of their population that's
12 minority. As of 2000, these are areas with lower home
13 ownership rates, more immigrants, lower incomes and,
14 based on their current composition, I believe that
15 these areas are going to continue to see substantial
16 increase in their minority population, partially
17 because minorities are buying homes more there at a
18 higher rate than they are in the city as a whole. At
19 the same time, whites are less likely to buy there than
20 they are as a city as a whole.

21 Also, because the minorities, particularly
22 Hispanics, higher fertility rates, generally, if you
23 have an area that has become very Latino, that trend
24 tends to continue because of their much higher
25 fertility rates and their younger age structure

1 compared to the white population. Lastly, according to
2 the most recent study that we have on racial attitudes
3 in Metro Boston, "The Multi-City Study of Urban
4 Inequality", which was actually done in the 1990s, the
5 majority of whites in Metro Boston say they would be
6 uncomfortable moving into an area that is majority
7 black.

8 Now that is not strictly comparable with
9 what we have in Lynn because we have a mix of different
10 ethnicities but it does seem quite possible that the
11 majority of blacks might feel uncomfortable moving into
12 areas, such as we've seen, that are over 65 percent
13 minority. Possibly not true but quite possible based
14 on attitudinal surveys. The in between areas that
15 we've shown, in between the predominantly white and
16 predominantly minority areas, have a more equal racial
17 balance. In terms of their characteristics, socially
18 and economically, they tend to more reflect the
19 minority areas but they are somewhat in between and my
20 sense, based on looking at the fertility rates, the
21 minority shares, the age structure, is that these areas
22 as well as more likely to become increasingly minority
23 over time.

24 So based on the housing patterns and the
25 racial composition of children in Lynn, if geography

1 alone determines student assignments to schools,
2 probably over the next five to ten years, Lynn will
3 continue to have a significant number of white children
4 residing in predominantly white tracts and a
5 significant number of minority children living in
6 predominantly minority tracts.

7 These tracts are separated quite a bit,
8 geographically, as you've seen. Therefore, if Lynn
9 assigns students according to their place of residence,
10 you will likely see a significant percentage of white
11 students in white schools, minority students in
12 predominantly minority schools.

13 Over the long run, if there is an increase
14 in socioeconomic status of people of color in Lynn, it
15 is possible that those predominantly white areas will
16 become more integrated. However, there is little
17 demographic evidence that the places that have already
18 become very predominantly minority are attracting
19 whites to move back into that area.

20 In sum, we cannot rely on residents
21 patterns alone to give us integrated schools. If we
22 believe in the benefits of a diverse educational
23 experience, things that Richard talked about and things
24 that Linda I think is going to talk about as well, if
25 we value those things, then proactive measures have to

1 be taken. Relying on residents patterns alone is not
2 going to get us there. Thank you.

3 (Applause)

4 MS. TUCKER: Linda Tropp.

5 MS. TROPP: Well, first, I would like to
6 acknowledge my collaborator on the research that I'm
7 going to be talking about today, Thomas Pettigrew, and
8 I would also like to thank the Massachusetts Advisory
9 Committee to the US Commission on Civil Rights for
10 providing this opportunity for us to share our research
11 with you. And in this brief talk, I'm going to give a
12 very brief overview on psychological research
13 pertaining to intergroup contact theory and then I'm
14 going to discuss some of the work that we've done to
15 evaluate this research literature on intergroup contact
16 from the last half century.

17 So, just briefly, to provide some
18 background, very early thoughts on intergroup contact
19 thought that one of the main problems with intergroup
20 relations was ignorance and that if we could just get
21 members of different groups to interact with each
22 other, they would begin to learn more about each other
23 and this would contribute to a decrease in intergroup
24 prejudice. But in the late 1940s and 1950s, social
25 psychologists began to add a caveat to this statement

1 saying that intergroup contact can reduce prejudice but
2 that it depends largely on the conditions under which
3 members of those groups interact.

4 And in large part, these conditions were
5 formalized by Gordon Allport in his 1954 book, *The*
6 *Nature of Prejudice*, and kind of elaborating on what
7 Richard Cole started to say, in this book, Allport
8 proposed four conditions that could promote positive
9 outcomes from intergroup contact, and these include
10 equal status between the groups within the contact
11 situation so, even if the groups have different
12 statuses within the larger society, that they are still
13 regarded as of equal status within the contact
14 situation itself. Sanction of authority, that the
15 contact and the equal status nature of that contact is
16 supported by the authorities of the institution.

17 Common goals, that they work toward common
18 goals and that they do so in cooperation and not in
19 competition and, often times, these latter two
20 conditions have been referred together as
21 interdependent, where members of the different groups
22 really have to work together and rely on each other in
23 order to achieve their shared goals.

24 Now since Allport's time, a wealth of
25 studies have been conducted to examine the effects of

1 intergroup contact and, over the years, people have
2 written their own subjective reviews where they have
3 debated about the effectiveness of contact.

4 But to get a clearer sense of what this
5 literature tells us overall, we need to conduct a
6 systematic, quantitative analysis of the full research
7 literature on intergroup contact. So, for this reason,
8 Tom Pettigrew and I have conducted what's called a meta
9 analysis looking at the relationships between
10 intergroup contact and prejudice and, just to give you
11 some background, meta analysis refers to a statistical
12 technique that we can use to try to determine the size
13 and consistency of an effect across a number of
14 studies.

15 So, when you conduct a meta analysis, you
16 essentially try to find every study ever conducted on a
17 particular topic and then you statistically pool the
18 results to look at the overall patterns of effects, on
19 the one hand, and also to consider the other types of
20 variables that might moderate those effects, or enhance
21 or inhibit those effects.

22 So, from a five year search, we uncovered
23 a total of 515 studies from the 1940s through the year
24 2000. These studies represent responses from over
25 250,000 participants in 38 different countries and

1 these studies also span many academic disciplines and
2 involve contact between members of many different types
3 of groups.

4 And for the purposes of this forum, I'll
5 be structuring our discussion of results from this
6 analysis around two central research questions, one
7 being what is the overall effect? So, for example, we
8 want to know, overall, what happens when members of
9 different groups interact with each other? Do we tend
10 to observe positive outcomes or do we tend to observe
11 negative outcomes? And the next question is what is
12 the role of Allport's conditions? In other words, do
13 Allport's conditions actually enhance the potentially
14 positive effects of contact?

15 So, to address the first general question
16 of does contact reduce prejudice, the general answer to
17 that general question appears to be yes, that, overall,
18 greater levels of intergroup contact are typically
19 associated with lower levels of intergroup prejudice
20 and, in this overhead, I've included two indicators of
21 effect size, one is Pearson's r , which is a basic
22 correlation coefficient that assesses the degree of
23 association between these variables, and Cohen's D is
24 another indicator of effect size which, as you can see,
25 is approximately twice the size of r .

1 Now if you look at the first two columns
2 for Cohen's D and Pearson's r, you can see that I'm
3 reporting effect sizes for both studies and samples so
4 when I'm referring to effects for studies, I'm
5 referring to the overall effect for each individual
6 paper or article that we included in our analysis. In
7 other words, the overall effect for all of the data
8 reported in that single paper. Instead, when I'm
9 referring to effect for samples, I'm referring to the
10 overall effect for all the data reported in each
11 independent sample included in those papers.

12 So, in a lot of the papers we included,
13 they have multiple studies. There might be a study
14 one, study two and study three and we can treat those
15 as independent samples in our analysis and we are
16 interested in examining the patterns of effects in both
17 of these ways so that we can see whether the patterns
18 of effects vary depending on how we look at the data.
19 And what we see here is that whether we are looking at
20 the entire paper or each independent sample, we get the
21 same basic effect, which is an inverse relationship
22 such that more contact is associated with less
23 prejudice.

24 And particularly relevant to this forum
25 are the third set of columns where, if we select only

1 those samples involving racial and ethnic contact
2 within education contexts, we observe that this effect
3 persists and is actually slightly higher for this
4 subset of cases as compared to the overall effect for
5 the full analysis.

6 Now in terms of magnitude, these would be
7 considered somewhere between small to moderate effects.
8 In a statistical sense, these are highly significant
9 effects and they are also relatively consistent effects
10 that just become a bit stronger or weaker, depending on
11 other characteristics of the studies.

12 For example, we can also think about these
13 patterns of findings from a kind of research methods or
14 a methodological standpoint where if we think that an
15 effect is really there, then the better we measure that
16 effect, the more clearly we should see that effect
17 emerge. And in our data, we find this tendency again
18 and again with different indicators of measurement
19 quality and, given time, I'm only going to be able to
20 give you one example of what we mean by measurement
21 quality.

22 So as one example, we've coded for the
23 type of study that was conducted so, for example, was
24 it a research experiment where we can actually test for
25 the causal effect of contact on prejudice or was it

1 instead a correlational study, looking at the
2 relationships between the variables, such as in a
3 survey study or studies that might be conducted in
4 field settings?

5 And what we find is that we observe the
6 strongest effects when the design of the study is a
7 controlled experiment where we can actually test for
8 the effects of contact on prejudice, as compared to
9 survey studies or studies conducted in other settings.
10 And across several other types of indicators, we
11 continue to find, regularly and repeatedly, that the
12 more rigorous the measures and procedures used in the
13 research studies themselves, the more clearly we
14 observe this relationship between contact and
15 prejudice.

16 Now beyond these types of methodological
17 issues, we also need to consider what we call the
18 generalization of contact effects because it could be
19 that the significant relationship we are observing is
20 really limited to those studies that assess prejudice
21 toward the individual out group members within the
22 immediate contact situation, rather than extending
23 beyond the contact situation to effect people's
24 intergroup attitudes toward the out group as a whole.

25 So we conducted an additional analysis to

1 examine this issue and, for this analysis, we examined
2 each test of the relationship between contact and
3 prejudice, and we coded these tests to see whether that
4 outcome measure assessed prejudice toward the
5 individual out group members within the contact
6 situation or if instead it assessed prejudice toward
7 the out group as a whole, as a form of generalization.

8 And what we find is that the effects of
9 contact on prejudice toward the out group as whole do
10 not significantly differ from the effects for prejudice
11 toward the individual out group members within the
12 contact situation, suggesting that the effects of
13 contact can in fact generalize. So now that we've
14 examined the contact prejudice relationship with
15 respect to these issues, we can grow more confident
16 that intergroup contact really does tend to be
17 associated with less prejudice and that what we are
18 talking about is not just prejudice toward the
19 individual out group members with whom the contact
20 occurred or within immediate contact situation but,
21 rather, prejudice toward the out group as a whole.

22 And, with this background, we can address
23 our other central research question concerning the role
24 that Allport's conditions might play in reducing
25 prejudice, and we examined this issue by coding our

1 studies to see whether the contact situation was
2 explicitly structured to meet Allport's conditions. In
3 other words, were clear efforts made to try to
4 establish Allport's conditions within the contact
5 situation? And what you can see in this slide is that
6 generally, as we've found consistent with our full
7 analysis, greater intergroup contact is associated with
8 lower levels of intergroup prejudice, but we also see
9 that these positive effects of contact are greatly
10 enhanced the more that Allport's conditions are
11 achieved within the contact situation.

12 So, taken together, what the results of
13 our analysis are suggesting is that greater intergroup
14 contact can lead to reduced intergroup prejudice and
15 these effects become all the more strong the more that
16 Allport's conditions are established and met within the
17 contact situation. Thank you.

18 (Applause)

19 MS. TUCKER: Okay, now we are going to
20 hear from the complainant's side and we are going to
21 ask Michael Williams to present that.

22 MR. WILLIAMS: I've got kind of a lonely
23 position here today. Everybody else on this panel,
24 with the exception of Professor Tropp, has been either
25 the attorney for the defendants or a witness for the

1 defendants during the Lynn trial, and I understand
2 Professor Tropp is assisting in a brief supporting the
3 defendants before the appeals court. So you are going
4 to be hearing a slightly different point of view, I
5 guess, on my presentation.

6 There is no question that Lynn schools
7 were in a lot of trouble before Lynn took the match in
8 here, the question is was it the building of new
9 schools, the standardization of curriculum, the buying
10 of updated textbooks and the additional teacher
11 training and other race-neutral steps that caused this
12 turnaround in Lynn, or was it the fact that Lynn denied
13 some assignments on the basis of race?

14 We've heard a lot today, at least an
15 overview today of some of the benefits of having an
16 integrated school but what we saw in Lynn is that the
17 facts on the ground in Lynn are that Lynn schools,
18 right now, do have some schools that are predominantly
19 minority and others that are predominantly white.
20 Lynn's student population right now is 60 percent
21 minority and it has schools that are as high as 86
22 percent minority. Despite this fact, as Richard Cole
23 brought up, all of Lynn's schools, including those
24 predominantly minority and predominantly white schools,
25 are all doing an equal job of educating Lynn's

1 students.

2 So that raises the question is it the
3 racial composition that's the determining factor or is
4 it these other steps, the race-neutral steps, like the
5 building of the new school houses where, before that,
6 we heard about how some students in Lynn were sitting
7 in classroom and would actually have ceiling tiles
8 falling down on them. They now have new schoolhouses,
9 they now have a standardized curriculum, whereas
10 before, some schools have different curriculums. So
11 which is the course here? Is it the racial assignments
12 or is it these other effects?

13 If you've got schools that are 85-86
14 percent minority and they are doing as good a job as
15 schools that are 50 percent minority, then it's a good
16 indicator that it is not the racial composition, it is
17 not the denial of assignments on the basis of race that
18 caused a turn around in Lynn, it probably has a lot
19 more to do with these other race-neutral elements.
20 Basically, the way the Lynn plan worked is every child
21 is guaranteed an assignment at their neighborhood
22 school but Lynn encourages children to seek assignments
23 at other schools by having themes at these other
24 schools, and it is when a parent asks for an assignment
25 to one of these theme schools, which all have at least

1 some theme to them, that's where race comes into play.
2 And there are certain schools that a child cannot go to
3 if they are a minority student, there are other schools
4 that children can not go to if they are listed as non-
5 minority.

6 I'm going to try and avoid this turning
7 into too much of a law school lecture, but the question
8 really here is what is Lynn allowed to do, rather than
9 discussing generally what people would like to see
10 Lynn's classrooms look like. The Supreme Court has
11 recently clarified this topic a lot for us with its
12 recent rulings in the University of Michigan cases.
13 There were two cases, one involving the law school, one
14 involving the undergrad, that's the Gratts and Gruder
15 case. The Gruder case dealt with the law school and
16 held that that policy was constitutional, even though
17 it used race as a determining factor and then, in the
18 under grad program, the Gratts program, that was held
19 to be unconstitutional because it used race too much.

20 So the question is what was the
21 distinction between the two? And I should actually
22 point out that the local 1st Circuit Court of Appeals
23 actually had already ruled on a lot of the same
24 questions that the Supreme Court had ruled on in Gratts
25 and Grouder and probably got it right, but what the

1 question was with the Gratts and Gruder decisions was
2 how much could race be used?

3 In the law school, where the policy was
4 upheld, race was used as one of many factors in order
5 to create a diverse student body, and they talk about
6 diversity in terms of not just pure racial diversity
7 but in terms of a truly diverse student body in which
8 you have students of various social and economic
9 backgrounds, various family backgrounds, various
10 geographical backgrounds.

11 But the court went on to say that had the
12 system used race as the sole factor, which is what the
13 University of Michigan was doing in its under grad
14 program, where race was a sole deciding factor as to
15 whether or not to grant the extra points and improve
16 your chance of getting in, that's unconstitutional.

17 Now the question is, as to what can Lynn
18 do versus what it would like to do, is how much could
19 Lynn ever apply a policy like the one at the University
20 of Michigan Law School, the one that was held to be
21 constitutional? There is a real problem with any
22 public school adopting a policy like the law school one
23 that was held to be constitutional because of the true
24 diversity question.

25 First of all, the Supreme Court required

1 that the policy had to look at every single applicant
2 individually, do an individual review of that child's
3 diversity merits. That's something that a community,
4 like Lynn, with 15,000 students, would have an awful
5 tough time doing so, as a mechanical matter, it's going
6 to be a very difficult thing for any public school to
7 adopt a policy like the one sustained in the law school
8 case. The other problem of course, when you are
9 talking about elementary school kids, is how much can a
10 child have a in a background for diversity? You can't
11 look at a kindergarten child or a first grader and
12 judge them based on whether or not they were involved
13 in student government or in athletics because they are
14 just too young to have many of the background
15 characteristics at the court looked in terms of true
16 diversity.

17 What Lynn's plan does is it uses the kind
18 of mechanical application of a racial preference that
19 the Supreme Court said in both cases you can't use. As
20 an example, I'll talk about one of our plaintiffs who
21 is a woman born in Puerto Rico. She brought her son
22 into the Parent Information Center seeking a transfer
23 to a school that was predominantly non-minority,
24 thinking that would be an easy thing for her to do. It
25 turns out, because her son had her father's last name,

1 which was an Italian name, he was considered to be not
2 Hispanic because the definition of Hispanic is having
3 an Hispanic sounding surname.

4 As a result of this litigation, that
5 policy was since changed and now if you are a biracial
6 child, you have the right to elicit under either racial
7 classification, which means basically you can have any
8 school you want, which really shows the arbitrary
9 nature of the policy. If you happen to be biracial,
10 you can be select -- your parents can choose which
11 racial classification to put you under, giving you a
12 free choice of any school but, if you happen to have
13 white parents, there are certain schools you are not
14 allowed to go. If you have minority parents, there are
15 other schools you are not permitted to go. This is
16 exactly the kind of mechanical application of race that
17 the Supreme Court said you cannot do.

18 In comparing the two University of
19 Michigan decisions, Justice O'Connor, who was the swing
20 vote on the Supreme Court in those two cases, made the
21 point that the key distinction is that race can not be
22 the only factor, it must be one of many factors that
23 are being considered. In Lynn, that is not the case at
24 all, race and class size are the only two
25 considerations and class size usually isn't a problem,

1 although in a few rare cases, I guess there are some
2 schools that are getting close to having class size
3 problems.

4 So the key distinction that Justice
5 O'Connor makes is the quintessential question here,
6 Lynn uses race as the only factor and, therefore, it
7 clearly doesn't fit under the law school model, it
8 clearly fits under the under graduate model, which the
9 Supreme Court said is clearly unconstitutional.

10 Even in the discussion of the law school
11 decision where the court said race can be a factor,
12 Justice O'Connor wrote the law school's interest is not
13 simply to assure, within the student body, some
14 specific percentage of a particular group merely
15 because of its race or ethnicity, that would amount to
16 outright racial balancing, which is patently
17 unconstitutional. That's what Lynn is doing so, again,
18 the question isn't what Lynn would like to do, it's
19 what can Lynn do.

20 We've heard something about -- we heard
21 something at trial and again here today about the
22 housing patterns being the cause of the segregation
23 within Lynn, and that is the true root cause of Lynn's
24 de facto segregated school system is the fact of the
25 housing pattern in Lynn is segregated, as most

1 northeastern cities are. As Nancy McArdle just talked
2 about, one of the ways that this needs to be addressed
3 is through Lynn looking at how we can help integrate
4 its housing, and this is something that some
5 communities have done with great success and something
6 that the constitution permits them to do, and it is a
7 long term solution to the overall problem of the
8 housing patterns. And it's something Lynn should be
9 looking at doing, simply because what it's trying to do
10 now is unconstitutional and of course the 1st Circuit
11 hasn't ruled on this yet but there is a very good
12 chance that Lynn is going to have to find something
13 else to try.

14 I would just conclude by talking about one
15 of the experiences of one of our plaintiffs. When we
16 first started to bring this case, we started to get
17 some calls by a bunch of parents who were interested in
18 being involved in this case, and one of them called us
19 and told us she was having difficulty, she wanted to
20 get her daughter, Chiavonne, into a different school.
21 My colleague, Chester Darling, went and met with her to
22 talk to her about the case and he had a very difficult
23 time explaining why, even though she had reasons why
24 she wanted a transfer for Chiavonne, she couldn't have
25 it because of her daughter's race.

1 Ms. Agnew responded, well I thought we
2 didn't have to worry about that kind of thing anymore.
3 And I'll tell you, it was very difficult to explain to
4 our parents, who are acting as the plaintiffs in this
5 case, that, within Lynn, it does still matter what your
6 child's race is, as far as what schools they are going
7 to be permitted. Well, yes, they can go to their
8 neighborhood school but if they want to go to a theme
9 school, other than their neighborhood school, and they
10 are the wrong race, they are going to be denied, and
11 that's still something that the children have to --
12 that's teaching the wrong lesson to our children, it's
13 the same wrong lesson that was taught by Topeka when
14 they did it to Linda Brown and it's just as wrong to
15 teach it to the children today.

16 (Applause)

17 MS. TUCKER: Well it's very difficult to
18 state your position and your research in the brief time
19 that they were given, but they did an outstanding job
20 and I would like to give them one more hand.

21 (Applause)

22 MS. TUCKER: You heard Attorney Richard
23 Cole give us some history on what was going on in the
24 Lynn School System, declining school system's test
25 scores were poor, racial strife was increasing, and so

1 they had to do a turn around and he gave us some
2 history of what brought us to the court today. We next
3 heard from Jan Birchenough who broke down the Lynn plan
4 that was put into place, and that is at issue today,
5 and how that plan functions and operates. You next
6 heard the research of residential segregation from
7 Nancy McArdle and the impact that residential patterns
8 have on educational opportunities and how those are
9 being addressed.

10 Linda Tripp next -- Tropp, excuse me, next
11 spoke about -- ooh, Linda Tripp, we know that name,
12 don't we?

13 (Laughter)

14 MS. TUCKER: The relationship between
15 contact and prejudice. And Michael Williams, the lone
16 voice for the plaintiff, really raised some interesting
17 questions, particularly, at this time, in history, as
18 you concluded, as we celebrate the anniversary of *Brown*
19 *V. The Board of Education*, which struck down separate
20 but equal, and it seems that's something of the basis
21 of your discussion, particularly based on what Jan
22 brought to the forefront about the three criteria you
23 take into consideration when you consider the transfers
24 or the residence, the space available and then the
25 third criteria being the race.

1 So you kind of wonder where the weight
2 comes into that and are we putting more weight -- where
3 are we putting the weight and what are we trying to
4 achieve, a better education or racial balance? I am
5 going to now, with that, open it up to our esteemed SAC
6 Advisory Committee and ask if they will lead off some
7 questioning for us.

8 Fletcher, why don't you begin?

9 MR. BLANCHARD: And I guess I'll direct it
10 to Richard Cole first but ask anyone to respond as
11 well. Without prefacing it too grandly to say that I
12 do applaud your work, profoundly, but I want to wonder
13 whether it isn't time to try to combine other resources
14 of government leadership with the kind of control we
15 have in school and education to try to promote
16 patterning of house ownership and patterning of living
17 arrangements, patterning of political decision making
18 and so on that could combine to foster integration.

19 And it moves to another piece of work you
20 are involved in, but I'm asking about leadership from
21 your office in promoting intergroup contact more
22 broadly than the schools.

23 MR. COLE: Well let me just say that our
24 office is heavily involved in housing discrimination
25 issues and affordable housing, but you are talking

1 about, in the approach, you are talking about, number
2 one, is there has to be dramatic change in the economic
3 status of people of color. Right now, if you look at
4 the housing costs in communities and how high it has
5 now gone, that it is basically a number of people can
6 not afford to buy houses. In the north and northeast
7 of Lynn, they are primarily single family homes that
8 cost a significant amount of money so, number one, if
9 you are talking about the kind of restructuring, it's
10 going to take many years.

11 So the question is how many generations
12 should we wait to have them be educated in racial
13 isolation until we are able to achieve those changes?
14 I believe there has been a lot of work in housing and
15 in trying to expand affordable housing, both
16 historically by the federal government and by the state
17 government, so I think those efforts continue. But, as
18 we have learned, it is not a panacea and it certainly
19 is not a short term -- it's not going to achieve the
20 kinds of results, so the question is are children going
21 to be educated in racial isolation? Does that matter?
22 Will that effect, in terms of how they are prepared to
23 live and work in our society in the future, if they
24 have no opportunity, no experience with children from
25 other racial backgrounds until they become adults?

1 And if you talk to people, and it's a
2 different situation, a different world today where
3 there are an increasing number of minorities in our
4 communities and people are going to need to be
5 prepared. So that, to me, is the challenge. I don't
6 disagree that the efforts you are talking about are
7 important efforts but I just don't see, in the short
8 term, that we are going to be able to overcome that to
9 achieve an integration, for example, in the northeast
10 and northwest sections of Lynn in the next five to ten
11 years.

12 MS. TUCKER: Peter, Karen or Barry, do you
13 have any questions that you would like to bring
14 forward?

15 MS. BARATTA: I'll ask a question. I
16 wonder if anyone can speak to how the children involved
17 in the plan feel about it?

18 MS. TUCKER: Jan, that sounds like a
19 question for you.

20 MS. BIRCHENOUGH: You know, during the
21 period of time that the court case was being prepared
22 and so many people came to visit, visit at the schools
23 and interview students and parents, and I remember Gary
24 Orfield, when he visiting the Classical High School,
25 came away from that experience and said that it was

1 just absolutely incredible how the students were not so
2 much just at the school but the integration of the
3 students really showed that the high school -- that
4 these kids really liked being together, that they've
5 learned to know about other cultures, they've made
6 friends that you probably normally wouldn't have, if
7 they were in isolation.

8 They visited unobserved, the students
9 didn't know that they were there. They really didn't
10 know what the purpose was, they were asked questions,
11 and he came back and he said he was just -- he said it
12 was just very gratifying to see how this school was
13 operating and how the students were so integrated. And
14 that's part of what I feel about this plan, that it's
15 not so much to desegregate the schools, it's to
16 integrate the students so that they become
17 knowledgeable of other people's cultures, that this is
18 the way the world is. And it's not going to take, as
19 Richard said, until they finally go into the work place
20 to meet people of other cultures, they are growing up
21 with it.

22 Our classes now, the seniors this year,
23 have been together from kindergarten. You start in
24 kindergarten with students, and I've taught in Lynn and
25 I taught in 13 different schools, and I know the

1 difference between then and now, because of this plan.

2 And you just can see it when you visit the
3 schools, how the children interact, whether it's in the
4 classroom or on the playground. We don't have racial
5 tension, we don't have a lot of the things that I think
6 that were there before. We do have equity education,
7 everybody gets the same materials, books, supplies,
8 staff development, but a lot of that came as part of
9 the plan, but the most important thing was how the
10 students interacted, and I think that's the success of
11 our plan, I really do.

12 MS. TUCKER: Linda, do you have anything
13 to weigh in with regard to that?

14 MS. TROPP: I'll try to speak loudly. I'm
15 not a developmental psychologist so I don't have
16 anything to say, in particular, with respect to the
17 developmental processes, but I definitely agree with
18 Jan that it's extremely important to expose kids to
19 different ways of life at early ages so it becomes very
20 natural. And there is a fair amount of social
21 psychological research that suggests that through
22 social norms, through seeing what our institutional
23 authorities hand down to us and how they set the stage
24 for our interactions, that that can have a very strong
25 influence and send a very strong message.

1 And, within that context, if kids are
2 interacting in a context where they know that diversity
3 is valued or that interactions between members of
4 different groups is an important thing to have, that
5 will color or shape the feeling of those interactions.
6 themselves over a long period of time.

7 And it's also particularly important, from
8 a research perspective on intergroup contact, that
9 intergroup contact occur along a very extended period
10 of time, that it's not just like a single interaction
11 or have diversity day where people interact with
12 different cultures, or races or ethnicities for one
13 period in time and then go back to the rest of their
14 lives. Rather, it does need to be incorporated as a more
15 fundamental part of their lives in order for these
16 positive effects to emerge all the more strongly.

17 Some positive effects can be gained from
18 even short encounters but it's different, it doesn't
19 necessarily change kind of your affective ties to
20 members of the out group and the way that you evaluate
21 your own group, the way that you see your group in
22 relation to everybody else in the world. And I think
23 that, in particular, from the research I have done
24 looking at members of majority status groups, whether
25 we are talking about racial and ethnic majority groups

1 as compared to minority groups or people without
2 disabilities as compared to those with disabilities,
3 being in a more diverse context of getting to know
4 people from different cultures and ethnicities really
5 leads members of those majority status groups to think
6 about life and experiences from another person's
7 perspective in a way that they don't necessarily need
8 to on a regular basis.

9 Members of many, perhaps most, minority
10 status groups are led to think about their group
11 membership, think about the implications of any stigma
12 or disadvantage that they may experience when they are
13 interacting in part of the broader society. But that's
14 not necessarily something that members of majority
15 status groups are going to experience, unless they are
16 given these types of opportunities for cross-group or
17 cross-cultural exchanges.

18 MR. WILLIAMS: To answer the first
19 question, what do the children think? Obviously, the
20 children of my plaintiffs weren't happy with it, and
21 the question is -- we just heard from Janet about the
22 lack of racial strife and the positive attitude that
23 does exist in Lynn. I would just point out though that
24 this positive attitude exists at Lynn's 86 percent
25 minority school, so the question we have to look at

1 here is is it worth the damage that is done by
2 stigmatizing some children, causing some children to
3 know that they were denied assignments because of their
4 race when we know that a school that is 86 percent
5 minority can do as good of a job?

6 And when we can have things like the
7 equity education that happens in Lynn, the authority
8 sanction where Lynn's teachers are taught to emphasize
9 the importance of viewing their other children as
10 equals, whether or not we can accomplish these goals
11 without the need of the damaging effects of having some
12 children being denied assignments on the basis of race.
13 And the proof of Lynn is that at its predominantly
14 minority and predominantly white schools, yes, we can
15 accomplish that, so is it necessary? Is the cost
16 necessary to achieve these ends? And the answer is no,
17 the damage of race-based assignments are not necessary
18 to achieve these ends.

19 MR. BLANCHARD: I would like to try to
20 follow up, if I could, on a couple of the themes that I
21 thought people were developing, and I'll start with
22 something that Mr. Cole mentioned at the beginning and
23 come maybe all the way around with Mr. Williams. It
24 resonated with me when you talked about how much of a
25 challenge it is when children coming through the school

1 system finally, in the work place, in America today,
2 and in Lynn and in Massachusetts encounters
3 substantially, for the first time, too often, folks of
4 another race or ethnicity and what it reminded me of is
5 what's happening in colleges and universities.

6 I teach at Smith College and one of the
7 real challenges is the rate at which we encounter
8 students of all colors who have had so little
9 experience interacting on an equal status contact basis
10 that, while they bring lots of good values, typically,
11 they bring none of the skills or sensibilities that
12 allow them to navigate substantially interracial
13 contacts on college campuses. So it isn't just when we
14 get to the job and the work place, but it's a
15 particularly thorny thing in college.

16 Now, let me pick up on some other things,
17 some decades ago, Tom Pettigrew speculated about what
18 might happen if schools like Smith, and Harvard and
19 other private, independent liberal arts colleges and
20 universities were to make some decisions about valuing
21 substantial interracial contact, at the admission
22 moment, to say that there is something you can bring to
23 our campuses that's mastery, that's knowledge, that's
24 skills that come from having had substantial
25 interracial contact in the classroom and in your

1 school.

2 So the possibility was, and now, since
3 Michigan, absolute authority and support from both of
4 the decisions that would allow us to say, well, a
5 third, fourth, fifth criteria, you parents of Lynn
6 students, is that if you choose a school that's
7 substantially interracial and interethnic, we are going
8 to take that as a real plus value when we make
9 decisions about admitting your children to college.
10 So, notice, all we are talking about is choice, all we
11 are talking about is one new element in the decision
12 making scheme and we are talking about fairness.

13 So, Mr. Williams, would you object to a
14 system like that, that added one additional factor,
15 which was explicitly not anybody's race but the
16 experience a child had in their high school with folks
17 of another race?

18 MR. WILLIAMS: Sure. I touched a little
19 bit on this during my brief discussion. Now the
20 question here, again, is the difference between what
21 Lynn, as a public school, can do and what a university
22 can do. As a university, you are not -- in a
23 university, you can certainly have a kid coming from a
24 very varied background where you are drawing applicants
25 in from off an international pool. When you are

1 talking about a public school system, you are talking
2 about children being drawn from that one community, so
3 the question with Lynn is when it makes assignments to
4 its kindergartens and its elementary schools, there is
5 not a whole lot of background to look back on.

6 So, as far as adding other diversity
7 characteristics, you've got -- you know,
8 geographically, they are all coming from Lynn. As far
9 as family background, there is a little bit of
10 differences in social economic background, family
11 background but, really, when you come down to it, in
12 making assignment decisions for a first grader, there
13 is not much, other than race, that you can base it on,
14 and that's where you are going to run afoul of the two
15 Michigan decisions and the Bacce decision.

16 MR. BLANCHARD: I wasn't clear, let me try
17 it again, what if we, private liberal arts colleges,
18 prestigious ones, were to say to your plaintiff parents
19 your kids are going to have a very low chance of
20 getting into our schools because of the choices they
21 make in respect to the amount of interracial contact
22 and acquisition of skills and sensibilities they need
23 on our campuses.

24 MR. WILLIAMS: So, basically, you are
25 looking at what's often called the Harvard Plan, where

1 there are a number of characteristics considered, one
2 of which allows--

3 MR. BLANCHARD: Or the Michigan law school
4 plan.

5 MR. WILLIAMS: The law school plan was
6 actually Harvard, modeled on a Harvard Plan that
7 Justice Powell talked about in the Bacce decision.
8 That type of assignment decision is generally referred
9 to as a Harvard Plan and, in those types of plans, the
10 university is taking into a number of factors and, a
11 lot of times, they do look at the schools that the
12 child comes from. In response to the striking down of
13 the University of Texas Law School's race-based
14 admission policy, they started a policy to begin trying
15 to use the high schools as a way to bring in diversity
16 by looking at what high school the child came from.

17 As a constitutional issue, reviewing that
18 question from a constitutional standpoint, as long as
19 race was not the predominant factor and as long as
20 racial diversity -- you know, diversity measured by
21 race alone was not the ultimate objective, you've got a
22 chance there of satisfying the law school--

23 MR. BLANCHARD: Let my try one more time,
24 imagine you are the attorney for parents in Lynn.

25 MR. WILLIAMS: Right.

1 MR. BLANCHARD: Who are making choices
2 about schools and all of our -- and a whole bunch of
3 prestigious colleges and universities get together and
4 create an incentive for them to make choices that are
5 different from the ones you are talking about today,
6 but there is still choices that turn on the racial
7 composition of the schools they are going to attend
8 but, this time, there is an unabashed value because
9 it's going to increase the odds of their getting
10 admitted to the best schools in the country.

11 MR. WILLIAMS: Well, first of all--

12 MR. BLANCHARD: Would you be in favor?
13 Would you work with them? Would you help them realize
14 those choices?

15 MR. WILLIAMS: Well, first of all, that's
16 going to be an awfully unfair policy for the majority
17 of school systems which have a straight neighborhood
18 policy. Now the question is--

19 MR. BLANCHARD: But not illegal.

20 MR. WILLIAMS: Not -- well the question is
21 could a community, like Lynn, maintain a school choice
22 policy in which children could adopt, could choose to
23 go to a school that has a more diverse student body but
24 one in which the admissions policies are not controlled
25 by race. In other words, have school choice without

1 having a racial restriction. You see, Boston now has
2 half of its schools that are now reserved for children
3 seeking schools other than their neighborhood schools
4 and race is not a controlling factor.

5 If you have a system like that, certainly
6 -- the argument is now actually before the 1st Circuit
7 as to whether or not that's completely constitutional
8 because of some other issues, but a policy where you
9 have school choice without racial restrictions allows
10 parents to make that kind of a choice, but the question
11 is whether or not you can kind of make parents want to
12 choose a diverse school as kind of a way in which the
13 university -- these private universities can try and
14 push parents to make the choice. You know, there is
15 some question as to how much Title VII controls a
16 university's admission policy.

17 Certainly, if you've got something along
18 the Harvard model, which can look at a lot of different
19 issues in a child's background, including what the
20 school was like, whether or not they came from a school
21 -- I know some schools look at school, whether or not
22 the school had a lower income level or whether or not
23 they did well at a school that generally has poor
24 performance. That kind of a review, and that's
25 something that some schools are already doing but, when

1 you are talking about whether or not a local community
2 can adopt a policy based on that or whether or not a
3 parent is going to making assignment decisions based on
4 that, well certainly at the elementary school level, I
5 think that's going to be far beyond their vision.

6 MR. BLANCHARD: I'll just do it one more
7 time, my friends make the decisions about pre-school.

8 MR. WILLIAMS: Right.

9 MR. BLANCHARD: They think, because it's
10 going to eventuate in the next elementary school choice
11 and the next middle school choice, the next high school
12 choice. Also, they think they can get into the
13 colleges that they want. My question is just this, if
14 parents were making choices, it's parents choosing,
15 parents making choices because they can benefit,
16 explicitly, from interracial experience of their kids.
17 Would you -- would you be supporting those choices?

18 MR. WILLIAMS: Are you asking if I would
19 encourage--

20 MR. BLANCHARD: No, would you be -- would
21 you support those choices? Is it parent choice that is
22 operative here?

23 MR. WILLIAMS: No, the parent's choice --
24 parent choice is not the thorny legal question in the
25 Lynn assignment plan, it's the racial restrictions on

1 parents choice. If Lynn had a parents choice system,
2 like Boston, where race was not a controlling factor,
3 this lawsuit wouldn't be happening. So I mean you are
4 asking a couple of different things, I think, the
5 question of whether or not parents can try to make
6 choices that are going to improve their chance of
7 getting into a prestigious college, obviously, they
8 often do.

9 But again, right now, there already are
10 some universities, some prestigious universities, that
11 are looking at these characteristics, and I'm not sure
12 how much they are actually weighing in on parents
13 decisions because those policies are the Harvard type
14 policy where there is a long list of considerations. I
15 guess, in order to have the stick effect, of really
16 encouraging parents to do it, it would have to be
17 really prominent, the universities would have to make
18 it clear, this is a major factor in the deciding.

19 And again, as soon as you start trying to
20 impose something like that, you are going to have the
21 majority of children, who are attending straight
22 neighborhood school assignment systems, are going to be
23 left out of that benefit.

24 MR. BLANCHARD: Thank you.

25 MR. WILLIAMS: So I mean you are talking

1 about a policy decision at private universities, which
2 I guess they can try and strong arm parents that way
3 but without the local school systems having choice,
4 whether or not race is a factor, it's -- you know,
5 there is not much you can do, at the university level,
6 to make a local system change its assignment policy,
7 particularly given the constitutional restrictions.

8 MS. TUCKER: Nancy, did you want to weigh
9 in on this?

10 MS. MCARDLE: I actually wanted to say
11 something about the previous question, just quickly.
12 Yeah, I wanted to say something about the previous
13 question, a little bit more about the interrelationship
14 between housing and school segregation, perhaps from a
15 different angle. Mr. Williams had mentioned isn't it
16 perhaps better that what we should do is be focusing on
17 eliminating or reducing residential segregation and, of
18 course, that's true, and Richard talked about the
19 challenges of that in terms of promoting affordable
20 housing.

21 But we've done a number of studies in the
22 Boston Metropolitan area, recently, that look at some
23 of the underlying causes of residential segregation.
24 Clearly, affordability is one of them and yet, even
25 when you control for affordability, we find that, for

1 example, Latinos are buying homes at nine times the
2 rate you would expect in Lawrence, relative to what
3 they afford, even when it's controlled for
4 affordability. The African Americans are buying at
5 five and six times what you would expect, based on what
6 they can afford, in Brockton and Randolph and places
7 like that.

8 So affordability is part of it but there
9 has got to be more, and some of it I think does have to
10 do with racial attitudes. We talked a little bit about
11 that before, about the multi city study, that all
12 racial groups want to live or say they want to live in
13 integrated environments. However, if you look at what
14 the ideal composition of that community is for
15 different racial groups, they tend to be different,
16 with people of color wanting more of a generally 50/50
17 split and whites more hesitant when you get closer to
18 that 50 percent level.

19 And lastly, as part of some of our
20 research, the Fair Housing Center of Greater Boston
21 sent out testers, an audit test, where they send out a
22 black or an African American, Latino or white tester,
23 in pairs of testers, to try to go to realtors about
24 buying homes and see how they were treated. And in 17
25 of the first 17 cases, in every case, the black or

1 Latino tester was treated worse, even though they had
2 better economic profiles than did the white tester.
3 They were steered to communities, they were -- they
4 said said they needed to be qualified, they were sent
5 to open houses, as opposed to being taken someplace
6 with a realtor.

7 And I bring this up because yes, maybe one
8 of the answers, of course, is to dwell -- is to work on
9 residential segregation but, if it's possible that, by
10 doing some of these things at the school level, we can
11 create a greater understanding, a greater appreciation
12 of people who are different from us, a greater
13 willingness to live with each other, a greater
14 willingness not to discriminate, then we can make an
15 impact on residential segregation as we move forward.
16 I don't think we can just expect -- well I think it's
17 fooling just to expect that we deal with affordability
18 alone and not deal with some of these other issues,
19 that are interpersonal, that I think that school
20 integration can really have a positive impact on and
21 get us ahead of that loop, so that's what I wanted to
22 mention.

23 MS. TUCKER: Thank you.

24 MR. KIANG: It was our intent, in today's
25 forum, to be gathering information, providing some

1 documentation, which will later be released, as a
2 report. We wanted to hear from experts and we also
3 wanted to give the local public a chance to engage with
4 the issues and to hear those perspectives as well. I
5 do have two questions of my own, but I'll hold on them
6 in order to just create some formal space for members
7 of the public to come forward, if you have questions
8 and comments.

9 We had provided an opportunity to actually
10 reserve time, and I know one of the members of the
11 audience, who I see is here, to give some comments. I
12 don't know if others who e-mailed or phoned to reserve
13 time are here now, for this part, it might fit neatly
14 into this topic, it might not, but it's creating space
15 for members of this Lynn community to speak to some of
16 these issues as well, so I hope it's okay just to
17 create a little bit of space. So I know a board member
18 from one of the community organizations, the Khmer
19 Association of the North Shore, that's Anna Lam, is
20 here.

21 Nancy McArdle had referred to the Asian
22 American population in Lynn being predominantly
23 Cambodian or Khmer, and so this is one of the local
24 Cambodian community leaders. And others of you in the
25 audience, if you have reserved time already or it you

1 have perspectives to share that are particularly
2 relevant to this panel, if you could also perhaps just
3 check in with Aonghas, right now, that would be very,
4 very helpful.

5 MS. LAM: Hi. I'm sorry for my
6 inappropriate attire, I just got out of work.

7 Thank you for the opportunity to
8 participate in this forum and to focus on issues
9 related to the educational success of the Cambodian
10 American students in Lynn, Massachusetts. According to
11 a 2000 census, the City of Lynn had the fifth largest
12 Cambodian community in the country. Cambodian American
13 is the largest Asian American subgroup in the City of
14 Lynn, comprising 53 percent of the total Asian American
15 population. My name is Anna Lam and I am a member of
16 the new community organization in Lynn representing its
17 Khmer residents.

18 We believe that integration of the
19 students of different races is critical in Lynn. We
20 see a need for more and not less work to promote racial
21 understanding in the schools. The experience of the
22 members of my community are not always positive, as the
23 testimony so far might have suggested. I would like to
24 tell a little bit -- present my organization. It is
25 the Khmer Association of the North Shore, at this time,

1 that is newly organized to improve the quality of life
2 in the Cambodian American community in Lynn.

3 It was born out of a series of meetings
4 held by the community local leaders to discuss the
5 closing of the Cambodian Community of Massachusetts,
6 which is known as CCM, a nonprofit organization that
7 served the Cambodians in the 1980s and 1990s in
8 response to the demise of the CCM and in response of a
9 sparse, few community services agencies that provided
10 assistance to the Cambodian populations, CANS was
11 established with the following mission, to foster and
12 promote the civic economic and social sufficiency of
13 the Greater Lynn Khmer and Southeast Asian community by
14 undertaking board initiatives in the civic
15 participations, cultural preservations and the
16 provisions of needed services.

17 From November, 2004 to January -- from
18 November -- I'm sorry -- from November, 2003 to
19 January, 2004, CANS conducted a need assessment of the
20 Cambodian American community in Lynn and there were a
21 total of six groups with Cambodian American community
22 members, including two focus groups for the older
23 adults, 40 years old, and two focus groups for young
24 adults, which is 24-39 years old, and two focus groups
25 for the youth, which is 12-23 years old. The need

1 assessment was intended to be comprehensive and
2 exploratory, drawing on the collective efforts of the
3 CANS as well as the Cambodian community members to
4 document the needs and strengths of the population in
5 the city.

6 The research team was made up of an
7 external principle investigator and a CANS member, who
8 were trained to conduct bilingual and bicultural focus
9 groups while drawing on their own experience as a
10 Cambodian immigrants leader. In addition, the focus
11 group was translated to the Khmer language by a focus
12 group facilitator working with non-monolingual,
13 non-English speaking participants. The findings and
14 analyses were based on these focus groups and ongoing
15 discussions with the CANS members. The result of the
16 focus groups showed that the Cambodian American
17 community experiences racism, difficulty in school and
18 language barriers in Lynn.

19 The Cambodian adult and youths are finding
20 themselves vulnerable to racial discrimination in many
21 settings, including the neighborhood, the work place
22 and school. Most alarming of all, however, is
23 continued prevalence in racism in school. For example,
24 one parent revealed that her own elementary child
25 experienced racist comments about Cambodian people made

1 by another student in the school. Her child was told
2 by an American child that Cambodians eat cat and dog
3 food and should go back to Cambodia. To her
4 disappointment, when she spoke to her child's teacher
5 about this, the teacher told the school that they don't
6 deal with that kind of issue.

7 Apparently, this is a disconnect between
8 the school personnel and the Cambodian community.
9 Cambodian students and their parents point at the lack
10 of cultural response, instructions and curriculum in
11 the classroom, citing the need for Khmer language and
12 history classes. Moreover, Cambodian community members
13 are concerned about the lack of the current
14 administrators, teachers and staff who would be
15 supportive of the educational success of Cambodian
16 students. Limited English proficient, which is also
17 known as the Cambodian Student Review, that how they
18 have been made less confident by their teachers, they
19 are often reminded that -- background criticizes, even
20 picked on by some teachers.

21 These teachers also exaggerated the point
22 of grammar ^{and} grading their work. Many Cambodian
23 American youth tend to drop out of school or join gangs
24 as an adaptive response to criticism -- I'm sorry,
25 racism, difficulty in school and language problems. In

1 addition, the Cambodian American community in Lynn
2 continues to be categorized by distinctive sets of
3 difficulties with adjustments in life in the United
4 States. Some of our community members have succeeded
5 and we, at CANs, are committed to improve the quality
6 of life of the Cambodian community, but many members of
7 our community continue to experience poverty, mental
8 health issues, lack of affordable housing and
9 linguistically isolated household.

10 As a result, many Cambodian parents find
11 it difficult to intervene directly with their
12 children's education, particularly when they, just like
13 their children, do not have access to culturally and
14 linguistically relevant services. And when bilingual
15 and cultural school personnel are unavailable, as is
16 often the case these days, given these challenges, we
17 feel particularly honored to have included a broad
18 range of Cambodian community members, including many
19 from low income families, to participate in the needs
20 assessment.

21 These community members, young, youth and
22 adult, actively engaged in their discussions and
23 demonstrated a high level of commitment to ensure that
24 the educational success of Cambodian youth in Lynn.
25 CAN will continue to work with other organizations to

1 increase community access to institutional resources
2 and to build the capacity of Lynn's Cambodian
3 community. Currently, we are working with the
4 Northshore Community College and other organizations to
5 establish relevant after school programs for Cambodian
6 American youth and their families.

7 I believe that the US Commissions of Civil
8 Rights public forum today is an important step toward
9 the educational equity, including the educational
10 success for Cambodian Americans. To this end, the
11 voice of the Cambodian American community members must
12 be heard. I would respectfully request that my
13 comments be entered into the record and the voices of
14 the Cambodian students and their parents be
15 thoughtfully considered.

16 Thank you.

17 (Applause)

18 MS. MORRIS: Hi, good afternoon. My name
19 is Yolanda Morris and I am the President of the North
20 Shore NAACP, which covers everything from Gloucester
21 back to Lynn. While I thank you for having this forum,
22 I'm just hearing about it yesterday. I have a whole
23 lot of concerns. I have four children in the Lynn
24 school system. While today I don't have a testimony of
25 my own because I choose to send my children to the

1 neighborhood schools, I wanted to direct this to
2 Mr. Williams. I'm going to piggyback a little bit off
3 of Dr. Fletcher and some of the questions are similar
4 to Dr. Fletcher. I'm also going to direct it to Jan.

5 Despite the presence of the desegregation
6 plan, some schools are increasingly -- and it's a two
7 part thing, but some schools are increasingly racially
8 segregated and, first, I would like to address Jan on
9 what do you see as a way to attract more minorities to
10 those -- what I have an -- more racially segregated and
11 the proportion being more white students.

12 MS. BIRCHENOUGH: Currently, right now,
13 with all the magnet schools, there isn't any kind of
14 specialty program that we offer, but we do a brochure
15 of every single school, that is developed by the
16 school, listing out all the extracurricular things that
17 go on there, as well as some specialized programs.
18 Those are given out to every parent who comes into the
19 Parent Information Center. When a parent comes in,
20 they are offered choice and, again, it's voluntary. We
21 do provide them with the brochures, we do offer to have
22 them go and visit schools, prior to making their final
23 decision, and some people do that.

24 Some people come in with just a definite
25 idea of what they want, so they are not even really

1 interested in looking at that, but the PIC staff do try
2 to promote people to look at outside placements out of
3 their neighborhood school. We can't force people and,
4 based on what we are limited to do when they first come
5 in, on entrance, it's usually people see things in the
6 newspaper about the schools or they hear it from a
7 neighbor, they just moved into the city, they talk to
8 the people that are surrounding them, this school or
9 that school, why they would want that particular
10 assignment. Other than from our perspective, on
11 intake, that's about all that we can do.

12 I think a lot of the principals, I know,
13 at the high school level, when the construction was
14 completed at the three high schools, the principals
15 actively went out and recruited students that were
16 formerly at English High School and had gone to
17 Classical High School during the transition period, and
18 Mr. Fowler was able to recruit students back to his
19 school. So I think it's actively done outside my
20 office, I only can tell you what I do, but I think
21 there are ongoing things happening in the schools to
22 let parents be aware of what's being offered.

23 MR. WILLIAMS: Well as far as the changing
24 demographics of Lynn's schools, actually you mentioned
25 that were becoming -- segregated in the fact they were

1 becoming more white. Actually, the trend in Lynn, for
2 its overall system, has become increasing minority, and
3 that's simply a fact of the Lynn student population
4 becoming increasingly minority, it's now a 60 percent
5 minority school system, and that's why, even with the
6 plan in place, you have schools that are as high as 86
7 percent minority.

8 Now the Lynn's plans seems have done a
9 good job of drawing a lot of children to choose schools
10 other than their neighborhood and I would point out a
11 third of their students are in fact attending out of
12 district schools, now without the racial restrictions,

13 During the trial, there was a lot of
14 testimony concerning how that would affect the racial
15 percentages and it would be some drop in the level of
16 racial balance in the schools and you would see some of
17 the schools becoming increasingly white, other schools
18 becoming increasingly minority, but you've got to
19 remember that Lynn is a 60 percent minority school
20 system so there is going to be at least a certain level
21 of diversity in even school. One of the questions the
22 litigation actually sought is is there a legal
23 justification in manipulating student assignments to
24 have some minimal percentage.

25 But as a simple matter of changing

1 demographics in Lynn, which are going to be
2 increasingly minority, you will -- well I don't know if
3 it's even a bad thing to say but Lynn schools will
4 become increasingly minority as a result of that, and
5 that's simply a matter of the natural demographics of
6 the community. Lynn, if this current plan is struck
7 down, Lynn is going to have choose what it does for its
8 next plan and that's something where active community
9 members are going to have to weigh in on it, whether or
10 not Lynn's next plan should seek a constitutional means
11 of still encouraging out of district assignments or
12 whether or not it should go to a straight neighborhood
13 system. And that's something, should the court strike
14 down the plan, I encourage you to take part in
15 encouraging Lynn to adopt some kind of choice so that
16 they continue to have some kind of out of district
17 assignments, which I think can be a beneficial system.

18 MS. MORRIS: Thank you.

19 MS. TUCKER: Jan, I think you had -- did
20 you have a response for that? I guess the question is
21 around is there some level of forum shopping such that
22 the system can be manipulated in some way? Is there
23 some sense of forum shopping where parents can opt out
24 by even by racial means claiming one, if they don't get
25 it, maybe claiming another designation?

1 MS. BIRCHENOUGH: I think this is an
2 important piece to really understand. When the parents
3 come into the Parent Information Center, by Federal
4 Law, we are required to ask race and, in the instance
5 of a biracial child, prior to three years ago, if it
6 was a biracial child, the parent had to declare one
7 race, according to the federal standards, Asian, black,
8 Hispanic, Native American Indian or white, for us to
9 establish our policy. Currently, right now, we do
10 record a biracial child but the law still requires that
11 there must be one that is picked as the primary and
12 another as a secondary.

13 So, in our database, we do record, if it's
14 a Hispanic black child, the parents choice is whatever
15 is the first designation and then gives us a second
16 designation. It is recorded that way but the statistic
17 we use is the one that they have to declare as the
18 primary, and that has not changed. The census was
19 supposed to change that, it did not. It was supposed
20 to give us another category, but that did not happen.
21 The other thing I wanted to speak about, so that people
22 will really understand, what the school system really
23 looked like before we got into this plan and allowed
24 people to go out of their district as choice.

25 Over the years, starting back in 1994,

1 before this court case ever came to be, the then deputy
2 superintendent, associate superintendent, asked me to
3 try and develop a way to find out what the school
4 system would look like at that point if everybody had
5 to go back to their neighborhood schools. And through
6 our database, we were able to create reports and to
7 gather this data and, if you look at -- and I'm just
8 going to give you a couple of examples because I
9 brought this with me, just so that I would have it, to
10 be very accurate.

11 The Shoemaker School, back in the 80s, was
12 anywhere from three to ten percent minority. The
13 outside -- the out of district placements, right now,
14 at Shoemaker School, are 57 percent voluntary parents
15 asking to choose that school. That was one of the
16 schools that had had some major renovations done to
17 that so that it would be able to accept out of district
18 students. On the other hand, on the flip side of that,
19 if we went back to our neighborhood plan, Cobbett,
20 although the statistics probably for racial balance
21 wouldn't change, there would be 1,100 to 1,200 students
22 that would be at the Cobbett District, trying to be in
23 that school where there would be no space.

24 So space really is a very big issue in
25 terms of this voluntary plan because if we did this and

1 turned everything back to the way it was, some schools
2 would be half empty and some would be so overcrowded
3 that it couldn't contain the students. So I mean that
4 -- we have done this report, this simulation, over a
5 period of years and it always comes out to the same --
6 we get the same report, the same results, that,
7 space-wise, this has helped us. The other thing that I
8 just wanted to clarify, and then I'll stop.

9 When a parent comes in, it's their choice
10 to declare their child, it's not our choice, and I
11 think Mr. Williams ~~made a~~ comment about somebody
12 Italian. Ethnic designations, language designations,
13 cultural designations are not the federal standard, so
14 that example doesn't sort of ring a note to me how that
15 would happen. We have to use the federal categories,
16 the parent is told they can choose whatever way they
17 wish. Nobody is denied based on, say, a language, well
18 Portuguese. We don't declare as languages, we can only
19 declare under the federal categories, Asian, black,
20 Hispanic, Native American Indian and white.

21 MR. COLE: I just wanted to go back to the
22 comments made by the representative of the Cambodian
23 American community and I work in the civil rights arena
24 at the Attorney General's Office and I strongly
25 encourage, if there are specific incidents that happen

1 in schools, in any schools, because we are involved in
2 working schools and dealing with these issues, is
3 you've got to report it. You've got to report it and
4 it's not just to the teacher. If you don't get a
5 response from the teacher, you report it to the
6 principal.

7 If that doesn't work, you go to the
8 Director of Equity, who is now sitting on my left and
9 your right, and she is obligated and she will do it
10 because she is committed to this, is to investigate it
11 and to make sure that an appropriate response is done.
12 I don't think anyone would expect that in any place
13 that we live in that there would be the absolute
14 absence of racial stereotypes and racial problems. I
15 think Lynn has done a magnificent job of reducing it to
16 a level that I think is extraordinary and what people
17 found.

18 But I really strongly encourage you to do
19 that, rather than just stopping, if you feel the
20 teacher didn't appropriately respond, to go beyond
21 that. So I just wanted to make that comment to just
22 encourage you to do that.

23 MS. TUCKER: A few more audience
24 questions.

25 Esperanza Herrera?

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1 MS. HERRERA: My name is Esperanza
2 Herrera, I'm a resident of Salem, I work in Lynn. I've
3 worked with the Latino community in Lynn for over 30
4 years and a large part of it has been with school
5 access and equity in education for public schools, and
6 I currently advise the Hispanic Scholarship Fund
7 Incorporation, which is a group of students and parents
8 mostly that wish to try to do something to prevent the
9 high increase, the high numbers of high school drop
10 outs that we have not only in Lynn but in
11 Massachusetts, as a whole, and our nation, as a whole.

12 In 1983, there was a little booklet that
13 was put out by the President's Advisory Commission on
14 Education and Excellence for Latinos. At that time, it
15 was called "A Nation at Risk". This other little book
16 came out again in 1996 and it's "A Nation on the Front
17 Line", so some steps have been made on a national level
18 and on a school, local level, but not much. And my
19 work has been a lot to speak for those parents that
20 don't have access to administrators or the language in
21 which to be able to express their own concerns.

22 My question here today is -- and it's
23 becoming almost like a mantra, a litany to me, what
24 would happen -- and this is to everybody here -- what
25 would happen if part of the law that required

1 desegregation and required the equity of education and
2 equal access, what does that say to what about the
3 administrators and the teachers being representative of
4 the populations that they teach and service? Because I
5 look around here and, you know, I don't see too many
6 Latino parents on those panels over there, I don't see
7 them in administrative positions within the Lynn school
8 administration. I don't see them in administrative
9 positions here at North Shore Community College.

10 I don't see them in administrative
11 positions or teaching positions and I wonder why
12 because I know that, in the Latino community, in Lynn,
13 in the state level, on a national level, there are many
14 eminently qualified people that could be serving on
15 this panel, the civil rights panel, on this panel from
16 Lynn, and so I wonder where does all the rules and
17 regulations, and the lawsuits and the results of the
18 national studies on the education of the Latino, which
19 is a history of the -- where does, anywhere, that fit
20 into any requirements that faculty and administrators
21 represent the population?

22 Thank you.

23 (Applause)

24 MS. TUCKER: Well that's a question we --
25 well there is a lot of--

1 MR. BLANCHARD: Want me to answer?

2 MS. TUCKER: I'm going to give that to
3 you, Fletcher.

4 MR. BLANCHARD: Let me try and answer
5 that, it will be responsive and maybe flamboyant enough
6 to get some other discussion going. Federal law,
7 federal law requires that the state advisory committees
8 to the US Commission on Civil Rights reflect racial
9 ethnic diversity, gender diversity, other kinds of
10 diversity in respect to civil rights, and it even goes
11 so far to require that this balancing and purpose,
12 political party affiliations.

13 So, as a matter of fact, although we are
14 not all here, this group, right here, by federal law,
15 is almost perfectly balanced in respect to race,
16 ethnicity, gender and so on. What about you guys?
17 (Laughter)

18 MR. KIANG: And we do have two more
19 members of the public that are scheduled to speak, and
20 this session is supposed to end at 3:15 as well, so
21 please keep your comments brief.

22 MS. BIRCHENOUGH: I'll just be very brief.
23 In the Parent Information Center, we have a balance of
24 people who work there, we have two Hispanic people, we
25 have a Cambodian person who helps us with the Cambodian

1 population when they come in to register. We just
2 recently have a male attached -- a new job in the
3 language support office, which it hasn't had for quite
4 some time. I believe the school system has affirmative
5 action policies in hiring and it all depends on who
6 applies. If there aren't enough applications from
7 people of color, then, you know, it's very difficult to
8 balance out jobs, if the people just don't come in and
9 apply. So I mean that's the only thing I -- I can
10 speak for my office but I can't speak for the rest of
11 the school system.

12 MS. HERRERA: Yes. I also want to say,
13 from my experience, that when I ask this question, and
14 I've been asking it for many years, it's always people
15 don't apply, and so I say well where did you advertise?
16 I'm aware of the Parent Information Center, I work very
17 closely in the community with -- and the people from
18 the Parent Information and they do a tremendous job,
19 they really do, but they are not administrators. And
20 so my question is about the administrators and perhaps
21 there is no answer to my question now, but thank you
22 very much for listening to me.

23 MS. TUCKER: We are going to move right
24 along because we have about four other people who would
25 like to make some comments and we are running short on

1 time. I'm going to ask Kathryn Gallo if she could come
2 forward and be very brief with her question.

3 MS. GALLO: Good afternoon. My name is
4 Kathy Gallo, I work here at North Shore Community
5 College but I speak to you as a parent of two children
6 in the Lynn Public Schools. I was born, raised and
7 still live in Lynn and I'm very proud of that, I'm very
8 happy to be here. My kids now are in middle school at
9 Breed and Lynn Classical High School and the comments
10 that we heard earlier are absolutely true, at that
11 level. The schools that they are in, the friends that
12 they have are racially, ethnically, linguistically
13 diverse, high academic achievers, excellent kids and I
14 feel very fortunate that my kids are there.

15 But I want to just go back a couple of
16 years to their elementary school experience, and I
17 believe, I could be wrong, I believe Lynn has about 18
18 elementary schools and the elementary school in our
19 district was a predominantly white, English speaking
20 school. More than 50 percent of the racially balancing
21 act that happened were Hispanic kids that were bussed
22 in to the neighborhood school, which is wonderful, and
23 delightful and excellent for the children. However,
24 within the schools, they were segregated, they were
25 kept very separate.

1 There was the Spanish fourth grade or the
2 bilingual sixth grade, and those kinds of things I
3 think are a real missed opportunity for my kids, as
4 well as the Spanish speakers, to learn about each other
5 at that level, not at the middle school level or the
6 high school level, to make friends with kids from other
7 parts of Lynn who speak a different language than them
8 and it may be based upon language proficiency, I don't
9 know. One year, the gym class and the art class were
10 switched up so that kids could take gym and art classes
11 together but, other than that, there were very little
12 possibilities for them to interact.

13 So if that's still happening, and I am two
14 years back in time, hopefully it's changed, I would
15 just encourage people that if you are racially
16 balancing, it needs to happen within the four walls of
17 the school as well. They are at Sewell Anderson and I
18 have nothing bad to say about their education there at
19 all, nothing at all, I just wish that they had more
20 opportunity for interaction.

21 MS. BIRCHENOUGH: What I would like to
22 comment about is Sewell Anderson was formerly one of
23 our program schools for the language support program
24 and, as you know, that's changed now with the new
25 English Language Law. The students initially are set

1 up in a strand, grades three through five and their
2 beginning component starts at Callahan, grades K
3 through two and then, if they still need more language
4 support, they move to three through five. Mainly what
5 we see at Sewell Anderson is a lot of newcomers coming
6 into the city and so until they learn -- their language
7 proficiency improves, they are with the language
8 support teachers with some mainstreaming during the
9 day, lunch, recess and those kinds of things.

10 You probably weren't there enough to see
11 all the other kinds of activities that would go on
12 during the day, art, music, gym, lunch, recess and all
13 of those things, field trips, would be the part where
14 they would be integrated until they had enough language
15 proficiency.

16 MS. GALLO: Actually, I agree with you but
17 I was in the school a significant amount of time
18 because I wasn't working full time when my kids were
19 younger, and it needs to be enhanced. It did then,
20 perhaps not now, and the kids even though -- even in
21 fifth grade, when that was their last year here, the
22 kids said oh, that's the Spanish fifth grade and there
23 was a whole fifth grade of Spanish -- I did the year
24 book for the fifth grade, so I mean I had lots of
25 interactions within the building and I just think there

1 were missed opportunities, not that it's good or bad,
2 or right or wrong, just that there were opportunities
3 for more interaction between the children that perhaps
4 were not set up as well as they might have been, and
5 maybe now it's gotten better too, Jan.

6 MS. BIRCHENOUGH: I think it's different
7 now because of the change in the law because many more
8 of the students are now not attending program schools,
9 there are programs set up in every single school to
10 receive the students. Parents still have choice to go
11 to the Harrington, the Sewell Anderson, whatever, but
12 it's -- on every level, you have to just keep watching
13 and making sure things happen the way they should.

14 MS. GALLO: Thank you.

15 MS. TUCKER: I think someone said it's not
16 school integration but it's like kind of individual
17 integration, we are trying to get student integration.

18 If I could have Damon Harrison come
19 forward?

20 MR. HARRISON: Hi, good afternoon. I'm
21 going to be brief and I just want to thank the
22 commission for coming to Lynn and I truly do hope, and
23 I know I speak on behalf of the NAACP, that this forum
24 here moves rhetoric into action. And one thing that
25 was said by the doctor here, Doc, I couldn't see it, I

1 had to walk up and look at it, Dr. Blanchard, which I
2 was impressed with and really speaks to myself, so I'll
3 just read a quick statement. It is my opinion that the
4 1954 *Brown V. The Board of Education* Supreme Court
5 decision was a necessary surgical procedure to address
6 the festering wounds of America's racism.

7 However, 50 years later, I seriously
8 question its exclusive value to improve the lagging
9 academic standards of African American students and
10 other children of color. Those who are emotional
11 rounded adults would seriously challenge the positive
12 values both socially and spiritually of racial
13 integration. America wholeheartedly benefits when
14 children learn tolerance and acceptance. In school,
15 desegregation certainly opens the doors to tolerance
16 and acceptance.

17 However, it is my concern that what was
18 once, as in the 1954 decision, a major surgical
19 overhaul of this country's oppressive separate but
20 equal educational system is, today, a mere bandaid in
21 healing the educational inequities of African American
22 children and others, as we face -- go towards into the
23 new millennium.

24 I am more akin and agree with those, like
25 Dr. Charles Willy, who believe educational inferiority

1 is basically nurtured through socioeconomic
2 deficiencies. Black children are academically failing
3 in large numbers, in my opinion, not because they are
4 black living in white America, they are failing because
5 they are black living in impoverished America. I
6 challenge this committee to raise the level of this
7 debate and gather the community members who will
8 address the total problems in the black neighborhood
9 school districts, such as ineffective and impoverished
10 school committees.

11 We could use more involvement from our
12 parents, we could also address things like the high
13 class sizes, low motivation and tenure of the teachers,
14 and also our community. The African American community
15 has to take responsibility, we need to get our parents,
16 the parents of our children, to take education more
17 seriously. That is going to begin when we have the
18 support and the financial tools necessary to do that
19 and so, hopefully, we can move this rhetoric beyond
20 just saying that desegregation is necessary. Yes, it's
21 necessary, but there are other things that are
22 necessary too and we need infuse those things with this
23 whole debate, and society will be greater for it.

24 Thanks.

25 (Applause)

1 MS. TUCKER: Thank you very much. Truc
2 Lai?

3 MR. KIANG: And this is our final?

4 MS. TUCKER: We have one more.

5 MR. KIANG: One more? Okay.

6 MS. LAI: Good afternoon, my name is Truc
7 Lai.

8 This question is for Mr. Cole, you
9 mentioned to the lady that's part of the CANS community
10 that if any incident ever happens, to report it either
11 to the teacher or to the principal or, if nothing
12 happens, then go beyond that, but how do you expect
13 students in the Lynn community to understand that or to
14 even know that information? Incidents happened to me
15 when I was actually a student in the Lynn school
16 system, and things happened to me, and there was no
17 information, no one ever told me that I could go and do
18 things about it.

19 So you are telling her to go, go above and
20 beyond, but how do you expect other students, who are
21 not informed, to go and get that information? We are
22 not told, we are not -- everybody cares about MCAS, you
23 know, pass the MCAS, go to college. How do you expect
24 them to know and get that information?

25 MR. COLE: Well, two things, one is one of

1 the benefits of having people who are advocates for the
2 people is they have connections to parents and learn
3 about information. They often, around the
4 Commonwealth, serve as voices to go to the school
5 system and say there is a problem. That's how we, in
6 our office, learn about incidents throughout the
7 commonwealth, it's through advocates. But secondly,
8 you are right, the school district, all school
9 districts need to consistently go out and educate
10 students about their rights and their responsibilities.

11 Our office actually goes and trains school
12 officials and students about this around the
13 commonwealth, and I don't know exactly what happened in
14 the particular school you were in, what kind of
15 information was or was not provided, I can't comment on
16 that, I don't know the answer, but I would --. Again,
17 if your community advocates learn about information, it
18 is very important to come forward with that information
19 and, if you don't feel you are getting a proper
20 response, there is lots of material that's -- a lot of
21 places to go in order to get the response that I think
22 you should receive. So that's the best I can tell you
23 in the situation where I don't know the details about
24 the situation and what the response was.

25 MS. LAI: Okay. My second comment was you

1 mentioned about how diverse the Lynn school system and
2 every school is diverse, students learn about different
3 cultures but, if you really look at the number of
4 students who get recognition, get scholarships during
5 their senior year, you will see that a majority of the
6 students who get scholarships are caucasian students,
7 regardless of -- and for a fact that I know, when I was
8 in high school, a lot of Asian Americans, African
9 Americans and Latinos did a lot of work. They were
10 involved with the community -- the night when we
11 received out scholarships, the majority were caucasian
12 students.

13 And I just think that it's very important
14 to not only diversity the school population but also
15 educate the teachers about diversity. I know a lot of
16 teachers, they concentrate on the MCAS and how to get
17 passed it, but they also need to talk about cultures,
18 they need to integrate the students and talk about --
19 have discussions in the classroom because that's very
20 important. Thank you for listening.

21 (Applause)

22 MR. COLE: I completely agree with
23 everything you've said. I do say, and people may not
24 be aware, is actually the Harvard Civil Rights Project
25 did an anonymous survey of all 11th grade students in

1 the Lynn school system in the year 2000 to identify
2 what their racial attitudes and experiences were in
3 Lynn and, overwhelmingly, across racial lines, this is
4 every student, juniors, who participated in this,
5 across racial lines, found extremely positive both in
6 terms of attitude and experience in Lynn. Was it 100
7 percent? Of course not, but it was a significantly
8 high percentage and much higher than schools that are
9 segregated.

10 MS. MCARDLE: I'm glad you mentioned that,
11 Richard. That survey, if you are interested in the
12 results of that survey, you can find it on the Civil
13 Rights Project web page, which is
14 www.civilrightsproject.harvard.edu.
15 civilrightsproject.harvard.edu and, if you just type
16 the word Lynn into the search area, you will see our
17 entire page of information about Lynn, including the
18 judge's decision in this case, some of the testimony
19 and the results of this survey. I think that's a very
20 important factor that you might want to take a look at.

21 MS. TUCKER: Did we hear from you already?

22 MS. LAM: Yes, I just--

23 MS. TUCKER: Have another question?

24 MS. LAM: I have a question for Mr. Cole.
25 Hi. You know, relating to her question, with a lot of

1 Cambodian parents, since they have the language
2 barrier, they can not report the situation or the --
3 with the school's public -- they are afraid of the
4 authorities. How can you solve that? How can -- I
5 mean are you going to invite someone who is a member of
6 the Cambodian community to be sitting on the school
7 committee so that we can --

8 MR. COLE: Well I think -- I don't know if
9 the school -- the school committee is an elected
10 position, so one of the things is having people
11 organize and have candidates who come forward from the
12 minority communities to be elected. I mean I don't
13 know enough about the local Lynn politics to speak to
14 that, but what I can tell you is the role that you are
15 playing and other advocates in assisting new people,
16 people who are first coming into the country and have
17 language and cultural barriers.

18 We did a lot of training of police in
19 Lowell and in other communities where large Cambodian
20 communities came in to deal with those kinds of
21 cultural issues so the police would have a better
22 understanding of those issues, including the authority
23 -- the issues of the fear about authority figures.

24 And I agree, it's a challenge and it adds
25 an additional challenge in terms of both training of

1 staff members in schools but also, I think, part of the
2 obligation has to go to community advocates to try to
3 serve, to go back to the communities, invite other
4 people in, to educate people and to get them feeling
5 enough trust and confidence to come forward because,
6 honestly, it's very hard for things to be addressed if
7 people don't come forward with specific examples so
8 they can address it specifically, and that's the
9 challenge for all of us.

10 MS. BIRCHENOUGH: Since I have been in the
11 Parent Information Center with our connection to the
12 language support office, usually, when parents have
13 problems, the Parent Information Center isn't just the
14 registration office, the Parent Information Center is
15 there for anybody who has a situation that they really
16 don't know how to deal with or where to go with it.
17 And in conjunction with the language support office,
18 besides the translators in my office, there are also
19 translators in the language support office as well as
20 people designated, in different language groups, in the
21 schools that will come in and help to translate for the
22 parents when there is a situation.

23 I know in the special needs office there
24 are several people, Hispanic and Cambodians, who work
25 there, so those are three places that you can start

1 with, and I would be happy to see you come into the
2 Parent Information Center. Maybe we could set you up
3 with some avenues of ways that you would be in touch
4 with other people with the situations that you are
5 discussing.

6 MS. LAM: What about the Lynn Public
7 School? Is there any translator in there or is there
8 any advocates for the Cambodian parents who can notify
9 of these kind of incidents, discrimination comments?
10 I, myself, graduated from Lynn English in 1997 and I
11 found that there is only one counselor who is Cambodian
12 to help with this, and there is only one counselor and
13 there are three high schools, public schools, Lynn
14 English, Lynn Tech and Lynn Classical, and that's not
15 enough. I mean this is like the third -- the Cambodian
16 -- besides Lowell, this is like the second in the state
17 with the highest population for Cambodian residents, so
18 I think that we should encourage more staff, Cambodian
19 staff, to work in the public school system to improve
20 this.

21 MS. BIRCHENOUGH: Again, I think,
22 probably, not to take too much time here, if you would
23 want to come in, Paula is the new director of the
24 English language program, and myself, maybe we could
25 discuss some ways for you to meet with people to

1 discuss this issue and maybe perhaps get something
2 approved.

3 MS. TUCKER: Thank you very much. I'm
4 going to have to defer to Dr. -- yes?

5 MS. SOOLKIN: --how we can solve many of
6 the issues raised today. We are working with Paula
7 Sheppard. We have a study program at the high school
8 and middle school children and we have like different
9 ethnicities, different backgrounds in our agency.
10 Children from Sudanese, Afghanistan, Russian, the
11 Bosnian community, and they are all coming together
12 during our Saturday programs and they communicate
13 wonderfully and the program is going very smoothly. We
14 have academic programs for high school students, we
15 have English classes, we have math classes, we have
16 enrichment programs for middle school students.

17 And you should see, at the beginning, when
18 they started, many of them didn't speak -- almost at
19 all. Not that they -- they were silent because they
20 didn't speak English. Now, it's been like eight months
21 of this program, they speak, they play, they do some
22 things together. This Saturday, they are going to
23 Boston too and I mean it works practically wonderfully.
24 But maybe, like the model for what we can do from here,
25 we are a community-based organization in Lynn and we

1 have like eight agencies under one roof and that's how
2 it works. We work all together with different
3 communities, so that's probably --.

4 MS. TUCKER: Thank you for your comment.
5 We have heard today about segregation patterns and how
6 it can dictate the quality of your education and a host
7 of other options as you go through life. We've heard
8 how discrimination hurts, we've heard how -- I don't
9 know if that was a challenge that Fletcher Blanchard
10 put forward for the college to look at their mission
11 statement and admission policies with regard to
12 creating more diverse student bodies, and we've heard
13 both sides of the topic. I just wonder what will
14 happen to the rest of our school districts if the Lynn
15 appeal stands, if the Lynn case stands as is because,
16 as you said, this is the most intrusive model or one of
17 the most intrusive -- excuse me, least intrusive model,
18 so where do we go from there as a commonwealth?

19 MR. COLE: All I can tell you is that we
20 hope that the Lynn case and the Lynn model of success
21 and, yes, every model of success needs to continue to
22 work at improving, but we hope that that encourages
23 other districts to look at this model and to look at
24 desegregation as an important component of an excellent
25 education. And I agree that it can't be -- it doesn't

1 stand alone, it must include other equity components to
2 make sure that everyone receives the kind of education
3 they deserve.

4 MR. WILLIAMS: Lynn is one of 22
5 communities that have policies that were adopted under
6 the state statute that's at issue in the appeal. There
7 isn't one set policy though that the statute requires
8 for these 22 communities, so they all actually have
9 different policies. So, unfortunately, the courts have
10 a habit of giving us decisions, they don't give us as
11 good of a guideline on how to apply this to other
12 school systems but basically the statute at issue
13 encourages communities to adopt policies like Lynn's
14 and 21 other communities have.

15 We are seeking to have both that statute
16 and the Lynn plan, or at least the racial restrictions
17 of the Lynn plan to be declared unconstitutional, at
18 which point Lynn and all these other communities are
19 going to have to make a decision as to whether or not
20 they want to -- how they want to achieve their
21 objectives. We've heard from some community members
22 who have expressed that they would still like to have
23 some choice, I think, so, again, the community as a
24 whole is going to have to start making some decisions,
25 should the court strike it down, as to what the new

1 objectives should be.

2 Should choice still^U]] ' (^U ^^ment?
3 Should it be neighborhood schools? Where should the
4 emphasis go? But, at this point, we all have to kind
5 of sit and wait and see what the court does and,
6 hopefully, that will be about six months from now or
7 maybe shorter.

8 MS. TUCKER: Thank you, we are all looking
9 for some results. For those of you out here, those of
10 us up here, we are not doing this for window dressing,
11 we are trying to get some real feelings, real results
12 of what's being felt out there and how the commission
13 and the Mass Advisory Board can be of assistance in
14 moving that agenda forward and moving any positive
15 issues that eradicate discrimination forward.

16 I'm going to ask Dr. Kiang. Peter, would
17 you like to come forward with any closing comments?

18 MR. KIANG: Yeah, I think, given the time,
19 I think we'll cut here for this first panel. We'll
20 take a very, very brief break, really, like five
21 minutes, to switch into panel number two and those of
22 you from the community who shared your thoughts, we
23 really appreciate that. And to the panel who came to
24 share your expertise and your views, thank you also
25 very, very much.

1 We intend to release a report reflecting
2 the day's findings at some point down the road,
3 hopefully soon, and we will be continuing this kind of
4 discussion both locally, here in Lynn, as well as
5 taking some of these issues and perhaps others, like
6 the housing issue, etcetera, to other communities in
7 the state.

8 So we'll take a very quick break now.
9 Those of you who can continue to stay and participate
10 in the second panel, which is very much related, if you
11 could begin to come up here and take your seats now.
12 Thank you very much.

13 (Applause)

14 (Whereupon, at 3:26 p.m., there was a
15 brief recess.)

16 (3:47 p.m.)

17 MR. BLANCHARD: We'll reconvene for the
18 second panel today. Emilio Cruz and I will
19 collaborate, to the extent that it's required, in
20 coordinating the second round of expert presentations.

21 Panel two is entitled "Education and
22 Limited English Proficient Students", and is
23 particularly timely and really the second reason why
24 the state advisory committee chose Lynn as a place to
25 come and talk about issues that are important in

1 Massachusetts as a whole and across the country.

2 Now, at least speaking for myself, a
3 social psychologist who studied race relations, and
4 integration and desegregation of schools, I'll confess
5 that I know relatively less about how incorporation of
6 new people to the US who bring new languages works
7 best. I know that lots of folks, including me, think
8 that schools need the flexibility to do a very, very
9 good job of educating all of their students yet, this
10 year, we are faced with a dramatic change, perhaps
11 driven by considerations that are beyond the very
12 narrow and very proper educational goals of educating
13 children with different languages and different first
14 languages.

15 In a minute, I'm going to turn it over to
16 my colleague, but let me just wonder out loud whether
17 anybody would join me in a petition setting up the
18 possibility of a statewide referendum requiring that
19 all of the children in Massachusetts learn a second
20 language.

21 (Applause)

22 MR. CRUZ: Thank you so much for being
23 here this afternoon, I am very privileged in taking
24 part of this moment.

25 A few months ago, we celebrated the

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1 achievement of different ethnicities or the achievement
2 and betterment of education. We are still talking
3 about bilingual education on other topics, and it is an
4 important topic because there is a large number of
5 students in Massachusetts that are either benefitting
6 from the program or being effected, from the
7 perspective that you want to look at it, and that's why
8 we wanted to talk about this issue, in order that we
9 can see and hear, among this town, what is your
10 feelings and perceptions about bilingual education and
11 the question number two that largely was supported by
12 the people of Massachusetts.

13 At this opportunity, I would like to
14 introduce the members of the panel, and we have with us
15 Christine Rossell, a Professor of the Political Science
16 Department at Boston University. Also, Kathryn Riley,
17 Administrator of Language Acquisition, Massachusetts
18 Department of Education. When you see me stop a little
19 bit, it's I'm ready to do one in Spanish, it's mixed up
20 in Spanish and English. Paula Sheppard, Director of
21 Language Support, Lynn Public Schools. Maria Serpa,
22 Director of the Minority Language Assessment Project,
23 Lesley University. And Roger Rice, Co-executive
24 Director of Multicultural Education Training and
25 Advocacy. Welcome this afternoon.

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1 Dr. Fletcher?

2 MR. BLANCHARD: Like the first panel, each
3 of the panelists will speak briefly in the time
4 regulated by Aonghas, who will show a paper indicating
5 how much time is left, and we hope the ten minute limit
6 will endure across all of you and we look forward to
7 hearing your comments. I think because we need you to
8 speak into the microphones for our records, we would
9 prefer you come here but it would be fine if you would
10 speak into a microphone and pass them around, if you
11 prefer to sit.

12 MS. ROSSELL: Thank you. I apologize for
13 the fact that I have a cold and I'm going to try and
14 stick to the ten minutes but, if I go over, I'm hoping
15 that people will give me a little sympathy because I'm
16 a sick person.

17 (Laughter)

18 MS. ROSSELL: On November 5, 2002, the
19 voters of Massachusetts passed question two, which made
20 sheltered English immersion the default assignment for
21 English language learners in Massachusetts. This is a
22 momentous even, since Massachusetts had been one of the
23 few and also the first states in the nation to have a
24 state law requiring bilingual education, a full time
25 program of native tongue instruction and English, if

1 there were 20 or more students in a single school
2 district.

3 Now that meant that if you had one and a
4 half students per grade, you had to offer them a full
5 time program of native tongue instruction and English,
6 which of course is fiscally impossible and there was
7 widespread cheating in Lynn and in every other school
8 district in Massachusetts, and the State Department of
9 Ed. pretty much ignored it for the obvious reasons that
10 it would have bankrupted the state, if they had started
11 enforcing this law.

12 But it also meant that only the Spanish
13 speakers got what I define as true bilingual education,
14 that is bilingual education according to the theory,
15 and the theory is that you learn to read and write in
16 your native tongue and you get subject matter in your
17 native tongue, and then you are gradually transitioned
18 -- and you also get English, and then you are gradually
19 transitioned to English when you become literate in
20 your native tongue.

21 Now that only made sense for the Spanish
22 speakers because they had the numbers to fill a
23 classroom and also because Spanish is a Roman Alphabet
24 language, which has a lot of similarities to English.

25 Now question two, instead of becoming its

1 own new law, for some insane reason I haven't figured
2 out, it amended Chapter 71A in its entirety, and maybe
3 some of the politicians can tell me why we have the
4 same number, 71A, which, theoretically, should mean it
5 was passed in 1971 but in fact it wasn't. The
6 legislature then further amended Chapter 71A in July,
7 2003 to exempt two-way bilingual education programs
8 from the law, so the law, as it currently exists,
9 basically makes the default assignment, for English
10 language learners, a sheltered English immersion
11 classroom, which is a classroom in which you have a
12 self-contained classroom, taught by a teacher trained
13 in second language acquisition, composed of children
14 who are learning English and taught in English but at a
15 pace the children can understand.

16 Now the two-way bilingual education
17 program, where the goal is to become proficient in two
18 languages, are exempted from that default assignment.
19 Chapter two also allows for waivers, that is if there
20 are parents who want their child to be in a bilingual
21 education classroom or some other classroom, they can
22 come down to the school and they can ask for a waiver
23 from a sheltered English immersion classroom, after
24 having spent 30 days in an English language classroom.

25 Now Chapter 71 -- question two, now the

1 amended Chapter 71, is, to a large extent, although
2 there are some differences, modeled after Prop. 227 in
3 California, and what I would like to do is just review
4 the research, my own research on the effectiveness of
5 different approaches to educating English language
6 learners, as well as my research on the effect of Prop.
7 227 in California, which passed in 1998.

8 In the early 1990s, Keith Baker and I read
9 about 500 studies of which we could classify maybe 300
10 as program evaluations and, out of those 300 program
11 evaluations, approximately 72 were scientific, and I
12 won't bore you with what a scientific study is but one
13 of the basic essences is that you have to have a
14 treatment group and a control group, that is a group
15 that didn't get the treatment. The results of our
16 scientific research basically showed -- the results of
17 our review of the scientific research basically showed
18 the following ranking, sheltered English immersion
19 which, in our review, was called structured immersion,
20 which is the more generic term, if you look across
21 countries.

22 Sheltered English immersion was the most
23 effective, mainstream classroom with ESL pull out was
24 the second most effective, doing nothing, that is just
25 putting the child in a mainstream classroom and just

1 giving them whatever help the mainstream classroom
2 teacher has available was the next most effective and
3 the least effective was bilingual education, defined in
4 the way that I mentioned it, that is learning to read
5 and write in your native tongue, learning subject
6 matter in your native tongue and learning English for a
7 small portion of the day and gradually increasing that.

8 There are many programs in Massachusetts
9 and in the US that are called bilingual education that
10 in fact are not, they are actually sheltered English
11 immersion. The Chinese bilingual programs are a
12 classic example of a bilingual education program in
13 which the kids are actually taught in English, they are
14 taught to read and write in English and they are in
15 really what is called a sheltered English immersion
16 environment. Now I am not one of those people who
17 believe that bilingual education was a disaster, it
18 wasn't, there are too many intelligent people who
19 supported, there is too many intelligent teachers who
20 approved of it, it wasn't a disaster, it was simply the
21 least effective in a world in which there is so many
22 other factors we have to control for that an
23 intelligent person can believe in bilingual education,
24 and I would not call them unintelligent for believing
25 in it.

1 The other factors are a child's family
2 characteristics, his or her intelligence, the
3 characteristics of his or her classmates, the
4 intelligence and talent of his or her teacher. In
5 fact, even in the worst cases, I am struck by the fact
6 that, at most, we can see a 15 point difference between
7 programs that apparently have very large differences in
8 the amount of English that is being used, but I think
9 that's because all of the programs, even the bilingual
10 education programs, had as their goal becoming
11 proficient in English.

12 So it is false to claim that bilingual
13 education didn't teach children English, it did. It's
14 false to claim that it's a disaster, it wasn't, but it
15 was the least effective and sheltered English immersion
16 is the most effective, according to our review of the
17 research.

18 Now there are other reviews of the
19 research. Actually, there have been sort of critiques
20 of our reviews of the research, but they used different
21 criteria for classifying a study as scientific, and I
22 disagree with their criteria, and they also looked at
23 only a subsample. So I'm ready to stick by my
24 conclusion that sheltered English immersion is the most
25 effective and that is the program that is the default

1 assignment here in Massachusetts. We can also learn
2 something about the effectiveness of sheltered English
3 immersion by what went on in California. I did two
4 things, first of all, I did a statistical analysis,
5 secondly, I personally observed 170 classrooms and
6 interviewed teachers and administrators in 29 schools
7 throughout California.

8 I discovered a couple of interesting
9 things, first of all, Prop. 227 changed the wavered
10 classrooms. Like Massachusetts, parents can go to the
11 school and ask that their child be in a bilingual
12 education classroom, so we do have wavered bilingual
13 education classrooms in California, and I visited a lot
14 of those and I was amazed at how much more English was
15 being used than I had seen previously because I had
16 been visiting classrooms for the last decade.

17 So I asked teachers, why are you using
18 more English in the Spanish bilingual classes? And
19 they said two things, one, the voters have told us they
20 want more English and, two, I don't know if there is
21 going to be a bilingual education classroom next year,
22 I've got to get these kids ready for English. So one
23 of the interesting things about Prop. 227, and it may
24 happen here in Massachusetts, is that it has brought
25 more English into the Spanish bilingual education

1 classes, and those are the only wavered classrooms, by
2 the way.

3 The other thing I found is that the former
4 bilingual education teachers, who are now teaching in
5 sheltered English immersion, you know, this notion that
6 bilingual education teachers would get fired just
7 didn't happen. Not only did they not get fired, they
8 were highly desirable in these sheltered English
9 immersion classes. They were highly desirable and I
10 interviewed them and I found that they loved sheltered
11 English immersion. To a person, they loved it, even
12 though it was more work for them, because it gave them
13 the nurturing environment that they thought they could
14 only give in a bilingual education classroom. They
15 were the teachers, they were allowed to use the native
16 tongue to clarify, to talk to the parents, but they
17 were using more English, which was something they
18 always worried about in the bilingual education
19 classrooms.

20 So the interviews that I found that
21 sheltered English immersion teachers, who are the
22 former bilingual education teachers, love the sheltered
23 English immersion. My statistical analyses show that
24 sheltered English immersion has a significant positive
25 effect on the achievement of English language learners

1 in reading and in math, but it's not huge amounts and
2 the reason why it's not huge amounts is because it's a
3 difficult issue. I can't read anymore, I've lost my
4 ability to read English. Anyway, it's a difficult
5 issue to analyze, in terms of how we define English
6 language learners.

7 One of the problems you are going to see
8 here in Massachusetts is that if you look at the group
9 called English language learners, they are defined by
10 their low achievement so they are always going to have
11 low achievement, no matter what program they are in.
12 So there is a limit to how much you can achieve with
13 any reform and, at that point, I will stop.

14 (Applause)

15 MR. CRUZ: Thank you. Now we are going to
16 have Kathryn Riley.

17 MS. RILEY: Hello everybody. I understood
18 the topic today to be how the shift from bilingual
19 education to sheltered immersion had impacted the
20 limited English proficient students in Massachusetts.
21 That's the question, right? And I will tell you I
22 don't know and nobody knows, at this point in time.
23 The impact is best measured in academic achievement and
24 the development of English language proficiency. We do
25 not have measures and we will not have measures for a

1 couple of years because you have to have a baseline and
2 then you have to have the next year and the next year,
3 and we just won't have that for a while, but we will
4 have it.

5 So the bottom line for me is student
6 achievement, and I don't have an answer for you based
7 on student achievement. I just want to let the
8 audience know about a couple of things though that are
9 happening with LEP students in the state that might
10 well impact their achievement, in addition to question
11 two. First of all, I think Dr. Rossell mentioned that
12 our previous law mandated that districts who enrolled
13 20 or more students who spoke the same first language
14 establish a bilingual program. There are many
15 districts who did not enroll 20 or more students who
16 spoke the same first language, and the standard for the
17 services provided to the limited English proficient
18 students in those districts was unstated.

19 They were required to provide some
20 services, they were required to identify the children,
21 but the level of service was not stipulated clearly.
22 The new law, the new 71A, requires that all LEP
23 students be educated in sheltered English immersion, so
24 that applies to districts that have one child and
25 districts that have 11,000, such as Boston. So that

1 sets a standard for what the education of all LEP kids
2 in our state should look like.

3 The second thing I want you to know is
4 that districts have interpreted what sheltered English
5 immersion means in very different ways. All the
6 sheltered English immersion classrooms, even within a
7 single district, do not look the same.

8 The most common question I was asked this
9 year is so what is sheltered English immersion? I
10 think people are very clear about what they were not
11 supposed to do but they didn't have a picture in their
12 mind of what a sheltered English immersion classroom
13 looked like and so, as a result of that, sheltered
14 English immersion classrooms varied greatly. And I
15 have also said, on students, I don't know what the
16 impact has been. There are several other factors, and
17 I want to mention them very briefly, that are part of
18 this mix with LEP kids in our state. For the first
19 time, we have some accountability in terms of student
20 test data for the achievement of all students and some
21 particularly for limited English proficient children.

22 The first one, you all know, there is a
23 competency determination under our state ed. reform law
24 and all children, if they want to achieve a high school
25 diploma, have to achieve a certain score on the English

1 Language Arts test and a certain score on the math
2 test. We reported out on the competency, they called
3 it the CD at the Department of Ed., the competency
4 determination, and the report on CD achievement
5 actually was issued this week, and this is broken down
6 into LEP children, in addition to other stipulated
7 subgroups. So we can say how many LEP kids or former
8 LEP kids are reaching and meeting the demands of the
9 competency determination.

10 The second thing we have is "No Child Left
11 Behind", and I'm assuming everybody in this room has
12 heard of that, it is the federal legislation that
13 reauthorized all the Title I, Title II, Title III,
14 Title IV, Title V, and a key concept of "No Child Left
15 Behind" is what we call AYP, adequate yearly progress.
16 And that means that we report the progress of every
17 school in Massachusetts using some standards, which I
18 don't even want to talk about at this point in time,
19 they are a bit complex, to see if every year, using the
20 test data, they have achieved adequate yearly progress,
21 but a district or a school, excuse me, does not achieve
22 adequate yearly progress unless all subgroups within
23 that school also achieve adequate yearly progress.

24 One of those subgroups is limited English
25 proficient children and that has really turned the

1 attention of many schools to limited English proficient
2 children because, if not, their report card looks bad.
3 LEP kids don't make adequate yearly prowess, the school
4 doesn't make adequate yearly progress. That's a very
5 strong incentive to pay more attention. And the final
6 thing is that now have a Title III and, among other
7 titles I have, is State Title III Director. That money
8 is to be used so that all limited English proficient
9 children will become proficient in English and achieve
10 high academic content standards.

11 And as a result of this, we are mandated
12 to do English language proficiency testing annually,
13 which we have completed for this year, and so we will
14 have an English language proficiency measure that is
15 common throughout the state and with a standard
16 administration so that if all the kids took the same
17 test, at the same time, under the same testing
18 conditions. And so I don't have any measures for you
19 today but in a year or two years, we will have quite a
20 few measures and I think we will be able to know who is
21 fulfilling their responsibility to limited English
22 proficient children and who does not seem to be doing
23 that.

24 Thank you.

25 (Applause)

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1 MR. CRUZ: Thank you. Now we are going to
2 have Paula Sheppard representing the Lynn Public
3 Schools.

4 MS. SHEPPARD: Good afternoon.

5 I would like to address the impact of the
6 changes in the law to the Lynn Public Schools and what
7 we have been doing to address some of the changes in
8 the needs of the students in the city. As Kathy Riley
9 just mentioned, the "No Child Left Behind" act has a
10 great impact on what was happening in effecting the
11 change in Lynn, in addition to question two. They both
12 seemed to happen at the same time, that has caused a
13 lot of attention to our students, that I almost feel
14 that, perhaps this year, we can call this the year of
15 the English language learner in the Lynn Public
16 Schools.

17 Prior to implementing the change of
18 instruction in the city, we were putting together a
19 consolidated grant for federal funding and we needed to
20 look at different kinds of data and analyze it to
21 decide where the weaknesses of the school system were
22 so that that the funding would channel into those areas
23 and provide greater support wherever it was most
24 needed. And one of the areas of course we discovered
25 was that the LEP students in the City of Lynn were

1 lagging behind most other students in the city. Now
2 that data didn't exactly clarify the fact that the
3 students from the language support program, receiving
4 direct services, were the ones fully lagging behind
5 because actually there are probably twice as many
6 students in the city schools that were not receiving
7 language support.

8 And to explain that, at the time, as of
9 last year, there were approximately 1,100 students
10 receiving language support services in the language
11 support program and there were many more students not.
12 They were in the mainstream classes because parents
13 chose not to put them in the language support program,
14 they preferred sending their students to a neighborhood
15 school and, therefore, a bilingual program or ESL
16 program, that we've had in the past, they were not
17 attending those schools. So, therefore, there were
18 many students throughout the school system that we
19 needed to identify, at this time, to decide who really
20 was limited English proficient and who needed more
21 support.

22 So, consequently, as we had to do some
23 testing of students last spring, we ended up testing
24 approximately 3,000 students throughout the school
25 district that were identified as limited English

1 proficient and, at that point, about 2,800 students
2 were identified with that limitation, but they were ELL
3 students. Prior to this, when we had our bilingual and
4 ESL programs, the students were attending 13 program
5 schools and turned those schools into -- instead of
6 bilingual program, we turned them into sheltered
7 English immersion program schools and we still try to
8 direct students to those particular classrooms where
9 sheltered English immersion was being offered.

10 However, because many parents still chose
11 not to send their students to a different school out of
12 their district and preferred to send them into their
13 own neighborhood schools, we basically decided to say
14 that all schools in Lynn would be program schools that
15 would provide sheltered English instruction to
16 students, still identifying particular schools and
17 particular classrooms for sheltered English immersion.
18 So, this year, we have 2,773 students in the school
19 system that are identified as ELL in grades K through
20 12. They make up approximately 19 percent of the
21 student population in the City of Lynn, and they
22 represent at least 32 languages and students are coming
23 from 40 different countries throughout the world.

24 What has happened now is, again, because
25 of the "No Child Left Behind" act and each school

1 making AYP, as Kathy Riley indicated, the principals
2 have been a lot more involved and paying more attention
3 to the students in the schools, and the district as a
4 whole has also been paying more attention and they have
5 channeled a lot more money into supporting the staff
6 development and providing the materials for the
7 schools. As a matter of fact, we have spent a
8 considerable amount of money this past year just to
9 refocus attention on training teachers to become more
10 aware of how to provide sheltered English instruction
11 when students are in the mainstream.

12 So, at this point, we have trained about
13 370 teachers in the MELAO, which is the Massachusetts
14 English Language Assessment-Oral, because all English
15 language learners need to be assessed with this oral
16 assessment, and so we've trained, as I said, 370
17 teachers this year, in addition to 100 that had already
18 been trained in prior years. We have spent close to
19 \$200,000 on an elementary reading program for children
20 who are newcomers, we've spent close to \$150,000 on the
21 staff development initiatives to train teachers,
22 program teachers as well as mainstream teachers, in
23 understanding what sheltered English immersion is all
24 about.

25 And one good thing -- there are several

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1 good things that have happened as a result of this in
2 that we are now developing a common language among the
3 schools and among the teachers and administrators, we
4 are using some terminology to refer to second language
5 learners in a common way when we refer to assessments,
6 when we refer to coding them, based on the proficiency
7 levels that they need, the amount of services they
8 need, and I think that is a positive thing. It's a
9 very positive thing to have more input, more
10 involvement by the school system as a whole.

11 In the past, the language support program,
12 the Transitional Bilingual Education Program was kind
13 of a separate entity, in the earlier years, and
14 gradually, over time, we've become part of the whole
15 school system, and I think that's an important thing
16 because with the attention that we need, with the
17 principals' involvement and other teachers'
18 involvement, and the upper administration, then that
19 embraces the group as a subgroup and also recognizing
20 their needs. Now there are many challenges still that
21 we have to face. In year two, we are phasing in more
22 attention into the middle schools and high schools.
23 This first year, we focused on the elementary programs.

24 There is a lot of staff development that
25 is still necessary. Because so many children are in

1 the mainstream, who still need support, teachers still
2 need to learn more about how to provide additional
3 support to them without slowing down the pace of the
4 class, but including them more, when necessary, and
5 recognizing or identifying some of their needs. So
6 much more staff development is still needed in the
7 years to come and we are opening a new program in one
8 of the middle schools in Lynn, at Reed Middle School,
9 where they traditionally did not have a program, will
10 now have new sheltered English immersion classes over
11 there.

12 So, again, we don't really know how to
13 analyze the effects of the changes yet, we do have to
14 wait and see what the assessment results are. When
15 they come in, we need to analyze them to see if in fact
16 the support that we are hoping that is out there is
17 actually there and, if not, again, we need to channel
18 more money or more attention and more resources into
19 providing more assistance to the teachers so that they
20 can continue to support the needs of the students in
21 general.

22 But I would just like to say one more
23 thing, that because the language of instruction now is
24 English and, as the law has changed, focusing on
25 sheltered English immersion, it does not imply that

1 anyone, any teacher who speaks English now can teach
2 them because, still, the teachers who work with these
3 children still need to have knowledge of second
4 language acquisition, they need to have knowledge of
5 cultural differences and changes to understand how and
6 why they have issues with learning.

7 It takes time to learn a language and more
8 of that needs to be incorporated into our training. We
9 are trying to incorporate that into our training now of
10 staff but understanding cultural differences, where the
11 children are coming from and how it affects their
12 learning are all things that we need to all be aware of
13 so that we can provide more effective instruction for
14 the students.

15 So there are some very good things that
16 have come about as a result of the law and there are
17 still many challenges that we face, as we plan for the
18 next year, to phase in the next phase of implementing
19 this new program.

20 Thank you.

21 (Applause)

22 MR. CRUZ: Thank you so much.

23 Now I would like to introduce Maria Serpa,
24 Director of the Minority Language Assessment Project at
25 Lesley University.

1 MS. SERPA: I would like to take my ten
2 minutes to talk to you about the impact of question two
3 to English language learners but, before I start, I
4 should say that I've been in the US for 35 years, July
5 4th. I was a teacher in the country that I came from
6 for a year, I've been a bilingual teacher, and ESL
7 teacher, a learning disabilities specialist and, for
8 the last 22 years of my life, I've been teaching at the
9 college level, primarily monolingual English speaking
10 teachers. This sort of frames some of the comments
11 that I really want to make.

12 As I read the *Boston Globe* yesterday, I
13 read something about the MCAS and there was this quote,
14 "The issue is what is right for kids", by our
15 Commissioner of Education, and so I decided to
16 rearrange my thoughts for what we were going to be
17 thinking about this afternoon because I totally agree
18 that the issue is what is right for kids, but what's
19 right for kids depends on their needs. When we look at
20 the research that has been done, that has even been
21 labeled as scientific, with all due respect, one thing
22 that really needs to be accounted for is what type of
23 ELL student are we talking about?

24 And to frame our understanding, I really
25 would like you to talk a look at this chart. It does

1 not address all the levels of proficiency but, when you
2 look at ELLS, from levels of English proficiency and
3 for ease of talking about it, you have beginning,
4 intermediate and advanced and, in terms of level of
5 schooling, we have those ELLs that have no schooling
6 because we have them from K-12, we have those that have
7 limited schooling in their primary language and then we
8 have those that have age appropriate schooling.

9 I will dare suggest, as an academic, that
10 no matter which system we have in, that when you look
11 at the green, the A-1s, B-1s and C-1s, if they come,
12 they are 12 or 13, they have a public education in
13 their experience, they will do well in whatever the
14 system with provide with them, more or less, with a few
15 exceptions.

16 However, if we are talking about those
17 children with limited schooling from third grade and
18 up, or those with no schooling, that have the reds,
19 that means a lot of difficulty, the red, the yellow and
20 green, the red will have lots of difficulty under the
21 current system. The limited schooling, the yellow,
22 some will also experience great, great difficulty and
23 when they get to the advanced level of English, the
24 C-2, those are really prime candidates to go into
25 special ed., and that's something that I'm very worried

1 about because what I teach most of the time is
2 assessment and eligibility for special education.

3 So, in this context, from a practical,
4 logical point of view, I would like to call your
5 attention to the 30th anniversary of *Law v. Nicholas*,
6 the Supreme Court case in California that says that
7 there is no equity of treatment merely by providing
8 students with the same facilities, text books, teachers
9 and curriculum. For students, who do not understand
10 English, they are effectively foreclosed from any
11 meaningful education. I would like to also tell you
12 that, this past year, I've been collecting and
13 interviewing a lot of teachers across the state and, in
14 addition to the ones that I have in class, it's pretty
15 amazing to hear from monolingual English, to say I
16 don't know what to do with these kids in my class, they
17 don't understand me and I don't understand them.

18 So this provides us with a lot of soul
19 searching. Ethically, are we, in the way we are really
20 teaching, are we providing them for educational access
21 because I will dare suggest to you that learning
22 English is very, very important, but I will also say
23 it's not enough. And without a curriculum framework
24 that we have to teach, monolingual English speaking
25 teachers tell me all the time that it's very hard to

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1 get all the content in. So I would like any of the
2 people in the audience to please show me how in the
3 world can you teach the same number of concepts to the
4 same level of depth for children who do not access the
5 language yet?

6 So I'm very concerned about this effect
7 and how this really translates into special ed.
8 referrals. I'm very glad that we really have the MCAS,
9 I never thought that, as someone that teaches
10 assessment, that I would ever favor, openly, a test,
11 but I'm very grateful that the state, in its wisdom,
12 has curriculum frameworks and has the MCAS because we
13 will have, for a change, documentation of what is or is
14 not working. Education is not just the language, it's
15 appropriate instruction in a comprehensible language
16 because the best test preparation is not drill and
17 kill.

18 And one thing that I love about the MCAS
19 is that not only do you have to do your math, figuring
20 out, but you have to explain how, which means that if
21 you don't have access to the language, you can not show
22 what you know. Let me assure you I know what that
23 feels like. When I came to the US, I couldn't read
24 English, I did not know how to speak it, so there was
25 no way of showing what I knew. So I would like to say

1 that any content area test in English that is
2 administered to not yet proficient students is a test
3 of English.

4 And because of the shift in education,
5 it's very important to really think about this, that we
6 are now at a point that, with curriculum frameworks and
7 standards, we want students to do more than knowing.
8 We know that if I know something, it doesn't mean I
9 understand, so I need to understand and if I understand
10 it, it means that I know. But even from understanding
11 to using is another step, so we want all of our
12 children to be able to know, understand and use, and
13 one of the great things about the MCAS is that I do
14 believe, from what I have reviewed, that in fact it
15 asks students to understand and use.

16 So, in finalizing my comments, you
17 recognize these things. The map of Massachusetts has
18 Lynn right on the top, a little thing, and in a lot of
19 ways I think education -- we've had a map that was
20 geared towards a particular way of thinking, but here
21 it is very general, so now we are really calling
22 attention, in more depth, to a segment of our school
23 population that speaks English as a new language.

24 And as we go to the second, we have the
25 map of Lynn in more detail but, as you can tell, that

1 is really sort of fuzzy. So if I really want to really
2 make sure that I make it to Lynn, either I have a map
3 that I can read -- are you with me? I'm sorry.

4 If I use this map to get to Lynn, can you
5 tell me, will I be able to make it here? I can drive
6 very well, I can drive at the speed limit, but I have
7 the wrong instrument to take me to my destination. Am
8 I with you? So I do think that we really need to make
9 sure that we do what business does in the sense of
10 looking at common sense in terms of which map do we
11 really need to make sure that each child has access to
12 the learning that they are entitled to.

13 I'm going to finalize by reading this
14 quote from Douglas Reeves, that he says even if the
15 state test is dominated by lower level thinking skills
16 and questions are posed in a multiple choice format,
17 the best preparation for such tests is not mindless
18 testing drills but extensive student writing
19 accompanied by thinking analysis and reasoning. Would
20 you agree with that?

21 So now, in finalizing my remarks, I really
22 would like to take a look at this plant. Can I wish
23 for this plant to grow forward just by wishing? No.
24 How about if I measure it? Are you with me?
25 Measuring? So, let's see, I will measure it and, as of

1 now -- so, let's see, it's ten inches tall. Well I'll
2 measure it again, and it's again ten inches tall. I
3 can measure all that I wish, it's not going to change
4 unless I change how I nurture and help this plant grow.

5 . And when I went to look for one, it was
6 very interesting because there were several roses,
7 several plants, and some had died, and this is really
8 something that -- it's drastic, in a way, but I have
9 seen a variety of kids, particularly middle school and
10 high school, that are doing the same thing that I saw
11 happening when I first came to the US.

12 Before the bilingual education law, they
13 were really being sort of pushed out of school because
14 they did not understand the teacher and the teacher did
15 not understand them. So if we want children to really
16 learn, and grow and meet all the curriculum frameworks
17 to learn not only English but to learn content so they
18 can participate fully of this wonderful country, I do
19 believe that we have to do and be able to face up to
20 what it takes to protect their civil rights so they
21 have an opportunity to learn.

22 Thank you.

23 (Applause)

24 MR. CRUZ: Thank you, Maria.

25 Finally, I would like to introduce Roger

1 Rice with some remarks.

2 MR. RICE: Thank you, thank you for having
3 me here today. I'll talk mainly about Lynn. I guess
4 one of the virtues of going last is that you can kind
5 of speak to some of the things you've heard before, but
6 the main thing I was thinking, listening to some of
7 what I heard before, was that if you forget your
8 history, even your recent history, you really don't
9 know where you are going because you don't know where
10 you came from. About 20 years ago, maybe, maybe less,
11 maybe more, our office was invited or asked by parents
12 in Lynn -- we are an advocates organization in
13 Sommerville, we were asked by parents in Lynn to come
14 and assist them in their dealing with the Lynn Public
15 Schools.

16 And, at that time, there was an Hispanic
17 bilingual parents advisory council that had up to 80
18 members who had come regularly to meetings, would have
19 elections and would speak to a range of issues
20 involving the Lynn schools, and we would help them come
21 before the various superintendents, who would come and
22 go, and the various school committees. In about 1998,
23 the Massachusetts Board of Education, in its wisdom or
24 lack thereof, changed the regulations that required
25 bilingual parent advisory councils to say that school

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1 districts could have parent advisory councils or didn't
2 have to have parent advisory councils. You didn't need
3 to do it anymore.

4 And Lynn was one of those districts that
5 killed the voice of its immigrant parents. It stopped
6 hiring parent coordinators, it stopped encouraging
7 parents to come together and exercise an independent
8 voice and it liked it that way. And the people on the
9 school committee like it that way and the people in the
10 administration like it that way because they weren't
11 facing people who were making demands that made them
12 feel uncomfortable. Within a year after that, and
13 there is some heads nodding in this audience because
14 you know it's true, in about a year or so after that,
15 Lynn decided let's get rid of the bilingual ed.
16 program.

17 It didn't happen with question two, let's
18 be clear about that, it happened beginning in the
19 1999-2000 school year and escalated thereafter so that,
20 by 2002, when the Massachusetts Department of Education
21 sent a 13-person monitoring team, including Kathryn
22 Riley, they found the following, the bilingual program,
23 at the elementary level, was not a bilingual program,
24 as defined by Massachusetts law. There is no reading
25 and writing instruction in the native language, we are

1 talking Spanish here. There was no instruction
2 materials in Spanish for reading and writing or for any
3 of the content areas. There was no regular instruction
4 in the native language in grades 10-12, adequate
5 bilingual services to assist students in achieving
6 academic standards are not provided.

7 The district uses ESL pull out, ESL
8 inclusion and structured English immersion models to
9 educate low incidence English language learners. They
10 also found that there were more than enough kids to
11 have a Cambodian program, they didn't have one. There
12 were more than enough kids to have a Portuguese
13 program, they didn't have one. They found that parents
14 were not being told how their kids were doing in
15 school, their report cards were not being translated.
16 They found out, although they tested the kids, pre
17 MCAS, pre No Child Left Behind, they didn't do anything
18 with the results of the testing.

19 So when I hear that there has been a new
20 discovery propelled forward and motivated by NCLB and
21 by question two, to let's see how the kids are doing,
22 well Lynn hasn't been doing its job for a very, very,
23 very long time with these kids. They also found that
24 kids who were exited from the bilingual program were
25 getting no follow up help. The bilingual teachers

1 weren't, the regular classroom teachers weren't talking
2 to the ESL teachers. If that is now finally changing,
3 that's for the good, but let's be clear, it hasn't been
4 right in Lynn for a long, long time.

5 I was interested in Assistant Attorney
6 General Cole saying well we can only act when things
7 are brought to our attention. This was the
8 Massachusetts Department of Education finding,
9 essentially, that Lynn was violating the civil rights
10 of Latino and Asian kids and was doing so consistently,
11 in a pattern, for years. If they don't know what their
12 own branch of state government is doing, I don't know
13 how you can put the burden on parents and on advocates,
14 particularly immigrant parents who don't speak English,
15 to somehow come forward and make the state do its job
16 to make Lynn do its job. Okay, that's the history.

17 It is true that question two was passed,
18 it is also true that 95 percent of the Latino voters in
19 the state voted against question two, that is according
20 to a University of Massachusetts exit survey of 2,000
21 Latino parents. It is true that, if you look at Ward
22 Three, Precincts 7 and 12, I believe it is, in
23 Chinatown, 88 percent of the parents voted against
24 question two. So this was essentially the white
25 majority of this state deciding for people who actually

1 had kids in bilingual programs you can't do that
2 anymore.

3 Now I thought I was going to come here and
4 be mostly exercised by whatever Chris Rossell would say
5 because I know what Chris Rossell usually says, so I'm
6 not going to dispute her about her studies, those have
7 been well dealt with by other people and, as Federal
8 Judge Gertner said, Dr. Rossell's testimony is not
9 credible. That's a quote from Judge Gertner, and the
10 Comfort case is not for me, but she did miss -- she
11 confused the issue slightly on this issue of waivers,
12 and that's important because, although the business
13 about California versus Massachusetts, in California,
14 an elementary school parent who wants their kid to
15 receive native language services can get a waiver by
16 saying it's to my kid's educational benefit.

17 Now many parents did that. Not all, but
18 many did, and so there continue to be bilingual ed.
19 programs in some places in California at the elementary
20 level. When question two was put on the ballot,
21 Ms. Rossell here was co-chair of the campaign, along
22 with this millionaire character from California, they
23 sought to close what they felt was the generous
24 loophole in the California law, Prop. 227. How did
25 they close it? If you are an elementary parent in this

1 state and you want your kid to get native language
2 instruction, you've got to write something like a 250
3 word essay to show that your kid has special
4 psychological and emotional needs, unrelated to
5 language, that would allow them to get a waiver.

6 That is intended to make sure that
7 virtually nobody at the elementary level gets a waiver,
8 so that the mere fact that your kid might go to school
9 and sit there crying all day because they don't know a
10 word of what's going on, that's not unrelated to
11 language so that doesn't count. So you have to find
12 some exotic special need, unrelated to language, that
13 allows for you to ask for a waiver, and you might or
14 might not get it. The intention is to cut off the
15 waivers.

16 Now, in Lynn, for kids over the age of
17 ten, parents have more flexibility, they can request
18 waivers and there are kids going to school in Boston,
19 they are going to school in Sommerville and they are
20 going to school in some other places, in Framingham,
21 who are still receiving bilingual ed. programs at the
22 middle school and high school level, but not in Lynn.

23 I have talked to parents in Lynn, I have
24 talked to some of the school folks, quietly, in Lynn,
25 and they tell me that Lynn made no effort to enable

1 parents to get waivers. Now you can look at that and
2 see if that's true, but what outreach was there? How
3 did Lynn tell parents hey, you want a waiver? You have
4 a right to get a waiver, here is the process, we are
5 not going to discourage you. Is that what happened?
6 Or did Lynn, consistent with what it's been doing ever
7 since it killed its parent advisory councils, shut the
8 door to them? Now Lynn, by the way, the majority or
9 minority school system has never had a non-white on its
10 school committee and if you look at its administration,
11 it's, as a prior witness from the audience mentioned,
12 it's always been a white operation.

13 So I'm skeptical that Lynn really opened
14 the door to parents to get waivers. I find amazing the
15 testimony of Ms. Sheppard that a year ago there were
16 1,100 identified LEP kids in Lynn and now there is
17 3,000. That's a huge jump, what happened? Now she
18 mentioned parents didn't want, is that documentable or
19 is it documented that over 1,800 parents in Lynn, given
20 a choice to have appropriate language services for
21 their kids, all of them turned it down? Maybe the
22 documentation is there, I'm skeptical, in light of the
23 fact that Lynn has been found, by the Mass. Department
24 of Education, to have systematically violated the Civil
25 Rights Act in Massachusetts prior to question two.

1 now but I can provide that for you at a later date.

2 MR. KIANG: I have another question, but
3 I'll hold for now, thank you.

4 MS. TUCKER: I'm not sure. I believe it
5 was Kathryn Riley who spoke to the sort of benchmark
6 tests that are out there and the incentives that there
7 are for schools, for their students to be better
8 because it effects the standing of the schools. Could
9 you just say more on that because it seems like it
10 doesn't correlate with what we see going on in the
11 bilingual setting?

12 MS. SHEPPARD: Well there are a number of
13 tests, the first are the infamous MCAS tests and those
14 tests are given -- well we are stepping up the number
15 of MCAS tests because NCLB requires more testing, but
16 we don't test, at this point, every student every year
17 in English and math but that's where we are going. And
18 so those test, those test scores, those are the test
19 scores that are used to determine adequate yearly
20 progress and which are reported on the report card that
21 is issued for each school each year, and that report
22 card is sent home to parents.

23 The other measure is the English language
24 proficiency measure. We gave a test called the LAS
25 test last year and the MELAO test, we gave the same

1 tests this year and we actually, tomorrow, will send
2 those test results to schools. We are switching our
3 reading and writing tests this year, which is going to
4 make it a little difficult to measure growth, but we
5 also have to issue a report on the growth of English
6 language proficiency by district and we will be doing
7 that before the beginning of the school year next year.

8 So we never had -- testing was required in
9 school districts but they weren't required to do
10 anything with the testing, with the test results and,
11 often times, they didn't do anything in terms of
12 program evaluation. They would use the test results to
13 make decisions about individual students but not about
14 program evaluation, so we think the combination of MCAS
15 results and the English language proficiency testing
16 required by Title III, and I should say also by
17 question two, will give us some real accountability.

18 Now the question is once someone is found
19 to be lacking, what does the intervention look like?
20 But at least we will have the information at which to
21 target schools and districts which don't seem to be
22 doing an adequate job.

23 Is that a complete answer?

24 MS. TUCKER: No programmatic change is
25 made as a result of the poor showing that certain

1 bilingual students were having year, after year, after
2 year? If the schools did poorly, was there any
3 adjustment made to address the poor showing? Showing
4 to address the needs that may be lacking there that
5 weren't being addressed.

6 MS. SHEPPARD: Well before "No Child Left
7 Behind" we did, and still do, report MCAS results by
8 desegregated group, so we always did have LEP MCAS
9 results and they were always very poor, but there
10 wasn't this -- but they were used primarily of course
11 for the competency determination. So if the children
12 did poorly, it was up to the district to decide how to
13 respond to those poor results. Now, with NCLB, we have
14 a very public bottom line and if districts fail -- or
15 sorry, schools fail to make AYP, there is an escalating
16 set of -- I don't know what the word is --
17 interventions that take place, primarily dictated by
18 NCLB, so ultimately ending in the school losing control
19 and the parents being able to move their children to
20 other schools and so forth. That's all in the
21 legislation, so we will see if that has an effect.
22 Again, the question is what is an effective
23 intervention if LEP students are not doing well? And
24 that's the question.

25 MR. CRUZ: Would anyone else like to

1 respond to that?

2 MS. ROSSELL: I would, thank you.

3 One of the major misunderstandings that
4 the public and politicians have is that low scores for
5 English language learners is a problem. English
6 language learners or limited English proficient,
7 whichever term you want to use, are not just children
8 from immigrant families who are learning English, they
9 are children from immigrant families who score low on
10 tests in English. Therefore, by definition, they must
11 have low test scores or the school district has screwed
12 up in their categorization of that child.

13 I go around the country trying to convince
14 people of how important it is to understand that when
15 you look at this category called English language
16 learners and you see they have lower scores than the
17 fluent English speakers, it is because they were
18 defined by their low scores. Now that is for the
19 aggregate category, individual students obviously make
20 progress but we don't track the individual progress.
21 In fact what happens in a school district is as soon as
22 a child makes substantial progress, they are no longer
23 in the category called English language learner, they
24 are now in the other category so it looks like the
25 school district has done not a darn thing and is making

1 no improvement in the kid's education because this
2 aggregate category still has low test scores, but
3 that's because we are defining them by their low test
4 scores.

5 I was on the Massachusetts Bilingual
6 Education Advisory Council and one of the things I kept
7 saying, even though it's expensive and nobody really
8 wants to put this amount of money into research, is we
9 need to tack individual kids in school districts and to
10 present individual data. Now even if you use aggregate
11 data and you are looking at annual yearly progress, you
12 still have this problem of a kid makes too much
13 progress and guess what? They are out of the category
14 of English language learner and they are into that
15 other category, and it looks like the school district
16 has done nothing.

17 This is a fundamental, logical problem
18 that no one is going to address. The public, the
19 politicians, educators and in fact the politicians, the
20 people who were campaigning on question two -- I mean
21 you will never find me telling you that the reason why
22 English language learners have low test scores is
23 because of bilingual education, they have low test
24 scores because they are defined by their low test
25 scores. Immigrant children with high test scores are

1 not called English language learners or limited English
2 proficient.

3 MR. BLANCHARD: Let me go on to someone
4 else, I don't want to just observe, to unify some of
5 the questions we've had so far that some of the
6 children that are being missed are the drop outs that
7 Peter was asking about before and we have those data to
8 show what's happening longitudinally.

9 MS. RILEY: I would like to respond to
10 what Christine just said. In fact, the reporting out
11 that will happen around English language proficiency
12 scores will have two measures, one measure is how many
13 children made progress and the other one is how many
14 children became proficient. So in fact that is
15 meaningful data, the measure is not how many children
16 are LEP in the district. In addition, we are going to
17 an additional analysis which measures the achievement
18 of -- excuse my terminology here -- FLEPS, who are
19 formerly limited-English-proficient students, we are
20 going to follow them for two years, not with English
21 proficiency data at that point but with academic
22 achievement data.

23 So I do think that we are going to have
24 some very meaningful data about how many children
25 within a district are making progress, and that is

1 what's important, not where they start but are they
2 progressing. And we now have defined progress based on
3 some new state standards, so I think we actually will
4 be doing reporting that is meaningful around this
5 issue.

6 MR. BLANCHARD: I would like to try to
7 turn the questions back to the panel for a moment and
8 then perhaps, Mr. Rice, you can join your answer for
9 this question for the next one, but are there more
10 questions?

11 Peter, you said you had two, but let's go
12 farther down the table and give other people a chance
13 to weigh in as well.

14 MR. CRUZ: Well my question is regarding I
15 have observed a lot of children and they have a problem
16 with their own language, they are illiterate in their
17 own language. Then when they try to be taught in the
18 English language, they face a problem because see
19 torture with their native language. How will this new
20 legislation contemplate this situation and how can we
21 work with these kids to get them in the right track
22 because, as I heard before, apparently, if the
23 difficulties with the language are related specifically
24 to a language, not to a disability or something like
25 that, there is no way that we are becoming onto that.

1 I don't know if I misunderstood, but I would like to
2 get a clarification on that.

3 MR. RICE: It's possible, if the school
4 district makes it possible, to address the problem you
5 have in mind. Let me give you an example, at East
6 Boston High School, there is a program for Latino kids
7 who come here, most of them a little bit older, who
8 really don't have good literacy skills in Spanish, and
9 they have a teacher who is specially trained to work
10 with those kids and she teaches them, in Spanish, to
11 get fundamental literacy in Spanish while she is
12 teaching them English. Their parents have selected
13 that program, Boston makes it available, but that's
14 because they want to make it available.

15 Lynn doesn't make it available in any of
16 the school districts, so the answer to your question is
17 it can be done but there has to be the will to do it
18 and, if you don't do it, those kids are at the top of
19 the list of kids who are going to drop out, the top,
20 because there is no literacy. What are you going to do
21 in high school if you can't read?

22 MR. CRUZ: And the second question is in
23 regard to part of the failing of the bilingual
24 education program in the past was that people were not
25 trained in a particular language, they were hired to

1 teach, for example, people who were not Hispanic, they
2 were teaching Spanish, which is not a problem if you
3 are the professor and you are certainly fighting that,
4 and that was a big problem because people were teaching
5 the students in their own way. How will this new
6 legislation provide for a newer, unprepared teacher in
7 the classroom with other languages?

8 MS. SHEPPARD: Well based on the new,
9 highly qualified teaching requirements, all teachers
10 need to be certified in the particular area that they
11 are teaching. And when we are working with sheltered
12 English immersion, I mean we are looking at the former
13 bilingual teachers who are certified bilingual who are
14 ESL teachers that have the background knowledge, and
15 they are the primary teachers who are teaching in the
16 sheltered English classrooms. But because we have
17 spread out and are at a wider base throughout the
18 school system and not in just specific schools, we are
19 trying to find additional training and requirements for
20 those teachers.

21 I know the Department of Education is
22 preparing specific requirements for all teachers who
23 are going to be teaching in sheltered English immersion
24 classrooms. I would like to address one other thing
25 that Mr. Rice had mentioned, we do have, at the middle

1 schools, an excelletered basic skills classroom, which
2 was meant for children who are older and who have very
3 low literacy skills. And, up until this point, they
4 were being instructed in Spanish, in the very early --
5 provided with basic literacy in order for them to be
6 mainstreamed into an appropriate grade at the middle
7 school level, and we have had a modified version of
8 that in the high school, so we have been addressing
9 that.

10 There are more children coming in from
11 other different countries who are also coming in with
12 that same issue, especially the refugees now and, as
13 they come in, we do have to provide a particular -- a
14 newcomer classroom for them where those beginning
15 literacy skills are taught to them.

16 MR. BLANCHARD: We are running close to
17 the time when we were going to open things up to the
18 public for questions and comments. Were there more
19 questions? I know our chairman has another question,
20 were there other questions from the panel members? I
21 would like to ask one and maybe you can ask the last
22 one.

23 Barry, did you have a question?

24 MR. KNAMM: I just wanted to know if there
25 is any programs that either Lynn or any of the other

1 school districts have that consolidated the work that
2 nonprofits do with English as a second language for the
3 parents as well as the students?

4 MS. SHEPPARD: In the previous years, we
5 have had some funding to provide -- there was different
6 schools that would provide adult education ESL programs
7 for the parents and, right now, we are working with the
8 refugee community association, well the Russian
9 community association with our refugee grant to do some
10 support, not with the parents but with the students as
11 I think Natasha Soolkin had spoken earlier but, this
12 year, we have not been focusing our funding on working
13 with the parents.

14 In our program, we feel that that is a
15 major issue but the resources and the requirement that
16 we needed to use our funding went towards the students,
17 but we have worked North Shore Community College and
18 Operation Bootstrap, they provide ESL programs for
19 parents and we usually direct parents to those
20 organizations, to the school to seek classes in ESL.
21 Actually, the Ford Elementary School still does conduct
22 a program for parents in the evening school program.

23 MR. BLANCHARD: Let me ask the next to
24 last question, and it's sort of filed under the
25 observation that everything really is related to

1 everything else. I was struck by Mr. Rice's paradox
2 relations that, first, may not pull back from, in his
3 way, supporting parent advocacy groups by perhaps
4 funding kinds of considerations, and that combined with
5 the observation of what you said, that there is never,
6 in the history of the Lynn Public Schools, been a
7 minority, a person of color, elected to the school
8 committee?

9 MR. RICE: To my knowledge, Mr. Funez, is
10 that true?

11 MR. FUNEZ: That is true.

12 MR. BLANCHARD: So here is my question
13 then, is it possible? In my small city in
14 Massachusetts, Northhampton, we have a system that's
15 quite common around the state where we have a mix of at
16 large city counsellor, at large school committee and
17 members and board school committee members, and I've
18 noticed this balance toward a preponderance of world
19 seats, so each region of our small city has a voice
20 organized around where it lives, and there is a mix of
21 at large candidates that everybody votes for. So here
22 is my question, I'm going to guess, is it true, that
23 Lynn has exclusively an at large system of electing its
24 public leaders?

25 MS. FUNEZ: --ran for the school committee

1 twice in the City of Lynn, there has never been a
2 Spanish person elected to office in the City of Lynn.
3 However, we do have over 8,000 Spanish students in the
4 system and it's a shame to say that we don't even have
5 teachers who speak Spanish in the system, maybe one.
6 My daughter is graduating this year from the eighth
7 grade and it's the first time that she got a Spanish
8 teacher who spoke Spanish, everybody else has been
9 American and they hardly speak the language, so that's
10 one of the things that the system is failing right now.

11 We continue probably to use the same
12 system that we have used since the 1800s, which is the
13 English system, and I think it's time that we kind of
14 do some sort of evaluation into the system and get rid
15 of some of the programs. And one of the things that I
16 think we should get rid of is the MCAS exam, I am very
17 opposed to it. Why? Because ever since kids began to
18 get the MCAS exam, the drop out rose to more than half
19 percent, so the number was maybe about five, five and a
20 half percent, anywhere up to 13-18 percent.

21 I mean we are losing half of the Spanish
22 population, we are not creating jobs for them, they are
23 hanging out on the street and yet we are building the
24 most expensive jail in the State of Massachusetts,
25 which is \$80 million. So if we have money to build

1 jails, to hope that these students turn criminal, I
2 think we should find the money to educate them.

3 MR. BLANCHARD: Thank you.

4 (Applause)

5 MR. BLANCHARD: Let me turn to the last
6 question that we have in line from the panel and then
7 we will open things up for even more comments from you
8 and from other members of the audience.

9 MR. KIANG: Yeah, my question is both for
10 the City of Lynn and statewide, and it has to do with
11 the relationship between school systems and immigrant
12 community supports. It builds a little bit on what
13 Barry said but I'm wondering what are the ways for the
14 various language groups in Lynn, and I heard you say
15 that there were 32 languages represented, 40 different
16 countries, what are the ways for members of those
17 communities not only to be served but to have influence
18 in school decision making?

19 And I'm wondering, just as an example, it
20 sounded as if there had been a lot of funds provided
21 for teacher professional development, staff training,
22 etcetera, I'm assuming that part of that is to raise
23 the level of cultural competence of the education staff
24 in the schools. What are the ways to draw on the
25 expertise of the community organizations or the

1 immigrant families and parents that are in the city or
2 in the state for their expertise and not simply for
3 their needs?

4 So I'm really asking about the
5 relationships, the opportunities for influence, for
6 resource sharing between school districts, particularly
7 in Lynn but also statewide, with these various
8 immigrant communities, and I'm thinking of the
9 Cambodian association that spoke earlier in the first
10 panel that you might have seen and the New American
11 Center or other organizations like that. Thank you.

12 MS. SHEPPARD: Well for the past --
13 actually, a few years ago, up until a few years ago, we
14 did have a pretty strong parent advisory council and
15 Anna Morales was our parent coordinator. We had run,
16 more on a regular basis, meetings with the different
17 language groups of parents and discussed with them and
18 shared with them the curriculum and the change in the
19 curriculum. In the past couple of years, things have
20 changed a bit and, unfortunately, we haven't kept up
21 with it as well as we could, part of it was some staff
22 constraints so we didn't always have the right people
23 to organize this.

24 This first year, we worked with the
25 Refugee Grant, we connected with the community, with

1 the Russian Community Association, and trying to build
2 a community liaison who makes connections with the
3 school and the homes, so when parents are in need of
4 communicating with the school or I should say when
5 schools need to communicate with the parents, we have a
6 liaison who can make contacts with others who can
7 translate and interpret for them. I hope that we can
8 grow on that. I think only a couple of schools made
9 use of those services this year, even though we had
10 introduced the liaison to all the principals.

11 But I think as the need arises and when
12 teachers or the school system needs to communicate with
13 parents, especially if these are for language groups
14 that we really don't have much experience with, that we
15 can access her to find someone from the Greater Boston
16 Area, from the local area, to come into the school and
17 help translate. One of our goals is to develop more of
18 a relationship with the community through this process
19 and there are so many different language groups coming
20 into the country right now, into our city rather, that
21 we don't really know all of the cultural issues and
22 needs ourselves.

23 And it sometimes takes a while for a
24 population to come in and settle in, when we realize
25 that the numbers are growing, for us to see the need, a

1 greater need even, to make those connections and to
2 reach out to them. Recently, someone from the Bosnian
3 Association came to me with an issue that I really
4 hadn't been aware of with the children adjusting to the
5 school system, and that is something where we are soon
6 going to be meeting with the Bosnian parents to discuss
7 some of their issues, and these are issues that are
8 common to any new group coming into the schools, into
9 this country, where parents don't speak English and the
10 children are speaking more English, and parents are
11 becoming distemperate in their own homes because they
12 don't really know how to manage the change that are
13 taking place.

14 So, at times, it's a question of someone
15 from the community that represents the language group
16 to come to us and make this connection for us to really
17 be aware of what's happening. When the students are
18 spread throughout the community and through other
19 different schools, we don't always realize, unless
20 someone from the school makes us aware that there is a
21 particular problem, and we do hope to begin addressing
22 that now with the new cultural groups, as well as still
23 hopefully meeting with the other parents.

24 This year, again, was a change with many
25 different changes in the level of the administration,

1 and I believe they wanted to have a better handle on
2 how we were addressing the changes before we were able
3 to address it or articulate it better with the parents,
4 and that will soon be more open to the parents to get
5 more clarification as to what we are doing in the
6 school system right now.

7 MR. BLANCHARD: Thank you. Quite clearly,
8 there is a signal that Paula Sheppard is here speaking
9 to us today and responding to questions and, quite
10 clearly, she is the one that we should call when we
11 have questions because she is the person in the school
12 system charged with support for the language programs,
13 so she is the one to call when there are questions and
14 she is here today offering that opportunity to speak.
15 I want to turn now to our time for comments from the
16 public and we invited those, in the advertisements and
17 publicity about the sessions, and we asked folks who
18 wanted to sign up to go ahead and tell us, and we have
19 one person who did indicate ahead of time that she
20 would like to speak and I call now Esperanza Herrera.

21 MS. HERRERA: My basis for the experience
22 with this is not because I was totally immersed in
23 English and I was educated in a racist, segregated
24 system in the Southwest. I have worked within the
25 Latino community and worked with Mr. Rice at the very

1 beginning of Lynn, when the Latino community was just
2 beginning and trying to get information to the parents.
3 It was difficult. It seems many of us who are trying
4 to organize the community were young and we didn't have
5 too much experience.

6 I have a lot more experience now and I
7 have heard the same things over, and over, and over,
8 and over, and over, and over, and over, and over, as to
9 why there are no Latino administrators, as to why there
10 are no Latino teachers who speak Spanish and why they
11 don't teach Spanish. And my own experience has been
12 that when I learned I had to take the language in
13 school that was Spanish, and she was Greek, and I did
14 Spanish I, II, III and IV in one quarter of high school
15 and the rest of the time I was in high school I was
16 free to roam around.

17 The question is this, how are parents
18 supposed to communicate with the school system if they
19 don't speak English and the school system has done away
20 with any parent advisory councils? There are brave
21 attempts by individuals to communicate and I know that
22 the parents access to the Lynn school system has been
23 made possible primarily by people such as Anna Morales
24 and others that have gone 100 percent or more than 100
25 percent of their effort to connect the people with the

1 school, but it's still not enough, we don't have
2 enough.

3 We have skewed results on the progress of
4 the school. If a student is not attending school, they
5 are not labeled as drop outs, they are just not
6 attending and it's not possible that the school system
7 would say well we only have 27 percent drop out of
8 Latinos when, in the nation, it's more than 50 percent
9 and even higher than that for Latino women in the
10 school drop out. The MCAS results are skewed in terms
11 of access and achievement, because a lot of the Latinos
12 that come to Lynn from other countries are not allowed
13 into the system, they don't even show up on the
14 statistics because they are not allowed into the
15 system.

16 If you are not going to graduate and pass
17 the MCAS with your age group, regardless of when you
18 come with another language, you are not allowed into
19 the system, you are shuffled over to the Lee School and
20 they are not going to go. And I have those students
21 that come to the college and, Esperanza, I need to get
22 an education, I need to learn English. We have an
23 English program and if they don't have a high school
24 diploma, they are not eligible for financial aid and
25 that's been a very a long time, so they can't get in

1 there.

2 And in the past, there was a loophole,
3 there was a window, there was an avenue of hope, people
4 could take the GED in Spanish. Unfortunately, I
5 believe that's it's a misunderstanding of what the GED
6 is and especially disregard of the value of the Spanish
7 language, that people think that taking the GED in
8 Spanish is a cheating way, and when actually Spanish is
9 a lot harder than English because of the grammatical
10 structure. And I have taught the GED and there was
11 always people who could use it to move ahead, the
12 parents could help their children, it has been
13 eliminated by the Department of Education here in
14 Massachusetts.

15 It's available in other states but it has
16 been eliminated, and the elimination of the GED in
17 Spanish, the reason for that is that it's not now
18 equivalent with the MCAS because it contains English
19 and, therefore, people can take a test and maybe get a
20 certificate of completion, which puts people in the
21 same category of people who may have learning
22 disabilities or mental retardation that can not finish
23 the MCAS. And so now, if they do get their
24 certificate, it's going to be that it was in Spanish
25 and that's going to stigmatize people more. Before, at

1 least, when you took the GED in Spanish, there was no
2 indication that it was taken in English and Spanish.

3 So that eliminates not only a whole slew
4 of young people that are not going to have educational
5 access but it also disadvantages the most needy, the
6 immigrant parents, the Latino parents who themselves
7 were not able to get an education, now they won't be
8 able to. And as far as representation, I ask my
9 question again, where are our Latino administrators?
10 Where are our advocates? Where are our city
11 councilors? Where are our teachers? And it's not
12 because we are not here. I'm aware of everybody's face
13 all the time. And we have plenty of qualified
14 teachers, they just don't get hired.

15 MS. SHEPPARD: I would like to respond to
16 that.

17 MR. BLANCHARD: I would like to ask the
18 members and expert presenters to respond.

19 MS. SHEPPARD: Over many years, we have
20 had and we still do have bilingual teachers in the
21 city, there are many Latino teachers and there are some
22 teachers from other languages. We have Russian,
23 Albanian, Bosnian, Haitian, we have teachers
24 representing different language groups in the city and
25 predominantly, of the bilingual teachers, they are

1 Latino.

2 Now what has happened, however, is that
3 there are many teachers, many people who come here
4 looking for positions in Lynn who were teachers in
5 their countries, and they can document that and they
6 submit applications to the Department of Education for
7 certification in their field of expertise.

8 However, when it comes down to passing the
9 teacher's test, that tends to be a problem for them.
10 It's a problem for native English people as well to
11 pass the teacher's test so, consequently, after
12 different tries or different attempts to pass is, if
13 they can not pass this test, they themselves will not
14 get a teacher's certification and, because of that,
15 lately, with the change in the law requiring highly
16 qualified teachers and also with the English
17 proficiency assessment that now teachers have to
18 demonstrate that they are proficient not only in
19 reading and writing but in all language skills, that
20 the state has set new standards for many teachers.

21 Now most of our bilingual teachers were
22 teaching in the bilingual program but there are
23 teachers now, for example, some of the Spanish speaking
24 teachers who are teaching Spanish as a foreign language
25 because that was probably more readily available for

1 getting certified in that particular area for them, but
2 we do still have bilingual teachers in the city, not in
3 every school, probably in our former program schools
4 and in one particular middle school and high school you
5 will find more of them, but they are scattered
6 throughout the city based on where our needs were at
7 the time and especially where we had programs in the
8 past to provide for them.

9 MR. BLANCHARD: I can detect some sort of
10 state questions and state policy and practice, were
11 there some that you might speak to?

12 MS. SERPA: Actually, two things that I
13 really would like to respond to, one is to Mr. Funez
14 about the MCAS. The MCAS is the ruler, the MCAS is not
15 the problem, it's the teaching and the understanding
16 that is not happening in terms of what they need to
17 know in order to be able to pass. Second is the fact
18 that learning English takes time so for those kids that
19 have no educational background, there is no way on
20 earth that I know that they can really learn English
21 and learn the content to pass the test.

22 But there is a good thing about it because
23 if they don't pass, then their school is required to
24 teach them appropriately. I don't think we are
25 empowering anyone by allowing them to pass and they

1 don't have the skills to make it in the world of work,
2 so I do think that given the years that I've been in
3 the US and the year that I've been in assessment, the
4 MCAS, if you learn the curriculum framework standards,
5 you should be able to pass the test. There are
6 problems, not everything is rosy, but I think that
7 under the current system, that is the best avenue to
8 make sure that kids learn what they need in order to
9 make it in American society.

10 And, as I said, speaking English is very
11 important but it's not enough. As I usually say, I
12 could speak all the English in the world, if I did not
13 have the skills, I could not be a college professor.
14 If I did not have the skills in assessment, I could not
15 be teaching that, so we need to make sure that our kids
16 have access to learning, they have the opportunity to
17 learn and, being someone that has been dealing with
18 kids with special needs who are also non-native
19 speakers of English, I know only too well the learning
20 rate, how many things can they learn at one time. And
21 if you are learning in a language that you do not
22 command, it's going to take longer.

23 So I remember very well when my brother
24 came to the US, 36 years ago, which is happening now,
25 he was in a regular class, there was once a week and

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1 when he saw math on the board, because math at that
2 time was real like computation stuff, no word problems,
3 not like we have today, and he spent the first year of
4 schooling doing very little in terms of academics. The
5 saving grace was the art teacher who took him under her
6 wing and he went to the art teacher most every day to
7 really do art and painting, and actually one of his
8 paintings is still put on display during Christmas
9 season at the Rogers School in Lowell, Massachusetts.

10 So I would like us to consider that the
11 test is not the problem, it's how we qualify teachers,
12 what supports do teachers need to have. Companies,
13 when they change policy, they train their workers. Our
14 teachers deserve to be trained, to have professional
15 development that is appropriate for them to develop
16 their skills so that the students can learn.

17 MR. BLANCHARD: I'll open it up to
18 comments and questions from the assembled audience.

19 MR. FUNEZ: I know we can still here the
20 whole -- we can go back and forth with the MCAS exam.
21 Besides the point that it also created jobs for over
22 23,000-24,000 people who were developing the MCAS, when
23 a company is having problems with a company, they don't
24 get rid of their shareholders, they get rid of the
25 directors, they get rid of the administrators. We are

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1 blaming the kids, in this instance, for not passing the
2 MCAS exam, for not doing good in school.

3 Well I think it's time that we get rid of
4 the administration, that we elect new people to run
5 what we have, which is a diversity of different
6 cultures. I myself have an example, in school, when a
7 teacher told me look at me when I'm talking to you and,
8 to me, that was offensive because my parents told me
9 that when somebody talks to you, you look down because
10 of respect. So things like that, we need to create in
11 the school system because we not only have Spanish or
12 Cambodians but we do have about 36 different languages
13 and 40 different nations to look into, and let's not
14 forget that this country was created from everybody who
15 actually emigrated to it. Thank you.

16 MR. BLANCHARD: You have agreed to stay
17 for quite a while today and I'm sure there are others
18 kinds of questions and comments people might want to
19 make, but I don't want to ask you to endure any longer
20 than you wish.

21 MS. SERPA: Literacy is something that is
22 very dear to my heart and because I was a teacher that
23 was trained outside the US in how to teach Portuguese
24 literacy, I discovered many things that we do in
25 languages other than English to teach literacy that

1 must be taken into account, and I usually say that it
2 must be linguistically appropriate. That is to say
3 that when we are teaching literacy to let's say Spanish
4 speaking students, and we have lots of them and other
5 languages that have not accessed that process which, in
6 Spanish or Portuguese has a very wonderful word,
7 because teachers need to realize that to access the
8 literacy in English, it's far easier to do it through
9 the language that they can do meaning making, which is
10 what the research in English says.

11 So under our current system, we have to
12 figure out creative ways of making sure that students
13 have access to literacy through whatever means that
14 will help them access the system. And I was very happy
15 when I discovered on our DOE website that there is a
16 program going on for adults where they are teaching
17 them to read in Spanish because people had realized
18 that if you take English to teach them to learn to
19 read, it's going to take you an awful long time and
20 they don't have it.

21 So this is something that we need to take
22 into consideration when we are dealing with access and
23 middle school and high school students, which is the
24 fastest way to get them to learn to read and write and
25 have meaning because recording alone is not enough,

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1 they need to understand the written message in order to
2 make it in the world of work.

3 So that is a critical issue that we really
4 need to figure out what manner are we going to really
5 address so that they can master the skills that they
6 need.

7 MR. BLANCHARD: I wish you would join me
8 in thanking our distinguished panelists who are so
9 generously sharing their ideas and expertise with us
10 today. I would like to also thank North Shore
11 Community College for the provision of the resources
12 and to acknowledge the US Commission on Civil Rights
13 and its renewed efforts to advance a broad range of
14 civil opportunities for inclusion in the major
15 political and social institutions of America life.

16 The promise is that a report describing
17 the assertions, and comments and discussion today will
18 come forward and I want to end by saying that I hope
19 you remember that we chose Lynn because we wanted to
20 celebrate its accomplishments and because we thought
21 there was sufficient complexity to the challenges that
22 it would inform the discussion across the Commonwealth
23 of Massachusetts, so we thank Lynn as well.

24 (Applause)

25 MR. KIANG: So we'll take another quick

1 break and then there is an open sessions. Those of you
2 that would just like to speak to the committee, that
3 would be another opportunity for us to hear from your
4 perspectives. And before everybody breaks up, I do
5 want to just acknowledge our limitations in doing this
6 only in English and clearly there are advocates who are
7 translating as we conduct the forum, and to give you
8 the chance to be able to express ideas or pose
9 questions in your native language and to have that
10 translated for the rest of the audience. There is
11 still time and space for that to be possible, so please
12 think about how you would like to participate in that
13 way. Thank you.

14 (Whereupon, at 5:30 p.m., there was a
15 brief recess.)

16 (5:46 p.m.)

17 MR. BRIGGS: Attention everyone, my name
18 is Xavier De Sousa Briggs, I'm a member of the state
19 advisory committee and I'm pleased to open the final
20 part of our agenda. This is the open comment period
21 where the single most important thing is to give anyone
22 and everyone a chance to speak to the record, to become
23 part of the public record of the US Civil Rights
24 Commission and it also becomes a part of our
25 deliberations as we think about what a report on this

1 event should say.

2 If there is any need for translation, we
3 will take our time, we will do whatever it takes to
4 listen and listen carefully. I would ask that you que
5 at this microphone, I think it's probably the easiest
6 way, or otherwise raise hands and indicate it. Is
7 there a comment from this side?

8 (Ms. Herrera translates for Mr.
9 Mirandez)

10 MR. MIRANDEZ: Good afternoon. My name is
11 Jose Mirandez and I reside here in Lynn, eight years.
12 He is studying in high school here. It hasn't been
13 that difficult for him because they came here when they
14 were little and they had the benefit of bilingual
15 education, so it hasn't been that difficult for them.
16 Other students have not been so fortunate because he
17 has seen that they have some difficulty when they have
18 gotten to Lynn, to study, because they didn't have the
19 bilingual education.

20 They have difficulty in initial
21 enrollment, inception in studies for the English
22 language. He is aware that it's become, more recently,
23 more a problem for those students that get here for an
24 advanced age and an older age, and he sees that as a
25 problem and he acknowledges that it's also a problem

1 for other minority groups, such as the Cambodians, and
2 the difficulty for them to access education or the
3 school system because of their advanced age.

4 What happens is that we are talking about
5 young people that come and didn't have the advantage of
6 having an education in their country. And then they
7 come here and they are at an older age than those
8 students would not only have been in their grade level.
9 And those that are coming here and are going into the
10 high school, they know absolutely nothing about
11 English. What can be done in those cases in the first
12 place? This concern that he has is that we, the
13 immigrants, do not have any representation in the
14 school administration and the city council and what can
15 we do? We need to have representation.

16 There are limitations in the political
17 system. This was in order to elect a member of the
18 school committee, one must first be a US citizen, but
19 it's convenient that it is to the advantage. He is
20 saying that the majority of the parents and the
21 students are immigrants and they just barely have
22 residency here, and he would also imagine that there
23 are a lot of people who are not documented and they
24 would not be able to vote. He is aware that there are
25 states, such as New York, where it is sufficient for

1 the parent, the immigrant parent, to have a child in
2 the school system in order to be able to vote for
3 representatives on the school council.

4 And so what can be done to overcome those
5 limitations here in Lynn? What can be done to allow
6 the parents to have a voice in the school committee so
7 that they can elect representatives that will bring
8 their interests to the school committee? And also what
9 can be done, taken into consideration that the Latinos
10 are a second group and maybe the Cambodians are third
11 and fourth in the overall amount of students in the
12 school system, what can be done to overcome those
13 limitations? So he leaves his preoccupations to the
14 board, if he senses needs and is hoping that the board
15 will coming up with solutions and everybody else can
16 come up with the solutions to better equip our students
17 in school.

18 MR. BRIGGS: Are there other comments?
19 Let me remind of the range of issues, we've got one --
20 does anyone else want to come forward? Any of the
21 experiences described on the panels, the assertions
22 made about the school district, responses to taking the
23 test and failing the test, we would love to hear on all
24 of these topics. Why don't you go ahead?

25 MS. JACKSON: Thank you for coming today.

1 My name is Liz Jackson, I represent a community
2 organization called Neighbor to Neighbor and we have a
3 lot of active members in the room. Ala is an activist
4 and Jose, who just spoke, is one of our active members
5 and I want to echo some of his comments in that we do
6 work on voter empowerment in the City of Lynn and we
7 also do grassroots lobbying for -- it's called the
8 Working Family Agenda, so we specifically work on more
9 funding for housing, welfare, Mass Health, health care
10 and child care, and we also campaigned against question
11 two, two years ago, based on what our members wanted to
12 do, what they wanted to prioritize and the prioritized
13 that as our top issue.

14 Unfortunately, since then, we haven't
15 worked very much on issues of bilingual education
16 because we are working -- playing defense on the budget
17 cuts. But I wanted to answer your question, Doctor,
18 earlier, about how can we improve relationships between
19 community organizations and the schools and, for one
20 thing, I just wanted to point out that we have over 50
21 active members, almost all of them parents who have a
22 lot to say about what's going on in the school system
23 and what's going on in the community, and community
24 leadership.

25 And out of those 50 people, I think if we

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1 had known about this event in advance, at least 25 of
2 them would have been here tonight with a lot to say,
3 more than Jose, so I'm not sure what happened with
4 organizing this event, but one an example of how we can
5 improve those relationships is to just do a little bit
6 better at grassroots outreach so that we can get those
7 voices heard. And these are people who are gaining
8 more and more experience every day in public speaking
9 and I wish it wasn't me up here speaking because they
10 would have a lot more to say than me, so that's one
11 thing.

12 And another is I got to introduce myself
13 to Paula Sheppard earlier and I know that Anna has been
14 suggesting this for a while, but we should have had her
15 in our office months ago explaining to the parents
16 about what some of the changes are in the system and
17 what's going on, and we are going to do that, but there
18 can be a lot more going on as far as cooperation
19 between community organizations and the school system.
20 And second, based on -- I'm a community organizer so my
21 almost full time job is calling active members, calling
22 them every day, letting them know what's going on. I
23 give rides to people, I translate.

24 These are parents who are struggling to
25 survive, working, raising their kids. I mean it's

1 amazing that even like Paula just showed up here after
2 a long day at work, picked up her kids, got her,
3 struggled in the heat and it's amazing what she does to
4 be active, but people need the help of an organizer,
5 like myself. I mean they need someone to call them,
6 let them know what's going on and help them be
7 involved, and I see what happened with the Parents
8 Advisory Council is that it fell apart without somebody
9 who is really dedicated and almost full time organizing
10 the council, you need someone who is going to do that
11 organizing work.

12 And so I would recommend to you that you
13 include, in your recommendations, funding, resources
14 for somebody to do the organizing work because if you
15 want parents' voices to be included in the decision
16 making processes, you need somebody to help those
17 parents to be active. It's not that difficult, but
18 these are people who have voices and want to use them,
19 and they just need a little bit of help so that they
20 can show up to events like this, and to school
21 committee meetings and etcetera.

22 And then the other thing that I wanted to
23 mention was to echo -- Dr. Blanchard? I don't know who
24 is who, but what you mentioned earlier about the at
25 large election system, and we also do vote empowerment

1 work and we endorsed Miguel Funez for school committee
2 this year, and he wasn't elected and absolutely it's
3 the fault of the at large system. And we do, in our
4 voter empowerment work, we can leverage 500 votes and
5 that can elect a candidate.

6 And when we first started working in Lynn,
7 two years ago, in Kerwin Circle, we increased the voter
8 turnout by 900 percent in one season, and that kind of
9 weight can swing an election, absolutely, and this
10 community deserves representation and they have the
11 political power to get it, and they know it and that's
12 what Jose was speaking about is that they have the
13 political power and that it can be and should be
14 leveraged, we just need to execute it.

15 So I think that's all, thank you.

16 (Applause)

17 MR. BRIGGS: Other comments anyone? On
18 these issues, other issues we have not talked about
19 yet?

20 MR. FUNEZ: Concerning the political
21 system in Lynn, actually the two terms that I ran for
22 the school committee, I discovered that it's like a
23 control that the city has not to elect someone who is
24 different from the association, and what I mean by that
25 is that it's all related, whether it's the school

1 committee, whether it's city hall, housing, it's all
2 customs and family related, mostly. I'm going put Anna
3 Morales, with her permission, I hope she doesn't kill
4 me after this meeting, as a good example of what's
5 going on in the school system in Lynn.

6 She worked for the school system for many
7 years and I have seen this woman stay there hours after
8 hours helping parents, after she was supposed to be
9 going home. And she was sick last year and she
10 couldn't come to work for a while so, when she came
11 back to work, she was told that her position had been
12 filled and she needed to go somewhere else. We did a
13 job search, she had no choice.

14 Anna, is that more or less what happened?

15 MS. MORALES: --question two, and they
16 really didn't have to do away with me because they knew
17 that I was a worker and that I was bringing the parents
18 to ask the right questions and to -- it's just a lot of
19 political--

20 MR. FUNEZ: So, anyhow, it's political, so
21 that's it's hard to break the ice and try to get in.
22 People who actually, before me, have run for this
23 position, we have a college degree, we have a BA in
24 psychology. I also did law school, so we are not
25 talking about people who can't not speak the language

1 or who can not read or write, we are talking about
2 professionals who I, for one, lived the experience of
3 knowing what it's like not speaking the language and
4 trying to get help from somebody is very difficult,
5 actually.

6 So I know that I can help somebody else
7 and I have the responsibility to serve the community.
8 I want to invest -- my goal, so it's not like I'm
9 asking for something that is not there, I just want to
10 give my services and representation, thank you.

11 (Applause)

12 MS. LAI: Hi, my name is Truc Lai and I'm
13 just a resident of Lynn. And one of my concerns the
14 cause of the drop out rates, I'm hoping that you will
15 be able to look into it and see what the cause is. I
16 graduated from the Lynn school system four years ago
17 and, when I was there, they actually had a policy where
18 if you were late for five minutes, you had to go
19 downstairs to get a pass to go to class, and if you
20 were late three times, even if you were only five
21 minutes late, you would get detention and if you were
22 late seven times, you would get suspended.

23 Therefore, I was impacted. I have never
24 had any issues at all but I was suspended and I was
25 forced to stay home for a day, so I lost out on my

1 education. And my concern is that if I had known that
2 I was going to be late the seventh time, I might as
3 well not go to school. Just like any other student, if
4 you know you are going to be suspended, your parents
5 are working, you don't want to tell your parents that
6 you are going to be suspended so you just stay home and
7 not have to face that, or I would skip school, and not
8 go to school and miss the whole entire day.

9 And I just want the advisory committee to
10 look into the attendance policy and maybe change that.
11 I don't know if it has changed, I don't know what is
12 the update for it, but maybe you guys could just look
13 into it, it would be very helpful for students who,
14 like myself, have been effected by this policy.

15 MR. BRIGGS: Can I ask a question of
16 clarification before you sit down?

17 MS. LAI: Sure.

18 MR. BRIGGS: Is the point that there is a
19 community specific circumstance that the school staff
20 is unaware of that drives this attendance policy? Is
21 it a lack of responsiveness?

22 MS. LAI: I have no idea why. I think
23 it's to enforce -- students skip school so they enforce
24 this policy so that students show up on time. However,
25 if it's five minutes late and you have to go downstairs

1 and get a pass, and then if you are late three times,
2 you get detention and then suspended, then what's the
3 point of me going to school, getting detention and it
4 may look bad on my record if I'm applying for college,
5 and then get suspended and still look bad, so I might
6 as well just skip school and not have to face the
7 punishment.

8 MR. BRIGGS: Well the teachers and
9 administrators are going to say you might as well not
10 be late.

11 MS. LAI: Yes, you might as well not be
12 late.

13 MR. BRIGGS: And that's why there are
14 consequences when you are. It's also entirely possible
15 that schools don't understand certain things about
16 family responsibilities, about caring for siblings, all
17 kinds of things. If there is any of that that you
18 think the schools are not responsive about, that could
19 be part of what we've been hearing today, a lack of
20 cultural sensitivity, lack of confidence.

21 MS. LAI: It's sort of -- I mean my
22 situation is that my classroom was on the third floor.
23 When I stepped in the school, I'm on time, but when I
24 get to the third floor, I'm late, so I just hope that
25 you look into it and see the circumstances behind it,

1 and then maybe help fix it because this policy causes
2 students not to go to school. And then if you get
3 suspended seven or eight times, they might as well just
4 drop out because you are getting in trouble. So it's
5 just a student point of view.

6 I think today we heard a lot about school-
7 policies, things going on that are -- the decision
8 makers are adults who are not affected by the policies,
9 the students are affected by it, so you need to look
10 into that. Ask the student what they think, what they
11 think and what their opinions are, just as the
12 bilingual education, ask them if it's good for them,
13 ask if it's not good for them, let them make the
14 decision. You are out of it, you are not affected by
15 it, you are just making decisions.

16 Another point that I have is actually
17 looking into police harassment or -- not harassment but
18 the issues that I brought up. I had an incident where
19 my brother was across the street, he saw someone was
20 getting arrested, he just stood across the street
21 looking at it, looking at his friends getting arrested
22 and, the next thing you know, he is arrested and I had
23 to go bail him out. And he didn't do anything, he just
24 stood there, asked the girlfriend what was going on and
25 he was arrested.

1 That bothered me because why is my brother
2 getting arrested, I was just standing there looking,
3 feeling that my friends are getting arrested, why am I
4 getting arrested also? And that's been mentioned,
5 about police brutality, police harassment, getting
6 stopped just because you look young, maybe just
7 skipping school. I'm 22 years old and a lot of people
8 think that I'm still 16, so I've never been stopped
9 before and, crossing my fingers, hopefully I won't be
10 stopped in the future, but just looking into it and
11 seeing if there is the harassment by the Police
12 Department of Lynn and check into it.

13 And also I hope that you would be able to
14 go into the school system and investigate issues
15 regarding race. There has been a lot of race incidents
16 in schools and, as the earlier session, students do not
17 know who to report to, who to talk to. If the incident
18 that they were in was even racially encouraged and it
19 was a hate crime or anything like that, and I think
20 that it's very important for them to be educated and
21 also for the teachers to know what's going on and be a
22 support system for the students. Thank you for
23 listening.

24 MR. BLANCHARD: Thank you, do we have
25 another question?

1 MR. CRUZ: The schools in the state are
2 under a tremendous amount of pressure. Very possibly,
3 that policy regarding lateness has something to do with
4 the number of hours that students are supposed to be in
5 the classroom. I know that a student must be in the
6 classroom probably, I believe, 180 days a year to
7 graduate or to be promoted to the next level, and even
8 the point that you raise is very important because if
9 other students are short for the MCAS and there are
10 some kind of waivers for some students, the attendance
11 to a school contributed to a waiver be granted by the
12 commissioner.

13 And for that reason, the point that you
14 raise is very important, that these policies may effect
15 a student that didn't make it in the exam, in the
16 score, but they obtained them from another factor where
17 they may not get a waiver because of that reason and,
18 for that reason, it's very important to point out that
19 situation with the late policy. Let me ask maybe as a
20 ground rule, since our attendance is limited today,
21 this is an intimate gathering, we take advantage of any
22 speaker, in the best sense, and gives folks on the
23 committee a chance to ask, and I hope you know I'm just
24 asking you to form your questions, because you were a
25 recent year student and we need your perspective. So

1 are there any other questions for the committee and
2 this person's experience?

3 MR. ROBERTSON: I'm curious, as you were
4 recently a student, didn't you find that there were any
5 counsellors or guidance counsellors or teachers who had
6 some degree of sensitivity to the problems that you are
7 talking about, the sort of institutional problems that
8 you are talking about, who you could identify? And did
9 they tend to be people connected directly to the Lynn
10 community or did you find, for the most part, that
11 those types of potential resources were not there, the
12 services or support were not there?

13 MS. LAI: I was fortunate enough that I
14 was in the honor system, I had courses with -- in
15 honors and I was connected to the counselors, but there
16 are few minority students that are connected and my
17 guidance counsellors were able to help me but, if I was
18 to say that I was a regular minority student who just
19 went through the college course, I would say that I did
20 not have support at all. A lot of my friends didn't go
21 to college, didn't get support from that, so there is
22 no particular guidance counselor that I can say, from
23 the top of my head, that I could say are very
24 supportive at all of minority students. If that is the
25 question.

1 MR. ROBERTSON: If you were to make a
2 recommendation, a structural change, would you say that
3 that would be an important addition to the educational
4 experience, particularly for students, minority
5 students or students like yourself, if the schools
6 actually made an effort to put something in place, a
7 counselor, who could actually help and connect with
8 students along the lines of the problems that you had--

9 MS. LAI: There was a point where we
10 actually had an Asian American intern at our school, a
11 counsellor, her name was Lia Kuch, and she was actually
12 a student from U-MASS Boston, and she was there and the
13 Asian American students were very excited to have her
14 there, but she was not able to be a guidance counsellor
15 because she didn't have the qualifications, so she had
16 to go to another school and teach math to get her
17 certificate or whatever she needed to do. And we were
18 quite disappointed when she left because she was our
19 only support.

20 And I don't know what the school system
21 can do. The guidance counsellors there, at the high
22 school that I attended, they were actually teachers
23 that became a guidance counselor and they weren't as
24 informed as we would like them to be informed, and they
25 only looked out for the students who were recognized

1 for their sports athletic abilities or who were in the
2 honor society. So if you were a regular student, you
3 didn't really get support at all. And there are some
4 teachers that do support but there is not much that
5 they can do because they are not the administrators,
6 they don't have any power at all.

7 MR. BRIGGS: Do we have more questions for
8 the speaker before we move on? Peter?

9 MR. KIANG: This is a question for you and
10 for others in the audience. In the first panel, we
11 heard about the desegregation case and it struck me
12 that the issue of the populations were really being
13 defined as the white and the non-white, and so everyone
14 who was non-white was being lumped together and so what
15 we didn't hear were what do you think are the actual
16 relationships between the various cultural and racial
17 groups in the city, in the schools, not the white/non-
18 white relationships but the Asian, Latino, Black
19 relationships, and what are the opportunities for
20 working together?

21 I mean there is small numbers here in this
22 room but someone who ran for school committee, I would
23 think, needs to have a broad base of support in order
24 to be elected in an at large race. Organizers or
25 people that are interested in justice need to be able

1 to work together across complicated racial, cultural
2 and language lines. So give us a realistic picture --
3 this is for everybody in the audience -- help us
4 understand what are these relationships like?

5 MS. LAI: Honestly, even though the
6 population is very diverse, the minority population is
7 very segregated, the white population is very
8 segregated, if you go to the cafeteria of my former
9 high school, you will see that all the Asian American
10 students sit together, all the Latinos sit together,
11 all the caucasian students sit together and all the
12 African American students sit together. Yes, we do
13 have classes together, yes, we do sometimes do
14 activities together but, if I had a choice, I would
15 hang out with my Asian friends. If a Latino friend had
16 a choice, they would hang out with their Latino friend,
17 and that's the truth of it.

18 And I've heard friends of mine who are
19 from Salem, who is our neighbor, if you go in there,
20 you see the same thing, white students together, Asian
21 students together and all that. So I mean it's great
22 that we are all in the same room and it's very diverse,
23 but we keep to ourselves and that's the truth of it.

24 MR. BRIGGS: Any other perspectives on
25 Peter's question?

1 MS. HERRERA: I would like to support what
2 you are saying. I'm a multicultural enrollment
3 specialist, I think I said that before, at the college,
4 and a lot of the times I troubleshoot, and sometimes
5 there is people that walk into the college that other
6 people don't know what to do with. A couple of years
7 ago, a young Vietnamese student walked into the
8 college, and hardly spoke any Spanish and he just
9 wanted ESL, so he was directed to me. And I find out
10 - I'm trying to understand him because he had so little
11 English, and I'm really good at understanding people,
12 even with different accents.

13 And I found out that he had gone to
14 Classical High School, walked in the first day of
15 classes, in September, and was escorted out by the
16 police. And when I called, I found out that he had
17 been suspended the previous April. He didn't know it
18 because he walked back into school in September and he
19 had been suspended because he was friends with somebody
20 who had killed -- not killed but hit a teacher, and so
21 he was suspended but he didn't know it, his parents
22 didn't know it.

23 So he spends the whole summer thinking he
24 is going back to school in September and, when he walks
25 in, he gets escorted out. Trying to get him placed

1 back, nobody would take him. He told me that Classical
2 High School only had a Cambodian counselor, she hung up
3 the phone on me. I found out from him and talking to
4 other people that the Khmer students and the Vietnamese
5 students did not get along because of the history from
6 the old countries, and so trying to get him into some
7 sort of education where he would learn English because,
8 without the English, he had no future.

9 And we couldn't take him into our program
10 because he had no money to pay for it and, if you don't
11 have a high school diploma, you don't get financial
12 aid. So I had to work with the Khmer counsellor from
13 Americorps, who had a friend who spoke both Vietnamese
14 and Khmer, and myself, setting up for a translation
15 sort of thing, trying to find a resource for him. What
16 she is saying is true, the children -- and I say
17 children because I am older. I've been to my
18 daughter's school, I narrated a training program at
19 Salem High School and what I found out were all the
20 Latinos that I was looking for, to get them into this
21 training program, were on the fourth floor cafeteria
22 all day, and they thought they were being really smart
23 because they didn't have to go to class, but nobody
24 looked for them.

25 Everybody knew they were there. I had one

1 student follow me every time I went to the school,
2 teacher, teacher, teacher, get me out of this, put me
3 in with the retards. I was like what? He says yeah,
4 he says I speak English, they think I don't speak
5 English. I go to the counselor, I said why is he in
6 these classes? I mean he is roaming the halls every
7 day, he said oh, because his mother signed a paper to
8 put him in bilingual education. And I said but why
9 don't you move him out? Obviously he doesn't need it,
10 he is roaming all day around the hallways, and he says
11 because his mother has to sign the paper to get him out
12 of that class.

13 And I said so why don't you send the paper
14 to the mother in Spanish so she can understand or have
15 the Spanish counselor call the mother to get him out of
16 this class? Oh, well, that's a good idea. But, other
17 than that, nobody said anything and the kid was roaming
18 around all day long, and then he comes after me saying
19 teacher, teacher, get me out of here. There is a lot
20 of things that students are not given credit for
21 knowing what they are experiencing and having any
22 validity for what they are experiencing in those
23 schools because they are students and, a lot of the
24 times, there is the I know better than you.

25 Students who are suspended don't know

1 where to do, they are kids, they are used to a regular
2 schedule, they go to school, they get out of school,
3 they go home, they do their homework, they go to a job,
4 they do this, they do that. When they are suspended,
5 they are out in the street, they don't know what to do,
6 they go back into the school and they get thrown out
7 again because they are not supposed to be in the
8 school.

9 They don't know what to do, they don't
10 know where to be, so I fully support, because I have
11 seen the students segregate themselves by groups and I
12 don't think that there is any attempt to bring some
13 that study that said that prejudice is lowered when
14 people interact with each other. I don't think that
15 that would do very much to interact or have the
16 students interact. That's all.

17 MS. MORRIS: Hello again, good evening.
18 My name is Yolanda and, again, I'm from the NAACP. I
19 just want to reiterate two things, one is that there is
20 a great need to be able to educate the parents and I
21 heard a lot of testimony tonight regarding that, how we
22 can do that, we, as organizers in the community can
23 organize forums such as this, and I'm pretty interested
24 in doing that. That's one of the reasons why I made it
25 a point to come and be a part of today. Secondly, I

1 call it ESPE here, we have been to the state house and
2 we are working for the politicians.

3 For lack of a better word, we are working
4 with a particular group there who are teaching us, as
5 leaders, how to be able to bring together this type of
6 forum and be able to advocate on how we can produce
7 this type of knowledge. In terms of the school system,
8 I feel, personally, that minorities are not
9 represented. The proportion of minority student body
10 versus the number of teachers in the school system, on
11 the whole, being just under-represented, and that's all
12 I want to say. Thank you.

13 (Applause)

14 MR. BRIGGS: Any other questions from the
15 committee?

16 MR. CRUZ: Yes, I would like to again have
17 a question to the young lady that spoke before. Are
18 you aware of the community development backgrounds that
19 every city received from the federal government to
20 distribute the programs that benefit the community?
21 Are you aware of that?

22 MS. JACKSON: What specific program?

23 MR. CRUZ: Community development programs?

24 MS. JACKSON: Yes.

25 MR. CRUZ: Okay, those programs are, as

1 you mentioned before, they are designed to help the
2 community and probably you should consider that
3 possibility of probably applying to those forums in
4 order that some of the programs that you mentioned
5 before could be implemented. I know education
6 qualifies under that designation, profoundly.

7 MS. JACKSON: Yeah, do you mean apply for
8 community development block grants in order to create
9 programs like parent advisory councils and staff
10 organizers to organize those councils?

11 MR. CRUZ: Absolutely.

12 MS. JACKSON: That's a good idea.

13 MR. CRUZ: Absolutely. And also there is
14 the No Child Left Behind, they have also funding to
15 implement programs in their community that benefit the
16 education of the children. That's another thing that
17 you should look into. You don't have to be a school
18 department entity in order to apply, a nonprofit
19 organization can do it too.

20 MS. JACKSON: See our group is focused
21 more specifically on advocating for state funding for
22 welfare rights, health care, housing and so we are not
23 as focused specifically on these issues, but we do do
24 - I work in a community organizing model, so that's how
25 I can see it applying to this, but that is a really

1 good suggestion.

2 MR. BRIGGS: Any comments from the
3 committee or the audience?

4 MS. TUCKER: Let me just say one thing, we
5 conduct these type of forums and we think we kind of
6 have a base of understanding and may think we are quite
7 well informed, but there is nothing like coming to the
8 source and hearing directly from the people what your
9 particular, specific experiences are. So it is not
10 only informational for you but it is certainly
11 informational for us and, even though you may say here
12 we go, it's the same old song, we are going through the
13 same old exercise and what's going to happen?

14 I think just like there are efforts when
15 laws change, and there is little loopholes and they can
16 get rid of the parent advisory council, for instance,
17 when that kind of thing happens, I think there also has
18 to be efforts to be more creative in how we can address
19 the problems and how we collaborate with all the
20 different groups coming together, as someone said, to
21 elect individuals in the community because you really
22 have to be at the table to understand what the thinking
23 is and what direction things are going, what position
24 that is going to put you in and what steps you need to
25 take to mobilize, to address the ever changing dynamics

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1 in the school system and the legal system.

2 There has to be a change in how we look at
3 the situation, how we address the problems and how
4 individuals need to take certain specific steps to be
5 at the table. And we might sacrifice one way to get
6 something else but it's so critical to be at the table
7 and, if nothing more, I hope we all walk away
8 recognizing how important it is to stay at the table,
9 to be at the table, if you are not elected, just that
10 you are here, sitting at the school committee meetings
11 so at least you know what's going on.

12 (Applause)

13 MS. MORRIS: I'm sorry. I brought my son
14 with me, he has a huge concern regarding the MCAS. He
15 has only expressed every two minutes what he wants me
16 to go up and say. I would like you to stand up too.
17 It's regarding the MCAS and Lindell is approaching high
18 school and it's a huge concern for him. He is doing
19 very well in school and feels that not enough
20 preparation is given for the MCAS and that, if he is
21 doing so well but he doesn't do so well on the MCAS,
22 what can the educators do to help him achieve what is
23 asked on the MCAS? Did I say that right?

24 MR. MORRIS: Right, the kids that go to
25 school all year work hard, try to get their work done,

1 try their hardest, try their best, then the MCAS roles
2 around, the teachers can't help you and, if you don't
3 pass it, you can't graduate. So what about those kids
4 that work hard all school year and, come around to 12th
5 grade, you don't pass it? Spring comes around, you
6 still don't pass it? The next season comes around, you
7 don't pass it? Then they tell you you are not going to
8 be able to graduate, what do you do if you have plans
9 to go to college, you still want to better your
10 education? What can you do about that?

11 MR. BRIGGS: Can I ask you a question to
12 go with your question? What do teachers tell you they
13 plan to do about it? What messages are you getting
14 about what the plans are for those kids?

15 MR. MORRIS: The teachers that I talk to
16 say the only thing they can do is keep giving you the
17 test until that time for graduation comes along and, if
18 you don't pass, then you just don't get a diploma, you
19 don't graduate. They can't help you with it and stuff
20 during they year, they teach math, basic math, science
21 but, when the test roles around, it gets difficult,
22 it's different questions, stuff that you really never
23 touched base on.

24 MR. BRIGGS: I'll stick with this for a
25 second, just in case. Are there any committee members

1 that want to ask questions on these particular points?
2 The reason I ask you what I did, by the way, is it
3 helpful for us to know what messages you are getting,
4 not only to hear your concern but to listen, as you
5 listen in the classroom and outside the classroom to
6 what teachers are saying, what messages the school is
7 sending you about what the plan is. I think that was
8 one of the central issues in the earlier panel, what is
9 the plan? What does one do when things don't go right?
10 Any other questions?

11 MR. ROBERTSON: Yeah, I'm wondering about
12 how much the preparation for the MCAS -- like you said,
13 there is only so much time they can give you for that,
14 and you've worked hard all year and have earned your
15 basic subjects. I'm wondering how well or how much the
16 preparation for this test plays into what you've been
17 learning or dovetails with what you've been learning
18 all year. Is it a completely different thing, the
19 types of -- for example, in math, what they do in terms
20 of preparing you for the math portion of the MCAS, does
21 that fit very well with the hard work you've been
22 putting generally into the subjects across the year?
23 The same thing for English or the other subjects. Or
24 is it really different? Is it something really
25 different?

1 MR. MORRIS: I wouldn't say it's totally
2 different but it's some stuff, like there was a big
3 point, some of the main things that if you don't get
4 that question right, that's a big portion of your
5 points and some of the stuff the teachers -- I'm not
6 saying they don't, but maybe they don't have the time
7 during the school day to go over that basic -- but most
8 of it, on the test, there is a big portion that's not
9 on it.

10 So I just wanted to know what can students
11 that are looking forward to going to college and, when
12 the test roles around, they don't know what to do?
13 They try their hardest but, if you don't pass, there is
14 nothing they can do.

15 MS. HERRERA: I just want to say that
16 there is something that can be done for the students
17 that don't pass the MCAS because North Shore Community
18 College has spent over a year and a half working with
19 the high school counsellors in the public school system
20 here in Lynn to work out what's going to happen with
21 the students that don't pass the MCAS. And North Shore
22 Community College has instituted -- reinstated,
23 because we always had it, an ability to benefit test.

24 So people that do not have the MCAS but
25 have completed all requirements for the high school,

1 they are going to get a certificate of completion.
2 That, in itself, will not get you financial aid, but
3 the college will allow you, with that certificate, to
4 take an ability to benefit test. If you pass that
5 test, then you are eligible to receive financial aid,
6 once you finish your first semester, then you
7 continually receive information because you have proven
8 that you can benefit from college level instruction.

9 I don't believe that that information is
10 given out to students. I mean not to encourage them
11 not to pass, but I mean they have to have some sort of
12 acknowledgement and the parents have to know what they
13 can do so whether the school system is providing any
14 sort of preparation for the students, I don't know.
15 They never did for the SATs or anything like that, you
16 are on your own.

17 But I don't know, I've heard two opinions
18 on this that we are not really teaching kids anything
19 because we are just teaching to the test, and then
20 other people are saying well none of what they learn is
21 going to be on the test and they don't pass the test,
22 so I don't know.

23 But I did want to say something, sometimes
24 I end up working with issues that probably belong in
25 the Lynn school system, only because the person walked

1 into the college and they were referred to me. Once
2 they are referred to me, I follow through with it,
3 either they get enrolled in the college or they get an
4 alternative or we just can't help them.

5 Last year, there was a young Chinese woman
6 that came to the college, again, wanting to learn
7 English, no high school diploma. And what had happened
8 was she brought me the grades, and they were all As,
9 and she had been put out of the high school, and she
10 had been admitted and was being allowed to stay there
11 until she was going to finish school but, for some
12 reason, she was ejected from the school system. And
13 she brought all her papers, one of the instructors at
14 the college is Chinese so I got her transcript from
15 China, from junior high school, translated and of
16 course she was at the top of her class, a brilliant
17 student, and I had to go back to the school system and
18 talk to different people, administrators, and find out
19 why this student was put out of class.

20 And finally, they found out that it was a
21 clerical person that just eliminated her from the list
22 and told her to go home, and none of the administrators
23 knew. Her parents run a restaurant, they don't know
24 too much English, she didn't know too much English and
25 what eventually happened was that they reinstated her.

1 They had to reinstate her back into the high school,
2 she did not pass the MCAS in December but she did pass
3 it in April or May, something like that. And so this
4 was a student that was all set to continue --
5 unfortunately, the cultural family thing kicked and,
6 because she was the only one that still spoke Mandarin,
7 she was sent to teach the younger children in the
8 family, and so she had to defer her college education.

9 But I don't mean to be criticizing the
10 school system, it's just that I happen to catch those
11 people that fall through the cracks and I deal with
12 people who are Sudanese, they are Nigerian, they are
13 Chinese, they are Korean, they are Khmer, they are
14 Latino, from all different kinds of countries, and it's
15 fortunate that I have the opportunity to meet so many
16 different people. But it's also frustrating that when
17 I call the school system, trying to resolve an issue
18 for someone probably I'm not supposed to be dealing
19 with because they are not even a student at the
20 college, it's always like why don't you do this and why
21 don't you do that, because people's jobs are on the
22 line.

23 And so I don't think that it's my business
24 to intrude into their politics or their whatever they
25 do, my goal is to either reinstate the student in the

1 school system, which probably should have been done by
2 somebody in the school system. And I think that,
3 really, I think the school system in Lynn should have a
4 person like me troubleshooting for the students because
5 that's what I do at the college and I think that they
6 should do it and it should be citywide.

7 Thank you.

8 MS. MORALES: --I was coordinator for the
9 parents.

10 I don't want you to go with the impression
11 that everything is bad in the system. The MCAS, they
12 do have prep classes for the MCAS at the high school
13 levels and I believe at the sixth grade, there are prep
14 classes. What's explained there, I don't know because
15 I've never asked, but there are prep classes. Also,
16 the kids have a chance to retake the test and that's
17 the reason why they start early, eighth grade, sixth,
18 eighth and on and on and, all throughout, there are
19 prep classes taking place.

20 The other thing I would like to say is
21 that there is a discipline code, and I know because I
22 have to translate it into Spanish. We have worked on
23 that a few years ago. I think what's happening, when I
24 say that in Spanish, so you'll have to translate it, I
25 think what's happening is that if everything else falls

1 by the wayside, the discipline code is there, it's
2 updated yearly. Maybe it's too rigid for the Latino
3 kids, and we have a lot of kids who work, who go to bed
4 very late, by the time they finish their work, and they
5 can't help but to get to school late.

6 And one of the superintendents we have, I
7 thought that was good of him to do that, he said that
8 the high schools needed to start at 8:30, so that he
9 can give the kids a chance to get there and stay there
10 until 3:00, so it's 8:30 to 3:00. With the new
11 superintendent there were changes, anyway. But the
12 discipline code is there, it stresses the rules very
13 clearly. I think what's happening is that counselors
14 are not -- with the kids, a lot of times, you just have
15 a teacher that says this is this and this is that, and
16 you have to do and that's it, that's final, and there
17 were some young people who rebelled.

18 A lot of times, instead of talking to
19 them, they talk -- how do you say it? They talk down
20 to them and I think that is a big problem that I've
21 seen in the high school and in the schools period.
22 They talk down to the parents. A lot of parents don't
23 even want to bother because when they go, they just
24 come out very -- I don't know if you know, but the
25 Spanish people are very emotional, we are very

1 emotional. So a lot of parents prefer to ask someone
2 to go with them, and even though I'm in the SPED
3 department I get calls, and my director has no problem,
4 I'll go to the school. What I cannot do is advocate
5 for them, I used to do that as a parent coordinator and
6 I got in trouble a lot.

7 So I just don't want you to go thinking oh
8 my God, everything is lost. I think that the system is
9 trying hard and definitely there are changes that need
10 to be made to accommodate the changing times and the
11 changing -- the right people perceive the school
12 system, the city, the school committee. I definitely
13 know that the city needs to do -- again, I don't know
14 if it's the city, maybe the city needs to call the
15 different organizations, we do have have community
16 organizations, and they all keep to their own.

17 We need to do more than just multicultural
18 dancing and multicultural dinners, which is what
19 already took place in the schools. We were doing
20 multicultural just to -- but that's just not enough,
21 and the kids do separate because we feel better with
22 our own, or I feel better with my own, and you see that
23 even when you travel overseas, when you hear someone
24 that speaks English it's oh, you speak English? So
25 definitely something needs to be done to bring about,

1 so that we can all sit at a table together and do more
2 than just eat and dance, and let's solve problems,
3 let's sit together and solve problems.

4 And the problems that the committee --
5 that the other people have are not the same, the
6 regular Anglo community. The school committee is the
7 place to air them out and, unfortunately, we're kind of
8 locked out of that.

9 MR. BRIGGS: Can I ask you before you sit
10 down, are there issues you advocated about or around
11 when you were a parent coordinator that have not been
12 raised yet here today? We've heard a range of things
13 but if there are any for instances you could give us,
14 the kinds of things you found you had to advocate
15 about, whether they were well received or not, for the
16 moment, it would help us.

17 MS. MORALES: I've been here for 20 years
18 now and I started as a coordinator or something for
19 fourteen years. It was really back before, where the
20 parents were -- why don't you go back to your country?
21 And I would go to the office and advocate and then of
22 course I would get lambasted, and they'd say you can't
23 do that, you can't go to a school and consult. I'm
24 supposed to stand there and let someone talk down to
25 them and tell them to go back to their country? That

1 is no way for a teacher to talk to a parent, and that
2 is no way for a teacher to talk to a student. So
3 because I did a lot of that, I think a lot of --.

4 I think the thing that bothers me most is
5 that the parents have no way of expressing their needs
6 and their thoughts, it's like the schools lock them
7 out. This is supposed to be -- schools are supposed to
8 make parents feel welcome, and they don't, even though
9 the sign says welcome, they don't feel that. You know,
10 they have a time, this is when you've got to go out,
11 you've got to come and see me, you've got to let me
12 know what time, or I don't have time for you. So they
13 don't feel like they are partners in the education of
14 their children, and that is what they have expressed
15 the most.

16 (Inaudible comments from the floor)

17 MR. BRIGGS: Are there other comments or
18 questions from the committee or for the committee?

19 MR. CRUZ: Yes, I would like to comment
20 briefly about the MCAS again. I believe that part of
21 the issue is there is not enough awareness of the law
22 to the parents of the students. I was a member of the
23 school committee in my town and we had our own sixty
24 students that the superintendent took the initiative
25 and filed an appeal on behalf of the students. Sixty

1 of them were borderline to get approval of the appeal
2 in their favor. We sent that to the commission. Fifty
3 of them were qualified. What happened? Parents didn't
4 know and the students didn't know that they have the
5 right to appeal and they dropped out of school before
6 the decision came back to them, and they were qualified
7 to graduate practically at the end because they had
8 perfect attendance, the school work was right there.

9 And because they didn't know about the
10 law, they didn't graduate. Some of them maybe didn't
11 even know that they were able to graduate; and I
12 believe that really there is a lack of awareness of the
13 law and I believe that the entities need to do a better
14 job providing that information to the parents and the
15 students.

16 MS. MORALES: --they changed, I was
17 working in the language support office and I also
18 worked at the parent information center, so you can see
19 I have access to every family that came through that
20 office. I just felt that the parent information
21 center, and again, I wasn't here for the beginning when
22 the chairperson explained. I always felt that the
23 parent information center was a place that parents went
24 and got information, not only registration. You went
25 there and if you wanted to know about a school and like

1 a Spanish parent, there was someone who could tell me
2 and I would walk out with a brochure in hand that will
3 refresh my memory as to all that they told me.

4 That information was never translated, it
5 was very difficult as a parent coordinator to be able
6 to confront your boss and say, by law you need to send
7 home that translation. By law, the parent information
8 center gets money to translate the brochures, and if
9 you have them in English why can't you have them
10 translated into all these other languages? Her excuse
11 was always that the principles had not updated them. I
12 said, well, they're not updated, but you're giving them
13 five years old to the Anglo community. We have to give
14 them regardless, the law says that the parents have to
15 have them.

16 So that was a very big problem that I had,
17 that parent information center, to me. And I wanted to
18 set up a family center within the parent information
19 center to do that, like a coffee hour, so the parents
20 would come in and do ESL. I did computer training, I
21 did all that. That was all done away with, with the
22 parent coordinator job.

23 The other thing is the parents have a
24 right to know that if they don't want that immersion
25 that you're offering them they can have bilingual

1 education if there are ten parents that want it, and
2 there are always ten parents that want it. But nobody
3 would tell them, because she did not allow anybody to
4 tell them.

5 So I had to be --. Otherwise I would have
6 lost my job, and you know what, we all need to work, so
7 that was very difficult. But the community knows that
8 I always kept them informed because I was a member, we
9 had an organization, and I always let them know, it's
10 up to the community to really challenge the way they
11 did it. But I had a lot, there was a lot of things
12 that went on within the parent information center,
13 within the language support office that was a no-no. I
14 knew it was a rights violation but there was nothing I
15 could do about it.

16 MR. BRIGGS: Thank you, ma'am. Any
17 comments? Any thoughts? We are drawing near to our
18 time, but we do have time, if you want to get on the
19 record.

20 Questions from the committee?

21 MS. HERRERA: My name is Esperanza Herrera.
22 and I wanted to just applaud what Anna said because a
23 lot of times what happens is you are electing an
24 advocate or you are electing a community advocate, you
25 may have to put your job on the line a lot of times,

1 you really do, and you can get fired for speaking out
2 against what is the administration or what is the
3 policy or something like that, and it's hard, it's very
4 hard.

5 And I also want to say that usually I try
6 to keep up with what's going on and everything, I find
7 out about this last night, only because Yolanda Morris
8 asked me about it and I said well I have no knowledge
9 about it.

10 And I think that maybe sometimes if you
11 would advertise it more in those languages that people
12 would have access to, that they might have been here.
13 And also I really thank you, I really hope to see -- I
14 really hope to see some positive changes come out of
15 this panel. I'm always hopeful and thank you very much
16 for the opportunity.

17 MS. JACKSON: I think also because we
18 didn't know very much about this event before we came,
19 we are a little bit unclear on who you all are and how
20 this came about, if you could spend the last two
21 minutes just possibly giving us a little background.
22 She asked me if you are teachers, and I said I don't
23 think so, possibly professors.

24 MR. BRIGGS: I'm going to turn to Peter
25 and ask him, that's a great way to spend a couple of

1 minutes, sharing with you who we are.

2 MR. KIANG: Boy. Aonghas has a much
3 fuller description of who is the US Commission on Civil
4 Rights, but it's a federally appointed body and there
5 are advisory committees in each of the states, and so
6 we are the Massachusetts State Advisory Committee to
7 the United States Commission on Civil Rights. And we,
8 ourselves, are appointed for a certain term of time,
9 two-year periods usually, and we reflect the geographic
10 and ethnic racial diversity, so called, of the state as
11 well as the democrat/republican political affiliations.

12 We only have resources to do one of these
13 forums each year and so we are very limited in what we
14 can do, and that's one reason why the outreach was so
15 poor, because we are not based in any one community, we
16 try to go across the state to reach out. But none of
17 us, from here in Massachusetts, is working directly for
18 the commission, we all have our own jobs, we all are
19 doing other kinds of work.

20 And so we apologize, I think, very much
21 for the limited outreach and the lack of information
22 that was available to you, and we certainly recognize
23 the consequence of that and it's good lessons for us
24 for our future planning, both in how we want to come
25 back to you with a report from today and also when we

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1 go to other communities across the state.

2 I mean I think we are, and I'll let other
3 members here just speak for themselves in introducing
4 themselves. But personally, I am a teacher, I am a
5 professor at UMASS Boston and I'm a Boston resident,
6 mixed race, Chinese and Scottish, and have spent many,
7 many years working with immigrant refugee communities
8 and minority communities, and so these issues are very
9 important to me, personally as well as professionally.
10 I happen to serve as the chair of the committee
11 currently, I'm just going through my first year in this
12 role and so I'm very much learning how to do it better
13 and I appreciate your patience.

14 So maybe we could go down the line and
15 have everyone introduce themselves.

16 MR. BRIGGS: Why don't we do that, out of
17 respect to all of you. I'm going to take the liberty
18 though of suggesting that Peter spoke for all of us
19 when he said these issues are important to us, so we
20 won't give you all our histories, but we'll tell you
21 sort of what we do now. My name is Xavier De Sousa
22 Briggs, I teach public policy at a graduate school at
23 Harvard, so I give a fair amount of thought to why
24 policy breaks down and how people can change it and why
25 forums like this are so important.

1 MR. ROBERTSON: I'm Elbert Robertson, I'm
2 a Professor of Law at Suffolk University Law School in
3 Boston. I, like Peter and Xavier, am a teacher, I'm
4 also a trained economist, I worked with the federal
5 government but I have worked on civil rights issues, in
6 various capacities over the years, and have found
7 today's forum to be very enlightening and I think we
8 should produce, I think, a very meaningful and
9 hopefully helpful report.

10 MR. CRUZ: My name is Emilio Cruz, I am
11 originally from Puerto Rico. I live in New Bedford and
12 I work for the Commonwealth as an investigator for the
13 Mass. Rehab Commission and also I am the Chairman of
14 the Massachusetts Hispanic Recognition Awards
15 Committee. And I've been working in different
16 capacities and a member of different organizations,
17 like the NAACP and others.

18 MR. BLANCHARD: I'm Fletcher Blanchard and
19 I've been serving on the committee for quite a while,
20 and I'm the most recent chair of the committee. I'm a
21 Professor of Psychology at Smith College and I write
22 about affirmative action and study prejudice and
23 discrimination.

24 MS. TUCKER: Cynthia Tucker, fairly new to
25 the committee. I am an attorney by training and am

1 currently a commissioner with the Massachusetts
2 Commission Against Discrimination. So, certainly if
3 any admission type issues come before you in education,
4 my office is an option that you may want to exercise
5 with regard to addressing those concerns, and I reside
6 in Springfield, Mass.

7 MS. BARATTA: I'm Karen Baratta, I live in
8 Somerville, Massachusetts. I work for the Office of
9 Diversity and Civil Rights at the MBTA, I do civil
10 rights investigations and diversity training. Before
11 that, I was the Community Relations Director in
12 Framingham, so I do a lot of what your advocates do, I
13 worked with the Civil Rights Commission, the Disability
14 Commission and Fair Housing, and that position was
15 eliminated, much like yours was.

16 MR. KNAMM: I'm Barry Knamm, I work for an
17 agency that helps train and place people with
18 disabilities. I'm a person with a disability myself.
19 I've been in the disability field for some 17 years and
20 I'm new to the commission. And I just want to make one
21 comment, we are all volunteers on the commission.
22 (Applause)

23 MR. BRIGGS: Thank you. I want to take
24 half a minute, in closing, just to frame this. We
25 don't know what the report will say exactly, we've

1 listened carefully, we appreciate all of your comments.
2 You could imagine a country in which government had the
3 sensitivity, and the strategy, and the competence, and
4 the resources, the whole picture, and did its job and
5 earned the right to insist that parents and kids do
6 their part to to make education work. I think we've
7 heard criticisms on all levels today about sensitivity
8 or lack of the same, lack of a strategy in some cases,
9 lack of resources, lack of competence.

10 I'm not a judge and jury, none of us is,
11 and I'm not ruling on the individual comments, but we
12 deeply appreciate them. We are going to circle back
13 and talk about this and, as Elbert says, try to produce
14 something that's really useful. The last thought I
15 want to leave you with is that one of the reasons it is
16 so important that you talk to us is that we don't work
17 for the Lynn Public Schools, we are volunteers, we are
18 connected to the US Civil Rights Commission, we are
19 independent of any local politics or administration,
20 and so we've listened through those ears and we will
21 render an independent judgement.

22 I want to thank you all and I want to pass
23 the mic to Peter, our chair, in case he has anything he
24 would like to add.

25 MR. KIANG: Aonghas, I wonder is there any

1 housekeeping stuff? No? Okay.

2 I would just say that if you do have
3 further thoughts, based on what took place today, that
4 you could still -- is this all right to say or not?
5 There is e-mail addresses that are on this list that's
6 available at the table, if you didn't pick one up, and
7 so you can still have further reflections, or
8 suggestions and recommendations. And I think if you
9 have ideas about how you would like us to respond back
10 to you, when the report is concluded or how else our
11 work could serve your needs, please don't be shy and
12 just let us know.

13 We are very constrained by resources, and
14 time and everything else, but knowing what you would
15 like is a big step forward for us so, again, thank you
16 very, very much for being here, especially -- it's
17 funny who is here to the very end, it's the community
18 people, so we really respect your resilience, and
19 patience and determination to just stay strong.

20 Thank you.

21 (Applause)

22 (Whereupon, at 7:02 p.m., the meeting
23 was adjourned.)

24

25

CERTIFICATE

This is to certify that the foregoing transcript in the
matter of: Massachusetts Advisory Committee

Before: U.S. Commission on Civil Rights

Date: June 9, 2004

Place: Lynn, Massachusetts

represents the full and complete proceedings of the
aforementioned matter, as reported and reduced to
typewriting.


