

## U.S. COMMISSION ON CIVIL RIGHTS

+ + + + +

COMMISSION BRIEFING **EDITED**

+ + + + +

FRIDAY, MAY 20, 2016

+ + + + +

The Commission convened in Suite 1150 at 1331 Pennsylvania Avenue, Northwest, Washington, D.C. at 9:00 a.m., Patricia Timmons-Goodson, Vice Chair, presiding.

PRESENT:

PATRICIA TIMMONS-GOODSON, Vice Chair  
ROBERTA ACHTENBERG, Commissioner\*  
GAIL HERIOT, Commissioner\*  
PETER N. KIRSANOW, Commissioner\*  
DAVID KLADNEY, Commissioner  
KAREN NARASAKI, Commissioner  
MICHAEL YAKI, Commissioner\*

MAURO MORALES, Staff Director  
MAUREEN RUDOLPH, General Counsel

\* *Present via telephone*

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

## STAFF PRESENT:

PAMELA DUNSTON, Chief, ASCD  
JENNIFER CRON-HEPLER, Parliamentarian  
ANGELA FRENCH-BELL  
DARREN FERNANDEZ  
LATRICE FOSHEE  
GERSON GOMEZ  
ALFREDA GREENE  
MARCLE NEAL  
JUANDA SMITH  
JESMOND RIGGINS  
MICHELE YORKMAN

## COMMISSIONER ASSISTANTS PRESENT:

SHERYL COZART  
ALEC DUELL  
AMY ROYCE  
JASON LAGRIA  
CARISSA MULDER  
ALISON SOMIN  
KIMBERLY TOLHURST

A G E N D A

I. INTRODUCTORY REMARKS.....7

II. PANEL ONE: INTRODUCTION TO PUBLIC SCHOOL FINANCING AND EQUITY

Joseph Rogers, Director of Public Engagement/Senior Researcher, Columbia Law University . . . . . 16

Danielle Farrie, Research Director, Education Law Center.....22

Beth Schiavano-Narvaez, Superintendent, Hartford, Connecticut Public Schools . . . . . 27

David Volkman, Executive Assistant Secretary for Pennsylvania. . . . . 30

Jamella Miller, Parent, William Penn School District, Pennsylvania . . . . . 35

Questions from Commissioners .....37

III. PANEL TWO - FUNDING IMPACT ON LOW-INCOME CHILDREN OF COLOR

Liz King, Senior Policy Analyst and Director of Education Policy, Leadership Conference on Civil and Human Rights.....74

Fatima Goss Graves, Senior Vice President for Program, National Women's Law Center.....81

Becky Pringle, Vice President, National Education Association.....86

Becky Monroe, Senior Counsel, Office of the Assistant Attorney General, Civil Rights Division, Department of Justice.....92

Ary Amerikaner, Deputy Assistant Secretary for Policy and Strategic Initiatives, Office of Elementary and Secondary Education, Department of Education . . . 99

Questions from Commissioners .....106

IV. PANEL THREE: THE ROLE AND EFFECT OF MONEY ON OUTCOMES

Jesse Rothstein, Professor of Public Policy and

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

Economics at the University of  
California, Berkeley.....137

Steven Rivkin, Professor of Economics at the  
University of Illinois, Chicago.....144

Doug Mesecar, Vice President of the American  
Action Forum.....150

Gerard Robinson, Resident Fellow in Educational Policy  
Studies at American Enterprise Institute.....156

Questions from Commissioners .....162

#### V. PANEL FOUR:

##### SEGREGATION: THE NEXUS BETWEEN SCHOOL FUNDING AND HOUSING

Jacob Vigdor, Professor of Public Policy and  
Governance, University of Washington.....198

Phil Tegeler, Executive Director, Poverty and Race  
Research Action Council.....205

Catherine Brown, Vice President, Center for  
American Progress.....210

Monique Lin-Luse, Special Counsel, NAACP Legal Defense  
and Education Fund, Inc.....216

Katherine O'Regan, Assistant Secretary for Policy  
Development and Research, Department of Housing and  
Urban Development.....221

Questions from Commissioners.....227

#### VI. PANEL FIVE:

##### FEDERAL GOVERNMENT ON EQUITABLE FUNDING

Honorable Bobby Scott (D-VA) Designee - Denise Forte,  
Democratic Staff Director, Committee on Education and  
Policy  
Development, Department of Education.....265

Tanya Clay House, Deputy Assistant Secretary for P-12  
Education, Office of Planning, Evaluation and Policy  
Development, Department of Education.....271

Jessie Brown, Senior Counsel to the Assistant  
Secretary, Office for Civil Rights, Department of

#### **NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

5  
Education.....278  
Questions from Commissioners.....285  
VII. ADJOURN BRIEFING

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

9:02 a.m.

1  
2  
3 VICE CHAIR TIMMONS-GOODSON: Good  
4 morning. It is now 9:02 and I'll now call this briefing  
5 to order.

6 I'm Vice Chair Patricia Timmons-Goodson  
7 and I welcome everyone to our briefing, Public  
8 Education Funding Inequality in an Era of Increasing  
9 Concentration of Poverty and Resegregation. This is  
10 a briefing of the United States Commission on Civil  
11 Rights. As I said, it is now 9:02 on the 20th of May,  
12 2016.

13 This briefing is taking place at the  
14 Commission's headquarters located at 1331 Pennsylvania  
15 Avenue, Northwest, Washington, D.C. Chairman Marty  
16 Castro is unable to be with us today and I preside in  
17 his absence.

18 Present with me at this briefing are  
19 Commissioner Narasaki and Commissioner Kladney.  
20 Joining us by phone is Commissioner Yaki, Commissioner  
21 Kirsanow. Any other Commissioners on the line?

22 COMMISSIONER ACHTENBERG: I'm present,  
23 Madam Chairman.

24 VICE CHAIR TIMMONS-GOODSON: Thank you very  
25 much, Commissioner Achtenberg.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 COMMISSIONER ACHTENBERG: This is  
2 Commissioner Achtenberg.

3 VICE CHAIR TIMMONS-GOODSON: So glad to  
4 have you with us and if I've not said good morning, good  
5 morning.

6 COMMISSIONER ACHTENBERG: Good morning.

7 VICE CHAIR TIMMONS-GOODSON: I declare  
8 that, indeed, we have a quorum of the Commission  
9 present. Is the court reporter present? And I hear  
10 a yes. Is the Staff Director present?

11 MR. MORALES: Yes, Madam Chair -- Vice  
12 Chair.

13 I. INTRODUCTORY REMARKS

14 VICE CHAIR TIMMONS-GOODSON: The  
15 Commission will examine funding inequalities in state  
16 public education systems and the role of the federal  
17 government in ensuring equal educational opportunities  
18 for all children. Although we could spend many days  
19 addressing equal educational opportunities broadly,  
20 this briefing is focused specifically on education  
21 funding. I was born in September of 1954, just a few  
22 months after the historic Brown v. the Board of  
23 Education. Like many of you here, I must credit the  
24 public education that I received throughout my life for  
25 the -- whatever professional success it is that I have

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 achieved.

2 And so, I do understand how very important,  
3 how very critical public education is to our society.  
4 And I'm excited and thank Commissioner Narasaki for  
5 bringing this topic to us. There's little to no  
6 disagreement about the fact that some changes in our  
7 system of schooling is required if we're to achieve our  
8 goal of equity and excellence. We can agree that more  
9 than 60 years after the historic decision of Brown v.  
10 Board of Education, racial and economic segregation  
11 continue to make America's schools separate and  
12 unequal.

13 I believe that we can also agree that the  
14 education that students in high-poverty neighborhoods  
15 receive is inadequate when compared to students  
16 attending mostly white and affluent schools. We can  
17 agree that far too many American students are not  
18 competitive with students across the developed world.  
19 And I also believe we can agree that school finance  
20 litigation uncovered funding disparities among school  
21 districts. However, there is great disagreement about  
22 how to change our existing system.

23 So, the U.S. Commission on Civil Rights is  
24 holding this briefing today to listen to our panels of  
25 experts and to provide, we hope, thoughtful approaches

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 to the White House and to Congress. As I indicated  
2 earlier, Commissioner Narasaki is responsible for  
3 bringing this topic to us and so, at this time, I turn  
4 to her and offer her the opportunity to make some  
5 introductory remarks. Commissioner Narasaki?

6 COMMISSIONER NARASAKI: Thank you, Madam  
7 Vice Chair, and good morning to everyone. I'd like to  
8 also begin by thanking our excellent Commission staff  
9 for their hard work, including our Administrative  
10 Services and Clearinghouse Division team and our Office  
11 of Civil Rights Evaluation staff, especially Jesmond  
12 Riggins, Latrice Foshee, and acting Assistant Staff  
13 Director Maureen Rudolph, as well as my Special  
14 Assistant Jason Lagria and Law Clerk Sang Ah Kim. I  
15 would also like to acknowledge all of our panelists  
16 today, particularly those who had to travel, as well  
17 as the many experts we consulted with, for generously  
18 sharing their time and knowledge on what continues to  
19 be one of the most difficult and critical civil rights  
20 issues of our country.

21 Imagine a school where the vast majority  
22 of the students are minorities living in poverty and  
23 there aren't enough chairs and textbooks, much less  
24 computers, where there's no social workers and the  
25 library is shut down, and where there are no art or music

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 teachers and the remaining teachers have to buy paper  
2 to make photocopies. This is the unfortunate reality  
3 for students in the school district of Philadelphia.  
4 Now, contrast this with schools just a few miles outside  
5 Philadelphia, where the vast majority of students are  
6 white and given laptops and access to social workers  
7 and are offered a wide variety of STEM, advanced  
8 placement and arts courses, like ceramics and  
9 photography.

10 Decades after Brown v. Board of Education  
11 and the Civil Rights Act, this is what the denial of  
12 equal education opportunity looks like in the 21st  
13 century. Since its inception, the Commission has been  
14 committed to investigating the denials of equal  
15 educational opportunity. In fact, the second report  
16 the Commission ever released was on the issue of school  
17 segregation in 1961. In most recent years, we've  
18 investigated discrimination faced by English language  
19 learners, students with disabilities and minority  
20 girls.

21 While there have been definitely  
22 improvements in learning conditions and some decreases  
23 in the achievement gap between white students and  
24 students of color since the 1970s, data show that in  
25 most states, the highest spending school districts

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 spend about twice as much per pupil as the lowest  
2 spending school districts, contributing to the  
3 persistent racial and income-based achievement gaps.  
4 Our nation's poorest and most vulnerable students,  
5 especially those from communities of color, end up in  
6 schools with rundown facilities and low academic  
7 expectations.

8 While witnesses today may disagree on the  
9 extent to which increase in school resources affect  
10 student outcomes, I think we can all agree that all  
11 students should have access to quality public school  
12 educational opportunities regardless of their race,  
13 family income or ZIP code. Just this week, 62 years  
14 to the day after Brown was decided, the Government  
15 Accountability Office released a timely report finding  
16 that the percentage of high-poverty schools with mostly  
17 black or Hispanic students increased since 2000. And  
18 despite the hard-fought efforts to end the results of  
19 the historic explicit segregation based on race, GAO  
20 notes that the Department of Justice still monitors and  
21 enforces 178 open federal desegregation cases.

22 Even in cities with booming economies,  
23 students of color are very likely to attend schools with  
24 high rates of poverty. In Austin, Texas, three  
25 quarters of black and Latino students attend

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 majority-poor schools, compared to just 12 percent of  
2 whites. And in my home town of Seattle, about two  
3 thirds of black and Latino students attend a  
4 majority-poor school versus only 15 percent of white  
5 students. While poverty is itself a problem, it -- it  
6 clearly is exacerbated by race. Jim Crow and  
7 residential segregation policies dating back to the  
8 Reconstruction Era still haunt us and housing policy  
9 is indeed education policy today.

10 State and local politicians cite limited  
11 budgets as an excuse for poorly funded schools, but  
12 education, we all understand, is a wise long-term  
13 investment. According to a White House report on the  
14 economic costs of youth disadvantage, equalizing  
15 educational attainment would generate higher  
16 employment rates and greater earnings among men of  
17 color. Matching their educational attainment to  
18 non-Hispanic white men would also mean as much as \$170  
19 billion in increased earnings for men of color.

20 After the Commission approved this hearing  
21 last summer, Congress passed the Every Student Succeeds  
22 Act in December. Although the Act passed with strong  
23 bipartisan support, the legislation did not  
24 effectively address the insufficient and inequitable  
25 distribution of resources across and within states.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 Today's briefing is an opportunity to examine the  
2 policies and programs that would help ensure that the  
3 quality of a child's education does not depend on the  
4 ZIP code they reside in. It's my firm belief that  
5 making a high-quality public education available to  
6 every child will go a long way in addressing many of  
7 the other racial inequities that continue to hold  
8 America back from being able to fully live up to its  
9 highest ideals. And I very much thank all of you for  
10 sharing your wisdom with us today.

11 VICE CHAIR TIMMONS-GOODSON: Thank you very  
12 much, Commissioner Narasaki, for those opening  
13 remarks. Today's briefing features 22 distinguished  
14 speakers who will provide us with an array of  
15 viewpoints. Panel One will consist of scholars and  
16 advocates of public school financing and equity.  
17 Panel Two will consist of presenters who will discuss  
18 the funding impact on low income children of color.  
19 Panel Three will consist of experts on the role and  
20 effect of money on outcomes. Panel Four is comprised  
21 of experts and advocates who can speak to the nexus  
22 between school funding and housing. And our final  
23 panel, Panel Five, will consist of federal government  
24 presenters who will discuss the federal government's  
25 role in equitable funding.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           During the briefing, the speakers and  
2 panelists will have seven minutes to speak. After each  
3 panel presentation, Commissioners will have an  
4 opportunity to ask questions within the allotted period  
5 of time. I will recognize each Commissioner who wishes  
6 to speak. Now, in order for us to maximize the amount  
7 of opportunity for discussion between Commissioners  
8 and panelists and to ensure that our afternoon  
9 panelists receive their fair share of time, I tell you  
10 now that I'm going to strictly enforce the time  
11 allotments given to each panelist to present his or her  
12 statement.

13           Panelists will notice a system of warning  
14 lights that have been set up. When the light turns from  
15 green to yellow, that means there two minutes  
16 remaining. When the light turns red, panelists should  
17 conclude their statements. Please be mindful of the  
18 other panelists' time as I don't want to have to cut  
19 any panelist off mid-sentence. I ask that my fellow  
20 Commissioners be considerate of the panelists and one  
21 another by keeping questions and comments concise.

22           Please ask only one question at a time,  
23 though I understand that, from time to time, there will  
24 be some questions that will need or require some  
25 follow-up. Keep in mind that we do have a full day of

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 testimony. I believe that if we all abide by this  
2 arrangement that each of us will have sufficient  
3 opportunities to ask questions to each panel. With  
4 those bits of housekeeping out of the way, we'll now  
5 proceed to the briefing.

6 II. PANEL ONE: INTRODUCTION TO PUBLIC SCHOOL FINANCING  
7 AND EQUITY

8 VICE CHAIR TIMMONS-GOODSON: Let me  
9 introduce our first panel, and they may begin coming  
10 up and settling in. Our first speaker this morning is  
11 Joseph Rogers, Director of Public Engagement/Senior  
12 Researcher at Columbia University. Our second speaker  
13 is Danielle Farrie, Research Director at the Education  
14 Law Center. Third is Beth Schiavano-Narvaez,  
15 Superintendent of the Hartford, Connecticut Public  
16 Schools. And our fourth speaker is David Volkman,  
17 Executive Assistant Secretary of Education for  
18 Pennsylvania. Do you have enough room there? Are we  
19 settling in?

20 Now, it appears that each of you have a  
21 speaker, you'll need to press the talk button until you  
22 see the -- it appears that I've omitted a fifth speaker,  
23 Jamella Miller. Ms. Miller, I apologize. She is a  
24 parent from the William Penn School District in  
25 Pennsylvania. You're down here on the end, Ms. Miller.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           Now it appears that we have settled in.  
2           Maintaining your seats, I ask each speaker, do you swear  
3           or affirm that the information that you're about to  
4           provide is true and accurate to the best of your  
5           knowledge and belief? If so, say, I do.

6                           (Panelists sworn.)

7                   VICE CHAIR TIMMONS-GOODSON: Okay. Thank  
8           you. Mr. Rogers, Mr. Joseph Rogers, please proceed.

9                   MR. ROGERS: Good morning.

10                   VICE CHAIR TIMMONS-GOODSON: Good morning.  
11           Let's turn your mic on.

12                   MR. ROGERS: Okay. Let's try it again.

13                   VICE CHAIR TIMMONS-GOODSON: Okay.

14                   MR. ROGERS: Got to follow the rules. Good  
15           morning, Commissioners, distinguished guests and  
16           members of the public. My name is Joe Rogers, Jr., and  
17           I serve as the Director of Public Engagement and as  
18           Senior Researcher with the Campaign for Educational  
19           Equity at Teachers College, Columbia University. As  
20           you may know, the Campaign for Educational Equity is  
21           a nonprofit research and policy organization that works  
22           to -- it actually uses legal analysis, research, policy  
23           development and public engagement in order to advance  
24           the right of all children to meaningful educational  
25           opportunities and to define and secure the full range

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 of resources, supports and services necessary to  
2 provide those opportunities to socio-economically  
3 disadvantaged children.

4 On behalf of our Executive Director,  
5 Michael Rebell and our entire team, thank you for  
6 shining a light on the tragic, shameful educational  
7 inequities that continue to waste the potential of  
8 millions of children throughout this nation and, in  
9 turn, the potential of the nation itself. This  
10 morning, I am here to provide a brief historical and  
11 current legal context for this issue and to offer a  
12 couple of examples of how my colleagues and I are  
13 working to advance the necessary policy reforms and  
14 meaningful public engagement initiatives that are key  
15 to achieving true and lasting educational justice for  
16 children who have too often been shortchanged by  
17 society.

18 Since 1973 when the U.S. Supreme Court in  
19 Rodriguez vs. San Antonio -- San Antonio Independent  
20 School District closed the federal courts to litigants  
21 seeking to overcome fiscal inequities in education,  
22 lawsuits challenging state methods of funding public  
23 schools have been launched in 45 of the 50 states.  
24 Since 1989, plaintiffs have prevailed in over 60  
25 percent of the final liability decisions in these

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 cases. Plaintiffs' claims have largely been based on  
2 provisions in state constitutions, many of which date  
3 back to the 18th and 19th centuries, that speak of the  
4 state's obligations to provide all students an adequate  
5 education or a sound basic education, depending on the  
6 state.

7 Not surprisingly, the state courts have  
8 found that most school districts that serve  
9 predominately students of color and students living in  
10 poverty lacked adequate funding to provide their  
11 students the opportunity to achieve the targets that  
12 the state themselves had set. In these adequacy cases,  
13 courts focus on the substance of the education students  
14 are actually receiving in the classroom, rather than  
15 comparing the amount of funds that are available to each  
16 school district, as in the equity cases. Essentially  
17 what the courts have done here in these cases is to  
18 require that states ensure that schools, and especially  
19 schools in urban context and rural areas with high  
20 poverty rates, have the resources necessary to provide  
21 these basic opportunities as set forth in the state  
22 standards and in federal accountability requirements.

23 A major study published by the National  
24 Bureau of Economic Research in January 2015 considered  
25 the impact of state court decisions in 28 states between

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 1971 and 2010. They concluded that school finance  
2 reform stemming from court orders have tended to both  
3 increase state spending in lower income districts and  
4 to decrease expenditure gaps between low- and  
5 high-income school districts. The authors also  
6 discussed the effects of court-ordered funding reforms  
7 on students' long-term success.

8 The researchers found that a 20 percent  
9 increase in annual per-pupil funding for K-12 students  
10 living in poverty leads to almost one more year of  
11 completed education. In adulthood, these students  
12 experience 25 percent higher earnings and a 20  
13 percentage point decrease in adult poverty. The  
14 authors posit that these results could reduce at least  
15 two thirds of the so-called achievement gap of adults  
16 who are raised in low- and high-income families.  
17 Students and parents living in poverty, and  
18 disproportionately students of color, are the public  
19 stakeholders most directly affected by educational  
20 rights violations and educational inequities.

21 Yet, they seldom have access to  
22 user-friendly legal and research-based information  
23 that would allow them to play more active and effective  
24 roles in the struggle for educational justice. The  
25 best legal decisions and policy reforms will always

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 fall short until we make sure that families have the  
2 tools and information they need to mobilize their  
3 communities and hold governmental authorities  
4 accountable for delivering at least the educational  
5 opportunities required by law.

6 For this reason, a couple of years ago, the  
7 Campaign for Educational Equity began producing a  
8 user-friendly, accessible series of research briefs  
9 specifically for students and families. We call them  
10 - we call them our Know Your Educational Rights  
11 handouts. In addition, this school year, we worked  
12 with parents who adapt our school resource data  
13 collection tools to create a set of resource  
14 inventories that parents have begun using in their  
15 children's schools to assess the level of opportunity  
16 and then to advocate with principals and at other levels  
17 of the school system.

18 In 2013, the bipartisan National Equity  
19 and Excellence Commission, a congressionally  
20 authorized body on which our Executive Director Michael  
21 Rebell served as a member, issued detailed  
22 recommendations to Congress on adequate and equitable  
23 state funding for education. Among other things, the  
24 - the Commission's report recommended -- proposed  
25 that the states identify and publically report the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 necessary resources that are required to provide a  
2 meaningful educational opportunity to all students of  
3 every race and income level, to determine the actual  
4 cost of delivering these resources or opportunities  
5 cost-effectively, to adopt a school finance system that  
6 would provide equitable and sufficient funding for all  
7 students, to ensure that the funding systems or finance  
8 systems are supported by stable and predictable sources  
9 of revenue and so on. They also made several  
10 recommendations through the Commission to do a few  
11 other things which are mentioned in the eight-page  
12 document you received a few weeks ago.

13 I just want to conclude with a couple of  
14 recommendations. We ask or recommend that the  
15 Commission on Civil Rights disseminate information  
16 about the equity and adequacy litigations, ensure that  
17 states and school districts have effective mechanisms  
18 to make sure parents and students know their rights  
19 under the law, endorse and widely disseminate the  
20 Equity and Excellence Commission's recommendations and  
21 recommend that the Every Student Succeeds Act include  
22 federal funding and the federal directives, incentives  
23 and enforcements set forth in the recommendations of  
24 the Equity and Excellence Commission. Thank you for  
25 your time. I look forward to your questions.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 VICE CHAIR TIMMONS-GOODSON: Thank you very  
2 much, Mr. Rogers. We'll now proceed to Ms. Danielle  
3 Farrie.

4 MS. FARRIE: Good morning.

5 VICE CHAIR TIMMONS-GOODSON: Good morning.

6 MS. FARRIE: Thank you, Commissioners, for  
7 the opportunity to speak today about the inequity in  
8 public school funding. More than 60 years since Brown  
9 - Brown v. Board of Education, public school funding  
10 continues to be unfair and inequitable in most states,  
11 shortchanging the nation's 50 million public school  
12 students. Those most disadvantaged by this enduring  
13 failure are the 11 million poor children, a rapidly  
14 growing segment of our student population. Every day  
15 across the country, the lack of funding deprives  
16 students of the qualified teachers, support staff,  
17 academic interventions, full-day kindergarten and  
18 early childhood education that they need to be  
19 successful in school.

20 Unfair state - state school funding  
21 systems remain entrenched in the states, as it has for  
22 decades, impeding efforts to improve outcomes for  
23 students, especially poor children, those learning  
24 English and those with disabilities. The deplorable  
25 condition of public school finance is documented -

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 documented in the most recent release of our report,  
2 Is School Funding Fair? A National Report Card.  
3 Published with Bruce Baker of Rutgers University, our  
4 report goes beyond raw school spending numbers to  
5 provide a more thorough analysis of states' funding  
6 systems.

7 The report card is built on a series of core  
8 fairness principles, most importantly that varying  
9 levels of funding are required to provide equal  
10 opportunities to students based on their different  
11 needs, that state finance systems should provide more  
12 funding to districts serving larger shares of  
13 low-income students and that a sufficient base of  
14 overall funding is also needed to provide an equitable  
15 educational opportunity for all students.

16 Today, I would like to summarize findings  
17 for three of our fairness indicators, funding level or  
18 how much states spends - how much states spend per pupil  
19 under similar district circumstances, funding  
20 distribution or how funding varies between the  
21 high-poverty districts and low-poverty districts in a  
22 state and effort or the differences in state spending  
23 for education relative to states' fiscal capacity.

24 The National Report Card continues to show  
25 a wide gulf in how much states invest in public

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 education, from a high of over \$17,000 per pupil in  
2 Alaska to a low of \$5,700 in Idaho. What is also  
3 disturbing is that many states with low funding levels  
4 make an anemic effort to invest in their schools.  
5 States like California, Texas and Nevada have economies  
6 that can support greater investment but they are simply  
7 unwilling to do so.

8 Most critically, we find that most states  
9 still do not allocate more funding to their  
10 high-poverty school districts so that they can deliver  
11 the resources necessary to give poor students a  
12 meaningful - meaningful opportunity for academic  
13 success. Our analysis shows 14 states including  
14 Virginia, Pennsylvania and Illinois, have regressive  
15 school funding, meaning that they provide more funding  
16 to their affluent districts and less funding to those  
17 educating high numbers of poor students. Nevada is the  
18 nation's most unfair, with low overall spending and  
19 even less money for its growing population of poor  
20 students.

21 Eighteen states including California,  
22 Florida and Texas have what we call flat funding.  
23 These states fail to allocate additional funds to  
24 address the academic, social and health needs of  
25 students in their poorest schools. Seven other

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 states, notably Tennessee and North Carolina, do send  
2 modestly more funds to their poor schools, but they rank  
3 at the bottom in their overall spending, meaning that  
4 there's not much to go around in the first place. Only  
5 one state, New Jersey, consistently ranks as a fair  
6 school funding system. Funding overall is high  
7 compared to other states and, most importantly, the  
8 system delivers significantly higher levels of funding  
9 to its poorest districts. New Jersey students are also  
10 among the nation's highest performing and have made  
11 significant progress in closing achievement gaps.

12 But this isn't just about dollars. The  
13 level of funding determines whether effective  
14 teachers, AP classes, guidance counselors, extra  
15 learning time and other essential resources are  
16 available in the nation's classrooms. We have found  
17 that in states with unfair funding, children are less  
18 likely to have access to preschool, pupil-to-teacher  
19 ratios are higher and wages for teachers are not  
20 competitive with other comparably skilled  
21 professionals.

22 A second report that we released this year  
23 identifies school districts that have higher than  
24 average student need and lower than average funding  
25 when compared with other school districts in their

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 labor market. Districts are fiscally disadvantaged if  
2 they lack the funding to offer competitive wages and  
3 comparable working conditions relative to other nearby  
4 districts and other professions. There are almost 1.5  
5 million children educated in the 47 most fiscally  
6 disadvantaged districts across 16 states. Not  
7 surprisingly, given their regressive state systems,  
8 Chicago and Philadelphia continue to top the list of  
9 the nation's most fiscally disadvantaged urban  
10 districts, but we even find fiscally disadvantaged  
11 districts in states with flat or progressive funding,  
12 like California, Colorado and Massachusetts.

13 These two reports underscore the  
14 continuing lack of fair, cost-driven methods for  
15 financing public education in the states. The sad fact  
16 is that most states still fund schools the  
17 old-fashioned way, based on how much lawmakers want to  
18 spend, not on what students actually need. Only a  
19 handful have had the courage to enact funding reforms  
20 driven by the cost of essential educational resources,  
21 including the extra support for struggling students and  
22 other interventions in high-poverty schools. In far  
23 too many states, legislators and governors continue to  
24 resist school funding reforms, even in the face of court  
25 orders to do so, as is now the case in Washington, Kansas

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 and Texas.

2           Governors in Colorado, Connecticut and  
3 Pennsylvania are fighting funding lawsuits rather than  
4 using the courts to leverage action by recalcitrant  
5 legislatures. It's becoming increasingly evident  
6 that unfair school funding is the major obstacle to  
7 advancing equal opportunity and better educational  
8 outcomes, especially for our most vulnerable children,  
9 and it's time to put this issue on the national  
10 education agenda. Thank you.

11           VICE CHAIR TIMMONS-GOODSON: Thank you very  
12 much, Ms. Farrie. We'll now proceed to Ms.  
13 Schiavano-Narvaez.

14           MS. SCHIAVANO-NARVAEZ: Yes. Thank you for  
15 letting me share the story of the Hartford Public  
16 Schools. It is a tale of two school systems in one of  
17 the poorest cities located in one of the wealthiest  
18 states in the nation. You can see our demographics up  
19 on the screen. We are a system of high performing,  
20 nationally recognized magnet schools and persistently  
21 low -- some of the lowest performing schools in the  
22 state. We operate under the landmark desegregation  
23 case Sheff v. O'Neill. That has required the state to  
24 make significant investments in us and has created our  
25 magnet system, where we have beautiful facilities and

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 high-quality learning opportunities for our students.  
2 Yet, again, our city, which is on the brink of  
3 bankruptcy, has not been able to keep up with our  
4 neighborhood schools.

5 The investment that our state has made has  
6 enabled us to have nearly half of our students attend  
7 integrated schools. In our magnet schools, half of the  
8 students are Hartford residents and half of the  
9 students come from the surrounding suburbs. This has  
10 enabled us also to achieve great progress over the last  
11 decade, with graduation rates rising from 29 percent  
12 to nearly 72 percent. However, there have been  
13 unintended consequences of this work, including the  
14 concentration of need in our neighborhood schools.  
15 Our neighborhood schools contain 90 percent of our  
16 English language learners and 70 percent of our  
17 students with special needs. We have adopted a bold  
18 equity agenda to address this issue as we strive to  
19 create a system where every student thrives and every  
20 student is high performing, not just the students that  
21 win the lottery and are able to attend a magnet school  
22 in Hartford.

23 I want to share some of the successes and  
24 some of the challenges through the story of one of our  
25 neighborhood schools. You could advance to the next

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 slide. This is one of our neighborhood high schools,  
2 the Academy of Engineering and Green Technology. And  
3 through extra investment in our neighborhood schools,  
4 including tapping the rich resources of our city, such  
5 as our business partnerships, we have been able to  
6 create an exciting, project-based learning  
7 environment.

8 I want to share one of the signature  
9 projects, if you could flip to the next slide. These  
10 students have designed, as one of their signature  
11 projects, a solar power wind turbine -- advance to the  
12 next, please -- that has been transported to Nepal to  
13 provide electricity for birthing centers and schools,  
14 an enriching educational experience. Go ahead. But  
15 when the earthquake hit Nepal last year, trucks  
16 couldn't take the equipment up the mountains to the  
17 schools and the birthing centers, so they had to put  
18 the equipment on the backs of yaks. That's inspired  
19 a saying in that school and in our district, it's  
20 yak-able.

21 We are experiencing our own financial  
22 earthquake in Hartford now. There's a real fiscal  
23 crisis. We have experienced eight years of flat  
24 funding from our city, our state faces a \$900 million  
25 deficit this year and we are highly reliant on city and

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 state funding, even our magnet funding will be cut this  
2 year. So, our efforts to both integrate our schools,  
3 provide more to those schools that need more and to  
4 continue the progress of our district is at risk. This  
5 year, we have to cut more than 235 positions to close  
6 a \$30 million gap that we face in our school system.  
7 So, Hartford's situation is dire, but it is not  
8 hopeless. We have a great city with many assets, we  
9 have accomplished a lot. State funding has mattered  
10 for us, and we will rely on our greatest assets to move  
11 forward, our 21,000 amazing students. And as we say  
12 in Hartford, it's yak-able. Thank you.

13 VICE CHAIR TIMMONS-GOODSON: Thank you very  
14 much, Ms. Schiavano-Narvaez. That brings us to Mr.  
15 David Volkman. We'll hear from you now, sir.

16 MR. VOLKMAN: Thank you and good morning.

17 VICE CHAIR TIMMONS-GOODSON: Good morning.

18 MR. VOLKMAN: I appreciate this  
19 opportunity. I think we all know that coming of age  
20 in America today is a perilous journey that many  
21 youngsters can no longer manage alone. Some of our  
22 young people are caught between the hazards of their  
23 environment and the weakening of the traditional  
24 support systems due to parents having to work, both  
25 parents working. And you throw into that mix peer

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 pressure and our media-driven cultural attitudes and  
2 the journey becomes even more difficult, especially for  
3 those in our urban environments.

4           It was shared with me several years ago  
5 that every day children are born into this world with  
6 promise and an open future. So how do they become  
7 neglected? How do they become homeless or  
8 incarcerated or dropouts? And, yet, I think and hope  
9 that we all believe that no matter the course of their  
10 lives through adolescence, that child still lives deep  
11 within each one of them. Their journey could have been  
12 impacted by a host of environmental, social,  
13 developmental or even family issues.

14           For example, in Pennsylvania, 50 percent  
15 of our adjudicated youth are residing in single-parent  
16 families, primarily those headed by the mother. We  
17 also know that for many of these children in our  
18 schools, especially in our urban environments, there  
19 is an achievement gap. And very often when those  
20 students come to our schools, they -- they act out, they  
21 misbehave, and why is that? Because they lack the  
22 basic skills. They lack preschool programs that  
23 actually can help provide them with a road forward.

24           And so, basically what we are saying in  
25 Pennsylvania is, we know we have - we have certainly

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 many issues that we have to deal with. The inequitable  
2 funding is certainly one of those that our governor has  
3 really focused on. I think -- one of the things I'd  
4 like to share very quickly is, and we've all heard of  
5 the PISA, the Program of International Student  
6 Assessment, which measures the knowledge and skills of  
7 15 year old students in math, reading and science. And  
8 once again, we found that Finland was on top. By  
9 comparison, our students' scores remained in the middle  
10 of the pack.

11 But I think the most telling difference,  
12 as noted in Education Week, between Finns and Americans  
13 when it comes to education is child poverty. Poverty  
14 is the most relevant factor in determining the outcome  
15 of a person's educational journey. In Finland,  
16 although the child poverty rate is only five percent  
17 of that -- of the entire population, in the United  
18 States, ours is five times higher. And unlike us, the  
19 Finns calculate the rate of poverty after accounting  
20 for government aid. But the differences remain stark  
21 and substantial.

22 So we really don't have an education crisis  
23 in this country, we have a child poverty crisis, which  
24 not only impacts education, it also impacts substance  
25 abuse, it also impacts a child's ability to become

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 everything he or she were born to be. And here's a data  
2 point for you, when you measure the test scores of  
3 American schools with a child poverty rate of less than  
4 20 percent, our children outperform not only the Finns,  
5 but every other nation in the world.

6 A snapshot of our schools in Pennsylvania  
7 is also stark. In the most recent snapshot provided  
8 to Pennsylvania, 27 -- 20 percent of our children are  
9 living in abject poverty in Pennsylvania and another  
10 24 percent of our children come from working poor  
11 families. In total, 44 percent of the children in  
12 Pennsylvania are now considered disadvantaged.  
13 Twenty-seven percent of the students in our schools in  
14 Pennsylvania ages 10 to 17 are overweight or - or obese.  
15 Why does that become an important statistic? Because  
16 it's the food they eat. Now, why do they eat that kind  
17 of food? Because they're poor. We've actually had a  
18 tripling, tripling of Type II diabetes discovered in  
19 the children in the state within the last 30 years.

20 Eighty percent of our SES students, our  
21 socially and economically disadvantaged students, are  
22 minority students who go to school in urban  
23 environments, what we are now calling resegregated  
24 schools in Pennsylvania. I think one of the other  
25 issues, of course, that we have determined is that

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 learning deficits, we now understand, can be detected  
2 as early as nine months. And so, by the time many of  
3 our children come to school, they are 18 months behind  
4 developmentally. They will not be successful without  
5 school districts employing intensive intervention  
6 services in order to help them be competitive.

7 And, of course, the achievement gap,  
8 especially pronounced between children from high- and  
9 low-income families, has produced a greater number of  
10 at-risk youth, who we now know have an increased  
11 likelihood of dropping out of school. And all of our  
12 young people deserve a fair chance to succeed in life.  
13 There has to be restorative practice in our education  
14 funding, and we know that. I would also add that  
15 Pennsylvania is now working on our Equitable Access to  
16 Excellent Educator Plan and you know it's kind of  
17 interesting, only 2.1 percent of the teachers in our  
18 schools in Pennsylvania are teachers of color. And so,  
19 unfortunately, not only do our students, many of our  
20 students in our urban environments, go to resegregated  
21 schools, but they're also taught by folks who are  
22 first-, second-, third-year teachers who don't really  
23 have the experience they need to help deal with some  
24 of the issues these - these young people bring to  
25 school.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 I would just very quickly conclude,  
2 William Julius Wilson, a sociologist at Harvard, in his  
3 seminal work in 1987 entitled The Truly Disadvantaged:  
4 The Inner City, the Underclass and Public Policy, and  
5 he noted that if the underclass have limited  
6 aspirations or fail to plan for the future, it is not  
7 ultimately the product of different cultural norms, but  
8 the consequence of restricted opportunities, a bleak  
9 future, and feelings of resignation from bitter  
10 personal experience. It is a symbol of class and  
11 racial inequality. How far have we come? Thank you.

12 VICE CHAIR TIMMONS-GOODSON: Thank you very  
13 much, Mr. Volkman. Ms. Miller, Ms. Jamella Miller.

14 MS. MILLER: Thank you for having me. My  
15 name is Jamella Miller. I'm a parent of three  
16 beautiful children. They love their friends, they  
17 love to play, they love to run, they play the saxophone,  
18 clarinet and piano. They love to learn and they attend  
19 the William Penn School District. Unfortunately, they  
20 are not receiving a thorough and efficient education.  
21 My family and I are currently plaintiffs in a lawsuit  
22 against the state. We have seen firsthand how unfair  
23 public schools are funded in Pennsylvania. Our oldest  
24 daughter, who is now a junior in high school, she  
25 attended kindergarten through fourth grade at fully

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 funded schools in Montgomery County in Pennsylvania.  
2 That is one of the wealthiest school districts in  
3 Pennsylvania.

4 We purchased a home in Delaware County,  
5 where she currently attends one of the lowest funded  
6 school districts in Pennsylvania. We were shocked and  
7 dismayed at the differences we saw between the - between  
8 the two school districts. At William Penn, our  
9 children experience larger class size, upwards of 30  
10 students in a classroom, whereas before, it was 17  
11 students in a classroom, maximum, and those were the  
12 larger classes. There is older buildings, less  
13 technology, fewer art programs, less music available  
14 and gym class is almost excised, you can't even find  
15 it in some of the schools.

16 The teachers and the principals work very  
17 hard at William Penn School District, but there just  
18 isn't enough funding to provide the same opportunities  
19 that our oldest daughter received at the previous  
20 school district. Because of the terrific funding  
21 foundation our oldest daughter received, she continues  
22 to perform well above grade level. But we worry that  
23 having fewer educational opportunities compared to her  
24 peers in well-funded school districts and believe that  
25 it's hurting her -- her college prospects.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           Meanwhile, our younger daughter, she has  
2           been struggling. She currently doesn't receive the  
3           extra educational opportunities that she should have  
4           just to help her get through the seventh grade. She  
5           never had a good foundation in the William Penn School  
6           District; she started from kindergarten on up. They  
7           provide these state tests, but they don't provide the  
8           tools that students need to achieve or pass the state  
9           tests. It is not fair, it is not thorough and  
10          efficient, and it doesn't serve the needs of our family  
11          or the needs of our community. This is why we have  
12          joined the courts in fighting our government - our state  
13          government to help provide a more thorough and  
14          efficient to students within all districts in  
15          Pennsylvania. Thank you.

16                 VICE CHAIR TIMMONS-GOODSON: Thank you very  
17          much, Ms. Miller. At this time, we'll accept questions  
18          from our Commissioners. Because you brought this  
19          topic to us, Commissioner Narasaki, I will begin with  
20          you, but you can't ask all of your questions, I'll  
21          return to you at some point. But, please, ask our first  
22          question.

23                 COMMISSIONER NARASAKI: She knows I have  
24          like 30 questions per panel. But, first, actually I  
25          had promised the Chair, who was very disappointed he's

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 traveling outside of the country, very much had wanted  
2 to participate, I promised to ask some of his questions.  
3 So, these will not count against me, they're Chairman  
4 Castro's questions. So, one of his questions goes to  
5 the fact that, he says it's alleged that in New York  
6 City, there are two public school systems, the regular,  
7 poorer schools and the shadow public schools where  
8 wealthier and often white parents can advocate and  
9 influence for their kids to attend.

10 What are your thoughts on this and do you  
11 think it exists elsewhere in the United States? And  
12 I know even here in the District, parents are often  
13 asked to contribute a lot of money beyond the -- what  
14 I know traditionally as the PTA bake sales in order to  
15 cover more, what I consider, basic educational needs.  
16 So I'm wondering how extensive that is and what  
17 prescriptions you have in terms of what the federal  
18 government could be doing to help level the playing  
19 field because of that phenomenon. So, Mr. Rogers or  
20 Ms. Farrie?

21 MR. ROGERS: Sure. Yes, happy to. Am I  
22 the only one with New York City or New York experience,  
23 extensive New York experience? Okay. So, thank you  
24 for the question. A few years ago, we conducted, the  
25 Campaign for Educational Equity, conducted a statewide

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 study. We looked at 33 so-called high-need schools,  
2 12 of them in New York City, which is roughly  
3 proportional to the number of students that New York  
4 City represents in the -- across the state. And we  
5 found that students, especially in schools attended by  
6 a large percentage of students living in poverty,  
7 students of color in particular, were being robbed of  
8 such basic opportunities such as school librarians,  
9 certified school librarians, which are required under  
10 New York state law.

11 The Independent Budget Office of New York  
12 City documented that if you are whiter or you happen  
13 to be white or you happen to be more affluent, you have  
14 greater access to librarians and libraries, AP courses  
15 and other courses that you need in order to earn a  
16 Regents diploma in New York, that's sort of the major  
17 certification for a high school diploma or to get an  
18 advanced Regents diploma, for which you need additional  
19 years of languages other than English, additional arts  
20 courses, et cetera. So it's absolutely true. Our  
21 research confirms it, the Independent Budget Office of  
22 New York City has documented this extensively, if you  
23 are white and if you are more affluent, you have greater  
24 access to the opportunities you need in order to perform  
25 well in school and also to obtain access to competitive

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 colleges. And it's been going on for decades and  
2 decades.

3 The legislature, the governor, the State  
4 of New York, still have yet to comply with the Campaign  
5 for Fiscal Equity lawsuit, which was decided in 2006.  
6 They still owe New York City alone about \$2 billion per  
7 year in school funding, which would go toward  
8 purchasing the instructional materials, the additional  
9 tutoring, personnel such as libraries to which students  
10 are entitled under state law. The -- our Executive  
11 Director, Michael Rebell, in his capacity as a pro bono  
12 attorney, who was one of the lead co-counsels on that  
13 case, has gone back again. Last year, he sued the state  
14 again for their failure to comply with this basic  
15 judicial remedy.

16 And many of the parents with whom I work,  
17 parents and students, most of them, before we started  
18 working with them, had no idea they had rights to these  
19 basic opportunities, but now they're actually starting  
20 to, with this knowledge of educational law under the  
21 state law, state constitution, are beginning to  
22 advocate because they realize that students in other  
23 schools, families in other schools, are afforded many  
24 more opportunities and have a competitive advantage in  
25 life in access to college and also in playing a active

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 role in the civic society, in voting, in selecting  
2 elected officials who are going to represent their  
3 interests and so on and so forth. So, I can confirm  
4 that that is accurate, it's been documented through  
5 research, and I could spend a whole day sharing  
6 anecdotes from parents and other -- teachers and  
7 students who are directly affected by these atrocious  
8 rights violations.

9 COMMISSIONER NARASAKI: I will send the  
10 Chair to you when he gets back.

11 MR. ROGERS: Thank you. I look forward to  
12 the conversation.

13 COMMISSIONER NARASAKI: So, these are my  
14 questions.

15 VICE CHAIR TIMMONS-GOODSON: Proceed.

16 COMMISSIONER NARASAKI: Thank you. So, I  
17 really want to thank our two experts from schools. You  
18 have the difficult task of standing between the  
19 politicians who are not appropriating enough funding  
20 for the schools and trying to make the schools work.  
21 And I know we're critical of schools. It's not aimed  
22 at you, we know that you're in a tough spot. My  
23 question for you is, Congress recently reauthorized  
24 funding that's supposed to be directed federal funding  
25 to help states and local districts even out their school

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 funding, particularly for poor disadvantaged kids.  
2 You spoke very eloquently about the challenges, what  
3 in that legislation -- what do you feel that legislation  
4 lacks? What would you have liked to see the federal  
5 government do that would help you do your jobs in trying  
6 to provide a quality education to all of your kids?

7 MS. SCHIAVANO-NARVAEZ: I mean, I think  
8 what you see that happened in Hartford was when there  
9 are requirements to desegregate and money behind it,  
10 great things can happen. So, now though, we're in the  
11 space that there's not the political will and there's  
12 not the money to continue on with those important  
13 reforms. So having that come from above the state  
14 would be incredibly helpful to say, finish what you  
15 started. You have a blueprint for success, you can't  
16 use money as an excuse, and, here, we're going to  
17 allocate some funding. And there is more coming from  
18 the federal government now; there are 13 grant  
19 opportunities to address diversity and integration.  
20 That's a competitive opportunity and apply if you want  
21 to apply, but if it's required, again, great things can  
22 happen.

23 But you also have to have a plan and a  
24 long-term plan. What happened to us in Hartford is  
25 that we've done this work year by year, negotiating year

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 after year with the state about what more we can do to  
2 desegregate and to offer high-quality opportunities  
3 for all of our Hartford students. And it's become  
4 quite piecemeal and, again, it has created two school  
5 districts and it has extremely concentrated need in the  
6 schools that have not been part of this plan. So, I  
7 think the federal government could be a big voice in  
8 requiring states and providing the resources, again,  
9 to do and to continue the good work that we've been able  
10 to demonstrate in a district like Hartford.

11 MR. VOLKMAN: And I think in Pennsylvania,  
12 I think, most -- many folks have been following our  
13 journey this last year without a budget for nine months  
14 for our schools. And recognizing, as I said earlier,  
15 equity is not equality. When our state has cut a budget  
16 across the board ten percent, that ten percent effects  
17 each school district very, very differently, which  
18 becomes problematic. And I think -- so in terms of  
19 helping us, I think those federal dollars through  
20 something like the Ready to Learn block grants are very,  
21 very helpful because then we're able to bring more  
22 teachers into the schools, we can cut down on class  
23 size, and we can begin what we like to call early success  
24 classrooms with two educators in there for some of our  
25 students who are developmentally delayed because they

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 lack the basic skills, having no real effective  
2 preschool program.

3 And the other thing I would like to  
4 advocate for, I think, is additional dollars for  
5 preschool programming. I mean you know Head Start  
6 we've had, but certainly we recognize that we are --  
7 we are one of the only industrialized countries in the  
8 world where only 43 percent of our students get a  
9 quality preschool education. And we know if you don't  
10 have a quality preschool education, you're not going  
11 to be able to move forward successfully, because you're  
12 not going to have the basic skills you need to learn  
13 to read and to do those other requirements in school.

14 So, I think, it's certainly helpful, we are  
15 - we really appreciate that. Obviously we're running  
16 a huge deficit as well, the state is running a \$2.7  
17 billion deficit right now, and we're working very hard.  
18 Hopefully we will get a budget for 16-17 in which we'll  
19 be able to follow the guidelines of the Basic Education  
20 Funding Commission that we had in Pennsylvania, that  
21 would actually go to a little more equity in terms of  
22 helping our schools.

23 COMMISSIONER NARASAKI: So, the -- there's  
24 a debate right now, because the federal government, I  
25 think, is quite legitimately concerned that federal

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 money not be used by states to fill budget holes,  
2 because it's supposed to be additional money to meet  
3 those additional needs, not to pay for what states have  
4 the obligation to cover. So, what in your mind would  
5 be the mechanisms to best make sure that that's  
6 happening? That they're not just -- that you're in  
7 fact getting additional federal dollars and that  
8 they're not just plugging budget holes that really  
9 there should be more political will on the part of  
10 legislatures to address?

11 MS. SCHIAVANO-NARVAEZ: I mean, we already  
12 see that requirement with the supplement, not supplant,  
13 and that's helpful. But, you know truthfully, it's  
14 been increasingly difficult to do. Again, in my  
15 district, our state also gives us some grant money, some  
16 you know pretty nice dollars, right, but it's not for  
17 the core programming. But when your core programming  
18 has become so eroded, how do you provide that additional  
19 support and those additional interventions and  
20 resources when you're having to strip away kind of the  
21 foundation of your programming? So, you know  
22 continuing to advocate for that, but also giving some  
23 flexibility to recognize you have to be able to build  
24 back some of your core program in order to provide the  
25 additional.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           For example, again, we had a guiding  
2 principle in developing our budget this year that we  
3 wanted to give more to those who needed more, to our  
4 neighborhood schools. But what that looked like for  
5 us in actuality was fewer cuts to those schools, not  
6 additions. So, you know it's kind of balancing those  
7 two things. Saying, yeah, you have to use this to  
8 supplement, not supplant, but then ensuring that the  
9 other moneys that you get from the state or the city  
10 enables you enough to have an adequate education in your  
11 core program.

12           COMMISSIONER NARASAKI: Okay. And I just  
13 have one final question, and I want to direct it to our  
14 parent on the panel. Really, thank you for, not just  
15 coming to testify, but for, you know, taking time out  
16 of your busy life, family life to - to challenge the  
17 state and the politicians to do better by your kids.  
18 A lot of emphasis in ESSA has been on trying to get  
19 schools to provide more transparency and more outreach  
20 to parents so parents have a better understanding of  
21 what's going on in their schools and can become better  
22 advocates. So, from your perspective, what would be  
23 helpful for the federal government to require states  
24 to provide information about? And what would be  
25 helpful to support parents like you who are taking a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 very active interest in the quality of education for  
2 their kids?

3 MS. MILLER: I think our parents don't know  
4 stuff because I don't think it's coming to our level.  
5 I mean, I'm active in the PTA at my school - my  
6 children's schools, but a lot of parents just don't know  
7 what's going on because no one's approached them. And  
8 a lot of times, from the school district level, we get  
9 a lot of pushback, where they don't want us involved.  
10 So, I think maybe the federal government or even the  
11 state government can directly come in and talk with the  
12 parents and maybe do things that way. Otherwise, the  
13 parents' input doesn't matter. And I think a lot of  
14 times, it would make a difference if parents did have  
15 their say on some things.

16 VICE CHAIR TIMMONS-GOODSON: Mr. Rogers?

17 MR. ROGERS: If I may very briefly, I  
18 realize that I described the problems in great detail,  
19 but I didn't answer the second part of your question,  
20 so what the federal government could and should do.  
21 So, I just want to build on Ms. Miller's comment by  
22 saying, there are a lot of parents that I've found,  
23 probably 99 percent of the parents who are affected by  
24 these issues have no idea they have, their children have  
25 these rights. They are completely uninformed. Not --

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 it's not their problem, it's a problem of state  
2 legislators and other folks who have not informed them.

3 So one of the things that we're  
4 recommending is that the Commission play an active role  
5 in recommending to states or encouraging states or  
6 incentivizing states' action around informing parents,  
7 students and parents, of their rights under state law.  
8 We also recommended a major increase in Title I funding.  
9 I know with ESSA, with the Every Student Succeeds Act,  
10 I think it's like three percent a year for the next few  
11 years, which is far, far short of what is needed. You  
12 know even if you look at NCLB, it's 100 percent increase  
13 called for and I believe when that was enacted in 2001,  
14 sort of a doubling of the funding, and now we're sort  
15 of incrementally looking to provide you know a little  
16 more here and there.

17 And we also recommend that the Commission  
18 consider widely disseminating information on education  
19 litigation, equity and adequacy litigation in state  
20 courts. So, you may not have as much control over it  
21 directly, but you can certainly help states, families,  
22 educators, school districts, understand what's  
23 happening nationally in a way that they can use it to  
24 advocate and you know use the information in the courts,  
25 if needed. Thanks.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1                   VICE CHAIR TIMMONS-GOODSON: All right. I  
2 have a question, but before I pose the question, to our  
3 Commissioners that are on the line, at the conclusion  
4 of my question, I'll be turning to you to ask whether  
5 you have questions and will be asking you to go forward  
6 at that time.

7                   This question is for Panelist Farrie. You  
8 identified New Jersey as one of the only states that  
9 has a fair school-funding system. I was wondering, to  
10 what you or even whom you attribute New Jersey's fair  
11 school-funding system? And from there, whether it  
12 might be something that we might use as a model?

13                   MS. FARRIE: Sure. Well, I guess it's  
14 pretty clear that in New Jersey, the funding system that  
15 we have now is the remnants of 30 plus years of  
16 litigation, where 30-31 poor districts were found to  
17 have an unconstitutional level of school funding, and  
18 over decades the legislature attempted to figure out  
19 a solution to that.

20                   So the solution that was put in place was  
21 called parity funding, and that was in place through  
22 the mid-'90s through the mid-early 2000's. And what  
23 that did was designate that these 31 poor urban  
24 districts were entitled to parity funding with the  
25 wealthiest districts in the state, meaning that they

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 got at least as much money as the suburban wealthy  
2 districts were spending.

3 And then, in addition to that, there was  
4 what was called a supplemental programs. If the  
5 districts, there's a list of programs that were  
6 identified by the court that were necessary in order  
7 for poor students to have the opportunity to achieve.

8 And if a district could demonstrate that  
9 they needed additional funding to put those programs  
10 in place -- that could be anything from after school  
11 programs, summer learning, extended day, social  
12 workers, guidance counselors, all of that stuff -- then  
13 the state could approve additional funding.

14 So that was a system that sort of created  
15 the most inequity -- most equity in our state. And then  
16 more recently, we adopted a school funding formula that  
17 is a weighted student formula that is based on the  
18 actual needs of what it requires to provide the  
19 educational resources for all students, no matter where  
20 they live.

21 So essentially, the point of that was to  
22 expand these reforms outside of the 31 districts to all  
23 poor students across the state.

24 Now unfortunately for the past seven  
25 years, that formula has been essentially abandoned, but

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 if all states would do that work in terms of determining  
2 the level of resources that are required for all  
3 students to meet the state's standards -- and that's  
4 the important part, is that the funding is directly  
5 linked to the content that the state is requiring  
6 students to learn.

7 So once that is done, then the funding can  
8 be distributed relative to student need in terms of  
9 students who are at risk -- students who are learning  
10 English, students who have special education needs --  
11 and that funding directly goes to those students in  
12 order to, for them to be able to provide the resources  
13 that are required for them to achieve.

14 So I think the important part, the  
15 important part, there's two important parts, the first  
16 is, in order to have this system, you have to do cost  
17 studies that demonstrate what level of funding is  
18 required in each state. Right?

19 Each state has its own set of standards.  
20 So each state needs to do its own costing out study to  
21 determine what's necessary.

22 And then the second part of that is that  
23 money needs to actually follow through, and that those  
24 standards, as they're updated, so does the funding need  
25 to be updated. If you're going to change the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 standards, you have to readdress what the funding  
2 levels need to be.

3 So that's sort of where New Jersey is. One  
4 of the most successful, but then also not doing the best  
5 job in the current environment.

6 VICE CHAIR TIMMONS-GOODSON: And I  
7 believe what you have very well explained and  
8 identified why it is a such a state issue, and thus such  
9 a barrier for us to tackle. All right.

10 To our commissioners that are joining us  
11 by conference call, Commissioner Achtenberg, do you  
12 wish to pose a question or two at this time?

13 COMMISSIONER ACHTENBERG: Yes. I do,  
14 Madam Chairman. Thank you very much.

15 VICE CHAIR TIMMONS-GOODSON: Yes.

16 COMMISSIONER ACHTENBERG: We've read  
17 reports and statements from experts, some of which  
18 suggest that funding or disparate funding actually  
19 doesn't matter in terms of increasing students'  
20 achievement and decreasing gaps in achievement. I  
21 don't find that assertion particularly credible.

22 So my question to you is: what kind of  
23 investments matter most? For example, it's been  
24 stated that for an investment of a mere \$30 billion,  
25 which I understand is not an insignificant amount of

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 money, but \$30 billion in the scheme of things might  
2 indeed be a modest amount.

3 For a mere investment of \$30 billion, every  
4 teacher in America could be provided a salary that  
5 begins at \$65,000, and where most senior teachers top  
6 out at about \$150,000, thereby putting teachers on par  
7 with -- with professionals of comparable educational  
8 achievement and valuing their expertise and that they  
9 acquire over time.

10 I don't --- I'm wondering what you think  
11 of that kind of investment, or others that have been  
12 suggested to start bending the curve here on some of  
13 these most vexing problems.

14 And perhaps this is most addressed to Ms.  
15 Farrie and Mr. Rogers, although our school principal  
16 -- I mean our superintendent -- I'd be interested in  
17 knowing what you think of an investment like that, or  
18 whether the investments should be made elsewhere.

19 VICE CHAIR TIMMONS-GOODSON: And I seem to  
20 have seen a response from Mr. Volkman as well that he  
21 may --

22 COMMISSIONER ACHTENBERG: Anyone who  
23 wants to respond. Perfect.

24 VICE CHAIR TIMMONS-GOODSON: He has some  
25 interest in that question. So I'm going to, Mr.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 Volkman?

2 MR. VOLKMAN: Okay. What, and this goes  
3 back to what I was saying earlier. You know, obviously  
4 we've had our urban environments. We lose teachers  
5 after the first three to five years. They either move  
6 to the suburbs, or they leave education completely.

7 And so I think an investment in teachers  
8 is extremely important. The teacher shortages that  
9 we're having in Pennsylvania I think reflect the fact  
10 that folks are not compensated adequately for what they  
11 do.

12 For example, Westchester University,  
13 which is one of our largest producers of teachers in  
14 Pennsylvania, had a total of 98 folks graduate.  
15 Ninety-eight, and that's all areas of certification to  
16 include special education, of which two of those were  
17 folks of color.

18 So I think we have to make teaching more  
19 attractive. We have to get people back into those  
20 roles, and we also have to provide more money in our  
21 urban schools because the dis-proportionality relative  
22 to salaries is unbelievable.

23 I mean, you can, you can move from, if you  
24 would leave the Harrisburg school district, for  
25 example, in our capital city, and move to a neighboring

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 district, same number of years of experience, you would  
2 get a \$20,000 increase, and that's - that's outrageous.

3 VICE CHAIR TIMMONS-GOODSON: Ms.  
4 Schiavano-Narvaez?

5 MS. SCHIAVANO-NARVAEZ: Yes. I think  
6 you're wise to suggest an investment in our people.  
7 And we've built out a model to support our schools with  
8 the greatest need that starts with investments in our  
9 leaders and investments in our teachers.

10 Not only to make sure that their salaries,  
11 make sure they're compensated for the hard work that  
12 they do and that we are a competitive district, but also  
13 in their development and their professional learning.

14 We're asking our principals and our  
15 teachers to do more than ever so that our students can  
16 reach standards that are higher than ever. And so that  
17 investment is definitely critical.

18 I also think though that you have to invest  
19 in two other areas. One is in student supports. So  
20 making sure that every student has an individualized  
21 plan of support, whether it's for enrichment or for some  
22 real needed services that students may need to be  
23 present for learning in the classrooms.

24 And also, I know people may disagree with  
25 this, but I think buildings matter, and you see it in

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 Hartford where you go into a gorgeous, magnet school  
2 that has a butterfly vivarium in it, and then you go  
3 to a crumbling neighborhood school down the street.

4 That kind of inequity just hits you in the  
5 face, and it's hard to say that buildings don't matter  
6 to create equitable learning environments. But your  
7 point about investing in people is spot on.

8 VICE CHAIR TIMMONS-GOODSON: Ms. Farrie,  
9 would you add something?

10 MS. FARRIE: Yeah, I just, I agree with  
11 everything that was just said, and also put in a plug  
12 for preschool. New Jersey, as part of the litigation,  
13 put in early childhood education.

14 Free, full day, full year preschool for all  
15 three and four year olds in the designated districts,  
16 and the outcomes of that are outstanding in terms of  
17 reducing retention, improving math and literacy  
18 outcomes, lowering special education rates.

19 So it's one area that an investment really  
20 pays out in the long run.

21 VICE CHAIR TIMMONS-GOODSON: Thank you.  
22 Mr. Rogers, you wish to contribute?

23 MR. ROGERS: Yeah. I would like to. I'm  
24 not an expert on teacher compensation, but many  
25 researchers have documented the effect of rough

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 learning environments, rough school environments on  
2 teacher retention.

3 A lot of teachers are leaving, and some  
4 people, I assume, are also not entering the profession  
5 because you have class sizes of 34 to 40 or so.  
6 Teachers are having to do more administrative work  
7 instead of actually focusing on instruction, as are  
8 principals, assistant principals and other  
9 administrators.

10 You don't have sufficient guidance  
11 counselors, social workers, and I know there's a  
12 movement that has a lot of traction now around community  
13 schools and providing wrap-around supports that  
14 include all of these additional supports that students  
15 need, but also that make a teacher's job, not  
16 necessarily easier, but it certainly allows them to  
17 focus more on meeting students' needs.

18 So that's - that's critical. And then,  
19 you know, I recommend, if you haven't already, and I'm  
20 sure you have, taking a look at the Equity and Equity  
21 - Equity and Excellence Commission's report, they put  
22 out a few years ago, and that identifies additional  
23 areas in which we need to invest.

24 Money on its own, in and of itself, does  
25 not solve these problems. But money spent well in

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 these critical areas will make a huge difference.

2 And you know, if you subscribe to the sort of  
3 achievement gap philosophy, it's really an opportunity  
4 gap. Right? We close the opportunity gap, then  
5 students -- especially students of color, students who  
6 are living in poverty -- will perform as well as anyone  
7 else.

8 VICE CHAIR TIMMONS-GOODSON: Thank you  
9 very much. Commissioner Kirsanow, do you have a  
10 question, sir?

11 COMMISSIONER KIRSANOW: Yes I do, Madam  
12 Vice Chair. Thanks very much. I want to thank the  
13 panelists for their fine presentations. The question  
14 I have has to do with a couple of things that some of  
15 the panelists mentioned.

16 I think it was Mr. Rogers indicated that  
17 an NBER paper found that a 20 percent increase in annual  
18 per pupil spending results an additional year of  
19 education and also an increase in annual earnings.

20 In, I live in the city of Cleveland, and  
21 our school budget is approximately \$1.5 billion, and  
22 Ohio's school budget is approximately \$10.2 billion  
23 from various sources, such as real estate taxes, state  
24 lottery, infusion of federal funds, et cetera.

25 A 20 percent increase wouldn't necessarily be

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 across the board, but nonetheless, would be a  
2 substantial increase from the 1.5 or 10.2 billion,  
3 respectively. Probably in a neighborhood of more than  
4 a billion dollars, if just specifically targeted toward  
5 low income schools.

6 The question is: where does the money come  
7 from? As the superintendent indicated, state of  
8 Connecticut's in a \$900 million deficit right now, and  
9 there's only a finite number of dollars.

10 MR. ROGERS: Sure, thank you for the  
11 question. What's, it's really, I mean, I think as  
12 several panelists have mentioned, it's actually built  
13 into the state constitution.

14 I'm not as familiar with Ohio's state  
15 education law that students must have the opportunity  
16 to meet, at least meet state standards, and that's, they  
17 must be provided with the opportunity, staffing, and  
18 materials, et cetera, in order to do so.

19 So it's really up to the state government,  
20 you know, supplemented by, with, by federal funding in  
21 order to raise the necessary funding. Or identify  
22 efficiencies that would be necessary in order to  
23 fulfill these obligations.

24 I don't think, I mean, I haven't heard, I  
25 certainly didn't hear you say, and I don't hear most

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 folks saying that, you know, it's too expensive to  
2 provide the basic opportunities that are required under  
3 the state constitution to children living in poverty  
4 or students of color.

5 But there are a number of ways that, to do  
6 that, and it's not, it's not only increasing the amount  
7 of money.

8 I mean, and I don't if, there are probably  
9 some researchers who look at this more closely, is that,  
10 if you can identify inefficiencies in the system, you  
11 know, you may not have to spend as much, but in general,  
12 you know, most research suggests that the actual need  
13 dwarfs the, you know, any small inefficiencies you may  
14 be able to identify in the system and correct.

15 And you know, at the end of the day, you  
16 know, the reality is there, you know, money isn't, there  
17 isn't an infinite amount of money, but there are, you  
18 know, in New York City, I can, I can't speak to Ohio  
19 and Cleveland specifically, but in New York City, for  
20 example, there, I think as of a few years ago, there  
21 were over 70 billionaires in New York City alone, and  
22 many of them are multi-billionaires. And in New York  
23 state, there were about 40,000 millionaires, and most  
24 of them are multi-millionaires.

25 So I'm not saying that, you know, raising

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 taxes is the only way to provide the adequate funding  
2 in order to comply with the state constitution of any  
3 particular state, but there certainly is money  
4 available, and I think with additional research, you  
5 can identify ways to achieve, whether it's economies  
6 of scale or inefficiencies that can be addressed by  
7 legislators and supported by researchers and other  
8 folks.

9 VICE CHAIR TIMMONS-GOODSON: All right.  
10 Commissioner Yaki. Commissioner Yaki?

11 COMMISSIONER YAKI: Yes.

12 VICE CHAIR TIMMONS-GOODSON: Do you have  
13 a question, sir?

14 COMMISSIONER YAKI: Thank you very much.  
15 I do. I'm wanting to focus a little bit more on the  
16 issue of what constitutes a resource gap, and follow  
17 up a little bit more on the discussion on Commissioner  
18 Achtenberg's question.

19 Not just whether or not resources are, in  
20 terms of human and fiscal capital, but even within those  
21 subcategories, is it, how much is a fiscal -- for  
22 example, how much the fiscal infrastructure are we  
23 talking in terms of just books, desks, chemistry lab  
24 equipment?

25 Is there -- is the proper amount of money

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 being spent on STEM? Do we need to increase resources  
2 to attract teachers into the kinds of classroom  
3 disciplines that we need to plan for the future?

4 I just want to know if any of those  
5 discussions are even going on, or are we just still so  
6 much at the, at the level of lack of funding for  
7 everything that we can't even begin to start going into  
8 the deeper discussion of how they're allocated when in  
9 these, and where there are more serious deficiencies  
10 compared to private schools, other nations, where we  
11 want to be orienting our children's scores in terms of  
12 career and educational attainment.

13 MR. VOLKMAN: I'll just jump in from a  
14 statewide perspective. I think we do have equity  
15 issues there as well. For example, on our statewide  
16 assessments, we have only about 10 percent of the  
17 students across the state of Pennsylvania, for example,  
18 will take their annual assessments online because many  
19 districts lack the infrastructure necessary to provide  
20 those opportunities for students.

21 We talk about the superhighway, we talk  
22 about broadband, and I think for us, I mean, technology  
23 is no longer an ancillary; it's an integral when it  
24 comes to a student's education. Because when we look  
25 at the, what the, what's offered to students moving

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 forward in terms of career opportunities, I think one  
2 of the biggest issues that we face is providing students  
3 with those requisite tools.

4 And until we get broadband efficiently and  
5 effectively into all of our schools across the state  
6 of Pennsylvania, I think that's one of the problems that  
7 we're facing.

8 VICE CHAIR TIMMONS-GOODSON: I'm going  
9 to, I thought that Ms. Miller would want to, as a parent,  
10 chime in on this resource question.

11 MS. MILLER: Absolutely. I think in our  
12 district, we can't even get past the fact that we don't  
13 have insulated walls. We have metal walls up where  
14 teachers bring in blankets to the students because it's  
15 cold in the wintertime.

16 So for us to talk about, you know, STEM or  
17 making our schools more accessible for computers, we  
18 first need walls.

19 VICE CHAIR TIMMONS-GOODSON: Any other --  
20 yes. Ms. Farrie.

21 MS. FARRIE: I would just add that I think  
22 that there's a great opportunity right now in that  
23 states are collecting more data than they ever have  
24 about the resources in their school through student  
25 level databases and teacher level databases that are

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 now, you know, all over the country, but not necessarily  
2 being used.

3 And part of the problem is there has been  
4 somewhat of a firewall between researchers and those  
5 data sets.

6 Obviously there are privacy issues, but  
7 there are some states that have been doing an excellent  
8 job of opening up those resources in terms of the data  
9 to researchers so that they can analyze those issues.

10 We're very limited in federal data sets  
11 that allow us to get into that level of detail of  
12 resources rather than just dollars.

13 So that more that we can do to encourage  
14 states to open up those databases and data systems to  
15 researchers would go a long way.

16 VICE CHAIR TIMMONS-GOODSON: Thank you.  
17 I believe that you have a question.

18 COMMISSIONER KLADNEY: Yes.

19 VICE CHAIR TIMMONS-GOODSON: Yes,  
20 Commissioner.

21 COMMISSIONER KLADNEY: Thank you, Madam  
22 Vice Chair. Actually I had a question for Mr. Rogers,  
23 but he has left. So, but I can make up another  
24 question.

25 Ms. Farrie, the report that you all had

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 issued in March obviously didn't reflect well on my  
2 state, but does that include the funds, I'm from Nevada.  
3 Does that include the extra funds that were just raised  
4 by the state legislature in 2015, that report?

5 MS. FARRIE: No, it doesn't. There's a  
6 couple of limitations of our, in our data. So we rely  
7 on the federal census fiscal survey, which is pretty  
8 lagged in terms of when we get the data.

9 So the report that we just released in the  
10 spring was only through fiscal year 2013. So that did  
11 not include those additional funds. Some of the other  
12 limitations, which perhaps goes back to an earlier  
13 question, is that we only include state and local funds.

14 So we exclude federal funds for a variety  
15 of reasons, but we find it doesn't really have a  
16 terribly enormous impact in terms of equity. But the  
17 inability to capture that other soft money that comes  
18 from PTAs and fundraising, and I know in California is  
19 enormous in terms of the fees that parents are expected  
20 to pay to schools.

21 So that's not included. So just a little,  
22 go back a little bit. But, so no. So we're,  
23 unfortunately the data can never be completely current.

24 So things will probably improve somewhat  
25 in Nevada, but we're not exactly sure how much.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1                   COMMISSIONER KLADNEY: Well, I do know  
2 that it's a big problem. And for instance, in Clark  
3 County, I think we're 5,000 teachers short right now.

4                   Washoe County, our schools are, they're  
5 trying to get funding to fix some of the schools. But  
6 one of the subjects that you had in this report that  
7 I found interesting was you described actual capacity  
8 to improve funding.

9                   You named Nevada, you named California,  
10 and I think there were three or four other states.

11                  Can you explain that, number one, and then  
12 a second part of that question, because I don't want  
13 to forget it, is what states don't have capacity? I  
14 think that's important.

15                  MS. FARRIE: Sure. So the way that we  
16 define the fiscal capacity or fiscal effort is by  
17 looking at the total dollars spent on elementary and  
18 secondary education in proportion to the state's  
19 economic activity.

20                  So the state's correlate of the Gross  
21 Domestic Product. So Gross State Product. So we're  
22 looking at that ratio.

23                  And so we find that states like Nevada and  
24 California, which has since improved, allocate a  
25 relatively small portion of their economic capacity,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 or their productivity into the educational system.

2 So that's how we define the measure.  
3 There are certainly states that don't have a lot of  
4 capacity, and some of those states may end up ranking  
5 well on our measure, and some of them rank poorly.

6 So states that have low economic output,  
7 typically states in the south that just don't generate  
8 a lot of revenue. Some of them also devote a similarly  
9 small portion of that money to funding schools, which  
10 would put them at the bottom of our list.

11 But there are other states who, even though  
12 they raise relatively little funding, do in essence,  
13 devote a larger portion of that than some of their  
14 neighbors in order to compensate for the lower levels  
15 of economic availability. They have a higher  
16 percentage of that funding that's devoted to education.

17 COMMISSIONER KLADNEY: So you must have a  
18 figure in mind regarding capacity as to what percentage  
19 of a state's Gross Domestic Product should be allocated  
20 to education.

21 MS. FARRIE: I would say no actually. We  
22 don't, we try not to, and we don't have any benchmarks  
23 in our, in our report. But just to give you an example  
24 --

25 COMMISSIONER KLADNEY: It may not be in

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 the report, but somebody must have an idea.

2 MS. FARRIE: Well, let me, let me give you  
3 an example of Delaware is an enormously wealthy state,  
4 so they don't need to devote a very high percentage of  
5 their economic output.

6 So requiring them to devote the same  
7 percentage of their economic output to education as,  
8 say, Alabama, would be completely unreasonable  
9 probably for both. So it has to be, it has to be state  
10 specific.

11 COMMISSIONER KLADNEY: Okay, thank you.  
12 Mr. Rogers, and I just have this one more question.  
13 Sorry I didn't have a question for you all, but you  
14 mentioned you wanted the commission to focus some of  
15 its energy on state litigation, a list of state  
16 litigation, as well as student and parents' rights in  
17 the different states.

18 MR. ROGERS: Yes.

19 COMMISSIONER KLADNEY: I was wondering if  
20 you have a compendium on that, or you know where we can  
21 obtain one for state litigation, and a compendium of  
22 student and parent rights in the different states for  
23 state law?

24 MR. ROGERS: Yeah, we do. We actually, we  
25 have a database. I don't maintain, our executive

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 director Michael Rebell directs that particular  
2 project, but we have an online resource.

3 It's a list serve in which we put out  
4 updates on school litigations around the nation, and  
5 I'd be happy to connect you with that resource and  
6 perhaps it's something that you would be wanting to  
7 either disseminate or maybe you have some suggestions  
8 on how to beef it up and, you know, make sure that more  
9 people have access to that, those updates.

10 COMMISSIONER KLADNEY: Right. And then  
11 also a compendium of parent rights and student rights  
12 in the schools.

13 I, you said you had pamphlets for New York.  
14 I'm sure you don't have pamphlets for every state, but  
15 you may have a list or a compendium of those rights.

16 MR. ROGERS: Yeah, absolutely. I have  
17 some here actually. I have some handouts for you. I'm  
18 happy to share them with you after, and I can share them  
19 electronically as well.

20 And that's something that we, actually  
21 we've begun discussing is how to replicate this  
22 practice. I mean, there may be other states where,  
23 whether nonprofit groups or researchers are working  
24 closely with students and parents and have produced  
25 materials that are accessible and user friendly.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           But we're thinking about replicating some of  
2 those efforts and working with folks who are on the  
3 ground in other states to see if we can help them learn  
4 from what we've been able to achieve, and also learn  
5 from them.

6           Because, you know, as far as I understand,  
7 this type of practice isn't widespread and I think this  
8 is one of the main reasons that state legislators and  
9 other actors have not complied with their respective  
10 state constitutions and have not provided equitable  
11 funding, especially for young people of color and young  
12 people living in poverty. So I'm happy to share that  
13 with you and I'd love to have a discussion.

14           COMMISSIONER KLADNEY: Thank you. If you  
15 could provide that to the commission, either with --  
16 we have 30 days we leave the record open.

17           MR. ROGERS: Okay.

18           VICE CHAIR TIMMONS-GOODSON: Yes.

19           COMMISSIONER KLADNEY: So that would be  
20 wonderful.

21           MR. ROGERS: Next week.

22           VICE CHAIR TIMMONS-GOODSON: All right.

23           MR. ROGERS: Thank you.

24           VICE CHAIR TIMMONS-GOODSON: Yes.

25           MS. FARRIE: Okay, I'll just add quickly

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 that Education Law Center has a national program that  
2 tracks litigation across this country, and so we have  
3 state level summaries of where litigation is, the  
4 history of it, and all of that. So that's available  
5 on our website.

6 COMMISSIONER KLADNEY: Okay. Can you  
7 provide us your website?

8 MS. FARRIE: Of course.

9 COMMISSIONER KLADNEY: And finally, I do  
10 have one more question, Madame Vice Chair. It just  
11 came to me.

12 Is there a, is there somewhere, okay, so  
13 you, Ms. Farrie, you said it was a state by state  
14 analysis. Is there somewhere where that exists?

15 MS. FARRIE: I'm sorry?

16 COMMISSIONER KLADNEY: For each state, of  
17 the percentage of Gross Domestic Product that should  
18 be allocated to education.

19 MS. FARRIE: That is allocated to  
20 education? Yes, it's in our, it's in our report.

21 COMMISSIONER KLADNEY: Okay.

22 MS. FARRIE: We have a full listing of --

23 COMMISSIONER KLADNEY: I mean dollar,  
24 dollar-wise, right?

25 MS. FARRIE: I could get, if it's not

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 published in the report, I could definitely get it for  
2 you.

3 COMMISSIONER KLADNEY: Thank you very  
4 much.

5 MS. FARRIE: You're welcome.

6 VIC E CHAIR TIMMONS-GOODSON: All right.  
7 I believe that our time together has come to a close.  
8 We thank each of our panelists for taking time out to  
9 be with us.

10 We recognize that there's someplace each,  
11 you could have been other than with us, and we're so  
12 glad you've come and shared this time and this valuable  
13 information with us.

14 And I'm not going to try to summarize what  
15 we've learned, but suffice it to say that with regard  
16 to the topic of public education funding inequality,  
17 we do believe that it's yak-able.

18 So thank you for coming. If our second  
19 group of panelists will prepare to come forward as soon  
20 as space is provided.

21 It would appear that we are prepared to go  
22 forward with our second panel of the morning.

23 III. PANEL 2 - FUNDING IMPACT ON LOW-INCOME  
24 CHILDREN OF COLOR

25 VICE CHAIR TIMMONS-GOODSON: Let me

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 briefly introduce the panelists in the order in which  
2 they'll be speaking.

3 Our first panelist is Liz King, Education  
4 Policy Director of the Leadership Conference on Civil  
5 and Human Rights. Welcome.

6 Our second panelist is Fatima Goss Graves.  
7 She is the Senior Vice President for Program of the  
8 National Women's Law Center. Welcome.

9 Our third panelist is Becky Pringle, Vice  
10 President of the National Education Association.  
11 Again, welcome.

12 Fourth panelist, Becky Monroe, Senior  
13 Council of the Office of the Assistant Attorney General  
14 of the Civil Rights Division of the Department of  
15 Justice. Welcome.

16 And our fifth panelist is Ary Amerikaner.

17 MS. AMERIKANER: Amerikaner. Close.

18 VICE CHAIR TIMMONS-GOODSON: Amerikaner.

19 And I practiced that. Deputy Assistant Secretary for  
20 Policy and Strategic Initiatives of the Office of  
21 Elementary and Secondary Education in the Department  
22 of Education.

23 Remaining seated, I ask whether you swear  
24 or affirm that the information you are about to provide  
25 is true and accurate to the best of your knowledge and

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 belief. If so, say I do.

2 ALL: I do.

3 VICE CHAIR TIMMONS-GOODSON: All right.  
4 Thank you, and we will now proceed. Thank you very  
5 much, Ms. King. We'll now hear from you.

6 MS. KING: Good morning, Commissioners.  
7 I am Liz King, the Director of Education Policy at the  
8 Leadership Conference on Civil and Human Rights, a  
9 coalition of more than 200 national organizations  
10 charged with the promotion and protection of the rights  
11 of all persons in the United States.

12 I would first like to offer a sincere  
13 apology on behalf of our president and CEO, Wade  
14 Henderson. Unfortunately, he was unexpectedly called  
15 away and is not able to join you here today. It is my  
16 great honor and privilege to represent the Leadership  
17 Conference in his stead.

18 Thank you for inviting me here today to  
19 speak on public education funding inequality in an era  
20 of increasing concentration of poverty and  
21 re-segregation.

22 This briefing topic is an important one and  
23 speaks to areas of great concern for the civil and human  
24 rights community.

25 The civil and human rights community has

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 always seen education and voter participation as the  
2 twin pillars of our democracy. Together, they help to  
3 make the promise of equality and opportunity for all  
4 a reality in American life.

5 We welcome the opportunity that this  
6 important and timely briefing provides to look at the  
7 ways we can address funding inequality and  
8 re-segregation to ensure that all children, regardless  
9 of race, national origin, gender, sexual orientation,  
10 disability, or zip code, receive the best education  
11 that this great nation can provide.

12 Sixty-two years ago this week, in *Brown v. Board*  
13 *of Education*, a unanimous Supreme Court underscored the  
14 importance at that time of equal educational  
15 opportunity.

16 "Today, education is perhaps the most  
17 important function of state and local governments.  
18 Such an opportunity where the state has undertaken to  
19 provide it is a right which must be made available to  
20 all on equal terms."

21 I am honored to have the opportunity to  
22 speak here today before this auspicious panel. The  
23 U.S. Commission on Civil Rights has played an important  
24 role in advancing the cause of civil and human rights  
25 for diverse groups of Americans since its creation in

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 the Civil Rights Act of 1957.

2 It is right and proper that the panel now considers one  
3 of the most persistent and toxic challenges to our  
4 nation's ideals of equality and justice,  
5 the inequitable distribution of educational resources.  
6 The failure to provide, not just an equitable  
7 education, but even an equal education is, as Jonathan  
8 Kozol put it, the shame of the nation.

9 Before I begin my remarks, I would like to  
10 ask that the Leadership Conference Education Fund 2015  
11 report, *Cheating Our Futures: How Decades of*  
12 *Disinvestment by States Jeopardizes Equal Educational*  
13 *Opportunity* be entered into the record at this  
14 convening.

15 In this report, which serves as a companion  
16 to the Education Law Center's National Report Card  
17 Report of 2015, the Education Fund lays out the case  
18 for action to address resource disparities in our  
19 nation's schools and school districts.

20 As the report states in its conclusion,  
21 "State governments have failed to adequately and  
22 equitably resource schools, and yet, too often the  
23 burden and the blame for educational outcomes has  
24 fallen on students, their families, and teachers."

25 I would also like to call the attention of

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 the Commission to the Government Accountability  
2 Office's report released this week, which found that  
3 over time, there has been a large increase in schools  
4 that are isolated by poverty and race, and that these  
5 schools generally had fewer resources and  
6 disproportionately more disciplinary action than other  
7 schools.

8 It is in the context of both the injustices  
9 of the past and the injustices of today that I offer  
10 my remarks. Disparities in access to educational  
11 resources occur in multiple forms.

12 Regardless of the measure, it is far too often  
13 the case that low-income students have less access to  
14 those things we know are likely to raise achievement  
15 and put students on a solid foundation for their future.

16 These disparities, which offend our sense  
17 of equal protection and equal justice under the law,  
18 have been sanctioned by the Supreme Court.

19 The U.S. Supreme Court ruled in 1973 in San  
20 Antonio Independent School District v. Rodriguez that  
21 it was constitutional to use property taxes as the basis  
22 for school financing, the cause of so many of today's  
23 inequities.

24 Justice Lewis F. Powell, writing for the  
25 majority, said, "The need is apparent for reform in tax

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 systems, which well may have relied too long and too  
2 heavily on the local property tax."

3 "But the ultimate solutions must come from  
4 the lawmakers and from the democratic pressures of  
5 those who elect them."

6 Since then, the Leadership Conference on  
7 Civil and Human Rights, Education Law Center, and  
8 countless other advocates have worked to improve public  
9 education by pressing states to provide adequate  
10 resources to our nation's schools to ensure equal  
11 opportunity in education.

12 In addition to litigation, research, and  
13 reports, there has also been legislative progress in  
14 the area of resource equity.

15 The Every Student Succeeds Act, ESSA,  
16 makes important progress through new reporting  
17 requirements, preservation of existing requirements  
18 around access to quality teachers, and most  
19 significantly, provides a new opportunity to address  
20 funding disparities between those schools serving  
21 concentrations of low-income students and those  
22 schools serving wealthier students.

23 ESSA requires for the first time that  
24 schools and school districts report on the actual per  
25 pupil expenditure at each school. This will make plain

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 in a new way where education dollars are and are not  
2 being spent.

3 School and district report cards must also  
4 include data about students' access to just school  
5 climates and rigorous courses.

6 While these data have been included in the  
7 Civil Rights Data Collection, the increased public face  
8 and availability of these data will shine a light on  
9 areas of inequity.

10 The new law also preserves and slightly  
11 amends the requirement that low-income students and  
12 students of color not be taught at higher rates by  
13 teachers who are ineffective, inexperienced, or out of  
14 field.

15 While the history of the enforcement of  
16 that provision was spotty until recent actions by the  
17 Obama administration, it does provide leverage for  
18 increasing access to the most important educational  
19 resource, great teachers.

20 Finally and most significantly, because of  
21 statutory changes to the law's long-standing  
22 supplement, not supplant requirement, the Department  
23 of Education has the option to make sure that for the  
24 first time, federal Title I dollars are supplemental  
25 to an equitable base of state and local funding.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 Supplement not supplant is one of three  
2 fiscal requirements included in ESEA for decades in  
3 response to past abusive practices by school districts.

4 Districts may only use federal Title I  
5 dollars to add onto the funds provided from state and  
6 local funds, and not use Title I funds to compensate  
7 for inadequate local support.

8 If the Department is successful in  
9 regulating compliance with this requirement through  
10 the demonstration of equitable state and local spending  
11 in Title I schools, it will go a long way towards closing  
12 opportunity gaps between schools. While this will not  
13 be a panacea for very deep resource inequities, it will  
14 mark considerable progress in one important area.

15 In conclusion, I would like to again thank  
16 the Commission for the opportunity to speak here today.

17 The task before this Commission to examine  
18 the issue of education funding inequality, is a grave  
19 one.

20 Generations of American students,  
21 disproportionately students of color and English  
22 learners have been denied equal opportunity in  
23 education because of unfair and indefensible  
24 inequalities in education spending.

25 At the Leadership Conference we seek to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 create an America as good as its ideals. Those ideals  
2 -- a level playing field, a meritocracy, and the  
3 opportunity for all to be successful -- require robust  
4 attention to, and most importantly, action to address  
5 inequitable funding in states, districts, and schools.  
6 Thank you.

7 VICE CHAIR TIMMONS-GOODSON: Thank you  
8 very much, Ms. King.

9 And the Commission receives the Leadership  
10 Conference report, 2015 report, Cheating Our Future:  
11 How Decades of Disinvestment by States Jeopardizes  
12 Equal Educational Opportunity, and we, it now becomes  
13 a part of the record.

14 Thank you. Going forward, Ms. Goss  
15 Graves, we'll now hear from you.

16 MS. GOSS GRAVES: Thank you,  
17 Commissioners, and good morning. My name is Fatima  
18 Goss Graves, and I'm the Senior Vice President for  
19 Program at the National Women's Law Center.

20 For nearly 45 years, the Center has worked  
21 to secure and defend the legal rights for women and  
22 girls, including through work to expand educational  
23 opportunity for all students.

24 I appreciate the invitation to testify  
25 today before the Commission on inequities in public

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 education funding, and I really applaud the  
2 Commission's decision to address this profoundly  
3 important issue.

4 Sixty-two years after the Supreme Court  
5 mandated integration in public education, funding  
6 inequity within and across school districts has meant  
7 that low-income children and children of color are less  
8 likely to have access to the resources that they need  
9 and to achieve their full academic potential.

10 These gross funding disparities result in  
11 disparities in effective teachers in rigorous courses,  
12 in extracurricular activities, in safe school  
13 buildings and facilities, in modern technology -- all  
14 resources that are key to enhancing educational  
15 experiences and to improving outcomes.

16 At the National Women's Law Center, we've  
17 been looking closely at the ways in which girls of color  
18 are particularly affected by funding disparities in our  
19 public school.

20 One area that I want to focus on is around  
21 learning opportunities in, in STEM, or science,  
22 technology, engineering and math.

23 Researchers have documented the  
24 relationship between the lack of STEM course offerings  
25 in low-income schools, disproportionately attended by

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 students of color, and the low numbers of girls of color  
2 in STEM courses and careers over time.

3 Of the high schools in the U.S. with the  
4 highest percentage of black and Latino students, a  
5 quarter don't offer Algebra II, one third do not offer  
6 Chemistry.

7 In addition, only 57 percent of African  
8 American high school students have access to the full  
9 range of math and science offerings in their schools.

10 And less than half of the American Indian  
11 and Native Alaskan high school students have access to  
12 the full range of math and science courses.

13 By contrast, significantly more, 71  
14 percent of white high school students attend schools  
15 where the full range of math and science courses are  
16 offered.

17 And even when students of colors - students  
18 of color attends schools where STEM courses are  
19 offered, an overall lack of access to experienced  
20 teachers may impede their academic success.

21 Students in high minority schools are more  
22 likely than students in low minority schools to have  
23 novice math and science teachers, with three or fewer  
24 years of teaching experience for example.

25 These resource disparities contribute to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 the severe under-representation of women of color in  
2 the STEM work force. Although STEM careers are in high  
3 demand and are high growth and are some of the most  
4 lucrative, women of color account for only 11 percent  
5 of the more than 2.2 million STEM workers currently  
6 between ages 25 and 34.

7 And if we hope to remedy this imbalance,  
8 in spite all girls of color have access to high level  
9 STEM educational opportunities in K-12.

10 The area of athletics is another area where  
11 the stark resource disparities have particular race and  
12 gender implications.

13 We know that high poverty schools are less  
14 likely to provide opportunities to participate in  
15 sports, and when students do play, they are less likely  
16 to have adequate facilities, coaches, and programs.

17 A recent report by the National Women's Law  
18 Center together with the Poverty Race Research Action  
19 Council showed that the overall athletic resource gap  
20 between high poverty and low poverty schools  
21 disproportionately affects girls of color.

22 So while heavily minority schools typically have  
23 fewer resources and provide fewer spots on teams  
24 compared to heavily white schools, they also allocate  
25 those fewer spots unequally, such that girls of color

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 get less than their fair share. So even  
2 though girls overall still receive fewer opportunities  
3 to play sports than boys, girls in heavily minority  
4 schools are especially short changed.

5 And by not providing equal opportunities  
6 to play sports, schools are denying girls the health,  
7 the academic and the economic opportunities that  
8 accompany sports participation.

9 We know that young women who have played  
10 sports are more likely to graduate from high school,  
11 that they have higher grades, they score higher on  
12 standardized test scores than non-athletes.

13 In addition, studies have shown that an  
14 increase in female sports participation leads to an  
15 increase in women's labor force participation down the  
16 road, greater participation in previously  
17 male-dominated occupation, particularly in  
18 occupations that are both high skill and high wage.

19 I will conclude my thoughts with just a  
20 short point on the law, and that is both Title IX of  
21 the Education Amendments of 1972 and Title VI of the  
22 Civil Rights Act of 1964 provide tools to address some  
23 of the race and gender disparities that I've described.

24 Both of these statutes, while imperfect  
25 tools provide a framework for curbing the gender and

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 racial effects of public education funding inequality,  
2 and are underused tools for providing boys and girls  
3 of color with the equal educational opportunities that  
4 they deserve.

5 Thank you for the opportunity to speak  
6 today on an issue of such importance, and I look forward  
7 to any questions.

8 VICE CHAIR TIMMONS-GOODSON: Thank you  
9 very much, Ms. Goss Graves. Ms. Pringle, we'll now  
10 hear from you.

11 MS. PRINGLE: Good morning,  
12 Commissioners. Thank you for this opportunity to  
13 testify before you this morning. My name is Becky  
14 Pringle. I am a middle school science teacher who has  
15 this incredibly awesome opportunity to represent three  
16 million teachers and education support professionals  
17 throughout this country.

18 When I stepped into my first middle school  
19 classroom over 30 years ago, even with my babies with  
20 attitude, I had this wide-eyed enthusiasm, this sense  
21 of hope and promise.

22 I didn't have a clue that public education  
23 itself would soon become a notion at risk. Fast  
24 forward. We are now in the fight of our lives to save  
25 that very institution that is the great equalizer.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1                   That opportunity, that engine of  
2 opportunity in a democratic society. And with a  
3 pervasive and persistent shortage of funding of our  
4 public schools, our most vulnerable students are left  
5 without the resources and supports they need to be  
6 successful.

7                   Six decades of sweeping change that we have  
8 experienced since we talked about the promise of Brown,  
9 we still have not achieved that equal opportunity in  
10 education for every single student.           And  
11 there's just no excuse why some students in America  
12 still don't have what they need so they can learn and  
13 they can thrive.

14                  Today, African American students are six  
15 times more likely than white students to attend a high  
16 poverty school, which often has inexperienced  
17 teachers, inadequate resources, and dilapidated  
18 facilities.

19                  This kind of disparity in opportunity is  
20 illegal, it is immoral, and it is costly for this  
21 country. The data is clear.

22                  Our nation has never provided sustained,  
23 adequate, and equitable funding in our communities of  
24 greatest need, particularly where students and  
25 educators confront barriers to learning every single

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 day.

2 Some of those barriers are exacerbated by  
3 the gross under-funding of their schools. Others are  
4 the result of it.

5 Our students living in poverty who are  
6 disproportionately students of color too often attend  
7 schools that have deficient facilities, lack access to  
8 ladder-climbing programs like gifted and talented  
9 classes and STEM courses and college readiness.

10 These same students are under-supported  
11 and over-disciplined. The opportunity, access and  
12 achievement gaps persist.

13 To more fully realize the potential of  
14 public education as that great equalizer requires  
15 rectifying the persistent disparities in funding  
16 between local public school districts that are highly  
17 segregated, both socioeconomically and racially.

18 To understand school improvement efforts  
19 -- to undertake school improvement efforts without  
20 sufficient funding, targeted to where the need is the  
21 greatest, is both misguided and unfair. No matter how  
22 well-intentioned, those efforts will not achieve  
23 outcomes that are durable without a state education  
24 finance system zealously configured for one mission:  
25 meeting the needs of all of its students. And when we

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 say all, we must include those students who have been  
2 historically under-served.

3 Students from low-income families, those  
4 with disabilities, English language learners, students  
5 of colors, students with, who are homeless or in foster  
6 care, migrant students and those who are increasingly  
7 in the juvenile justice system. This is the  
8 multitude -- there is a multitude of evidence that  
9 substantive and sustained school funding leads to  
10 improvement in the level of student outcomes,  
11 particularly for students from low-income families.

12 The question we must answer is this: how  
13 successful can students be if lawmakers don't take  
14 drastic action to make the state's school finance  
15 system equitable and sustainable?

16 The Every Student Succeeds Act presents an  
17 opportunity and potential for reset. ESSA includes a  
18 pilot program at the local level for local education  
19 agencies to consolidate funds and reorient their  
20 allocation systems to ensure that high need schools get  
21 additional resources.

22 What NEA is asking for is that that same  
23 kind of program be at the state level as well. As the  
24 work for the re-authorization of the Elementary and  
25 Secondary Education Act began, NEA was a leader in

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 seeking to broaden the discussion of accountability to  
2 include resource indicators around school quality and  
3 student success.

4 ESSA provides an immediate opportunity to  
5 measure how well public schools are doing in providing  
6 supports like counselors and librarians, access to and  
7 completion of advanced course work, post-secondary  
8 readiness, student engagement, school climate and  
9 safety.

10 The Office of Civil Rights at the  
11 Department of Education has made it clear that resource  
12 disparities that harm students of color violate Title  
13 VI of the Civil Rights Act of 1964, which proscribes  
14 discrimination on the basis of race and national origin  
15 in educational services.

16 We applaud OCR's enforcement efforts, and  
17 NEA has been working with our affiliates in other  
18 advocacy organizations to identify and remedy these  
19 legal disparities.

20 NEA is urging the federal government to  
21 consider offering state incentive grants to reform  
22 their school finance systems in ways that are  
23 consistent with the recommendations of the School  
24 Equity and Excellence Commission.

25 And finally, NEA understands that the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 societal patterns and practices of institutional  
2 racism that impose oppressive conditions and deny  
3 rights, opportunity, and equality based on race are  
4 prevalent in every layer of our public education  
5 system, from the inequitable funding structures that  
6 finance our schools to curriculum and school culture.

7 We have a collective responsibility to  
8 promote equity and excellence for every one our  
9 students, and we know that if we really mean every, we  
10 must work to guarantee racial justice in education.

11 We urge the Office of Civil Rights to  
12 continue its fight to eliminate economic and racial  
13 disparities. There can be no keener revelation of  
14 society's soul than the way in which it treats its  
15 children.

16 Nelson Mandela's observations could not be  
17 more true. One child, one that is left behind, if we  
18 do not serve every one of them with the kind of quality  
19 education that they deserve, then that is a true  
20 reflection of our commitment to their success and to  
21 our future. Thank you for the opportunity to share our  
22 thoughts with you.

23 VICE CHAIR TIMMONS-GOODSON: Thank you,  
24 Ms. Pringle.

25 Ms. Monroe?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MS. MONROE: Thank you, Madame Chair. My  
2 name is Becky Monroe, and on behalf of the Department  
3 of Justice, I want to thank the Commission for its focus  
4 on ensuring equal academic opportunity for our  
5 country's most vulnerable children.

6 We share your sense of urgency with respect  
7 to ensuring equal opportunity for all students, and we  
8 appreciate the opportunity to talk today about our  
9 desegregation work in this context. While  
10 my fellow panelists are speaking powerfully about  
11 funding equity issues, today I was asked to come and  
12 talk about our desegregation work. This  
13 work of the division, the many leaders in this room and  
14 of parents and students around the country, to address  
15 constitutional violations that persist over 60 years  
16 after the state sponsored segregation was determined  
17 to be unconstitutional is work that continues to this  
18 day. I think the Commission asked me  
19 to come speak about this work today because, as you  
20 know, when we talk about under-funding issues and how  
21 they can exacerbate the academic achievement gap, we  
22 must recognize that 62 years after the Supreme Court's  
23 decision in Brown v. Board, we still have to work  
24 together to eliminate the vestiges of de jure  
25 segregation.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           Just last week, a federal court in the  
2 Northern District of Mississippi ordered a school  
3 district to adopt the Department of Justice's plan to  
4 desegregate a school district, noting that the delay  
5 in desegregation has deprived generations of students  
6 the constitutionally guaranteed right of an integrated  
7 education.

8           The Civil Rights Division is responsible  
9 for enforcing Title IV of the Civil Rights Act of 1964,  
10 which prohibits discrimination on the basis of race,  
11 color, national origin, sex, and religion in public  
12 schools.

13           We also enforce other federal civil rights  
14 laws protecting students from discrimination on the  
15 basis of English language learner status and  
16 disability.

17           Our current role in desegregation work  
18 takes one of several forms. Monitoring school  
19 district's compliance with court orders and consent  
20 decrees in school desegregation cases, working with  
21 school districts to voluntarily resolve continuing  
22 issues, or noncompliance with court orders, or  
23 litigating these disputes in federal court.

24           In the 177 desegregation cases to which the  
25 United States is currently a party, the division seeks

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 to address the continuing effects of segregation by law  
2 prior to Brown v. Board by remedying racial segregation  
3 and inequality in schools operating under a  
4 desegregation order.

5 In these cases, courts examine every facet  
6 of school operations, including student assignments to  
7 school and classrooms, including placements in gifted  
8 programs, access to advanced courses and special  
9 education identification and placement, faculty and  
10 staff placement and hiring, school facilities,  
11 extracurricular activities, access to advanced courses  
12 and transportation, and the implementation of school  
13 discipline.

14 We also look at the allocation of school  
15 resources within a school district that is under a  
16 decree and the overall quality of education for  
17 students.

18 Our mission is to evaluate whether the  
19 school district complies with its affirmative  
20 obligation to achieve unitary status, and for the most  
21 part, this is a cooperative process with school  
22 districts.

23 But where school districts will not  
24 cooperatively work to eradicate messages of de jure  
25 segregation, we do not hesitate to take appropriate

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 action.

2 And I wanted to give you a couple of  
3 examples of some of the most, more recent cases that  
4 demonstrate both our work to desegregate schools, and  
5 to ensure equal educational opportunities for all  
6 students.

7 As I noted, a week ago today, following a  
8 five decade long legal battle to desegregate schools  
9 in Cleveland, Mississippi, the United States District  
10 Court for the Northern District of Mississippi ordered  
11 the Cleveland school district to consolidate its  
12 secondary schools.

13 The court rejected as inadequate, two  
14 alternatives proposed by the school district, agreeing  
15 with the Justice Department that the only way to achieve  
16 desegregation in that district was by consolidating the  
17 high schools and middle schools. Prior to  
18 1969, schools on the west side of the railroad tracks  
19 that run through Cleveland, Mississippi were white  
20 schools segregated by law. More than 40 years  
21 later, these schools maintain their character and  
22 reputation as white schools, with a student body and  
23 faculty that are disproportionately white.

24 Similarly, schools on the east side of the  
25 railroad tracks -- originally black schools segregated

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 by law -- have never been desegregated and remain all  
2 black or virtually all black schools today.

3 In most cases, schools on the east side and  
4 the west side are less than three miles apart. The high  
5 schools themselves are one mile apart.

6 The Division did attempt to work with the  
7 district cooperatively to desegregate its schools, but  
8 when the district did not take necessary actions, we  
9 asked the court to rule that the district violated the  
10 existing desegregation orders and federal law, and to  
11 order that the district devise and implement a  
12 desegregation plan that would eliminate the vestiges  
13 of the school's former dual system.

14 Under our, the plan that was approved by  
15 the court that the Department of Justice offered and  
16 this -- and to be clear, this plan was not only developed  
17 in consultation with experts in school desegregation,  
18 school facilities, and school financing, but also with  
19 very critical parent and community engagement.

20 The district will consolidate the  
21 virtually all black middle school and the historically  
22 white middle school, and the district will also  
23 consolidate its virtually all black east high school  
24 with the historically white Cleveland high school.

25 Further, the district will review its

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 existing educational programs and identify new  
2 programs for the consolidated schools, addressing  
3 staffing considerations and performing necessary  
4 maintenance upgrades.

5 And I did want to note, again, this follows  
6 years of collaborative work with local community and  
7 private plaintiffs in this case.

8 We had community members from parents and  
9 faith leaders in the area to former teachers and coaches  
10 who testified in various hearings, and they talked  
11 about the stigma long associated with the district's  
12 historically black schools and the sense among black  
13 children in the community that white children attended  
14 better schools. Again, often less than a mile away.

15 During last May's hearing, many of these  
16 leaders in the community testified that consolidation  
17 was the only way to bridge this divide, and they  
18 expressed a willingness to take the steps, however  
19 difficult, to secure equal educational opportunities  
20 for their children and grandchildren.

21 I also wanted to mention very briefly our  
22 work in Huntsville, Alabama. In April of last year,  
23 we had a long standing desegregation case where we had  
24 challenged proposed student assignment plans, and one  
25 of the things I think is important to note there is just

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 what it looked like to have unequal access to equal,  
2 to quality educational programming.

3 We had students in Huntsville, and if  
4 students in Huntsville attended the racially  
5 identifiable black schools, they offered far fewer AP  
6 courses and honor courses.

7 Project Lead the Way, the district's  
8 touted STEM career course program, was  
9 disproportionally available at racially identifiable  
10 white schools from elementary through high school.

11 And other course offerings that would  
12 prepare students for college -- such as mechanical  
13 drafting or robotics -- were disproportionately  
14 located at racially identifiable white schools,  
15 whereas courses such as spa management were located at  
16 racially identifiable black schools.

17 So in April last year, when the court  
18 approved a consent order that was filed by both the  
19 Department of Justice and the city schools, it required  
20 the district to provide equal educational  
21 opportunities to African American students by taking  
22 many specific steps to address these deficiencies.

23 We appreciate your focus on the issues of  
24 educational equity. We share your sense of urgency.

25 We recognize that whether it is in the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 context of a desegregation case or a lack of an adequate  
2 investment in public education, any delay ensuring  
3 access to quality education causes lasting harm to a  
4 student.

5 We have been fortunate to work with  
6 students, parents, teachers, community leaders who,  
7 when confronting the very real vestiges of de jure  
8 segregation, refuse to wait and pressure their school  
9 and local government leaders to take the steps  
10 necessary to fulfil their constitutional obligations.  
11 Thank you.

12 VICE CHAIR TIMMONS-GOODSON: Thank you,  
13 Ms. Monroe. Ms. Amerikaner, you may now proceed.

14 MS. AMERIKANER: Thank you. And thank  
15 you all so much for having me here today and having this  
16 incredibly important hearing on this relevant and  
17 timely topic.

18 I am here to talk a bit about this from the  
19 U.S. Department of Education's perspective and  
20 specifically from the lens of the Office of the, Office  
21 of Elementary and Secondary Education in our building  
22 which administers many of our major formula grant  
23 programs.

24 You've heard a bit today, and I won't dwell  
25 on this, about the disparities in spending between our

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 highest poverty districts and our lowest poverty  
2 districts. And those disparities are deeply  
3 troubling. According to one of our school district  
4 finance surveys in the '11-'12 school year, for  
5 instance, our highest poverty districts spent 15.6  
6 percent less per student than our lowest poverty  
7 districts. That means in a full 23 states, districts  
8 serving the highest percentage of students from  
9 low-income families, spent fewer state and local  
10 dollars per pupil than the lowest poverty districts,  
11 even though we know that students from low-income  
12 families have greater educational needs.

13 And in too many places, these inequities  
14 are exacerbated further by inequities in spending  
15 between schools within the same district. We know, for  
16 instance, according to a Department analysis from 2011,  
17 that approximately one quarter of school districts  
18 receiving Title I funds spent fewer state and local  
19 dollars per student in their Title I schools than in  
20 their non-Title I schools or in their highest poverty  
21 schools than in their lowest poverty schools.

22 Giving less money to schools serving the  
23 highest concentrations of poor students cuts against  
24 both common sense and basic fairness. It also  
25 undermines the purpose of Title I of the newly

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 reauthorized Elementary and Secondary Education Act  
2 which, and I quote, is to "provide all children  
3 significant opportunity to receive a fair, equitable,  
4 and high-quality education and to close educational  
5 achievement gaps."

6 So today, I want to talk a little bit about  
7 Title I and go into a little more detail. It provides  
8 us with a few important opportunities to address some  
9 of the resource inequities we've been talking about  
10 here today.

11 First, a provision we call supplement, not  
12 supplant. The \$15 billion that taxpayers spend in  
13 Title I funding every year is supposed to go to high  
14 poverty schools. It's supposed to provide  
15 supplemental resources that we know schools serving  
16 high concentrations of students living in poverty need  
17 to provide a truly equitable educational  
18 opportunities. Title I simply can't provide this  
19 extra funding though if the federal dollars are simply  
20 filling in for unfair shortfalls in state and local  
21 funding. Unfortunately, we know that in many places  
22 that's exactly what's happening.

23 To help address this concern, the  
24 Department recently engaged in a process called  
25 negotiated rulemaking in which we put forward a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 proposed rule regarding the newly updated supplement,  
2 not supplant provision. The draft proposal was  
3 designed to ensure that each Title I school ultimately  
4 receives all of the state and local funds it would  
5 otherwise receive if it were not receiving Title I funds  
6 which is what the law requires.

7 The Department's proposal provided a  
8 straight-forward test that districts and states would  
9 use to determine compliance. A district would  
10 demonstrate that each Title I school receives at least  
11 as much in state and local funding as the average  
12 non-Title I school in that district. This approach  
13 would give districts the flexibility to choose their  
14 preferred method for allocating state and local  
15 resources so long as - while also ensuring that  
16 consistent with the law, Title I dollars are used  
17 ultimately to supplement state and local funding and  
18 not to supplant it. Unfortunately, we were unable to  
19 reach consensus on this proposal in our negotiated  
20 rulemaking process and we are now continuing to seek  
21 input on how best to implement the supplement, not  
22 supplant provision of the law.

23 There are two other provisions within  
24 Title I of the ESSA that are especially relevant to  
25 today's hearing. Liz actually touched on both of them.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 The first is a new reporting requirement under which  
2 states and districts must report per pupil expenditures  
3 of federal, state, and local funds for each school and  
4 district on state and local report cards. We think  
5 this is a really important step forward in shining a  
6 light on the inequities we are talking about today, but  
7 only helpful if it's done in a meaningful way that  
8 parents and teachers and students can understand and  
9 take action based upon, so we're really looking forward  
10 to working with states and districts as they implement  
11 this requirement to ensure that they have the support  
12 they need to have the data systems they need to do this  
13 in a meaningful way.

14 And finally, Title I requires that each  
15 state describe how low-income children and the phrase  
16 in the law is minority children, are not taught at  
17 disproportionate rates by ineffective, out of field or  
18 inexperienced teachers. And this is directly related  
19 to our larger conversation of course today about fiscal  
20 inequities because we know that so often teachers in  
21 high-poverty schools are paid less than their  
22 counterparts in lower needs schools. We also know that  
23 the working conditions are often much worse in Title  
24 I schools and high-poverty schools because of lower  
25 funding in those schools.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           So in implementing this part of the ESSA,  
2           the Department is planning to build on our similar work  
3           done in the last two years which I'll just briefly talk  
4           about.

5           In July of 2014, the Department launched  
6           the Excellent Educators for All initiative. We asked  
7           all states to submit a plan describing the steps that  
8           they would take to ensure that poor and minority  
9           children are not taught by inexperienced, unqualified,  
10          or out of field teachers at higher rates than other  
11          children. And today, all 50 states plus Puerto Rico  
12          and D.C. have approved plans. They are moving forward  
13          with implementing those plans.

14          The plans were informed by data. They  
15          were informed by input. And this is particularly  
16          important, we think, in this space. Input from  
17          students, community groups, teachers, principals. We  
18          know that real input into these plans is what's going  
19          to make them actually implemented on the ground and  
20          actually work to ensure that high need schools are  
21          places that teachers choose to work and want to work.

22          States have also committed to publicly  
23          reporting their progress so that schools, students,  
24          communities can hold them accountable and can follow  
25          along. And we at the Department will also do --

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 continue to do our part. We know that calling in plans  
2 is only so good as words on paper and we want to work  
3 with states and districts to continue to make sure that  
4 they are implementing their plans in a way that's  
5 meaningful for states and for districts, and more  
6 importantly, for teachers and for students.

7 And so, for instance, one thing we're doing  
8 is convening a series of state specific equity labs  
9 where we bring together in a state, we go to the state,  
10 not in D.C. We bring together local civil rights  
11 groups, unions, educators, parents, and students to  
12 engage in meaningful conversations around the progress  
13 that their state is making towards truly equal access  
14 to excellent educators. We did the first one, in fact,  
15 in Mississippi. And we think it was successful, at  
16 least by one measure which was that the state decided  
17 that they thought it was so useful that they would  
18 convene their own follow-up equity lab later this  
19 summer. So we are encouraged that that's something  
20 that the folks on the ground have found helpful.

21 So in all, I think I will stop by saying I  
22 think it is safe to say that Title I holds several  
23 hopeful and potentially very useful pieces that could  
24 spark change, could spark real change to promote equity  
25 in education funding systems, but the key now is in good

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 implementation. So I look forward to talking about  
2 that more with you. Thank you so much for having me.

3 VICE CHAIR TIMMONS-GOODSON: Thank you,  
4 Ms. Amerikaner.

5 At this point in time, we'll begin with  
6 questions from our commissioners and I'll lead off  
7 again with a question from our chair who very much  
8 wanted to be with us.

9 This question is perhaps best for Ms. King  
10 and Ms. Monroe. The question is do you believe that  
11 there's a disparate impact on minority students when  
12 states are forced to cut education spending due to  
13 non-race-related reasons? And if so, what should be  
14 done? If not, how can you explain away the effect of  
15 such cuts on majority/minority school districts like  
16 Chicago which appears to be required to make a 40  
17 percent spending reduction in its budget due to state  
18 funding cuts?

19 MS. KING: Thank you very much for the  
20 question. I think that statewide budget cuts don't  
21 necessarily need to have a disparate impact. I think  
22 we would always argue that cutting education is a bad  
23 decision for all children in the state and a bad  
24 decision for the future of the economy of that state.  
25 But budget cuts, just like other budget decisions, can

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 be progressive or regressive. We have seen some states  
2 when they cut their funding they cut it in a way that  
3 has a disparate negative impact on higher poverty  
4 districts and districts serving larger shares of  
5 students of color. Or they could cut their funding in  
6 a way that is targeted towards cutting funding from the  
7 most well-resourced districts. So states certainly do  
8 have that option of making that decision.

9 I think Chicago and the State of Illinois  
10 is a very good example of very, very long standing  
11 disparate impact. The State of Illinois has failed to  
12 fulfill its responsibility to provide for the education  
13 of the children in the City of Chicago and I certainly  
14 am not in the position to solve Illinois' current budget  
15 problem, but it is clear that they're -- what we are  
16 seeing is evidence of bad decision making that is not  
17 serving the interest of children of color in the City  
18 of Chicago or statewide in the State of Illinois.

19 VICE CHAIR TIMMONS-GOODSON: Thank you.  
20 Ms. Monroe.

21 MS. MONROE: Thank you for the question.  
22 And you know I would agree that it's not necessary that  
23 when the budget cuts occur that they necessarily have  
24 to have a disparate impact. As you know, we do have  
25 authority under Title VI which prohibits

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 discrimination in the allocation provision and  
2 educational of resources.

3 I would say, you know, although I can't  
4 speak specifically to specific context, that when we  
5 look at these issues and we look at Title VI and  
6 disparate impact, we have to assess it across a whole  
7 number of factors and I think, you know, that to the  
8 point that Ms. King made, decisions can be made at the  
9 state level when funding cuts have to be  
10 made that ensure that they don't violate Title VI and  
11 when we look at those cases, and again, to be fair, when  
12 the Department of Justice looks at these cases we do  
13 not, as the Department of Justice, fund a lot of state  
14 systems or local school districts. So often we don't  
15 have the hook that we need to have under Title VI which  
16 is that we need to have that direct funding unless we  
17 get a referral from the Department of Education.

18 But when we're looking at these issues, we  
19 think there are a lot of choices that districts - that  
20 states can make when they're making their funding  
21 decisions to ensure that they don't have a disparate  
22 impact.

23 VICE CHAIR TIMMONS-GOODSON: Thank you  
24 very much. I'll proceed with a question of my own.  
25 One of the approaches in the name of improving public

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 education in this country that some states are now using  
2 is that they're providing a grade for each of their  
3 public schools, A to F. A failing grade, of course,  
4 would be a D or an F. And it said that that's the way  
5 of helping parents to evaluate the education that their  
6 children are receiving. And North Carolina is one such  
7 state and that's why it comes to mind.

8 But looking at the most recent report card  
9 is what they call it, you can see that the, all of the  
10 failing schools are in high poverty schools, high  
11 minority schools. And you can look at some counties  
12 where they refuse to do that, to concentrate their  
13 students in -- or put large numbers of minority students  
14 in one school.

15 And so I was wondering about the thoughts  
16 that you might have about grading our public schools  
17 and whether there is any value or much value to be  
18 achieved there. Anybody?

19 MS. PRINGLE: Sure. No. Is my microphone  
20 on? No, it's not a good idea. You know, we're just  
21 coming out of the test and punish, blame and shame era  
22 of No Child Left Behind which resulted in that A through  
23 F rating and applying labels to kids. Because by  
24 extension, applying it to the school applies it to the  
25 kids and then by extension to the parents and to the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 community with no discussion about the opportunity and  
2 access gaps that those kids faced within their  
3 communities and within their schools.

4 Those grading systems that have been used  
5 in many states with the intent of informing parents did  
6 very little to do that because they never informed  
7 parents about the funding inequities that resulted in  
8 schools -- as I was listening to the panel that was  
9 before us, talking about you know where we should put  
10 our resources and she talked about, just a little bit  
11 about the school buildings themselves. Those folks  
12 who have not visited schools where there are rat  
13 droppings and mold and water pouring down on kids and  
14 educators, it makes a difference.

15 And so when you're rating schools A through  
16 F based on test scores and by the way on two subjects  
17 on one day, that's how you're rating schools? That has  
18 nothing to do with addressing the real inequities in  
19 a system. So it does little to provide information to  
20 parents.

21 What we're looking at and Ary could not be  
22 more correct. You know it is all about the  
23 implementation. But what we're looking at is the hope  
24 and promise of ESSA, moving from that to looking at what  
25 we at the NEA call an opportunity dashboard that

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 requires schools to report on things like school  
2 climate and school facilities and how much resources  
3 and funding are coming into those schools, in addition  
4 to outcomes for students. It's not that in ESSA we're  
5 moving away from that, but we know that it's a much  
6 deeper conversation to have with parents in the  
7 communities about how a school is doing to also talk  
8 about what resources we're providing and supports  
9 providing for those schools and for those students.

10 So when you attach a letter, that doesn't  
11 give you any information at all. So if the purpose is  
12 to provide parents and others with more information,  
13 then that's not achieving that purpose. What we are  
14 looking for in ESSA is this new approach to having this  
15 collective responsibility for providing access  
16 opportunity and excellence for all of our students.  
17 And so part of that is involving the community and  
18 parents in those conversations about what their kids  
19 need and what needs to be provided for them so that they  
20 can all be successful. So no, that's not the way to  
21 do it. 11:22

22 VICE CHAIR TIMMONS-GOODSON: Ms.  
23 Amerikaner, were you indicating you wanted to respond?

24 MS. AMERIKANER: I would love to. I know  
25 that probably so do some others. So I can wait or --

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 VICE CHAIR TIMMONS-GOODSON: Somebody.

2 MS. AMERIKANER: I can start or, and you  
3 guys can join in. Liz, do you want to start?

4 MS. KING: I'd be happy to weigh in here.  
5 I think that these grades do tell the truth. These are  
6 schools where these children are not receiving the  
7 education they deserve. But they only tell part of the  
8 truth. And what we are seeing, which I think Becky was  
9 speaking to, is a historic abdication of responsibility  
10 for the children and the educators in those schools.

11 And what we are saying -- what we have seen  
12 is the situation in which we look at the school and we  
13 rightfully point out that those are children who are  
14 not reaching grade-level standards and then we walk  
15 away as though that school is in a position to remedy  
16 the structural inequality that it's situated in.

17 And I think we would say that we see  
18 incredible value in the transparency and the call to  
19 action around student achievement, but I think Becky  
20 is also absolutely right that there has not been enough  
21 attention to the gross disparities in resources facing  
22 these schools. And to treat it as though it's an  
23 accident that these schools are overwhelmingly and  
24 disproportionately filled with low-income children and  
25 children of color is not true. This is not an accident.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 Over the years, over the decades and  
2 frankly, over the centuries, there has been a  
3 systematic undervaluing of the children in that school  
4 and what we are seeing is the evidence of that. What  
5 we need is action to address both the low achievement  
6 in that school and the underlying cause which is the  
7 inequitable opportunity in that school.

8 MS. GOSS GRAVES: If I could just add two  
9 more things to that. The first - you know, the first  
10 is that I think, Becky is absolutely right that the  
11 level of transparency that we have now with ESSA  
12 especially around resources, that should be included  
13 in any sort of system that a school is using to evaluate.  
14 And you would want to see on the other end of that that  
15 if there is some sort of grading that that grading is  
16 a call to action, it's a call to action for communities,  
17 and it's a call to action in terms of where you need  
18 to be driving resources. And I don't know that that's  
19 what was happening before.

20 VICE CHAIR TIMMONS-GOODSON: Thank you.

21 MS. AMERIKANER: Can I just -- I know we  
22 need to move to the next question. I just wanted to  
23 add that I think one thing that hasn't yet been said  
24 is that one of the things that is very important about  
25 accountability systems is that they be designed and

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 implemented well and that we can't just walk away from  
2 a system of identifying schools that need additional  
3 support. The critical part is that it also come with  
4 that additional support so that we actually drive  
5 resources there. And one other thing is that I think  
6 one of the things that's really important about  
7 accountability done well is that it focus on growth and  
8 not simply on achievement, that it focus on both growth  
9 and achievement because we know that some places  
10 schools are not getting and educators are not getting  
11 the credit they deserve for bringing students along a  
12 continuum and making great gains. So I think it is  
13 important that it include all of those things.

14 VICE CHAIR TIMMONS-GOODSON: Thank you.  
15 Commissioner Narasaki, we'll begin with you.

16 COMMISSIONER NARASAKI: Thank you, Madam  
17 Vice Chair. I have a couple of questions. One focus  
18 is on the supplement, not supplant rules that were  
19 raised earlier in the panel. So two related questions,  
20 one, Ms. Amerikaner, and sorry because my name is  
21 Narasaki so I know what it's like to have a name  
22 murdered. So how would supplement, not supplant rules  
23 that incorporate teachers' salaries be different from  
24 comparability requirements? And why is it important  
25 to include teacher salaries in looking at this issue?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MS. AMERIKANER: Sure. So I think the  
2 easiest way and the most simplest way to answer that  
3 question is that there are three fiscal provisions that  
4 are all interrelated in the law and they all work  
5 together to ensure that the purpose of Title I is met,  
6 but they are three distinct requirements. And  
7 comparability is a requirement about services. It's  
8 right there in the name, comparability of services.  
9 And in that provision, Congress has said that you are  
10 not to use teacher salary requirements. They've  
11 excluded a certain category of funds. People have  
12 debated the merits of that for a long time, but that  
13 is in the law.

14 The new supplement, not supplant  
15 requirement is a test very specifically about how  
16 states -- I'm sorry, how districts allocate their state  
17 and local funds. And there's no exclusion about  
18 including or not including certain types of funds in  
19 that provision. And so we do believe they work  
20 together and are different provisions.

21 And then your second question was about --  
22 did I answer both of your questions?

23 COMMISSIONER NARASAKI: Yeah it was -- and  
24 this is for the panel generally, why is it important  
25 to look at teacher salaries? We heard in the earlier

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 panel and it's in the literature how important teaching  
2 -- the teachers are. That is really the heart of the  
3 school.

4 MS. AMERIKANER: Absolutely, yeah. I  
5 think it's important for a couple of reasons. One is  
6 that dollars, dollars matter overall, right? Dollars  
7 matter because you can buy a lot of different kinds of  
8 things with dollars. You can buy more teachers. You  
9 can buy often more experienced teachers. You can buy  
10 school counselors. You can buy preschool. You can  
11 buy extended day. And so it's important that we -- and  
12 any calculation that includes -- that is based on  
13 dollars that it includes all of the dollars in the  
14 system.

15 It's also true that in many, many cases  
16 teachers acting on very reasonable, understandable --  
17 I would probably react in the same way. It's much, much  
18 harder. We've set up a system over centuries, where  
19 it is much harder to work in some of our schools than  
20 in others of our schools. And teachers need some sort  
21 of incentive to take on those jobs, those critically  
22 important jobs, so that might mean paying teachers more  
23 for choosing to work in those schools or it might mean  
24 giving them better working conditions, right? Smaller  
25 class sizes or more wraparound support. There's lots

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 of different ways that a district could do it, but it  
2 makes a lot of sense because a large portion of budgets  
3 in school districts are spent on people. And so if you  
4 exclude that portion of the budget, you're really  
5 excluding a big part of the conversation.

6 MS. KING: Yeah, I would just sort of like  
7 to add to that. I think one of the things that we're  
8 seeing is just far too often we're under investing in  
9 our schools and we are not providing for an adequate  
10 education and I think that part of what we have seen,  
11 I mean the best education systems in our country are  
12 those which have invested in education and largely  
13 invested in their teachers and providing the salary  
14 that these professionals deserve.

15 And I think the recognition of that is  
16 incredibly important and that's part of why we need to  
17 have a conversation about salary in the context of  
18 overall expenditures.

19 COMMISSIONER NARASAKI: Great. And then  
20 - I'm sorry, did I cut you off?

21 MS. PRINGLE: I was just going to add, one  
22 of the things that we continuously caution against is  
23 addressing this problem as though it's simple. This  
24 is a complex problem over centuries that we're looking  
25 to solve. And so as we think about the specifics around

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 supplementing versus supplanting or we talk about  
2 teacher salaries, we have to talk about the system, the  
3 entire system. And when we talk about the  
4 teachers who -- the idea of even incenting teachers to  
5 be in the schools that have students of greatest need,  
6 we have to work with them and talk with them about what  
7 -- the educators, about what their needs are, what their  
8 highest needs are, and to support them in working in  
9 those schools. So it might mean that they have more  
10 resources or even higher salary, but not for the  
11 purposes of giving one teacher a higher salary over  
12 another. But the needs in that school are so  
13 tremendous and the working conditions are such that  
14 they need to have the additional support -- those  
15 teachers need to have those additional supports to  
16 provide the students in those schools with what they  
17 need to be successful.

18 So we have to look at that entire system  
19 from salaries to teacher voice to having a say in the  
20 decision making for the kids, for those teachers who  
21 are closest to those students and to those communities.  
22 I just want to caution about talking about one piece  
23 of that without talking about the entire system and  
24 without thinking deeply about how we're going to  
25 collaborate with educators in a real and meaningful way

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 that will actually get at making a difference for those  
2 students.

3 COMMISSIONER NARASAKI: Thank you. The  
4 other thing that became clear to me from the first panel  
5 was the political reality of funding education.  
6 Right, so this is an election year. One of the favorite  
7 things politicians say is how important education is  
8 and how much they love kids. And yet, when it comes  
9 to actually paying for the schools, for the kids, they  
10 don't seem to show up for whatever the political reasons  
11 are.

12 And so it struck me from the first panel  
13 that most of the progress that's being made in states  
14 is because litigation was successfully brought and that  
15 gives leverage to those who want to do the right thing  
16 and need to go to the taxpayers and say hey, we are  
17 required to do this and so we're going to have to have  
18 the resources to do it.

19 So I wanted to ask in -- and I might not  
20 be phrasing this right because I wasn't even thinking  
21 about asking this when we started this morning, is  
22 really what would we change in the law to make it easier  
23 for parents to bring lawsuits or for the government to  
24 successfully help the politicians do the right thing  
25 by kids by providing this litigation leverage.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           So I think that you had noted that one of  
2 the challenges of Title VI is it's tied to federal  
3 funding. So are there changes we would make there?  
4 Are there changes that we would make on some of the  
5 education legislation, what would be helpful? And I  
6 know that legislation has recently been introduced, but  
7 I haven't had a chance to look at it.

8           MS. GOSS GRAVES: Well, just one change  
9 would be to address the Sandoval case so that  
10 individuals could bring private disparate impact  
11 litigation under Title VI and Title IX. Right now, you  
12 could file a disparate impact complaint with the  
13 Department of Education. And the Department of  
14 Education and the Department of Justice can enforce  
15 disparate impact, but it is a huge hurdle for  
16 communities and parents not to be able to bring those  
17 cases directly into court on their own.

18           VICE CHAIR TIMMONS-GOODSON: Okay. To  
19 our commissioners participating by telephone,  
20 Commissioner Kirsanow, do you wish to ask a question?

21           COMMISSIONER KIRSANOW: Yes, I do, Madam  
22 Vice Chair. Thank you very much. And again, thanks  
23 very much to the panelists for this fine presentation.

24           I just wanted to clarify the definition of  
25 inequitable funding, is it the amount of dollars being

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 directed toward a particular school district by the  
2 state government and/or the Federal Government? Or is  
3 it a reflection of dollars spent per pupil because when  
4 you review the data on dollars spent per pupil in most  
5 metropolitan areas that -- not most, but at least it  
6 seems to be most, but many of them, there doesn't seem  
7 to be -- or if there is a disparity, looking at my home  
8 town of Cleveland, Cleveland school district is  
9 considered to be poor, but it's spending far more than  
10 the wealthier and whiter suburbs around it. It's  
11 spending about \$18,000 per pupil. Same with East  
12 Cleveland. But the suburbs around there are spending  
13 \$10,000 to \$11,000. And the same is true for  
14 Washington, D.C., Boston, Camden, Philadelphia.  
15 Chicago is about the same. Detroit, Atlanta, L.A. So  
16 is it the amount of funds going into the school district  
17 from outside of the district itself or is it a  
18 reflection of spending per pupil?

19 VICE CHAIR TIMMONS-GOODSON: All right, I  
20 think I saw an indication that Ms. King wanted to  
21 respond.

22 MS. KING: Yes, I think it would be  
23 helpful. It's hard to have this conversation in the  
24 abstract. I can say when I was a teacher in  
25 Philadelphia, we were receiving in our schools \$11,000

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 per pupil to meet the needs of our children  
2 district-wide, whereas in Lower Merion Township they  
3 were receiving \$22,000 per year to educate each of their  
4 children. Each of their children -- Although there  
5 certainly were low-income children in Lower Merion  
6 Township, overall and in general, their children were  
7 facing far fewer challenges than the children that we  
8 were teaching in Philadelphia Public Schools.

9 I would also add the way that my mom used  
10 to talk about this when I was growing up. I grew up  
11 in a low-poverty suburb outside of Chicago and if there  
12 was a field trip or if someone needed a backpack, there  
13 were other moms who could make up for the difference  
14 because there were other moms who had extra money even  
15 when some moms didn't have enough.

16 And when I was teaching in my school where  
17 the average household income in the census tract where  
18 my kids were growing up was \$9,000 a year, average  
19 annual household income was \$9,000 a year. We couldn't  
20 have a bake sale. There wasn't extra money. There  
21 wasn't - there weren't moms who had extra to share with  
22 those moms who didn't have enough. And so it's not just  
23 that everybody has the same. Those who need more need  
24 to get more. That's what equitable means.

25 Certainly, Philadelphia, Chicago, and

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 Detroit are all cities that have been systematically  
2 underfunded by their state systems for years relative  
3 to the more affluent suburbs around them. Now there  
4 are also low-income suburbs. There's Bellwood and  
5 Maywood outside of Chicago which are high-poverty  
6 suburbs. Berwyn and Cicero are in a similar situation.  
7 But if you look at Winnetka and the suburbs to the north  
8 of the City of Chicago, they're doing much better.  
9 They are able to pay teachers much more to teach  
10 children who face fewer challenges in a system that just  
11 doesn't make sense.

12 I'm happy to track down some data and we can  
13 have a more data-driven conversation about this. I  
14 would say per pupil expenditure is one important  
15 measure, but there are other things we have to look at.  
16 One of the other challenges we had in Philadelphia was  
17 that our school buildings were just much older, so we  
18 had a heating system -- our heat didn't work. We had  
19 the opposite problem. It was too hot all the time. So  
20 we had nosebleeds and it was sort of like a sauna with  
21 steam dripping down the walls.

22 And you know, there are different costs that  
23 come in. When you have more children with disabilities  
24 who have higher needs, then there is a greater cost to  
25 meet the basic needs of those students consistent with

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 the law and what that child needs to be educated.

2 So there are a lot of variables that go in.  
3 Per pupil expenditure is only one measure. We need to  
4 look at what does that mean for access to calculus? What  
5 does that mean for access to well credentialed and  
6 effective teachers? What does that mean for access to  
7 extracurricular activities? A lot of these pieces all  
8 go together.

9 And there are anomalies. There are  
10 districts where we are spending more and not seeing the  
11 results. But those are anomalies. That is not  
12 consistent. Money does matter. Nobody knows that  
13 better than wealthy parents who spend a lot of money on  
14 the education of their children.

15 VICE CHAIR TIMMONS-GOODSON: Any others  
16 wish to respond? Okay. All right, Commissioner Yaki,  
17 do you wish to ask a question?

18 COMMISSIONER YAKI: Yes. I just have a  
19 follow up on the issue of consolidation that the  
20 Department raised and whether there are concerns of  
21 whether you're simply making people less bad or less  
22 good, for lack of a better word, from what they used to  
23 be. And is that an adequate response to the issue of  
24 disparity within or between school districts in a  
25 specific locality?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MS. MONROE: So this is Becky Monroe from  
2 the Civil Rights Division. I think you are probably  
3 talking about the consolidation specifically in the  
4 Cleveland, Mississippi case?

5 COMMISSIONER YAKI: Yes.

6 MS. MONROE: Assuming -- Great. So I think  
7 for example in the context of Cleveland, Mississippi,  
8 we actually don't have that concern, in part, because  
9 we -- more to the things about Cleveland, Mississippi  
10 that I think needs to be noted is it has - it actually  
11 has a very strong economy and it has a very strong  
12 commitment to public education and we heard that from  
13 parents of many different racial backgrounds. We heard  
14 this strong commitment to public education. And in  
15 fact, we have seen in their elementary schools a very  
16 effective -- there, they had a magnet program that they  
17 were -- again, this is under our desegregation decree.  
18 And in that context, it had been very effective and there  
19 are students of different races learning alongside each  
20 other, parents who are supporting that. And that has  
21 worked and I think many people feel like that has made  
22 that education system so much stronger.

23 And so we do not have those concerns with  
24 respect to what's happening in Cleveland. And in fact,  
25 you know, one of the things we heard from parents, from

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 white parents, from African-American parents, from  
2 Asian parents was that they wanted a system that  
3 reflected the real world. They wanted a system so that  
4 when their children went to school and when their  
5 children graduated from school, they would be able to  
6 work effectively in the world. And one of the things  
7 that they said was right now, our students are being  
8 deprived of that opportunity. They are going to schools  
9 where they do not have access to what the actual world  
10 looks like and what their experience needs to be in order  
11 to be effective and successful.

12 So in the context of the Cleveland,  
13 Mississippi case, we do not have that concern. In fact,  
14 we have all the great confidence in the teachers and in  
15 the students and in the parents in the community in  
16 Cleveland to make this a successful consolidation.

17 VICE CHAIR TIMMONS-GOODSON: Anyone else  
18 wish to answer that question?

19 All right, Commissioner Achtenberg, do you  
20 wish to ask a question?

21 COMMISSIONER ACHTENBERG: Yes, Madam  
22 Chairman. Thank you so much.

23 Could any of the panelists comment on the  
24 recent change in California law that is resulting in  
25 additional investments being made in high poverty, lower

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 performing school districts and schools specifically?  
2 Is anybody knowledgeable about that change of events in  
3 California and could you comment on that?

4 MS. PRINGLE: Are you talking about the  
5 local control funding formula?

6 COMMISSIONER ACHTENBERG: Yes.

7 MS. PRINGLE: I can talk a little bit about  
8 it. Of course, educators and parents and community  
9 organizations fought together to try to bring that --  
10 to try to make those changes in their funding formulas.  
11 And we're working very closely with our affiliate in  
12 California on the implementation because it's always,  
13 always about that, and the collaboration between the  
14 schools and the teachers and the parents, to make the  
15 best decisions on how those funds are allocated. But  
16 we are very hopeful about those funding formulas  
17 actually getting at those equity issues in California  
18 and we're looking to California.

19 We're actually working alongside and  
20 getting information and research from the work that they  
21 are doing to try to address those inequities. But we're  
22 hopeful, if everyone plays well together that the  
23 students will actually be the ones who will be the  
24 recipients of really, really positive change because of  
25 those efforts.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1                   COMMISSIONER ACHTENBERG:  Would you be in  
2                   a position to provide our staff with the specifics about  
3                   what California is undertaking to the extent that it  
4                   might provide us with information about how others might  
5                   or might not consider going forward?  I think that might  
6                   be an important addition to our base of knowledge.  
7                   That's my first question.

8                   I have one more, Madam Chairman, if I might.

9                   VICE CHAIR TIMMONS-GOODSON:  Ms. Pringle  
10                  is nodding her head yes.

11                  MS. PRINGLE:  Yes, this is Becky Pringle.  
12                  Our affiliate there in California, the California  
13                  Teachers Association, I know they could provide us with  
14                  that information.

15                  COMMISSIONER ACHTENBERG:  That would be  
16                  great.

17                  MS. KING:  I'm sorry if I could also --

18                  COMMISSIONER ACHTENBERG:  Please.

19                  MS. KING:  Yes, I think what I'm hoping is  
20                  that we're seeing in California an example of how a  
21                  political solution can be reached without the legal --  
22                  the court action in the same way.  I think the challenge,  
23                  however, with California is a good model for achieving  
24                  greater equity and funding to the district level, but  
25                  the way that the California system works is that funds

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 are weighted to the district on the basis of student need  
2 which is a very good model for ensuring greater equity.  
3 However, the funds, once they reach the district, are  
4 not necessarily weighted to the school level.

5 So for example, a district will receive an  
6 additional allowance of funding because it has a large  
7 number of children in foster care. But those funds  
8 don't necessarily then go to serve foster children in  
9 the district. And so that's one of the challenges I  
10 think that remains to be seen with the local control  
11 funding formula is how we make sure that not only the  
12 equity in funds gets from the state to the district, but  
13 also from the district to the school level.

14 I think the other example we're seeing in  
15 California is a recognition that California has  
16 historically been a low-spending state and you are not  
17 going to raise achievement without spending more money  
18 overall and in general. You need to spend it well.  
19 You need to spend it on the right children. You need  
20 to spend it on the right things and all of that is true,  
21 so it is very encouraging that California is deciding  
22 to invest more in its education system overall and  
23 deciding to equitably invest across districts, but what  
24 we're also hoping to see is greater equity within  
25 districts within California.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1                   VICE     CHAIR     TIMMONS-GOODSON:         Ms.  
2     Amerikaner, did you -- do you have anything further to  
3     add?

4                   MS. AMERIKANER:     That question about - I  
5     think for the Commissioners is just to pay attention as  
6     you study this more about within districts, how is that  
7     money being distributed is a really critical one to keep  
8     asking.

9                   VICE CHAIR TIMMONS-GOODSON:   All right, I  
10    will afford Commissioner Kladney the final question.

11                  COMMISSIONER KLADNEY:     Thank you very  
12    much, Ms. Chair.

13                  I actually have two.    I'll try and keep them  
14    short.

15                  VICE CHAIR TIMMONS-GOODSON:   You may ask  
16    two short questions.

17                  COMMISSIONER KLADNEY:     Ms. Pringle, I  
18    think you started to touch on this.    In your  
19    presentation, you talked about -- you mentioned STEM,  
20    AP, inexperienced teachers in schools.  And then in a  
21    subsequent question I think to Commissioner Narasaki,  
22    you said other things besides salaries, school teachers.

23                  I was wondering -- we're talking money  
24    today.  Everybody is talking money, blah, blah, blah,  
25    blah.  Structural change, structural capacity within

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 at-risk schools, is there a need to look at different  
2 alternatives to how education is done in those schools?

3 And I don't really want to get too carried  
4 away on this, but you know when you talk about charter  
5 schools, there are all sorts of different kinds, good  
6 ones, bad ones, whatever. To me, some of the ones that  
7 I've heard positive things about, actually restructure  
8 the whole day for the student. The student comes at 6,  
9 leaves at 6 and they have them working all day long.  
10 That is not usually what goes on in our typical, say,  
11 elementary schools.

12 So in order to try and focus this question  
13 - I am, Your Honor, is there a specific, like, study that  
14 someone has done of a district where they could show what  
15 kinds of things would be needed in equitable funding to  
16 benefit an at-risk school, in other words, some sort of  
17 actual -- instead of just saying we need 20 percent more  
18 money, something that we could show the public or the  
19 people or the Commission itself how a specific school  
20 district would use money to make improvements necessary  
21 besides getting rid of the rats and the mold and things  
22 like that? I mean that would be included in that study,  
23 but you know, we're talking in a very broad base. I'm  
24 trying to get an example.

25 MS. PRINGLE: So I'll answer your question,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 but I must go back to something that Liz said and what  
2 I tried to say before is that there is not a silver bullet  
3 answer to this issue. And we cannot take this -- we  
4 can't tackle this if we don't first address the  
5 underfunding of our schools, writ large, and not the cuts  
6 that have to be made and the decisions that have to be  
7 made. All of -- the first decision that needs to be made  
8 is that we need to invest in our schools.

9 COMMISSIONER KLADNEY: I understand.

10 MS. PRINGLE: But to answer your question,  
11 absolutely. One of the things that the educators are  
12 so very excited about with ESSA implementation is the  
13 requirement that they are part of collaborative team to  
14 make decisions because there is not one answer for every  
15 school, but we do know not only for the students that  
16 we're talking about -- you know, the students that have  
17 been under served, but all of our students.

18 We do know that there are some practices,  
19 structures, et cetera, in our current public schools  
20 that need to change. I mean learning is different.  
21 It's not the same as it was before. We have schools that  
22 are very much structured for what we needed to accomplish  
23 in our schools, you know, before.

24 So we --

25 COMMISSIONER KLADNEY: You mean in the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 past.

2 MS. PRINGLE: Yes. In the past. And we  
3 have some really exciting -- NEA has done a lot of work  
4 around collecting exemplars of ideas and practices and  
5 programs, but the first thing we know is that it's not  
6 about transplanting from one school to another what  
7 works there.

8 COMMISSIONER KLADNEY: Right, right.

9 MS. PRINGLE: It's about bringing that  
10 collaborative team together and having some ideas on how  
11 they can be structured today, you know, how much time  
12 is spent in a day, in the year, how we allocate the  
13 resources for the work force from, you know, the hiring  
14 of teachers to hiring of education support  
15 professionals, counselors, all of those things. But  
16 that collaborative group including parents and the  
17 students themselves, by the way, which I don't know that  
18 we mentioned today, absolutely key in making those  
19 decision.

20 But you're absolutely correct. And  
21 especially when you know that you have a population of  
22 students who are coming to that school from a community  
23 that has often been looked at as a deficit instead of  
24 an asset. We know that we have to think differently  
25 about how we think about our communities.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           So I would point to some of the work that  
2 we're doing particularly on community schools as some  
3 -- not exactly the same in each school, but we have some  
4 indicators in those community schools that we can learn  
5 from and try to promote as we try to get at this issue  
6 of equity in resources and supports that our kids need  
7 to be successful.

8           VICE CHAIR TIMMONS-GOODSON: Commissioner  
9 Kladney, I'm going to need to cut you off, sir, in order  
10 for us to maintain any kind of schedule here.

11           I want to say that on behalf of the U.S.  
12 Commission on Civil Rights, I thank all of our morning  
13 panelists. It's been an exceptional discussion, I  
14 believe, about a critical issue.

15           The Commission is now in recess until 12:45  
16 sharp. And again, thank you.

17           (Whereupon, the above-entitled matter went  
18 off the record at 11:51 a.m. and resumed at 12:46 p.m.)

19           VICE CHAIR TIMMONS-GOODSON: All right, I  
20 believe that it is now 12:46. I call our briefing back  
21 to order for our afternoon session.

22           It would appear that the panelists for Panel  
23 3 are seated and in place. I'm not sure whether you  
24 gentlemen were present. Thank you very much.

25           Let me pause here just one second. What

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 commissioners do we have by phone at this time, other  
2 than Commissioner Yaki? Commissioner Kirsanow, are you  
3 with us?

4 I understand that Commissioner Achtenberg  
5 will be joining us shortly. And so it would appear at  
6 this time that we have four commissioners with us.

7 COMMISSIONER KLADNEY: I thought we could  
8 go on. Can we carry on with it?

9 VICE CHAIR TIMMONS-GOODSON: One second.  
10 Oops.

11 COMMISSIONER KLADNEY: Is that you  
12 Commissioner Yaki?

13 VICE CHAIR TIMMONS-GOODSON: No, it's  
14 Roberta Achtenberg.

15 COMMISSIONER KLADNEY: Oh, okay.

16 IV. PANEL THREE:

17 THE ROLE AND EFFECT OF MONEY ON OUTCOMES

18 VICE CHAIR TIMMONS-GOODSON: Okay, all  
19 right. It does appear that joining us by phone is  
20 Commissioner Achtenberg and Commissioner Yaki.

21 Present here, Commissioner Kladney,  
22 Commissioner Narasaki and me. And so that does  
23 establish a quorum for us and we'll be going forward.

24 Now taking up where I left off, I was about  
25 to ask whether you gentlemen were present earlier and

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 heard and understand the rules with regard to our little  
2 lighting system here.

3 Okay, each of you will have seven minutes  
4 to speak. And at about, well, the yellow light will come  
5 on with how many seconds remaining?

6 Two minutes remaining. And then it will go  
7 down to red. And when you see red, you really should  
8 begin wrapping up.

9 All right. Our first panelist is Jesse  
10 Rothstein, Professor of Public Policy and Economics at  
11 the University of California, Berkeley. Our second  
12 panelist is Steven Rivkin, Professor of Economics at the  
13 University of Illinois, Chicago. Third panelist, Doug  
14 Mesecar, Vice President of the American Action Forum.  
15 And our fourth panelist is Gerard Robinson, Resident  
16 Fellow in Educational Policy Studies at American  
17 Enterprise Institute.

18 You're seated. I ask if each of you swear  
19 or affirm that the information that you're about to  
20 provide is true and accurate to the best of your  
21 knowledge and belief? If it is, please say I do or I  
22 will.

23 (Panelists sworn.)

24 VICE CHAIR TIMMONS-GOODSON: All right,  
25 proceeding then. Professor Rothstein.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1           PROFESSOR ROTHSTEIN: Thank you, members  
2 of the Commission. It's an honor to be here today.

3           The achievement gap between students from  
4 advantaged and disadvantaged families is one of the  
5 biggest obstacles to equality of opportunity in the  
6 United States.

7           There have been two major policy efforts  
8 aimed at improving equality of educational opportunity  
9 in the last half century.

10          The first was school desegregation, which  
11 I don't have to tell you brought enormous benefits. But  
12 desegregation lost momentum in the 1990s, and schools  
13 are more segregated today than they were in 1990.

14          The second has been school finance reform.  
15 Many state constitutions mandate that public schools be  
16 available equally to all.

17          Courts in many states have interpreted that  
18 to prohibit school finance systems that generate great  
19 disparities in funding among districts, or inadequate  
20 funding in low income student schools.

21          The first school finance reforms concern  
22 funding differences across districts. An extensive  
23 scholarly literature finds that a court order demanding  
24 greater funding equity indeed accomplishes that, though  
25 some have argued that this was sometimes achieved by

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 leveling down funding in high-spending districts rather  
2 than by increasing resources in underfunded districts.

3 The second wave of school finance cases  
4 began with the Kentucky Supreme Court's decision in the  
5 1989 Rose case.

6 The Court found that the state constitution  
7 required not just equitable finance, but adequate school  
8 quality in low income communities that would enable  
9 children to reach achievement levels comparable to those  
10 seen elsewhere.

11 It ordered the state to raise funding in  
12 these communities. Since 1989, dozens of other states  
13 have seen similar so-called adequacy rulings.

14 Adequacy reforms focus on low income and  
15 otherwise disadvantaged communities. State finance  
16 systems are judged by the adequacy of funding to achieve  
17 external goals, such as the preparedness of students  
18 from low-income communities to compete in the national  
19 labor market.

20 A state cannot comply with an adequacy  
21 ruling by leveling down spending in wealthy school  
22 districts. It must direct additional resources to  
23 low-income school districts.

24 Indeed, low-income districts may require  
25 more funding than high income districts to help offset

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 deficits that students experience in other aspects of  
2 their lives.

3 In a study I conducted with Julien  
4 Lafortune, a graduate student at the University of  
5 California, Berkeley, and Diane Schanzenbach, Associate  
6 Professor of Human Development and Social Policy at  
7 Northwestern University, I examined the impacts of  
8 finance reform since 1990 on funding in low-income and  
9 high-income school districts.

10 We found that these reforms have raised  
11 spending dramatically in disadvantaged districts. A  
12 typical reform increased state aid to districts in the  
13 bottom fifth of a state's income distribution by about  
14 \$1200 per pupil per year, or more than 10 percent.

15 High-income districts saw increases as  
16 well, as states have substantially increased the total  
17 resources available to their education systems.

18 We see no sign that the post-1990 school  
19 finance reforms led to tax revolts or to leveling down  
20 of spending, which are concerns that have been raised  
21 in the literature.

22 These reforms had essentially no effects on  
23 districts' own local tax collections. So the increases  
24 in state aid translated directly into increases in  
25 school resources.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           The cumulative effect of these reforms has  
2           been dramatic. In states that implemented reforms,  
3           low-income districts spent about \$900 less per pupil in  
4           1990 than did high-income districts.

5           But by 2011, this gap had been more than  
6           completely reversed. The low-income district spent  
7           \$1,150 more per pupil on average than did high-income  
8           districts in the same states.

9           In contrast, there's been little change in  
10          the states that did not implement reforms. Their  
11          low-income districts were underfunded in 1990 and remain  
12          so today.

13          A vocal group of skeptics questions whether  
14          court-ordered funding changes lead to meaningful  
15          improvements in schools.

16          They argue that reforms weaken local  
17          control and reduce the ability of voters to hold  
18          administrators accountable.

19          Unfortunately, it's been very difficult to  
20          measure the productivity of school resources. Without  
21          nationally comparable measures of student performance,  
22          there was no way to know whether the achievement of  
23          students in low-income districts increased following  
24          finance reform.

25          Scholars studying equity reforms have

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1       relied on proxy measures. One study used SAT scores  
2       available only for those students who applied to  
3       selective colleges.

4                Another used survey data on adult outcomes  
5       like earnings and health status. Both found that equity  
6       era reforms led to better student outcomes.

7                But without more direct representative  
8       achievement measures neither is fully conclusive.  
9       Fortunately, for the recent era we do have a nationally  
10      comparable outcome measure.

11               Since 1990, the state NAEP program has been  
12      administering exams in math and reading to  
13      representative samples of fourth and eighth graders  
14      across the country.

15               NAEP stands for National Assessment of  
16      Educational Progress, and is also known as the nation's  
17      report card.

18               With my coauthors Lafortune and  
19      Schanzenbach, I have used these data to measure the  
20      impact of adequacy era school finance reforms.

21               The states that implemented reforms had an  
22      average test score gap between low- and high-income  
23      districts in 1990 of 0.58 standard deviations, smaller  
24      than but comparable to the national black/white test  
25      score gap. The gap closed by one-fifth to 0.47 standard

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 deviations by 2011.

2 In contrast, while the non-reform states  
3 had smaller gaps in 1990, they've seen these gaps grow  
4 since. More sophisticated econometric analyses  
5 confirm this result.

6 By the tenth year after a reform, students  
7 in low-income districts scored nearly one-tenth  
8 standard deviation higher than they would have in the  
9 absence of the reform.

10 Few other scalable proven interventions  
11 have yielded benefits this large. A test score increase  
12 of this magnitude is associated with substantial  
13 increases in students' later earnings, more than enough  
14 to pay for the additional school resources directed to  
15 low income districts. Finance reforms achieve the  
16 goals of improving the achievement and life chances of  
17 students in low-income school districts.

18 Additional school resources are used in  
19 productive ways. Money does matter in education.

20 There's still plenty of room for further  
21 improvement in the allocation of school resources, and  
22 this should be an important part of the equality of  
23 opportunity agenda going forward.

24 Let me close, though, with two caveats.  
25 First, our estimates do not indicate that plausible

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 resource allocations can eliminate the achievement gap  
2 between advantaged and disadvantaged school districts.

3 This gap has many causes, most of which have  
4 nothing to do with the schools at all. It is unrealistic  
5 to expect that any purely educational reform can fully  
6 offset them.

7 Improved funding should be accompanied by  
8 a comprehensive package of non-educational  
9 interventions, ranging from housing to nutrition to  
10 healthcare to labor market reforms aimed at ensuring  
11 that a student's parents can earn better livings.

12 Second, educational opportunity needs to be  
13 extended to low-income students wherever they live.  
14 There are disadvantaged students in wealthy districts  
15 as well as poor ones. As a consequence, finance reforms  
16 have only limited effects on the resources available to  
17 the average low-income student relative to high-income  
18 students, and accordingly have limited effects on the  
19 overall achievement of disadvantaged students in a  
20 state.

21 The educational component of an opportunity  
22 agenda cannot be limited to district-level finance  
23 reforms. It's also essential to ensure that low income  
24 students have equal or preferential access to resources  
25 within school districts. This will require more than

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 changes to state school finance formulas, and likely  
2 more than funding alone, including measures aimed at  
3 addressing the maldistribution of teacher quality and  
4 other determinants of school effectiveness across  
5 schools within districts. Thank you for your time.

6 VICE CHAIR TIMMONS-GOODSON: Thank you  
7 very much, Professor. Professor Rivkin, we'll now hear  
8 from you, sir.

9 PROFESSOR RIVKIN: Thank you to all the  
10 Commissioners for the invitation. It's a privilege to  
11 participate on this panel.

12 As a student of Finis Welch who helped to  
13 assemble the early school enrollment counts, I've been  
14 working with the Office of Civil Rights Data since the  
15 late 1980s.

16 I'm going to have a slightly different  
17 approach and have some slides. I want to first put a  
18 little context on some of the key impediments to  
19 improvements in high-poverty schools. These are limited  
20 housing choices that potentially weaken pressure on  
21 schools to improve, self-interests of large  
22 bureaucracies, unions and other interest groups,  
23 limited tax base and funding, ineffective school leaders  
24 and the evidence of a high concentration of  
25 low-performing teachers in schools attended by a high

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 share of poor children.

2 This panel is about funding, but I think it  
3 is crucial to consider the returns to additional funding  
4 in combination with the amount.

5 What are the most promising approaches  
6 based on the evidence? I think policies that empower  
7 families and place greater pressure on schools and  
8 teachers to improve, and the combination of additional  
9 funding and adoption of systems and structures that link  
10 higher performance with additional resources. I now  
11 want to provide two examples.

12 The first is local to the panel here. It's  
13 the IMPACT teacher and principal evaluation program,  
14 which is a comprehensive evaluation system adopted in  
15 Washington, D.C., in which teachers and principals are  
16 rated on the basis of a number of measures including  
17 their effects on achievement growth and classroom or  
18 school observations of both the performance of the  
19 teacher and the school leader.

20 The evaluations provide the basis for  
21 teachers and school leaders to improve. And  
22 additionally, a high rating is rewarded by bonuses or  
23 base salary increases that make it much more appealing  
24 to continue to teach in the District.

25 And crucially, extra compensation is given

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 for highly rated teachers and principals who work in  
2 high-poverty schools.

3 So the District becomes more attractive to  
4 effective educators, and importantly so do those schools  
5 that teach the most disadvantaged children.

6 Now the evidence on IMPACT effects.  
7 Reading and especially mathematics achievement in  
8 high-poverty schools increased substantially following  
9 the replacement of teachers classified as low performers  
10 who were induced or required to leave the schools. And  
11 the improvement in the 2015 National Assessment of  
12 Education Progress scores exceeds all of the other large  
13 urban districts that participate in that special NAEP  
14 program.

15 How do these results inform potential  
16 policies related to the structure of teacher  
17 compensation? One possible approach is  
18 across-the-board salary increases or retention bonuses  
19 for teachers or school leaders in districts that might  
20 currently have lower salaries. These are likely to be  
21 far less effective than alternatives. They don't  
22 distinguish among teachers on the basis of performance  
23 and effectiveness.

24 In contrast, a well-structured personnel  
25 policy would support the professional growth of teachers

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 and principals, use pay increases to attract and retain  
2 effective personnel, particularly those serving many  
3 disadvantaged students, and induce persistent  
4 low-performing teachers and principals to exit a  
5 district. And the IMPACT program shares a lot of those  
6 characteristics.

7 A second policy that I think is potentially  
8 quite promising is the expansion of charter schools.

9 Charter schools strengthen parental  
10 choice, and expanded parental choice can push for  
11 high-quality charter schools and potentially also  
12 higher-quality traditional public schools through  
13 competition.

14 The evidence on charter school  
15 effectiveness has been decidedly mixed.  
16 Over-subscribed charter schools with a long wait list  
17 significantly outperform traditional public schools in  
18 many studies.

19 Charter schools on average, however, have  
20 not outperformed traditional public schools. However,  
21 I think one thing that's very important in considering  
22 a large reform like charter schools is to consider the  
23 dynamics or how the program is evolving over time.

24 The introduction of the charter sector in  
25 many states opened public schooling to those with little

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 experience at operating schools, and the evidence  
2 confirms large differences in the quality of charter  
3 schools in the early years of programs.

4 The key is whether the market forces work  
5 to push low performers out and generate improvements.  
6 And the evidence based on the large charter school sector  
7 in Texas is very promising. It is important to recognize  
8 that the charter schools disproportionately serve  
9 low-income children and African American children.

10 I want to just show you some diagrams, and  
11 the dotted line is a distribution of school quality in  
12 traditional public schools, and the solid line is in  
13 charter schools.

14 What you can see is in Texas in 2001, the  
15 dotted line is to the right of the solid line. And so  
16 charter schools were underperforming traditional public  
17 schools during that period.

18 And this is accounting for differences in  
19 the children that they teach. But if you look along as  
20 time passed, the solid line begins to move to the right  
21 relative to the dotted line.

22 And by 2011, the distribution of charter  
23 school quality actually is almost identical and slightly  
24 exceeds that of traditional public schools.

25 The improvement has come through several

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 channels: the closure of ineffective schools, the  
2 expansion by more effective charter management  
3 organizations including KIPP, improvement of schools  
4 that remained in the marketplace the whole time, the  
5 proliferation of the No Excuses model of education which  
6 seems to be particularly effective.

7 And I think perhaps most important for  
8 thinking about policy evaluation is the maturing of the  
9 sector. In the beginning there was extensive student  
10 turnover and many kids entering the new charter schools  
11 and it's very hard to educate children in that  
12 environment. It really takes time for this kind of  
13 large reform to work, and premature evaluation may  
14 generate an incorrect finding.

15 Finally, I want to highlight a few  
16 potentially high return areas for investments in  
17 low-income children.

18 I think one of them is highly enriching  
19 preschool and early education, not only in raising  
20 achievement, but more importantly in improving longer  
21 term outcomes, including high school graduation,  
22 college enrollment, employment and earnings and not  
23 getting involved in the criminal justice system.  
24 Another is class size reduction in early grades, which  
25 is targeted at high-poverty schools. Such targeting

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 avoids teacher departures to other schools.

2 When California reduced the size of all of  
3 the early classes by a lot, many teachers moved from  
4 schools serving disadvantaged children to schools in  
5 more middle-class areas as those jobs opened up.

6 I think the returns on these investments are  
7 likely to be higher if structures are in place that  
8 reward higher achievement and the development of other  
9 skills related to better future educational, economic  
10 and social outcomes. Thank you.

11 VICE CHAIR TIMMONS-GOODSON: Thank you  
12 very much, Professor Rivkin. Mr. Mesezar, we'll hear  
13 from you, sir.

14 MR. MESECAR: Great. Well, good  
15 afternoon, and I really appreciate you having me here,  
16 the invitation to testify before you.

17 So Commissioners, distinguished guests,  
18 I'm actually here as adjunct scholar for the Lexington  
19 Institute, which is an Arlington, Virginia-based think  
20 tank. And what follows are some highlights from my  
21 submitted written testimony. And I want to pick up  
22 actually on Commissioner Kladney's last questions  
23 before we had a break.

24 And I'll dive into this more, but I think  
25 addressing inequality requires innovation. I'd like to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 talk about two today. One in educational practice, and  
2 the other in funding. But first, I do want to address  
3 underlying issues to innovation, and one of the topics  
4 that was discussed at length this morning around funding  
5 levels and distribution.

6 In my look at research, court cases,  
7 anecdotal evidence, the question seems to be as much  
8 about whether the amount and distribution of funding  
9 provided for public education is the key to equality of  
10 opportunity or is it how the given amount of funding is  
11 actually utilized.

12 Denial of opportunity in my opinion has as  
13 much to do with what can be achieved, the outcome, as  
14 it does with not providing the simple offer of the  
15 opportunity in the first place.

16 It is possible to address the conditions  
17 necessary to the exercise of opportunity to achieve  
18 positive outcomes and therefore fulfill the promise of  
19 equality of opportunity.

20 It is the action taken with funding that in  
21 my opinion is the critical measure, not necessarily the  
22 amount or distribution of funding divorced from the  
23 action taken.

24 The U.S. Supreme Court case *Horne v. Flores*  
25 provides some guidance on this matter. The *Horne* case

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 addressed the, quote-unquote, appropriate actions  
2 required to overcome language barriers and to provide  
3 instruction for English language learners in the Nogales  
4 Unified School District in Arizona under the federal  
5 Equal Educational Opportunities Act.

6 A district court had found that funding was  
7 inadequate, but in its ruling, the Supreme Court held  
8 that the state should not be evaluated on the narrow  
9 basis of additional spending, but instead should focus  
10 on outcomes in the context of equal opportunity.

11 Funding truly is a necessary precondition  
12 to equality of opportunity, but it isn't sufficient in  
13 and of itself to produce transformative results.

14 If not used well, all the money in the world  
15 will not produce the kinds of outcomes we so desperately  
16 need for all of our nation's students or solve  
17 longstanding educational inequalities.

18 So post-No Child Left Behind, there is a  
19 greater return to state and local decisionmaking under  
20 the Every Student Succeeds Act, ESSA. The latest  
21 iteration of the 1965 Elementary and Secondary Education  
22 Act is a key pillar of the federal civil rights efforts.

23 This federal change, combined with  
24 increasing global competition and greater technology  
25 access and effectiveness is enabling districts across

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 the country to pursue more transformative innovation to  
2 close achievement gaps and other performance measures  
3 that clearly indicate important outcomes and therefore  
4 opportunity.

5 So one I'd like to talk about briefly is  
6 personalized learning. What does that mean?

7 Well, there are varying definitions, but  
8 the one that appeals to me and that I've seen produce  
9 results defines personalized learning as taking place  
10 in flexible learning environments, where learning is  
11 based on personal learner profiles and paths, and where  
12 students move on when they demonstrate mastery.

13 It's truly meeting students where they're  
14 at. And blended learning, using high-quality digital  
15 tools with effective in-person teaching, is a key way  
16 to personalize learning. Rather than being constrained  
17 by a wait to fail model where students only get more  
18 attention and personalization as they fail to succeed,  
19 personalized learning can cut through the lost time and  
20 angst of students failing before they get the  
21 opportunity for success.

22 When implemented comprehensively and with  
23 fidelity, personalized learning can really produce  
24 results, and has been shown to produce significant  
25 learning gains for all learners, especially at-risk

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 students in poverty and/or learning English, and  
2 research by SRI International, the RAND Corporation, the  
3 Dell Foundation and others have found promising early  
4 results.

5 And in fact I highlighted in my testimony,  
6 Middletown, New York, which has implemented  
7 personalized learning over the last four years. It's  
8 a district where 70-plus percent of their students are  
9 low-income, and they're having dramatic positive  
10 outcomes.

11 The four-year graduation rate in Middletown  
12 has increased from 51 to 80 percent over the last eight  
13 to nine years, and three-fourths of the students in  
14 Middletown's personalized learning program outperform  
15 their peers in non-personalized classrooms in reading  
16 and math.

17 There are others, other school districts,  
18 including traditional public schools and charter school  
19 networks like KIPP as was mentioned before, Aspire and  
20 others, that are using personalized learning very  
21 effectively with high-poverty and minority students.

22 There's one last reform I'd like to talk to  
23 in my remaining time, and that has to do with  
24 performance-based funding, and that is the notion that  
25 we use performance as a method of distributing some

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 funding when schools, districts or other organizations  
2 are producing transformative results better than the  
3 status quo.

4 Government budgets are almost exclusively  
5 designed to pay for inputs rather than producing  
6 results. Performance-based funding can provide a new  
7 approach to improving educational funding while  
8 addressing systemic inefficiencies.

9 There is emerging bipartisan consensus that  
10 it's not just acceptable to continue to just fund the  
11 same old same old because that's what we've always done.

12 There is actually some elements of  
13 performance-based funding in the new federal law, as  
14 well as in the states, and Arizona, Michigan,  
15 Pennsylvania and Florida have all incorporated some  
16 version of performance-based funding.

17 As regards ESSA and the federal law, they  
18 missed a major opportunity to make systematic changes  
19 to how the Title I formulas work, which by any analysis  
20 don't work particularly well for low-income students.

21 Now we heard talk this morning about  
22 supplement, not supplant, and how that's being looked  
23 at by the Department.

24 I think it's an incredibly important debate  
25 as we look forward to how federal dollars are distributed

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 across the states, and I'd be happy to talk more about  
2 that.

3 Finally, the problem of misaligned  
4 incentives is a well-researched topic in other fields  
5 but it has not been a topic of deep research and  
6 reflection in education, where the misalignment between  
7 funding and performance is at best a drag on the system  
8 and student performance, and at worst is a fundamental  
9 flaw that ensures our schools will never improve  
10 sufficiently for the nation to live up to its founding  
11 ideals of equality and opportunity.

12 So as my fellow panelist said, money does  
13 matter, but perhaps how money is used may matter more.  
14 And with that I'd be happy to take questions, and thank  
15 you.

16 VICE CHAIR TIMMONS-GOODSON: Thank you so  
17 much, Mr. Mesecar. That brings us to you, Mr. Robinson.  
18 Let us hear from you, sir.

19 MR. ROBINSON: Thank you so much. First of  
20 all, thank you for extending to me an invitation to speak  
21 to you about an important subject of school funding and  
22 outcome.

23 I've been involved since 1991 in this issue  
24 wearing different hats, either as an advocate, president  
25 of a nonprofit organization, state executive in Florida

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 and Virginia, as well as a researcher.

2 And I'm glad to be here to have the  
3 discussion. One thing I know for sure is we have money  
4 within our education system.

5 According to the National Association of  
6 School Budget Officers, in 2014 we spent \$344 billion  
7 at the state level on education.

8 Now while states may have spent \$445 billion  
9 actually on Medicaid which the federal government picks  
10 up about 58 percent of that, pound for pound, state and  
11 local government are the ones that are funding schools.

12 And if you take a look at the percentage,  
13 we identify that 45.6 percent of funds for schools come  
14 from states, 45.3 percent will come from local  
15 government, and 9.1 percent will come from the federal  
16 government.

17 While the 9.1 percent may sound like a small  
18 percentage, in fact it's still a large amount.  
19 President Obama for his 2016 request for funding asked  
20 for \$70.7 billion increase from what he requested  
21 before, because we believe that money has a role to play.

22 When we talk about school reform and  
23 funding, a number of questions come to mind. We ask the  
24 question, does money matter. We raise the question of  
25 what impact does poverty have on learning. How does race,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 ethnicity and the history of segregation actually  
2 influence academic outcomes? What role can the federal  
3 government play? Too big, too small, and what role  
4 should the court play in the process? And did the  
5 landmark Supreme Court decision in Rodriguez make it too  
6 difficult for advocates and families to insist for  
7 equitable funding.

8 I tell you that I believe that money  
9 matters, and it matters a lot when we spend it wisely.  
10 And in order for me to get my hands around what works,  
11 I like to look at different schools of thought.

12 And so for my testimony I'm going to take  
13 three different schools of thought on how we should think  
14 about money and outcomes.

15 The first thought is money matters little  
16 to student outcomes. Neal McCluskey at the Cato  
17 Institute published research where he identified NAEP  
18 scores in science, in math and in reading.

19 From 1970 to 2010, we saw a flat line, and  
20 a few blips here and there, for NAEP scores, while the  
21 amount of funding actually rose dramatically, showing  
22 that there was no strong correlation between the amount  
23 of money invested and return on results as it related  
24 to NAEP. One school of thought.

25 Second school of thought is resource

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 allocation matters to student outcomes. Bruce Baker at  
2 Rutgers University, David Sciarra and Danielle Farrie  
3 at the Education Law Center, looked at 20 years' worth  
4 of research and identified three things.

5 Number one, they said if you pay teachers  
6 a competitive wage, if you actually reduce class size  
7 and if you focus staff ratios in the right place at  
8 high-poverty underperforming schools, two things will  
9 happen. Number one, we see an increase in NAEP scores,  
10 and number two, we see a smaller gap between NAEP results  
11 from low-income and non-low-income students.

12 Third, effective oversight of state funding  
13 matters a lot to student outcomes. Ulrich Boser at the  
14 Center for American Progress, looked at its funding data  
15 for 7,000 school systems. He used a three-step, well,  
16 I would call it three-prong model to identify exactly  
17 how we fund schools. He had one metric where he tried  
18 to figure out how much money are we spending for results.  
19 The second thing he decided to do was try to control as  
20 much for SES, English language learners and others, and  
21 his third metric took a look at exactly what we were  
22 putting in place.

23 There were two interesting findings from  
24 his study that I'd like to share with you. The first  
25 is he found that even in school systems where they were

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 high spenders, there was no correlation between the  
2 amount of money they spent in high-funding districts and  
3 student achievement.

4 In fact, he identified that only 37 percent  
5 of the 2,397 districts with high per-pupil spending were  
6 actually in the top third for achievement.

7 And that's something to mention because we  
8 often believe that it's only low-income school systems  
9 where we're having a gap in achievement.

10 And secondly, he identified that students  
11 -- states have a pretty weak tracking system on how to  
12 link money to results.

13 So I'm going to close with three  
14 recommendations for the Commission. I believe you are  
15 in a position to do some great things.

16 Number one is I'd recommend the Commission  
17 study high-performing public high schools. U.S. News  
18 and World Report in their 2016 evaluation identified 58  
19 gold-medal-winning public high schools where the  
20 students who attended, at least 75 percent of them were  
21 in poverty.

22 They identified 142 high schools that were  
23 Title I, also gold medal winners. And identified 76  
24 public high schools where the student population was at  
25 least or above 75 percent of poverty and they were doing

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 well.

2 The reason I bring this up is because we need  
3 to study and identify how and where they spent money,  
4 and what can we do to replicate this in other schools.

5 I'm a guy who supports charter schools.  
6 I'm a charter school founder and former authorizer. But  
7 it would be great to have conversations about non-public  
8 charter schools that are getting great results for our  
9 kids, because that's where the majority of our students  
10 are going to be for a long time.

11 Number two, utilize human capital. I wish  
12 I could tell you that states and local school boards were  
13 going to flush our schools with more money. That won't  
14 happen.

15 So I think we need to create strategic  
16 partnerships with groups like AmeriCorps, City Year,  
17 VISTA, the National Urban League and others who have  
18 programs in place to provide what I would call a  
19 wraparound service where they already have money from  
20 the philanthropic community, state and local  
21 government, and it won't cost school systems a great  
22 deal.

23 Lastly I would say innovate to educate but  
24 not just litigate. School funding and desegregation  
25 cases should emphasize innovation alongside the use of

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 technology to deliver education services to students.  
2 Otherwise court orders and additional funds risk  
3 supporting the established mechanisms that have failed  
4 to improve student achievement. Thank you for your time  
5 and I look forward to the Q&A.

6 VICE CHAIR TIMMONS-GOODSON: Thank you  
7 very much, Mr. Robinson. At this time we will proceed  
8 with questions from our commissioners. Commissioner  
9 Narasaki, do you?

10 COMMISSIONER NARASAKI: I defer to  
11 Commissioner Kladney.

12 COMMISSIONER KLADNEY: Thank you,  
13 Commissioner. Glad she put me on the spot. Let me see,  
14 I had something here.

15 Mr. Rivkin, I'm sorry. For those of us who  
16 are not economists, what is a standard deviation?

17 PROFESSOR RIVKIN: I think if you line all  
18 the children up from the lowest test score to the highest  
19 one, and then you take someone who's exactly in the  
20 middle, and you move, you compare their test result to  
21 someone who is at the 33rd percentile, so where one-third  
22 of the children scored less and two-thirds scored more,  
23 the difference between the child in the middle and the  
24 child at the 33rd percentile is a good approximation of  
25 what a standard deviation is. So it's a kind of measure

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 of the difference, okay?

2 COMMISSIONER KLADNEY: Thank you. So my  
3 next question is for you as well. When you had your  
4 chart up there from Texas schools and charter schools,  
5 public schools from 2001 to 2011, you made the point that  
6 the charter schools came up in quality to public schools.

7 The point is, is that where we want both sets  
8 of schools, is where the public schools are?

9 PROFESSOR RIVKIN: So it's important to  
10 recognize, I think, that in doing this research, the  
11 data, the tests are given every year and they don't say  
12 anything to you about whether the schools are improving  
13 in an absolute sense.

14 Now what has happened during this period in  
15 Texas, however, is that children in the state of Texas  
16 were improving on the National Assessment for Education  
17 Progress.

18 So the children in Texas traditional public  
19 schools were actually improving from 2001 to 2011, and  
20 charter schools were improving more in large part  
21 because of the fact that many of the really poorly  
22 performing charter schools closed.

23 I think that what we desire is that the  
24 schools continue to improve, that reforms like charter  
25 school reforms continue to improve schools.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 I think it's less important whether the  
2 charter schools become much better relative to the  
3 traditional public schools.

4 For this kind of large reform it's that  
5 you're bringing up all of the schools. And I think one  
6 of the key things about charter schools is, when a school  
7 is very low-performing and the parents leave, the school  
8 closes.

9 And with a traditional public school system  
10 in a large urban district, the school can be persistently  
11 low-performing for a long time and there's not that same  
12 pressure on the school.

13 COMMISSIONER KLADNEY: So my next  
14 question is is as an economist, are charter schools run  
15 at the same cost as public schools?

16 I believe some are run at a more expensive  
17 cost and I think some are run at less of a cost, and I  
18 think that deals with quality as well, does it not?

19 PROFESSOR RIVKIN: I think there's a lot  
20 that's stated publicly about this, I think often based  
21 on not a lot of information. And I do not have detailed  
22 information on all of the charter schools. There are  
23 a few charter school networks that are well funded and  
24 provide a lot of support to their schools.

25 There are many, many other charter schools,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           however, that do not enjoy that kind of funding  
2           advantage, and in fact in many ways, because they have  
3           to take care of facilities and other things, enjoy less  
4           funding than traditional public schools.

5                        COMMISSIONER KLADNEY:        So is anybody  
6           doing a study on this that you know?  And anybody on the  
7           panel, actually, because I know you were both, both  
8           gentlemen, all three gentlemen here were talking about  
9           charter schools.  I think you stayed away from that, Mr.  
10          Rothstein.

11                      PROFESSOR RIVKIN:  I don't know.  That's  
12          very difficult to do, but I think it would be a valuable  
13          study to see in the Texas context if we were looking at  
14          the improvement of the schools, how much of that can be  
15          explained by the resources available to the different  
16          types of charter schools.

17                      MR. MESECAR:  Just to jump in, I think part  
18          of your question gets at the notion of, to borrow a  
19          business term, kind of what's a return on a given  
20          investment relative to a governance model, right, in a  
21          traditional public, a charter, a magnet, and then  
22          there's subcategories even within that.  And I think it  
23          hinges --

24                      COMMISSIONER KLADNEY:        Within charter  
25          schools as well.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. MESECAR: I'm sorry?

2 COMMISSIONER KLADNEY: Within charter  
3 schools as well.

4 MR. MESECAR: Within charters. Actually  
5 there's virtual charters, there's different models of  
6 charters, you're absolutely right.

7 And I think the other question is, is  
8 relative to what. And as you were asking the question  
9 of Dr. Rivkin around what is our standard unit of  
10 measure?

11 Is it one to the other? Is it to some other  
12 standard of measure, like NAEP, as was mentioned before?  
13 Is it an international measurement?

14 So how do we define what is the unit that  
15 we're going to measure a given investment having an  
16 impact on is critically important to any study of that  
17 question.

18 And I don't know that there's a lot of  
19 agreement around what that should be. I think there's  
20 a lot of -- and it will be interesting, frankly, to bridge  
21 to ESSA where you see a lot of change at the state level  
22 with assessments, what's in accountability systems.

23 So how are we going to measure, even within  
24 Texas charter schools to traditional public schools, and  
25 then did those measurements have any implication for any

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 schools outside of Texas?

2 Because the systems in an interesting way  
3 in an era of Common Core, while the standards, there's  
4 a lot of similarity, you're seeing a lot of divergence  
5 at the state level for what do we do to actually get kids  
6 to understand those standards. What level of  
7 expectation. What other factors are we going to  
8 include? So what's our measure of what is a given unit  
9 of dollar going to achieve.

10 MR. ROBINSON: So the National Alliance for  
11 Public Charter Schools have identified that every  
12 charter school will receive 75 percent on every dollar;  
13 the additional 25 percent they don't receive. That's  
14 a national approach.

15 COMMISSIONER KLADNEY: Depending on  
16 whether they receive outside funds, right?

17 MR. ROBINSON: This is strictly state,  
18 local, federal funding.

19 COMMISSIONER KLADNEY: State funding,  
20 right. They don't get money for facilities. That I  
21 understand.

22 MR. ROBINSON: That varies by state  
23 actually.

24 COMMISSIONER KLADNEY: But when you're  
25 talking about a KIPP school or a Pritzker school, or a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 school like that, you're talking about a well-funded  
2 school, are you not?

3 MR. ROBINSON: Well, it depends on where  
4 you are. KIPP in the Delta is funded very differently  
5 than KIPP in Atlanta.

6 I helped found a KIPP school in Atlanta. We  
7 are the 2016 charter school of the year. We don't  
8 receive the same amount of funding as Atlanta Public  
9 Schools.

10 We make up the additional money through  
11 philanthropy. So the social network part definitely  
12 works well.

13 Secondly, Nat Malkus, one of my colleagues  
14 at AEI, and Mike McShane, another colleague, have  
15 written on charter schools and there's also some funding  
16 aspects there.

17 As a former charter school authorizer in  
18 Georgia, when we approved charter schools in the state,  
19 they received some funding, but not the exact same  
20 funding as the neighboring school. So it varies.

21 COMMISSIONER KLADNEY: Right, and that's  
22 also true with public schools. I mean if you have a PTO  
23 that raises \$150,000 year over year in an elementary  
24 school in an upper-middle, middle, whatever kind of  
25 class you want to choose other than low income, and then

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 in low income they raise \$2,000 to \$2500 a year, year  
2 over year, that too makes a tremendous difference, does  
3 it not?

4 MR. ROBINSON: It makes a difference  
5 because \$2,000 won't per se pay for a calculus class.  
6 That money will primarily be used for auxiliary  
7 opportunities. But at the end of the day, 44.6 percent,  
8 44.3 percent is what's driving it. The outside part is  
9 supportive but it's not driving the big part.

10 COMMISSIONER KLADNEY: That's all I have,  
11 Madam Vice Chair.

12 VICE CHAIR TIMMONS-GOODSON: All right.  
13 Commissioner Narasaki.

14 COMMISSIONER NARASAKI: Thank you, Madam  
15 Vice Chair. So I have a couple of questions. One is  
16 that, Mr. Mesezar, you were talking about personalized  
17 learning, and also talking about that it's not just how  
18 much money but how the money is spent.

19 So my question is it seems to me that  
20 personalized learning probably requires training of  
21 teachers, sufficient training of teachers, as well as  
22 sufficient number of teachers to be able to have  
23 personalized level of attention to kids. Is that  
24 correct?

25 MR. MESECAR: Great question. So it does

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 require training of teachers, and there are different  
2 models on how many teachers are going to either be needed  
3 or in some cases not needed, depending on the model.

4 In some examples of personalized learning  
5 that are producing results, Carpe Diem is an example  
6 where they've gone to a different model where they use  
7 small groups of students with teachers, and they change  
8 the schedule so that it doesn't necessarily result in  
9 an increased number of teachers.

10 So it can be looked at differently. And the  
11 idea of personalized learning is it gets you away from  
12 a strictly structured grade and age system.

13 Where if you've got a group of students who  
14 are struggling with reading and it could be third, fourth  
15 and fifth grade students, and they're roughly at the same  
16 level, then you can group those students differently  
17 rather than having to say well I need one teacher to do  
18 one grade, another teacher to another grade.

19 So you look at what their needs are, and then  
20 organize around that. And that has different  
21 implications.

22 And then just real quick on the teacher  
23 professional development. There is a lot of money that  
24 currently is being spent on teacher professional  
25 development, and not being spent well.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 I would point you toward to the New Teacher  
2 Project released a report about how those dollars are  
3 used and what they're used for and the results achieved.

4 So I think there's a lot of opportunity to  
5 repurpose the dollars that are already being spent on  
6 professional development to orient toward a more  
7 productive use.

8 COMMISSIONER NARASAKI: So my second  
9 question all of you might be interested in answering,  
10 I'm not sure, and that is so there's this debate about  
11 whether money matters or not.

12 And in the reading that I've done it seems  
13 clear that money matters but also obviously you have to  
14 spend the money in the right way.

15 And I feel like the voices who are saying  
16 money doesn't matter at all are maybe being  
17 misunderstood in the debate to say that therefore we  
18 don't need to spend more money to fix any of these  
19 educational issues.

20 So my question is, isn't there a certain  
21 level of money that you have to have before, you know,  
22 you could do all these other bells and whistles, but  
23 isn't there some amount of money that is required to  
24 ensure that kids get a quality education for what we need  
25 them to be able to do: to be able to get jobs and compete

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 in the global economy? Or not?

2 Because I, it can't be that money doesn't  
3 matter at all which is what I think some reporters take  
4 those reports as saying. Because clearly people spend  
5 a lot of money on private schools because they think  
6 money matters, so.

7 PROFESSOR ROTHSTEIN: So I think this  
8 question of is there a level at which you would need to  
9 achieve a certain desired outcome, this is exactly what  
10 adequacy suits are about.

11 They're about saying that we're not  
12 providing adequate funding to achieve certain outcomes.

13 And I think nobody would deny that, for a  
14 given level of funding, if you spend it badly you will  
15 achieve worse outcomes than if you spend it well,  
16 everybody agrees to that.

17 I think to the extent there is dispute, it's  
18 about whether -- if we just tell the state send more money  
19 to low-income districts, whether that will result in it  
20 being spent well or badly.

21 And I think the evidence suggests that it  
22 results in it being spent well enough that we do see  
23 substantial achievement gains from that.

24 And so I think a lot of the concerns about  
25 it being spent badly, well, certainly we would always

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 prefer it be spent better, and I'm sure there are always  
2 ways to improve on what we're doing.

3 I think the evidence doesn't support the  
4 contention that we should stop trying until we can fix  
5 the ways that we're allocating the funds.

6 PROFESSOR RIVKIN: I share the view. I  
7 mean you must, to run a school system, have a minimum  
8 level of spending, and I think that Dr. Rothstein has  
9 said it very well, that the debate is really about if  
10 we redistribute money under the current traditional  
11 public school system, are we likely to improve the  
12 quality of education?

13 I guess I would be a little bit more  
14 skeptical. I think in the desegregation case involving  
15 Kansas City, where a lot of money was then redistributed  
16 to Kansas City, I think the results were not very good.

17 I think there are arguments about how well  
18 that has worked in the state of New Jersey. I think on  
19 average, there is a positive relationship between how  
20 much you spend and quality, but I think it's weak and  
21 doesn't hold in many places.

22 And therefore I think it's very important  
23 to move to a model where we combine additional spending  
24 with the measurement of outcomes and provide more  
25 incentives for schools to do a better job.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           MR. MESECAR:    To pick up on that thought  
2           briefly, I think it presumes an agreement about the  
3           outcomes that we all want to achieve.

4           And given our system of education, as was  
5           so well described, there are multiple actors, federal  
6           level, state level, local level, community, you know,  
7           within the local-level communities, and I don't know  
8           that we have an agreed-upon outcome that we all want to  
9           achieve.

10          And in fact back to my earlier point, I think  
11          there was an attempt with federal legislation prior to  
12          ESSA, with No Child Left Behind, to establish some common  
13          measurements of what do we expect these outcomes to be.

14          And that law is not only gone but has been  
15          vilified from, you know, everybody pretty much in the  
16          system, rightly or wrongly.

17          So I think the question has as much to do  
18          around what do we expect the educational system to  
19          produce, and then how do we best go about achieving those  
20          results.

21          I think a lot of spending can achieve  
22          results. I think less spending but spent very wisely  
23          could perhaps achieve even better results in some cases.  
24          And I think you have examples of that a lot. There are  
25          so many counterfactuals of well what about this case that

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 did it the exact opposite of what the prevailing idea  
2 was.

3 COMMISSIONER NARASAKI: So I just want to  
4 get clear. So is it your feeling that we're spending  
5 too much money on education and that's, and the problem  
6 is just how we're spending it?

7 Because that's kind of what I heard you just  
8 say, and I'm not sure if that's what you meant.

9 MR. MESECAR: That's not what I said. I  
10 said it's how we spend it. I think that as Gerard  
11 pointed out, you know, all in at \$600 billion annually  
12 roughly K-12 that is spent, I think that there is a lot  
13 of money and it needs to be spent more wisely.

14 But that does not mean that there should not  
15 be additional investment in education. So just to be  
16 clear, I do think there should be additional investment,  
17 but I think the pressing issue we have is are there  
18 agreements on outcomes, how do we achieve those  
19 outcomes, and what kind of innovations can we bring to  
20 bear on achieving those.

21 COMMISSIONER NARASAKI: So, and if I could  
22 just ask, is there research or is anyone doing research  
23 to try to figure out, and I realize it's different from  
24 place to place what might be required, but is there  
25 anyone trying to do research to figure out what that

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 looks like?

2                   What does adequacy look like? Because we  
3 had people testifying this morning saying the problem  
4 with school funding on a state and local level is they're  
5 basically setting budgets based on how much they think  
6 they can spend, as opposed to reengineering and saying  
7 how much do we need to spend, what I feel is one of the  
8 most core functions of government in terms of providing,  
9 making sure that people are being educated.

10                   PROFESSOR ROTHSTEIN:       So one of the  
11 gentlemen I mentioned, David Sciarra, he was like my  
12 second school of thought, resource allocation matters  
13 to student outcomes, there's a new book called The Legacy  
14 of Rodriguez, coauthored by Professor Charles Ogletree  
15 and Professor Kimberly Robinson, who's at the University  
16 of Richmond.

17                   And they've gathered some of the best  
18 thinkers, policymakers, advocates, and they're doing  
19 exactly the kind of research to link, if we have an  
20 adequacy suit, how much would it cost to educate a kid  
21 in Newark or a kid in Jersey City, because he happens  
22 to be in New Jersey. So I would say that's a great place  
23 to look.

24                   Number two, Boser, he is my third school of  
25 thought, he was pretty clear. States still cannot tell

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 you exactly to the penny how much it costs to educate  
2 children.

3 We could tell you how much we spend, but  
4 that's not the same as saying that's how much it costs  
5 to educate children.

6 And lastly, when I was commissioner in  
7 Florida, our governor, our legislature and our board  
8 approved a billion-dollar increase in spending in K-12.  
9 Did we rely on research? Absolutely. But can I tell  
10 you that our NAEP scores have increased 15 percent? I  
11 couldn't tell you that. But I know that the absence of  
12 it, it wouldn't have moved, so.

13 COMMISSIONER NARASAKI: Thank you.

14 PROFESSOR ROTHSTEIN: May I add a little  
15 bit?

16 COMMISSIONER NARASAKI: It's up to the Vice  
17 Chair.

18 VICE CHAIR TIMMONS-GOODSON: Yes.

19 COMMISSIONER NARASAKI: At this point.

20 PROFESSOR ROTHSTEIN: Okay. So there's a  
21 substantial body of research trying to work out what  
22 adequacy is.

23 And it's, as you say, it's going to vary a  
24 lot from place to place. The amount of money you're  
25 going to need to achieve desirable outcomes is going to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 be higher when kids are coming from more disadvantaged  
2 backgrounds.

3 It's also going to be higher when we're  
4 doing less to offset the other aspects of student  
5 disadvantage.

6 If students aren't getting enough to eat,  
7 if they aren't getting medical care, if they're not  
8 getting glasses when they need them, no amount of money  
9 spent on schools and teachers is going to solve that  
10 problem completely.

11 You can help, but you won't be able to solve  
12 it. You're going to need to combine adequate school  
13 spending with adequate spending on other aspects of  
14 people's lives.

15 VICE CHAIR TIMMONS-GOODSON: And that  
16 brings me to the question that I have, or that I seek  
17 some comment on.

18 One of our earlier panelists said that we  
19 don't have an education crisis but a child-poverty  
20 crisis which impacts education.

21 I'd not thought about it in just those terms  
22 but I think that that's profound, and so poverty is then  
23 the most relevant factor in determining the outcome of  
24 a person's educational journey, is what he continued to  
25 tell us.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           And so that says to me that indeed money does  
2 matter. And so I wanted a response to the statement that  
3 we don't have an education crisis but a poverty crisis.

4           PROFESSOR ROTHSTEIN: I guess I would say  
5 we have both. That it's a crisis that children are  
6 growing up in inadequate circumstances, and that's  
7 absolutely a crisis, but that plays through in lots of  
8 ways, including in the schools. When poor children are  
9 going to schools with rat droppings in the classroom,  
10 with water leaking, that's a poverty crisis but it's also  
11 an educational crisis.

12           And again we're going to need a full suite  
13 of responses, including but not limited to adequate  
14 school spending in order to address that.

15           VICE CHAIR TIMMONS-GOODSON: Anyone else  
16 want to chime in?

17           PROFESSOR RIVKIN: Sure. I mean I agree in  
18 general and I think there's a long history of research  
19 that says that the things outside of the school,  
20 beginning with the family, have a larger effect on your  
21 progress through life than the schools. But the schools  
22 can do a great deal.

23           And I think when we think about allocating  
24 dollars for children, we can't just think about the  
25 schools, but I think as has been already stated, we have

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 to think about it with regard to healthcare. We have  
2 to think about it with regard to preschool. We have to  
3 think about it with regard to criminal justice, which  
4 living in Chicago is clearly a problem and I don't see  
5 that there are many good ideas there for how you create  
6 a safe environment for children to grow up.

7 The fact that we have so many needs almost  
8 certainly elevates the need to spend dollars on  
9 education more wisely.

10 I think by empowering families and by  
11 measuring performance, we can put the foundation in  
12 place for school improvement.

13 And as was discussed this morning, another  
14 issue is that much of the within-district spending  
15 differences are due to the fact that teachers who are  
16 more experienced and earn higher salaries choose to work  
17 in the less-poor schools.

18 And I do think that justifies higher pay in  
19 schools serving more disadvantaged children,  
20 particularly if the teacher is effective.

21 I think we should be open about that, that  
22 a lot of this is driven by choices.

23 VICE CHAIR TIMMONS-GOODSON: To our  
24 commissioners that are with us by phone, Commissioner  
25 Achtenberg, do you wish to ask a question at this time?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1                   COMMISSIONER ACHTENBERG: Thank you, Madam  
2 Chairman. For Professor Rothstein, is it the case that  
3 it's more expensive to educate students to a level of  
4 competency if they come from lower-income families than  
5 from higher-income families? Is that the case?

6                   PROFESSOR ROTHSTEIN: I would say there  
7 are no universals in this world, but that on average  
8 there are sorts of things that are going to lead to it  
9 being more expensive to achieve adequate outcomes that  
10 are more common among low-income students than from  
11 high-income students. So they're more likely to --

12                   COMMISSIONER ACHTENBERG: Could you talk a  
13 little bit about what those deficits are, or those things  
14 that have to be compensated for by investment?

15                   PROFESSOR ROTHSTEIN: Sure, there's, let  
16 me, I can't claim to be exhaustive but I'll give you a  
17 few examples.

18                   So students' needs for individual education  
19 plans are more common among low-income children than  
20 among high income children. This could be dyslexia or  
21 ADHD or other learning disabilities that may require  
22 additional resources.

23                   Students may need the schools to be  
24 providing the sorts of things that we don't  
25 traditionally think of as school responsibilities. In

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 a low-income community you're going to have more demands  
2 on the school lunch program and breakfast program  
3 because students aren't getting enough nutrition at  
4 home. You may need counselors to help students who are  
5 facing violence at home or violence in their communities  
6 that is creating impediments to learning.

7 You may need -- you can't rely as much on  
8 average, again, there's lots of variation, but you  
9 can't rely as much on parents to be able to spend time  
10 helping their children with their homework in a  
11 disadvantaged community as you can in a wealthier  
12 community, and so you're going to need to provide extra  
13 supports to compensate for that.

14 The list could go on all day, and I know the  
15 Commission doesn't want to spend that much time on this,  
16 but there's any number of ways in which high-income  
17 families are able to provide for their children in ways  
18 that help make it easier to educate them in school, and  
19 that if they're not getting that at home, children are  
20 going to need that, need to get it at school.

21 COMMISSIONER ACHTENBERG: And that goes  
22 into the calculus of adequacy? Meaning that it's what's  
23 adequacy for the education of one child is not  
24 necessarily what's needed for the education of another.  
25 Is that a fair statement?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1                   PROFESSOR ROTHSTEIN:     I would say that  
2                   different state courts have adopted different  
3                   definitions of what they mean by adequacy, but I think  
4                   that any reasonable calculation would have to take into  
5                   account that children come with different needs and have  
6                   different costs associated with that.

7                   VICE               CHAIR               TIMMONS-GOODSON:  
8                   Commissioner Achtenberg, --

9                   COMMISSIONER ACHTENBERG:     And that it's  
10                  the responsibility of the public school to address at  
11                  least a basic number of those, or?

12                  PROFESSOR ROTHSTEIN:     I would say it's the  
13                  responsibility of our society to address them.   We don't  
14                  always live up to that but we need to, and it's, the  
15                  schools are kind of who's stuck holding the bag if nobody  
16                  else does.

17                  VICE               CHAIR               TIMMONS-GOODSON:  
18                  Commissioner Achtenberg, one of our other panelists, Mr.  
19                  Rivkin, also has indicated a desire to respond to your  
20                  initial question.

21                  COMMISSIONER ACHTENBERG:     That would be  
22                  terrific, thanks, Madam Chair.

23                  PROFESSOR RIVKIN:     Thank you.   I share the  
24                  view that you just can't say that the same amount spent  
25                  in a very high-poverty school is providing an equal level

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 of education as similar amount in an upper middle-class  
2 suburb.

3 It's not the case for many of the reasons  
4 Dr. Rothstein mentioned. But I think another one that's  
5 important is it appears to be more expensive to induce  
6 teachers and administrators to come to work in  
7 high-poverty rural areas or high-poverty urban areas,  
8 and that's another cost that has to be taken into  
9 account.

10 COMMISSIONER ACHTENBERG: Are either of  
11 you aware of any effective teacher, you know,  
12 differential teacher compensation systems that have  
13 demonstrated if you, that you compensate teachers more  
14 highly who work in more distressed situations and that  
15 allows you bring forward a better, more experienced  
16 teacher, or are there examples of where that's been  
17 proven to be the case?

18 PROFESSOR RIVKIN: I think that  
19 Washington, D.C., the IMPACT program where there is  
20 additional compensation for teachers who are effective  
21 in high-poverty schools, it appears to be a very  
22 promising policy, because what looks like is happening  
23 is that the teachers in high-poverty schools who are  
24 leaving because they received low performance  
25 evaluation are being replaced by much more effective

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 teachers.

2 And I am sure that the additional pay is an  
3 important compensation for having more difficult  
4 working conditions, but also for having a more risky job  
5 in the sense that your pay is now connected with how well  
6 you're doing.

7 And I think both of those things are  
8 important. And it's certainly the case that many  
9 educators wouldn't require additional compensation to  
10 work, that they would do so quite willingly.

11 But on average, we have to deal with  
12 differences in the willingness of people to supply their  
13 services in different places, and I think that kind of  
14 compensating differential is vital to getting better  
15 teachers in high poverty areas.

16 VICE CHAIR TIMMONS-GOODSON: Okay.  
17 Commissioner Yaki, do you wish to ask a question at this  
18 time? Commissioner Kladney?

19 COMMISSIONER KLADNEY: Thank you Madame  
20 Vice Chair. Mr. Mesecar, did I say that right?

21 MR. MESECAR: Sure.

22 COMMISSIONER KLADNEY: Close?

23 MR. MESECAR: Close.

24 COMMISSIONER KLADNEY: And I'd like  
25 everybody to respond to this. Because this is the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 feeling I get from this panel, and I may be wrong.  
2 Because I've been wrong before in my life, only once or  
3 twice.

4 You said early on in your testimony that,  
5 was it money or structure that really needs to be changed  
6 in the educational system? And what I take it from  
7 everybody's testimony is you're saying both. Is that  
8 correct? That we should be looking to structure and  
9 looking to finance at the same time to give equality to  
10 low income schools. Am I taking that as right or wrong?  
11 Or am I not phrasing it right?

12 MR. MESECAR: I think it's nuanced. But on  
13 the whole, I think there are needs. And I agree with  
14 Professor Rothstein that we have multiple issues going  
15 on. I think the amount and distribution of funding  
16 needs to be looking at as well as the use of that funding.

17 COMMISSIONER KLADNEY: Mr. Robinson?

18 MR. ROBINSON: School of thought 3 from Mr.  
19 Boser would definitely say we need to make sure that  
20 states have a system in place to know return on  
21 investment for every dollar spent. When we hold  
22 constant race and other factors, what impact would that  
23 make? And lastly he's got a performance index. So that  
24 answer is yes.

25 At the same time, I would also like us to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 remember that there are kids in poverty who share the  
2 same characteristics as the kids in public schools who  
3 go to private schools. Whether they're Catholic,  
4 non-denominational, Protestant who are able to do well  
5 on NAEP and other things as well.

6 So I don't want to make us think, not saying  
7 that you are, that poverty is a proxy for destiny.  
8 Because it's not. I know you're not, for sure.

9 COMMISSIONER KLADNEY: I'm not. What I'm  
10 trying to do is, in a subject with so many different  
11 points of light or areas or directions, I'm trying to  
12 make a generalization. That's all I'm trying to do. I  
13 mean, we can do anecdotal stuff all day long, I'm sure.

14 MR. ROBINSON: I think the conjunction  
15 "and" is best. Money matters and how you spend it and  
16 where.

17 COMMISSIONER KLADNEY: Thank you.

18 PROFESSOR RIVKIN: What you said is that  
19 money and structure both matter. And that would  
20 characterize my view.

21 COMMISSIONER KLADNEY: Thank you Dr.  
22 Rivkin.

23 PROFESSOR ROTHSTEIN: I agree, both money  
24 and structure matter. I think we ought to be pursuing  
25 both of them. I don't think we ought to hold up one.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 If we can make progress on one and not the other, then  
2 we should be making that progress. It's not the case  
3 that you must move ahead on both of them at the same rate.  
4 Although obviously, we can always improve structure and  
5 we can always improve funding.

6 COMMISSIONER KLADNEY: And if I have time  
7 for one more, Madame Vice Chair?

8 VICE CHAIR TIMMONS-GOODSON: Yes, one  
9 more.

10 COMMISSIONER KLADNEY: Thank you. Mr.  
11 Robinson, you said you were associated with the KIPP  
12 schools? It was always my understanding that they  
13 created an alternative environment, the situation where  
14 the child can show up at 6:00 in the morning, stay until  
15 6:00 at night.

16 I think I even read about it where some of  
17 the schools would give the kids cell phones to take home  
18 at night to be able to call someone if something went  
19 on. Am I on the right track?

20 MR. ROBINSON: You're definitely in the  
21 ballpark. So several years ago --

22 COMMISSIONER KLADNEY: Oh that's good.  
23 Not left field, I hope.

24 MR. ROBINSON: I don't think you're left or  
25 right. So several years ago when we were trying to get

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 families interested, we visited 221 homes in an Atlanta  
2 area that would have fed into our school. From one to  
3 two hours per home, we had a conversation about what we  
4 would offer.

5 One of the things we said, we start early  
6 in the morning, around 7:00 to 7:30. It could be 8:00  
7 depending on the schedule. We require students to  
8 attend school twice a weekend, two weekends a month. We  
9 also have a two week summer school.

10 For some parents, they cheered. For other  
11 parents, that's just too early. But that's why we went  
12 door to door. So the model works for some, not all. And  
13 for the ones who decided to come, they're glad they did.

14 COMMISSIONER KLADNEY: So I ask that  
15 question only in the sense that I'm wondering whether  
16 some demonstration project should be held in the public  
17 schools like that. And provide funding for it to see  
18 what kind of outcomes there can be. Because obviously  
19 there's been fairly decent outcomes with that school,  
20 with that program.

21 MR. ROBINSON: I don't know if it's Texas  
22 or New York, they actually experimented with an extended  
23 day. Because I remind people, charter schools aren't  
24 magical because we call them charters. What we can do  
25 is give public schools the same regulatory relief that

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 we give to charter schools.

2 So extended day, that should be a project  
3 that people can support. There's definitely research  
4 to show that it makes a difference. And the question  
5 is, do you have the same educator between 8:00 to 5:00  
6 and then 5:00 to 8:00. That's another question. But  
7 I think it's either New York or Texas who experimented.

8 COMMISSIONER KLADNEY: I believe Houston  
9 was going to try to adopt. And it was two years ago,  
10 two and a half years ago. And I never heard what the  
11 outcome was. Maybe, do you any of you gentlemen know?  
12 Okay. I'm done. VICE CHAIR TIMMONS-GOODSON:  
13 Commissioner Narasaki?

14 COMMISSIONER NARASAKI: I have one  
15 question. So I have two. One is to Professor Rivkin  
16 and it might be of interest of others. So there's some  
17 discussion about the need to give parents more choice.  
18 Obviously charter schools is one direction.

19 The other is what HUD recently announced  
20 this year in terms of trying to really use its  
21 programming on fair housing to give poor families more  
22 of a choice of where they can live. And hopefully open  
23 up more opportunities for them to live in better school  
24 districts and more integrated situations which some  
25 researchers say help to contribute to better educational

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 outcomes.

2 So is that something that you would be  
3 supportive of? I'm not sure if you're familiar with it  
4 or not. We have someone from HUD coming later, so

5 PROFESSOR RIVKIN: I am certainly not an  
6 expert. I think there's been a lot of research about  
7 moving to opportunity and other experiments that took  
8 place. And I think there's now additional evidence that  
9 kids who moved when they were younger had better longer  
10 term outcomes.

11 And so, this can be helpful for families  
12 that can make it work; it can be beneficial. I think  
13 in a larger sense, this is likely to be a drop in the  
14 bucket of trying to address the bigger problem of  
15 ineffective schooling for many children.

16 I think always providing people with  
17 greater opportunities, particularly people whose  
18 choices are constrained by income, and if you have a  
19 housing voucher and there aren't very many places to go,  
20 I think it is very good policy. I don't think it's  
21 likely to be as potentially important as something like  
22 charter schooling which can really push the system --  
23 and we don't know for sure yet. I don't think the jury  
24 is out on charter schools by any means. But I think it's  
25 got more potential to really move the quality of

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 education in densely populated, high poverty areas.

2 COMMISSIONER NARASAKI: Mr. Robinson, you  
3 looked like you were ready to jump in but may have decided  
4 otherwise.

5 MR. ROBINSON: No, I actually agree.  
6 There was an experiment many years ago in Yonkers  
7 experimental, so in Illinois outside of Chicago with  
8 mixed results. It makes sense. We know that this year  
9 is the 50th anniversary of Coleman's report where we look  
10 at family's poverty and achievement.

11 We also understood that the socioeconomic  
12 makeup of your peers also have an influence. So there's  
13 some benefits of doing that. If people really want to  
14 get innovative, take a look at some of our school systems  
15 in cities where they've lost a population. They have  
16 dorm rooms that are open. Why not move some of those  
17 families into some of those dorm rooms or buildings to  
18 actually give families a chance to really get a college  
19 education by being in line. But that's just how I think.

20 COMMISSIONER NARASAKI: Okay. My second  
21 question is really a broader one and I was going to  
22 address it to Mr. Rothstein. So you mentioned, you  
23 talked about school finance reform. It seems to me that  
24 a lot of the school finance reform has been pretty much  
25 driven by being sued by someone to force the question.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1           Are there places where it's not requiring  
2 litigation? And if not, what should the federal  
3 government be doing to try to help encourage more reform?

4           PROFESSOR ROTHSTEIN: So I think your  
5 impression is correct, that in many, many places it's  
6 been driven by litigation. There are places that have  
7 implemented finance reforms, major finance reforms that  
8 were not driven by, that were not ordered by courts. In  
9 some of those cases, it was because the legislature knew  
10 they were about to get sued and wanted to stave that off.

11           But again, there are places that have done  
12 it with neither of those motivations. So California's  
13 local control finance formula that was mentioned earlier  
14 is not being driven by litigation. It's still a major  
15 move to try to direct resources to where they're most  
16 needed. And so it can be done.

17           What the federal government can do to  
18 promote it is a harder question. I think part of the  
19 reason that the judicial system has been required in this  
20 area is that state legislatures may not always pay as  
21 much attention to low income communities as we might hope  
22 that they would. In part because of low voting rates  
23 or low citizenship rates in those communities.

24           And so, effort to ensure that state  
25 governments pay equal attention or equitable attention

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 to all of their communities I think would be helpful.  
2 That's obviously a long history and a challenging thing.  
3 But I think it's important.

4 COMMISSIONER NARASAKI: I think California  
5 may be helped that it's a majority minority state in  
6 which there's been a decade spent organization minority  
7 and immigrant parents around education and what they  
8 should be pushing for. So thank you.

9 PROFESSOR ROTHSTEIN: That's right.

10 VICE CHAIR TIMMONS-GOODSON: Mr. Mesecar,  
11 I'm a bit reticent about performance based funding and  
12 wondered if you could talk to us a bit more about it.  
13 It's not clear to me whether performance based funding  
14 is over and above the existing funding or exactly how  
15 it works.

16 And so, I'm led to ask whether it's possible  
17 that that performance based funding could somehow  
18 inadvertently reduce funding to low achieving schools.

19 MR. MESECAR: That's a great question.  
20 And the models are still developing. In the states I've  
21 cited, Arizona, Michigan in particular, the funding is  
22 over and above. You may be able to speak to Florida  
23 better than I.

24 In Pennsylvania, they took a completely  
25 different approach, which I still put in the performance

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 based funding category, where the better schools  
2 performed, the more regulatory flexibility, back to the  
3 earlier point, they earned. So in effect, they got more  
4 control over the existing funding streams the better  
5 they performed. Sort of an earned approach.

6 So Arizona and Michigan, they have  
7 different ways that they've looked at. Whether it's  
8 existing dollars, so there could be a ratable reduction  
9 of everyone. Or is it an additional amount over and  
10 above what's already given.

11 So there's different models. And I would  
12 certainly never suggest that you can make all dollars  
13 to that point. But I think it's an interesting  
14 conversation to talk about.

15 A great example, if you haven't looked at  
16 the outcome results from school improvement funding  
17 under NCLB where you sort of had the opposite approach.  
18 Where there was greater difficulty and so more funding  
19 came along. And sort of systematically those dollars  
20 did not produce results. And in lots of cases, were not  
21 used well at all.

22 And so the idea is, is can we change the  
23 conversation? And this is actually what Arizona is now  
24 trying to really push toward is, those schools, those  
25 districts, whether they are charter, traditional,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 public, they can, as they perform better, get additional  
2 dollars with the requirement that they use those dollars  
3 in part to disseminate and communicate what they are  
4 doing so that they become, as some have called, a  
5 lighthouse where others can look and say, wow they're  
6 very similar to me, they found a solution. Let's go look  
7 and have that conversation.

8 And so, I think that, to the extent that I  
9 believe, and I believe this strongly, that dollars can  
10 be used better than are already being received. I think  
11 that this could stand to benefit a number of low income  
12 communities who, once there is some level of  
13 understanding -- and this has to be locally driven, in  
14 my opinion, around what are we trying to achieve, the  
15 better we are at achieving that. We can be rewarded for  
16 that.

17 And I think that some of the, what Professor  
18 Rivkin was talking about on the teacher level around do  
19 we provide incentives to teachers who are producing  
20 results, has some really interesting findings. To me,  
21 applying that notion at a system level is something we  
22 ought to look at and study more. It's early days on  
23 that.

24 But I don't think we should be afraid to look  
25 at that in terms of what it may or may not do. But let's

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 try it, let's study it. And if it works, let's do more  
2 of it.

3 VICE CHAIR TIMMONS-GOODSON: Thank you.  
4 Mr. Robinson, did you want to add anything sir?

5 MR. ROBINSON: When states accept their  
6 Race to the Top money and adopted common core, part of  
7 the application process stated if you're going to create  
8 a pay for performance model, you had to have a formula  
9 in place along with the pots of money you were going to  
10 use. So we were finding --

11 VICE CHAIR TIMMONS-GOODSON: Okay. Thank  
12 you. I believe that this concludes our third panel.  
13 Again, the U.S. Commission on Civil Rights thanks each  
14 of you for taking your time to help inform us. And safe  
15 travels. We'll now proceed to the fourth panel.

16 V. PANEL 4: SEGREGATION: THE NEXUS BETWEEN SCHOOL  
17 FUNDING AND HOUSING

18 VICE CHAIR TIMMONS-GOODSON: Let me  
19 briefly introduce the panelists as they come forward.  
20 Our first panelist is Jacob Vigdor, Professor of Public  
21 Policy and Governance from the University of Washington.

22 Second, Phil Tegeler, Executive Director of  
23 the Poverty and Race Research Action Council. Third  
24 panelist, Catherine Brown, Vice President of the Center  
25 for American Progress. And our fourth panelist,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 Monique Lin-Luse, Special Counsel for the NAACP Legal  
2 Defense Fund. Our fifth panelist, Katherine O'Regan,  
3 Assistant Secretary for Policy Development and Research  
4 for the Department of Housing and Urban Development.

5 Okay. I ask that the panelists indicate  
6 whether or not they swear or affirm that the information  
7 you're about to provide is true and accurate to the best  
8 of your knowledge and belief. If so, say I do.

9 (Panelists sworn.)

10 VICE CHAIR TIMMONS-GOODSON: All right.  
11 Let us proceed. Professor Vigdor, please proceed.

12 PROFESSOR VIGDOR: Thank you. Good  
13 afternoon Madame Vice Chair, Commissioners. It's an  
14 honor to be here this afternoon. I hope to add three  
15 things, focus on three areas in my oral remarks today  
16 stemming from my report and hopefully tying some things  
17 together that we've already talked about today.

18 I want to tell you a little bit about what's  
19 going with segregation. I want to talk a little bit  
20 about why segregation matters. And then I want to talk  
21 about what policy options are there to address the  
22 challenges introduced by segregation.

23 So in terms of segregation, I'll talk at two  
24 levels and along two dimensions. There is segregation  
25 in housing and there's segregation in schools. And

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 there's segregation by race and there's segregation by  
2 income. And these are four stories that actually have  
3 some important differences among them. And that's why  
4 I'm going to try to tell you a little bit about each one  
5 of them in succession.

6 So start with the story of racial  
7 segregation in the housing markets. Now that is a story  
8 where, over the past 50 years starting right around the  
9 time of the passage of the Fair Housing Act, there has  
10 been integration. The level of racial residential  
11 segregation today is lower than it was 50 years ago.

12 We can attribute some of that to other  
13 things that have been going on besides fair housing.  
14 Some of that is attributable to immigration. Some of  
15 it is attributable to gentrification.

16 But what we see going on across the country  
17 is there is a pattern whereby the Fair Housing Act has  
18 opened up suburban areas and residential locations that  
19 might have once been off limits to families of all races.  
20 Now there are some asterisks associated with that and  
21 we'll get to those very soon.

22 When we talk about residential segregation  
23 by income, it is a different story. At the same time  
24 that residential segregation by race has been  
25 decreasing, residential segregation by income has been

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 increasing in the United States. And this is actually  
2 a phenomenon that is most pronounced within the African  
3 American population.

4 So I told you a moment ago that the Fair  
5 Housing Act appears to have opened up residential  
6 choices for families that had been denied them on the  
7 basis of race. Well here's where we get to the asterisk.  
8 The asterisk is that you have to have the money to afford  
9 those residential choices.

10 And so, what appears to have happened is we  
11 have a situation whereby neighborhoods that had once  
12 been racially segregated but somewhat economically  
13 integrated have now had this dissembling whereby  
14 suburbanization has occurred selectively.

15 And what had historically been segregated  
16 neighborhoods by race, but not necessarily by income,  
17 are now doubly segregated. And that is potentially  
18 problematic for reasons that I'll talk about in a moment.

19 When we talk about schools, so segregation  
20 in schools starts with segregation in neighborhoods.  
21 Now from a period from the late 1960's to a few years  
22 ago, there were policies in place in school districts  
23 to offset some of the effects of neighborhood  
24 segregation through bussing.

25 Now you all know that we've sort of moved

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 away from that policy because of changes in  
2 jurisprudence and that sort of thing. So what's  
3 interesting to see is that as residential segregation  
4 by race has declined, racial segregation in schools has  
5 not. Because whatever declines we would have expected  
6 because of neighborhoods have been offset by the decline  
7 in bussing.

8 So schools today are, the level of racial  
9 segregation and the level of income segregation is still  
10 relatively high. It has not enjoyed that same kind of  
11 decrease. Those are the basic trends.

12 Now let me tell you a little bit about why  
13 it matters. And this relates to a couple of things that  
14 we've talked about already today. I'm going to focus  
15 on a couple things, teacher labor markets and school  
16 discipline.

17 There is a lot of evidence suggesting that  
18 teachers favor jobs that are in lower poverty settings.  
19 Teachers will often take a pay cut in order to move from  
20 a job in a high poverty school to a job in a low poverty  
21 school.

22 We've seen lots of evidence, I've done some  
23 work on this in North Carolina. There's been work in  
24 other states sort of documenting that in order to have  
25 an equally qualified teaching staff in schools with

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 different poverty levels, you can't offer the same  
2 salaries. You won't ensure equality of resources with  
3 equality of funding.

4 Another thing that I'll tell you about is  
5 discipline. It is a pattern that schools serving higher  
6 poverty, intense poverty student bodies adopt stricter  
7 disciplinary practices. And the work of my former  
8 student, Joshua Kinsler, now at the University of  
9 Georgia, demonstrates exactly why this is the case.

10 These schools are serving a high risk  
11 population. They react to this high risk population by  
12 imposing strict standards. Professor Kinsler showed  
13 with this research that a program of integration, in  
14 addition to addressing the test score gap, would also  
15 address the discipline gap.

16 So the fact that we have this school  
17 segregation by race has contributed not just to  
18 disparities in performance but also the disparities that  
19 we're very worried about in terms of school discipline,  
20 out of school suspension, and the like.

21 Now what do we do about it? There are a  
22 range of things that we could imagine doing about it.  
23 One of them would be to try to address segregation  
24 itself. And we've seen policies to try to do this in  
25 the past. And in the housing market and in schools,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 there are still things that are potentially options.

2 It's important to understand the  
3 limitations of these options. If we were to go back to  
4 a regime where bussing were supported and we managed to  
5 do bussing the way that it used to be done within school  
6 districts, and we managed to create a situation where  
7 every school district was perfectly integrated, we would  
8 eliminate approximately 25 percent of all the racial  
9 segregation that exists across public schools in America  
10 today.

11 The problem is that segregation goes beyond  
12 school district boundaries and it goes beyond state  
13 boundaries. Mississippi does not look like New  
14 Hampshire. And there's no bussing program that's ever  
15 going to address that.

16 When it comes to housing, there have been  
17 efforts to try to help lower-income families move into  
18 more suburban locations. Those efforts have shown some  
19 promise, some real promise.

20 But they have also shown limitations in the  
21 sense that, when you give a family a voucher and tell  
22 them that they have to use that voucher to move to a low  
23 income neighborhood, only about half of them actually  
24 get it done. So we can't imagine a policy that tries  
25 to move people around and successfully gives the same

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 opportunity to everyone.

2           So what's our other policy option? The  
3 other policy option relates to funding. I can tell you  
4 that the work that I've done in North Carolina suggests  
5 that in order to equalize opportunity, you can't just  
6 equalize funding. That equal funding does not lead to  
7 equal resources because of the pattern that I told you  
8 about before.

9           In order to get highly qualified teachers  
10 into high poverty schools, you actually have to offer  
11 higher salaries. The estimates that I produced suggest  
12 that these premiums in funding would be on the order of  
13 50 to 60 percent. So that's the amount that you would  
14 need in terms of higher teacher salaries if you really  
15 wanted to level the playing field.

16           So I heard stories about -- say we had the  
17 example of Cleveland where the funding is maybe 50  
18 percent higher than some of the surrounding area. And  
19 I think to myself, that is about what you need in terms  
20 of a funding advantage in the central city in order to  
21 get something close to equal opportunity. And I'm not  
22 even sure that that's enough.

23           I will end my comments there. Thank you for  
24 the opportunity and I look forward to your questions.

25           VICE CHAIR TIMMONS-GOODSON: Professor

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 Vigdor, thank you very much. And I understand that you  
2 may need to leave before the panel is over. If that is  
3 the case, please feel free to do that and accept our  
4 thanks.

5 PROFESSOR VIGDOR? All right. I'll be  
6 here until about 2:55.

7 VICE CHAIR TIMMONS-GOODSON: Okay.  
8 That's just fine sir. Thank you. All right. Mr.  
9 Tegeler?

10 MR. TEGELER: Yes, thank you. Well thanks  
11 for the opportunity to address this important issue of  
12 school funding and segregation. For too many years  
13 these issues have been treated as separate and  
14 unrelated.

15 We find that opponents of school  
16 integration sometimes point to school funding as the  
17 sole solution to disparities in resources and  
18 achievement for children in high poverty, racially  
19 isolated schools. And likewise, we often hear housing  
20 segregation used as an excuse for not taking stronger  
21 steps on school integration, as if these policies were  
22 not related and mutually reinforcing.

23 My organization, the Poverty and Race  
24 Research Action Council works on both housing and school  
25 integration policy. Our education policy work supports

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 the research and advocacy of the National Coalition on  
2 School Diversity which is a growing coalition of civil  
3 rights advocates, educators, organizers, and  
4 researchers based here in D.C.

5 Our housing policy work focuses on the  
6 continuing role of the federal government, both HUD and  
7 the Department of Treasury, in perpetuating and even  
8 today increasing levels of metropolitan segregation by  
9 raising income.

10 These housing policies are often overlaid  
11 on a fragmented governmental landscape at the  
12 metropolitan level with multiple jurisdictions that  
13 have separate school districts, separate land use  
14 zoning, police, and property tax authority.

15 The one thing we have learned in this work  
16 is that you have to address housing and school policy  
17 at the same time if you want to make meaningful progress  
18 on educational equity.

19 Consistent with Professor Vigdor, I want  
20 to point out that at the same time as overall racial and  
21 ethnic diversity has increased in the U.S., the  
22 proportion of black and Latino children in racially and  
23 economically concentrated schools has increased.

24 And this trend parallels a dramatic  
25 increase in the number and proportion of black and Latino

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 families living in concentrated poverty neighborhoods.  
2 And in my written testimony I have citations to the  
3 recent GAO report from this week, Paul Jargowsky's  
4 report "Architecture of Segregation" from last year, and  
5 several reports of the UCLA Civil Rights Project  
6 documenting these trends.

7           Simply put, school and housing segregation  
8 are both increasing for America's most disadvantaged  
9 families. It will not suffice to put more resources  
10 into our segregated schools and neighborhoods without  
11 also doing something about this underlying pattern and  
12 trend of increased segregation.

13           We need to work at the same time to reverse  
14 the policies that continue to drive these patterns of  
15 segregation. There's ample evidence, you probably  
16 heard today, about the harms of school segregation and  
17 the benefits of school integration. We've summarized  
18 that in our written testimony.

19           I want to use the time remaining to talk  
20 about a little bit about coordinating housing and school  
21 policy in support of integration. In spite of the  
22 reciprocal relationship between housing and school  
23 policy which has been recognized by researchers and by  
24 the federal courts, government housing and education  
25 agencies have rarely collaborated to address racial and

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 economic integration.

2 This problem starts at the federal  
3 government level where separate executives agencies and  
4 separate Congressional committees govern housing and  
5 school policy. And the disconnect is mirrored at the  
6 state and local level with separate housing and  
7 education department in every state. And school  
8 districts that are functionally separate from local  
9 housing agencies and local planning and zoning boards.

10 We do not routinely ask questions like "how  
11 will a new low-income housing development affect the  
12 racial and economic balance of a neighborhood school?"  
13 Or "what is the optimal location of a new elementary  
14 school to ensure an integrated student body?" Or "how  
15 can we work together across school district lines to  
16 ensure that our communities remain successfully  
17 integrated?"

18 The federal government, as you'll hear in  
19 a few minutes I think, is starting to move in this  
20 direction with the Department of Housing and Urban  
21 Development's Affirmatively Furthering Fair Housing  
22 Rule just published last year. The rule asks local  
23 jurisdictions to consider the impact of housing  
24 decisions on local schools as part of the consolidated  
25 planning process.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1           Similarly the growing use of opportunity  
2 mapping, which has been encouraged by HUD and which ranks  
3 neighborhoods across metropolitan areas by poverty,  
4 school quality, and other factors, is expanding in a  
5 growing number of states. Using for example, the siting  
6 of Low Income Housing Tax Credit developments and the  
7 placement of families with federal Housing Choice  
8 Vouchers, with these metrics from opportunity mapping.

9           Our experience in places like Baltimore,  
10 Dallas, and Chicago is, as Professor Vigdor indicated,  
11 a very large number of families are eager to use these  
12 vouchers in low poverty neighborhoods once they're given  
13 the opportunity.

14           These type of connections between housing  
15 and school policy need to be expanded at all levels of  
16 government. And we need to develop a set of routine  
17 metrics to assess the impacts of each housing and school  
18 decision made by government from the perspective of  
19 racial and economic segregation.

20           We need to ask at every policy juncture,  
21 will this policy choice lead to an increase or decrease  
22 in racial and economic segregation in our communities  
23 and schools? Will we continue down the path of  
24 increased poverty concentration? Or can we start to  
25 reverse that trend? Thank you.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1                   VICE CHAIR TIMMONS-GOODSON: Thank you Mr.  
2 Tegeler. Ms. Brown, we'll now hear from you.

3                   MS. BROWN: Terrific, thank you so much to  
4 the Commissioner and all of the Commissioners for having  
5 me today to speak on this important topic of public  
6 education funding inequality in an era of increasing  
7 concentration of poverty and resegregation.

8                   My name is Catherine Brown and I'm the Vice  
9 President of Education at the Center for American  
10 Progress, a left leaning think tank right around the  
11 corner.

12                   The timing for this discussion could not be  
13 greater. We are asking our education system to prepare  
14 all students to successfully navigate a world that is  
15 rapidly changing and increasingly reliant on  
16 technology.

17                   How and how well we fund our schools and  
18 expose our students to the diversity of this nation are  
19 critical factors in preparing all of our students to  
20 succeed.

21                   Today's panel has emphasized that school  
22 finance is a complicated web of federal, state, and local  
23 formulas often not based on student needs. When  
24 formulas are based on factors like property taxes,  
25 schools in wealthier communities receive more funds than

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 those in poorer communities and can afford to provide  
2 advanced coursework in the arts, critical supports for  
3 well-rounded education, all too often considered  
4 enrichments rather than a basic education.

5 In A Strategy for Equity and Excellence, a  
6 report by the Equity and Excellence Commission, students  
7 attending schools in wealthier communities performed  
8 better educationally, and along a host of other measures  
9 like health and income, over their lifetimes than poorer  
10 students creating a system of broad and deep inequity.

11 If we cannot completely address this  
12 inequity today, let us take a step forward by discussing  
13 return on investment for education funding. And  
14 efforts we can take now to mitigate the negative  
15 consequences of concentrated poverty.

16 The question of whether education spending  
17 makes a difference for outcomes is a decades long debate.  
18 Recently, George Mason University economics professor  
19 Walter Williams argued that additional education  
20 funding would not increase student achievement. More  
21 school resources will produce disappointing results as  
22 they have in the past, Williams wrote.

23 How money is used is important. But two  
24 important studies that have come out in the past two  
25 years provide conclusive evidence that simply injecting

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 additional resources into poor schools does make an  
2 important and enduring difference for students in  
3 low-income schools.

4 Both the effects of school spending on  
5 educational and -- sorry. Both the Effects of School  
6 Spending on Educational and Economic Outcomes: Evidence  
7 from School Finance Reforms by Kirabo Jackson, Rucker  
8 Johnson, and Claudia Persico and a new National Bureau  
9 of Economic Research working paper by Julien Lafortune,  
10 Jesse Rothstein who was on the last panel, and Diane  
11 Whitmore Schanzenbach examine the impact of when  
12 districts receive financial windfalls because of court  
13 mandated school finance reforms or legislative reforms  
14 that directed more money to poor schools.

15 Both analyses found significant school  
16 funding increases resulted in improved academic  
17 outcomes for low-income students. According to the  
18 paper by Kirabo Jackson and colleagues, when school  
19 spending increased by 10 percent, low-income students  
20 earned about 13 percent more at age 40 on average. They  
21 were also more likely to stay out of poverty and to  
22 graduate.

23 In the NBER report researchers showed that  
24 state spending on low-income students predicted a  
25 significant increase in a student's future earnings.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 Economists also showed that as a result of increasing  
2 in spending, student learning in reading and math  
3 increased with gains driven largely by low-income  
4 students.

5 That students with greater needs may need  
6 more resources to support their education is a long held  
7 belief and codified in federal law by the Elementary and  
8 Secondary Education Act from 1965 which provides  
9 supplemental funds to a basic education to students who  
10 are economically disadvantaged and at risk for not  
11 meeting state academic standards.

12 The recent reauthorization of that law, the  
13 Every Student Succeeds Act, reinforces this idea. And  
14 goes a step further by authorizing a pilot of weighted  
15 student funding formula where students with additional  
16 needs may receive additional funds.

17 The idea of weighted student formula caught  
18 greater focus when California passed its law which  
19 replaces the state funding system comprised of multiple  
20 funding streams with a per student base grant that varies  
21 by grade span. Recent federal efforts to support school  
22 turnaround also continue this belief of funding by  
23 student need.

24 However, how money is spent also matters.  
25 A recent report by the U.S. Department of Education shows

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 that approximately one third of schools receiving up to  
2 \$2 million per year to support turnaround efforts made  
3 few student achievement gains.

4 What we've learned is that influxes of money  
5 need to be followed by sufficient planning time to use  
6 resources effectively. In addition to investing more  
7 money in schools serving disadvantaged students and  
8 planning time to use those resources effectively,  
9 important efforts can and should be taken to desegregate  
10 schools.

11 In conjunction with increasing income  
12 segregation between neighborhoods, schools have seen a  
13 sharp rise in economic segregation over the past few  
14 decades. A recent study by Ann Owens, Sean Reardon, and  
15 Christopher Jencks found that across school districts  
16 segregation by family income is at the highest point  
17 since 1970. Between 1990 and 2010 alone, segregation  
18 by income has increased by almost 20 percent.

19 Yet research reveals that placing students  
20 in integrated environments is one of the most important  
21 ways to improve academic outcomes. Integrated schools  
22 improve academic performance of low-income students by  
23 decreasing stress levels, increasing academic  
24 expectations, and promoting the adoption of pro-social  
25 attitudes and behaviors.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           Such schools benefit from accessing more  
2 material resources, having greater parental  
3 stewardship, and attracting and retaining better  
4 prepared teachers and administrators.

5           In a case study of Montgomery County's  
6 economic integration efforts, Heather Schwartz of the  
7 Century Foundation showed that the large achievement gap  
8 between children in public housing who attended  
9 integrated schools and their non-poor peers was cut in  
10 half for math and by a third for reading by the end of  
11 elementary school.

12           Integration takes time as wealthier parents  
13 will need to see the school as a viable option before  
14 enrolling their children in it. Integration efforts  
15 are also more likely to be accepted when the school  
16 models are appealing to parents from a wide range of  
17 backgrounds.

18           Plans to address socioeconomic segregation  
19 in schools will have to account for these factors and  
20 more. But must be generated and implemented  
21 effectively if they want to avoid sending children to  
22 schools that only further perpetuate the very economic  
23 and educational inequalities that our public school  
24 system is meant to counter.

25           We at the Center for American Progress

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 believe these efforts are integral to combat  
2 intergenerational poverty and disadvantage, laud the  
3 Commission for undertaking this important work, and are  
4 eager to provide any needed support in furthering this  
5 goal. Thank you so much.

6 VICE CHAIR TIMMONS-GOODSON: Thank you  
7 very much Ms. Brown. Ms. Lin-Luse, we'll now hear from  
8 you. Please proceed.

9 MS. LIN-LUSE: Good afternoon. Thank you  
10 for inviting me to participate in today's briefing on  
11 this critically important topic. It's especially  
12 important, this week is the anniversary of Brown versus  
13 Board of Education decision was just this past May 17th.

14 That decision is of special significant to  
15 the NAACP Legal Defense and Education Fund where I work  
16 as a civil rights attorney. LDF will be providing  
17 supplemental comments after the briefing today to  
18 supplement my written statements with you today.

19 The Legal Defense Fund lawyers were the  
20 architects of the litigation that led to the Brown v  
21 Board of Education decision and the end of legal  
22 apartheid in the United States. And we continue to  
23 advocate for the full realization for all people of the  
24 equality the U.S. Constitution guarantees.

25 We have just under 100 open desegregation

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 cases that under federal court orders, many of which I  
2 litigate and which will inform my comments today.

3 Brown provides an important framework to  
4 examine the question of segregation inequity in schools  
5 today. Brown gave us three major points. One, that  
6 segregation is an insidious form of racial  
7 subordination. Two, it identified education as perhaps  
8 the most important function of state government. And  
9 three, it unequivocally affirmed the rights of black  
10 children to the dignity inherent in full citizenship.

11 It's important to remember that framework  
12 as we consider this question of public funding inequity  
13 in school funding. Fulfilling the mandate that Brown  
14 gave us to ensure that there is equitable and integrated  
15 education requires us to look both at housing policy and  
16 at school policy. In fact, many would say housing  
17 policy is school policy.

18 It also requires that, while some would say  
19 we should not begin the question of school funding by  
20 assuming that segregation is inevitable. It's  
21 particularly important to remember that housing  
22 segregation and school segregation are not natural, that  
23 they are the product of state supported segregation, and  
24 in fact, it will take state supported efforts to  
25 dismantle that system.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           The legacy of the continued racial, legacy  
2           and continued racial housing discrimination combined  
3           with a property based school funding system perpetually  
4           reinforces inequality in education opportunities and  
5           suppresses life outcomes.

6           This cycle of segregation and inequality is  
7           incongruent with the Constitutional promise of Brown.  
8           I would like to give two examples of cases where it kind  
9           of describes what the prior panelists have illustrated  
10          about the connection between housing and school  
11          segregation.

12          I have two cases currently in the Greater  
13          Birmingham area, Jefferson County. Jefferson County,  
14          the metropolitan area, is one of the most segregated  
15          metropolitan areas in the United States. And  
16          currently, Jefferson County has the ability to further  
17          address the school segregation because it's still under  
18          a county-wide school system.

19          However, there's currently a challenge by  
20          a municipality to form its own separate school system  
21          that would take with it both additional county funding  
22          that could be used and distributed throughout the  
23          county. But also will further segregate students by  
24          sending students who would not be allowed to go to that  
25          school because they don't live in that particular city

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 to more racial identifiable schools.

2 That challenge that we face today in trying  
3 to address not just personal and individual choices but  
4 the choices of a city to further entrench segregation  
5 that has been historically evident in that area.

6 Another example in the same metropolitan  
7 area is Hoover. Hoover is a suburb that is an example  
8 of, sort of, the shifting movements that one of the prior  
9 commenters noted of individuals who have the ability to  
10 not just be stagnant in their particular segregated  
11 areas.

12 In Hoover there's a large number of  
13 multi-family dwellings that has changed dramatically  
14 the demographics of that area over the past 20 years.  
15 It went from having less than 5 percent African American  
16 to being 25 percent African American in its student  
17 population over just the course of the past 15 years.

18 During that timeframe, the school district  
19 has struggled with how to both address the changing  
20 demographics in their schools and also as their housing  
21 policy has changed that built many of these multi-family  
22 dwellings.

23 They are, today we're waiting pending  
24 approval from federal court, a new student assignment  
25 plan that would actually bring greater integration of

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 that school system. It's a school system that's decided  
2 to meet head on its changing demographics and not rely  
3 on just sort of saying oh, these are just individual  
4 choices made by folks. But actually take policy steps  
5 to address the entrenched segregation and not to  
6 resegregate a new community.

7 Finally in my time remaining, I want to  
8 focus on some of the recommendations that we would make.  
9 One, I think it's particularly important to note that  
10 policy must incentivize equity and create opportunity.  
11 And this could be done through regional planning and  
12 cooperation.

13 One thing that is important to note when  
14 talking about housing is also to think about  
15 transportation infrastructure and infrastructure  
16 equity. Transportation allows for the movement that  
17 can further lead to more integration of schools and  
18 housing.

19 Next, it's also important, as was noted by,  
20 I'm sure, many today, that the policy of supplement not  
21 supplant and the Every Student Succeeds Act, that that  
22 continues to happen. The ESEA, its predecessor, was  
23 created as a civil rights bill and it was meant to ensure  
24 equity. And it's particularly important that the  
25 federal government continues that legacy.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           Finally, the work that we do at LDF is both  
2 policy and litigation. It's also extremely important  
3 that continued funding be placed to support not just  
4 policies, but also accountability. And that is done  
5 many of the cases that we litigate, the desegregation  
6 cases that we litigate, are also litigated by the U.S.  
7 Department of Justice which needs continued funding and  
8 support to be able to address all of the open  
9 desegregation cases that exist.

10           And finally, one of the great things that  
11 has occurred this week in response to the GAO report was  
12 a new litigation to provide what many refer to as a  
13 Sandoval fix, giving back the right of individuals to  
14 litigate Title VI cases to ensure equity. And that  
15 would be an important thing to see move forward. Thank  
16 you.

17           VICE CHAIR TIMMONS-GOODSON: Thank you Ms.  
18 Lin-Luse. Dr. O'Regan, we'll hear from you now.

19           DR. O'REGAN: Yes, thank you. Good  
20 afternoon and thank you Commissioners for the invitation  
21 to join you today. I appreciate the chance to speak to  
22 you on behalf of the Department of Housing and Urban  
23 Development, specifically on the housing side of  
24 education inequality.

25           I'm going to focus my remarks on one way in

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 which housing matters for educational outcomes and  
2 inequality. And that's through place. I will make  
3 three main points, all of which have been already been  
4 well-documented by the panels, followed by a discussion  
5 of what this means for both housing and education policy.

6 The first is that residential segregation  
7 and school segregation are inherently linked. Where a  
8 family lives largely determines where their child goes  
9 to school. And it also means that where families of  
10 different races, ethnicities, and income live primarily  
11 determine the composition of the schools.

12 So residential segregation actually  
13 contributes to both between and within district  
14 segregation. To echo a point made earlier, districts  
15 with high shares of low-income and minority students  
16 have lower income levels in the entire district, via  
17 lower property values contributing to funding  
18 disparities at the district level.

19 And there are also significant within  
20 district disparities in funding and performance for high  
21 minority, high poverty schools.

22 This results in the pattern we see of  
23 low-income and minority students systematically  
24 attending poorer-performing and less-resourced  
25 schools.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           So the second point is that residential  
2 segregation and its effect on inequality in schools is  
3 impeding upward mobility of minority and low-income  
4 children.

5           So the recent work of Raj Chetty and Nathan  
6 Hendren that has gotten considerable national attention  
7 examined adult outcomes of children based on where they  
8 were raised in the U.S.

9           They found remarkably large differences in  
10 upward mobility. And that upward mobility is lower in  
11 counties that have lower quality schools and in places  
12 that are more segregated.

13           So residential segregation across  
14 districts and the resulting funding disparities  
15 contributes to the first of these factors which is lower  
16 quality schools. Residential segregation within  
17 cities that creates larger racial disparities of nearby  
18 schools may explain the second factor.

19           So my third point is that residential  
20 segregation by race and ethnicity remain high. And  
21 income segregation and poverty concentration are  
22 increasing.

23           So while White/non-White segregation has  
24 been declining in this country since 1970, that is  
25 primarily driven by a decline in Black/White

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 segregation. And Black/White segregation still  
2 remains intolerably high. Paul Jargowsky has actually  
3 estimated that it would take nearly 150 years to reduce  
4 Black/White segregation to a relatively low level.

5 But meanwhile, Hispanic/White and  
6 Asian/White segregation has not been declining. And  
7 over the last decade, may well have been increasing.  
8 And so these are the two minority populations that are  
9 growing the most.

10 So the main point is that we are not working  
11 our way out of the residential segregation problem. And  
12 on incomes, as already noted, with the exception of the  
13 1990's, economic segregation and poverty concentration  
14 has been steadily increasing.

15 So that combination, the close connection  
16 between residential segregation and school segregation,  
17 and the resulting funding and performance differences  
18 in schools attended by minority and low-income students,  
19 means we can't provide equality of opportunity in this  
20 country without addressing both housing segregation and  
21 education policy.

22 So let me touch on two approaches that HUD  
23 is taking to address this which have parallels for the  
24 field of education. First, addressing segregation  
25 directly.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1           So as already noted twice, HUD issued a  
2 final rule on Affirmatively Furthering Fair Housing last  
3 July. And it requires that those receiving HUD funding  
4 conduct an analysis of their fair housing issues and set  
5 forth goals to address them.

6           It's a large rule with a complicated  
7 apparatus for implementing. But there are two main  
8 components that I want to lay out now. And the first  
9 is that grantees must assess the opportunities available  
10 to minority households via their neighborhoods, hence  
11 their schools. And so they need to do an assessment of  
12 what this means for access to quality schools.

13           Grantees must also have a meaningful public  
14 engagement component in assessing their issues, which  
15 feeds into setting forth their communities' priorities  
16 going forth, like the Consolidated Plan that Phil  
17 Tegeler mentioned.

18           This is a way for all stakeholders and  
19 sectors to shape key priorities that affect segregation,  
20 including non-housing decisions to address  
21 inequalities. And I see an opportunity here for those  
22 in education to engage in that process.

23           Of course, similar to HUD's charge to  
24 address residential segregation, the field of education  
25 needs to address segregation in schools. Reform

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 efforts should not be limited to funding. Those efforts  
2 face far too uphill a challenge without addressing the  
3 segregation of low-income students and students of  
4 color.

5 But resource and performance disparities  
6 need to be addressed head on. Our second approach is  
7 investing resources where low-income people live to  
8 reduce disparities.

9 HUD's Choice Neighborhood Program, our  
10 flagship approach to a comprehensive community  
11 development, specifically calls out improving  
12 educational outcomes for residents as one of its core  
13 goals. We understand that our communities cannot  
14 support upward mobility if the associated schools are  
15 failing.

16 While HUD has broadened its scope to  
17 recognize this, we need educational policies that ensure  
18 adequate resources so that low-income and minority  
19 students have equal access to quality education.

20 This means sufficient resources so that our  
21 schools can play an equalizing role rather than continue  
22 to perpetuate disparities. And with that, I thank you  
23 and look forward to your questions.

24 VICE CHAIR TIMMONS-GOODSON: Thank you  
25 very much Dr. O'Regan. We have now come to the point

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 that the Commissioners will have an opportunity to ask  
2 questions. I'll begin with Commissioner Narasaki.

3 COMMISSIONER NARASAKI: Thank you Madame  
4 Vice Chair. And I will begin with Mr. Vigdor since he  
5 has to rush out of the building pretty soon. I have two  
6 related questions. One is, my understanding in your  
7 written testimony, you noted that the supplement not  
8 supplant regulations limit the use of Title I funds to  
9 increase teacher spending, if I understood that  
10 correctly. So how would you modify the Title I formulas  
11 to address that issue?

12 And the second is, you focused your  
13 testimony on teacher salaries. We heard this morning  
14 that some schools don't even have walls, insulation on  
15 their walls nor do they have books and libraries. So  
16 I'm wondering what your thinking is on the other kinds  
17 of resources that schools may need.

18 PROFESSOR VIGDOR: Thank you for those  
19 questions. So first one first. The supplement not  
20 supplant regulation, as it's been implemented before  
21 ESSA, was really what I was targeting in my commentary.  
22 To say, well look, by saying you can't use this money  
23 for some of the core functions of education, it means  
24 you can't use it to offer higher teacher salaries.  
25 Because the teacher salaries are supposed to be

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 something that state and local funds are taking care of.

2 And I what I wrote in my written testimony  
3 is I feel like a lot of the funding, a lot of the  
4 adjustments to funding that you would want to implement  
5 in order to achieve equality of opportunity across the  
6 entire United States, you would have to achieve with  
7 federal funding because of the disparities across  
8 states.

9 So the sorts of reforms that I would have  
10 in mind would be reforms that would say you can use the  
11 federal dollars to top up teacher salaries or to offer  
12 differential salaries in Title I schools relative to  
13 other schools. Or offset what we know to be the higher  
14 turnover rates in high poverty public schools relative  
15 to other schools.

16 Now in terms of teacher salaries in relation  
17 to some of these other potential structural or, you know,  
18 just sort of capital deficiencies in certain public  
19 schools. I focused on teacher salaries because I have  
20 a lot of data on teacher salaries.

21 And so, I'm telling you about the  
22 disparities about things that I can measure. The data  
23 sets that I've used have not really gone into some of  
24 these structural questions about are there deficiencies  
25 in the learning environment, how many books are in the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 library.

2 To the extent that those disparities exist,  
3 and I have no reason to think that they don't, that you  
4 would want to adjust this funding formula as well to  
5 account for those. The important point to take away is  
6 that if your goal is equality of resources and equality  
7 of opportunity, equality of funding does not get you  
8 there.

9 And in fact, if your goal were equality of  
10 opportunity, you would need to compensate for the fact  
11 that in some of these high poverty schools, you have to  
12 build them up further just to get to the starting line.  
13 And that could mean deficiencies in the physical plant,  
14 teacher salaries, a wide variety of different things.

15 COMMISSIONER NAGASAKI: Thank you.

16 VICE CHAIR TIMMONS-GOODSON: Specifically  
17 if you have one that Professor Vigdor would need to --  
18 okay. If you have an additional question, you may  
19 proceed. Go ahead.

20 COMMISSIONER KLADNEY: Thank you very much  
21 Madame Vice Chair. Ms. O'Regan, can you tell me, you  
22 mentioned two programs that HUD has, right? And how the  
23 AFFH rule is not in force yet, is it?

24 DR. O'REGAN: The final rule was passed  
25 last summer. We are in the implementation stage. The

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 way that this requirement works is it's tied to the  
2 timing of your follow-on long term planning, when your  
3 Consolidated Plan or your PHA plan are required.

4 So during this year we have between 22 and  
5 23 entitlement jurisdictions will be in the process of  
6 doing their AFH which is the first step in the plan.

7 COMMISSIONER KLADNEY: As I understand,  
8 there's some opposition to that in Congress.

9 DR. O'REGAN: Yes, there is. There was an  
10 amendment passed on the Senate budget floor yesterday.  
11 Yes.

12 COMMISSIONER KLADNEY: Okay. And that  
13 would stop that rule from being --

14 DR. O'REGAN: The amendment that actually  
15 got passed would not stop the rule. It would limit one  
16 component that was never part of the rule: it would  
17 restrict HUD from specifying particular zoning changes  
18 that would be required as part of the rule.

19 But the rule is actually meant to join with  
20 localities as they set their local priorities for  
21 addressing. So that should not be impacted.

22 COMMISSIONER KLADNEY: Okay. So I still  
23 have more. Don't go away.

24 DR. O'REGAN: I'm not going anywhere.

25 COMMISSIONER KLADNEY: Section 8 voucher

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 housing, in my community it's interesting, they've  
2 started taking apartment complexes all over town. And  
3 vouchers go there for disabled or low-income people like  
4 that. So there is integration into the community.

5 But yet there are still a lot of Section 8  
6 housing projects that are housing projects. Does HUD  
7 have a plan to try and allow those people to move out  
8 and integrate into the community? Or are they still  
9 going to keep these housing projects?

10 DR. O'REGAN: So HUD's Section 8 contracts  
11 that are basically rental assistance for an actual  
12 development are time-limited. And so decisions that  
13 have been made in the past get revisited as you come up  
14 to the end of the contract.

15 And where you want to place that contract  
16 depends on a variety of circumstances. These can be an  
17 incredibly powerful tool to anchor-in in an area of  
18 opportunity. So there are benefits of having  
19 unit-based assistance specifically for getting in to  
20 high opportunity areas.

21 A locality going through its planning  
22 process in AFFH, for example, could look at that stock  
23 of housing and think about decisions it wants to make  
24 as contracts come up with this in mind.

25 So you could roll forward and expect

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 potentially a different pattern going forward. So  
2 there is an opportunity for that to change.

3 COMMISSIONER KLADNEY: But that's in this  
4 rule?

5 DR. O'REGAN: This rule --

6 COMMISSIONER KLADNEY: This new rule will  
7 help implement it.

8 DR. O'REGAN: I describe this rule as an  
9 enabling policy environment through which many policy  
10 levers could shift a bit as you take a look at the maps  
11 and your requirements. So that you could use these  
12 resources in a way that aligned better with meeting your  
13 fair housing goals.

14 COMMISSIONER KLADNEY: Is there anything  
15 HUD can do -- I know there are some communities now that,  
16 when they're building new multi-unit apartment  
17 complexes, they incentivize the developer to set aside  
18 3 percent or 5 percent or 2 percent or some percentage  
19 of the housing for the voucher program which would help  
20 integrate into the community. This is besides the poor  
21 door in Manhattan. I'm talking about that.

22 And I was wondering if you're able to have  
23 -- because each community has its own local housing. I  
24 mean, you deal with thousands of communities. And  
25 everybody has their own opinion. Just like some allow

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 former convicted drug people in the housing, some don't.

2 Are there rules that you can make to help  
3 set forth this integration so that more communities  
4 accept a rule, let's say 3 percent of new housing  
5 projects, and incentivize that?

6 DR. O'REGAN: So let me talk about a couple  
7 of things in this. One grant program that was in the  
8 administration's '16 and '17 budget was called Local  
9 Policy Grants. And the idea behind this is a  
10 recognition of something that you point out.

11 There are lots of localities. They have  
12 their own rules and laws. And so, one lever that you  
13 look for is how do you incentivize adoption of policies  
14 that may be useful in fair housing and opening up areas?

15 The local policy grants were designed  
16 around -- it was almost a light version of Race to the  
17 Top. Could we have some incentive grants for localities  
18 to adopt policies that could be particularly useful for  
19 increasing affordable housing and affordable housing in  
20 areas of opportunity?

21 That has not actually passed yet in a  
22 budget. But that's how it would it be used. A way in  
23 which you could imagine it being used that could be quite  
24 effective would be an area that would adopt source of  
25 income protection.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           It is currently legal in this country to  
2 discriminate on the basis of whether somebody has a  
3 housing voucher. In fact, perfectly legal in a large  
4 majority of states. As you know, a first step for  
5 getting voucher households into a broader array of  
6 choices would be imagining prohibiting that  
7 discrimination.

8           Just in April, our FHA included a mortgage  
9 interest deduction for three types of multifamily rental  
10 housing. And two of them were increasing affordable  
11 housing so that you would get a basis boost reduction  
12 for putting in rental housing, a portion of which was  
13 affordable or that was mixed income.

14           That's an example of a way that we could  
15 lower the cost of getting rental housing, affordable  
16 rental housing in a mixed income way into broader areas.  
17 And that has just been rolling out now.

18           COMMISSIONER KLADNEY: So outside of us  
19 making those recommendations in this report or a  
20 recommendation that more communities adopt or apply for  
21 these kinds of things, this is a slow process.

22           DR. O'REGAN: Well there's one type of  
23 affordable housing that is prohibited from  
24 discriminating against voucher households and which is  
25 broadly affordable to those up to 60 percent of area

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 median, the low income housing tax credit.

2 There is a proposal being put forward to  
3 expand that greatly over the next five to ten years. And  
4 getting that housing which is not HUD housing but is  
5 funded through the tax system, getting that housing into  
6 areas of opportunity would be a great way. And there  
7 actually is bipartisan support for an increase of the  
8 LIHTC program.

9 COMMISSIONER KLADNEY: So we're basically  
10 starting on this process? I'm trying to get a point to  
11 where we are here. I'm not trying to be critical or  
12 anything. I'm trying to get a feel --

13 DR. O'REGAN: I actually think we want to  
14 take the long view on this. We've been fighting this  
15 in this country for 50 years or more. It's not going  
16 to be a quick turnaround. You need to be doing all of  
17 the levers that you have. But yes, we would want to be  
18 looking forward five years and picturing where we are  
19 versus where we're going to be in a year.

20 COMMISSIONER KLADNEY: Thank you very  
21 much. Thank you Madame Chair, Vice Chair.

22 VICE CHAIR TIMMONS-GOODSON: Yes,  
23 Commissioner Achtenberg, do you have a question that you  
24 wish to ask at this time?

25 COMMISSIONER ACHTENBERG: Thank you, Madam

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 Chair.

2 I want to concur in the woman from PD&R, I  
3 believe that's who just spoke, that indeed this is a  
4 long-term exercise we're talking about here. As Mr.  
5 Tegeler will attest, it's been 25 years since the old  
6 days at HUD when we tried to do a number of things that  
7 now are actually, some of the things are actually coming  
8 to fruition, like the affirmatively furthering rule  
9 that's actually been promulgated and now adopted.

10 And, of course, there's congressional  
11 opposition. It wouldn't be at all the worthy rule if  
12 there weren't. So I'm glad to hear all of it but I'm  
13 glad also to hear that the threat to the rule is not as  
14 dramatic as it might have been.

15 Could you talk a little bit more, Mr.  
16 Tegeler and the woman from PD&R -- sorry, I missed your  
17 name; I apologize for that -- about constructive ways  
18 for fair housing advocates and school policy advocates  
19 to combine resources, if you will, to move the process  
20 further and faster. Our Commission will be in a  
21 position to make findings and recommendations.

22 And so with an eye toward that, are there  
23 new approaches, constructive approaches that we can  
24 surface and underscore that might move the dialog  
25 forward more quickly?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1                   MR. TEGELER: Sure. Thanks, Roberta. I can.  
2                   Fundamentally, we were talking about the Affirmatively  
3                   Furthering Fair Housing Rule. And we have a lot of hope  
4                   for that rule. And I think we're talking about two  
5                   different sets of policies at HUD: one, represented by  
6                   the AFFH rule, is HUD telling jurisdictions around the  
7                   country to do better, and asking them to go through a  
8                   planning process at the local level.

9                   There's another set of policies which have  
10                  to do with HUD's administration of its own programs and  
11                  the Treasury Department's administration of its housing  
12                  programs. So these are both two different spheres of  
13                  activity at the local level and at the federal level.  
14                  So it's important to keep that distinction in mind.

15                  In the AFFH rule I think what Ms. O'Regan  
16                  said in her presentation is very important: HUD needs  
17                  to encourage stakeholders in the education field to join  
18                  in this process at the state and local level of fair  
19                  housing planning. Right now the rule, as drafted,  
20                  doesn't really require that.

21                  And I think it's important that HUD take a  
22                  leadership role and this Commission recommend that HUD  
23                  really insist on that kind of stakeholder involvement  
24                  of people working not just in education but also  
25                  environment, transportation and other sectors so we can

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 have a really fulsome process at the local level.

2 I think there's a lot of things the federal  
3 government can do in its administration of its two  
4 largest housing programs, both with over 2 million  
5 families housed: the Section 8 Housing Choice Voucher  
6 program, and the Low Income Housing Tax Credit program.  
7 Both of these programs, as we have documented, continue  
8 to steer families into the lowest-performing schools in  
9 their metro areas and into the highest poverty schools  
10 in their areas.

11 These are programs that are reaching maybe  
12 25 percent of the eligible families that need housing  
13 assistance. And instead of helping these families with  
14 children get into really good schools areas, we continue  
15 to steer them into segregated high-poverty  
16 neighborhoods. This is a function of HUD and Treasury  
17 policy, and state and local policy.

18 But there's a series of rules which we've  
19 recommended to HUD and Treasury that need to be fixed  
20 to incentivize moves to opportunity in these programs.  
21 And it's about targeting high performing schools in both  
22 the tax credit program and where developments are sited  
23 for families with children.

24 If you look around the country in many metro  
25 areas, many of the projects that are sited in good school

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 districts are elderly Low Income Housing Tax Credit  
2 projects because those are the easiest to get through  
3 politically. And likewise with the voucher program,  
4 you see intense concentrations in many metro areas in  
5 the lowest performing school districts.

6 So having, bringing the school  
7 consciousness into these housing programs and the  
8 targeting of benefits I think is really important.

9 One other thing I'd probably recommend that  
10 the Commission look at is this new program at HUD, a  
11 growing program which speaks to Commissioner Kladney's  
12 point, the Rental Assistance Demonstration, which is a  
13 new funding stream at HUD which is replacing some of  
14 these old funding streams of these old Section 8 projects  
15 and such, and also older public housing developments.

16 One of the really important things about  
17 this new and expanding program is that once a property  
18 is transferred to this new funding stream, families who  
19 have been living in the property now have a right to move  
20 with a portable voucher if they so choose. So if you  
21 have a development in a high poverty neighborhood that  
22 converts to this form of assistance, families now for  
23 the first time will have an opportunity, if they want  
24 to, to take a portable voucher and move to another  
25 location, another school district for that voucher.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1                   And I think there's a lot of potential there  
2 if HUD takes a really strong position in the next  
3 administration with respect to that program.

4                   DR. O'REGAN: Let me --

5                   COMMISSIONER ACHTENBERG: I would just point  
6 out that we are, our record will remain open for 30 days.  
7 And to the extent that you care to memorialize the three  
8 points that you just made for the benefit of the  
9 Commission's consideration, I certainly would welcome  
10 that.

11                  DR. O'REGAN: And this is Kathy O'Regan from  
12 PD&R. Love to hear the HUD acronym said so fluently in  
13 this education arena.

14                  And let me use the construct that Phil did  
15 of thinking about two things, which is the AFFH  
16 environment and then the HUD policies.

17                  On the AFFH environment I'd add one layer  
18 of something to think about encouraging, and it goes back  
19 to a point made by Jake. And I'm sorry, I know too many  
20 people on the panel to use Dr. and Mr. I'm going with  
21 first names. Which is that much of the segregation and  
22 issues are across jurisdictions, and so HUD is strongly  
23 encouraging our grantees to do joint and regional plans  
24 as part of AFFH.

25                  I think that's one of the places of great

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 promise. If you really want to break down barriers --  
2 if you want to get the right stakeholders engaged in the  
3 conversation, looking at the data and maps and really  
4 thinking about long-term solutions you want to engage  
5 broader than the jurisdiction.

6 As a parallel policy, really think of it as  
7 a light initiative Secretary Castro has undergone this  
8 year, we're doing something called Prosperity Playbook  
9 which is -- has a couple of components to it. And one  
10 is joining with local areas that are interested in a  
11 regional approach to addressing the problems of  
12 affordable housing and inclusive communities.

13 We have gone and had convenings in five  
14 different places around the country with leaders on this  
15 to elevate the work they're doing, help them in what are  
16 really hard conversations and difficult trade-off  
17 questions that they are asking and try to support their  
18 work.

19 But one of the ways that we want to learn  
20 is by sharing -- in the previous conversation there was  
21 a bit of discussion about peer learning, and there is  
22 a peer learning component, the idea that you would take  
23 some cases and best practices, codify them in a toolkit  
24 that sits on our website so that others, as they are  
25 coming up on their planning decisions or any other piece

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 can say, "how would a city like ours, how would a  
2 jurisdiction as ours, X?" So a high cost city trying  
3 to figure out how to break into the suburbs could ask:  
4 what are the kind of things that other places have tried?

5 And so in doing this, several of these  
6 places have signed on for doing a regional AFFH, which  
7 is very promising. So that we would start out with some  
8 examples where this is a way that you could address  
9 issues.

10 On the policy side, another piece, and I'm  
11 thinking specifically about the voucher side, which  
12 ought to be the area in which you might expect our  
13 greatest success of getting families into areas of high  
14 opportunity. I would say I think the most recent  
15 numbers suggest about 20 percent of the families are  
16 getting into low poverty neighborhoods, which is lower  
17 than we would like. And we have many areas where it's  
18 much lower than that.

19 On one of our pushes, last summer we put out  
20 an advanced notice of proposed rulemaking for those  
21 areas where voucher households are most concentrated,  
22 in high poverty neighborhoods, to move from  
23 metropolitan-wide fair market rents, which is the basis  
24 on which you set payment standards for paying landlords,  
25 to move from metropolitan-wide which pays the same, no

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 matter what neighborhood you're in, to ZIP Code level.  
2 So that you as a landlord would be paid more if you're  
3 in a higher opportunity high rent neighborhood.

4 We're in the process of reviewing those  
5 comments. But that could be one of the barriers in the  
6 voucher program for succeeding, for getting into areas  
7 of opportunity.

8 There are more. To make the housing  
9 program work very well there are a number of other things  
10 we're interested in testing and addressing. In the  
11 '17 budget we put forward a mobility pilot exactly on  
12 that basis.

13 As Jake Vigdor noted, while there's a lot  
14 of promise in the voucher programs, the MTO experiments  
15 also experienced a number of things such as half of  
16 households not taking up those vouchers. That means  
17 households that waited to get a voucher did not receive  
18 housing assistance. Housing assistance itself matters  
19 tremendously for outcomes for these families and kids.  
20 We are looking for ways that you don't throw out that  
21 aspect, and yet you manage to move and support greater  
22 opportunity.

23 VICE CHAIR TIMMONS-GOODSON: Ms. Lin-Luse,  
24 I've seen you and Ms. Brown nodding your head  
25 periodically, and so offer you the opportunity to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 comment on questions that, or statements that have been  
2 made.

3 MS. BROWN: Well, one thing that came to mind  
4 is that I agree with everything. I'm actually learning  
5 a lot. I do education policy, not housing policy, so  
6 the intersection here is fascinating. But there are  
7 efforts to break the connection between where you live  
8 and where you go to school. And I think those might be  
9 worth thinking about.

10 For example, there are a lot of districts  
11 in the country now that have portfolio approaches where  
12 they have some combination or some percentage of the  
13 students are enrolled in schools of choice that have  
14 district-wide boundaries. Actually, where we're  
15 living here in Washington is one example that's used this  
16 strategy pretty aggressively. About 50 percent of  
17 students in Washington, D.C. attend charter schools that  
18 have boundaries where any -- if you live in Washington,  
19 D.C. you can apply through a common lottery, you rank  
20 your preferences, and you're randomly assigned to a  
21 school that is the highest possible preference that you  
22 get. And they have performance data and you can decide.

23 So I actually have a son who is in pre-K who  
24 attends a wonderful charter school that's all the way  
25 across town that we would never be able to get into but

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 for this bus that shows up on our block every morning.  
2 And, you know, this is a way for -- and there are students  
3 from all over Washington, D.C. that go to that school.  
4 And this is true of many other schools, students who live  
5 on Capitol Hill, who live in Northwest, who live in  
6 Southwest.

7 And so and this is charter schools are just  
8 one example. There are also district portfolio  
9 approaches that are allowing for more choice. There are  
10 also another thing that D.C. uses, and many other schools  
11 use it, out of boundary lotteries for pre-school and  
12 pre-K. And this is typically it happens when schools  
13 don't have enough slots to serve every child in  
14 pre-school or pre-K, but what ends up happening is that  
15 students may end up enrolling in a pre-school or pre-K  
16 program that's not in the school that's in their  
17 neighborhood, and that allows for more integration  
18 across the schools around the district.

19 So, in fact, actually just incentivizing  
20 greater use of pre-school and pre-K might be an avenue  
21 to create more integrated schools. In fact, pre-school  
22 and pre-K programs themselves when located in public  
23 schools tend to be more integrated than K through 12  
24 schools.

25 I also just, again, wanted to underscore the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 need for more funding generally. This concept of  
2 weighted student funding was brought up again, and also  
3 the move towards the supplement, not supplant regulation  
4 that the Department has just submitted to OMB, the U.S.  
5 Department of Education, that is.

6 I do think that everything the former  
7 panelists were saying about having federal funds  
8 actually integrated into a school budget so that they  
9 can be used to pay teachers higher salaries, the way it  
10 worked prior to this change that they've made through  
11 ESSA is that every additional dollar that you've spent,  
12 every additional Title I dollar you had to account for  
13 and it had to be supplemental. So, for example, if you  
14 purchased a, you know, additional text book or set of  
15 text books or, you know, a tutor, but it was always very  
16 peripheral to the core mission of educating students.

17 So there's been a very positive change  
18 through the supplement, not supplant and Every Student  
19 Succeeds Act. And the Department of Education is now  
20 trying to figure out how exactly you define that. And  
21 I think those are incredibly important questions to  
22 wrestle with, but I think we are moving towards providing  
23 more funding to low income schools.

24 And I think we can't do enough in that space  
25 because equity is not equity in this case, we need to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 get to somewhere. I mean I don't know exactly what the  
2 number is, I don't know if anyone does, but it's probably  
3 on the order of 150 or 200 percent even of funds going  
4 to low income students.

5 Those are some thoughts. I have so many  
6 comments rolling in my head but I will stop talking.

7 VICE CHAIR TIMMONS-GOODSON: Thank you.

8 Ms. Lin-Luse.

9 MS. LIN-LUSE: Thank you. Two things that  
10 I wanted to underscore. One was the idea of regional  
11 planning. And it was sort of discussed in the context  
12 of housing but it's also there's a lot of opportunities  
13 to do it in the context of education, particularly given  
14 the limited funds available, given by the states and  
15 local, that are raised locally for school districts.

16 There are a lot of opportunities,  
17 particularly around things like career and technical  
18 education, which is really based on a sort of a workforce  
19 view that is larger than the smallest of school districts  
20 but is looking at a metropolitan area and a regional area  
21 where ways in which small school districts often that  
22 I work with each have their own career and technical  
23 programs that are not nearly as robust as they could be  
24 if they were more regionally planned and coordinated.

25 And so ways to incentivize school districts

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 to, with limited resources that they may have, to  
2 consider ways to coordinate more with each other as well  
3 as with housing and with also underscoring  
4 transportation. Many of the reasons why what Ms. Brown  
5 described is possible in D.C. has a lot to do with some  
6 of the transportation infrastructure that's available.  
7 Many places don't have that same level that would allow  
8 for the ability to have those kinds of integrated  
9 programs.

10 And then the second point I wanted to make  
11 was, you know, many of the things that have been  
12 discussed today talk about choice and the benefits of  
13 choice. And there is a lot of benefit to choice. But  
14 I think with choice also really needs to come a watchful  
15 eye and enforcement, so this underscoring the need to  
16 make sure that there is enough resources put in to make  
17 sure that the civil rights protections that are  
18 guaranteed are ensured when it comes to school choice  
19 issues, housing choice issues, the placement and  
20 location of policies that may have disparate impact on  
21 minorities.

22 Thank you.

23 VICE CHAIR TIMMONS-GOODSON: Thank you. To  
24 the other Commissioners on the line, if you have a  
25 question you may proceed.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1                   COMMISSIONER YAKI: This is Commissioner  
2                   Yaki. I'm sorry that I'm not there. I have a quick  
3                   question, or a general comment, which is what other  
4                   supports and resources from federal and state government  
5                   do you think are necessary to address the whole, the  
6                   whole student and the whole family behind the student  
7                   to really address the choices that you're talking about?  
8                   There's housing, there's job training --

9                   VICE CHAIR TIMMONS-GOODSON: Commissioner  
10                  Yaki, there is a lot of background noise and we're not  
11                  picking up all of your question. Do you think that you  
12                  could repeat it or do whatever you can to minimize the  
13                  background noise?

14                  Are you able to hear me?

15                  COMMISSIONER YAKI: I can hear you.

16                  VICE CHAIR TIMMONS-GOODSON: Okay.

17                  COMMISSIONER YAKI: Is that better?

18                  VICE CHAIR TIMMONS-GOODSON: That is much  
19                  better, yes.

20                  COMMISSIONER YAKI: I was just asking are  
21                  there other federal or state agency supports or  
22                  programs that have been talked about that are as  
23                  essential to supporting the whole student and his or her  
24                  family? While we haven't talked about some things, I  
25                  want to be sure we've covered the bases.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 DR. O'REGAN: I'm happy to jump in on behalf  
2 of HUD. We've been talking about where housing is  
3 placed as being important. But a point made by Phil  
4 Tegeler is we only serve about a quarter of families  
5 right now who qualify for housing, so there is a large  
6 share of very low income families who could be  
7 stabilized. And one of the things that you get from  
8 affordable housing is you decrease mobility across  
9 schools, which is not just a problem for the individual  
10 family, it wreaks havoc on some of the schools,  
11 particularly in areas where you've got a concentration  
12 of high poverty households.

13 We actually have seen some partnerships  
14 between local public housing authorities and school  
15 systems exactly on the basis of realizing the alignment  
16 between needing to think about how to do these things.  
17 I think the quote that Jesse had in the last panel was  
18 the full suite of responses; I would put affordable  
19 housing in there. I would say one of the federal  
20 agencies we also want at the table is HHS, to think about  
21 their early education. The Home Visiting Nurse Program  
22 is a way of starting particularly early in  
23 evidence-based intervention that we could be targeting  
24 at those most in need, many of whom live in our assisted  
25 housing.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1                   28 percent of poor minority children in this  
2 country are touched by HUD housing.

3                   VICE CHAIR TIMMONS-GOODSON: Any other  
4 panelists wish to weigh in?

5                   MS. LIN-LUSE: Yes. I would say that one of  
6 the earlier comments made had to do with the use of harsh  
7 discipline and in schools that are high poverty. And  
8 I think as a former teacher in a high poverty school  
9 district, you know, one of the reasons why, and the  
10 school district I worked with, often rely on law  
11 enforcement or rely on very strict policies is because  
12 they often don't have the resources to do other types  
13 of interventions. They don't have the same resources  
14 for counselors and for behavioral health supports that  
15 are often had by much more affluent school districts.

16                   And so there are many programs though HHS,  
17 and whether it's SAMSA and other, other ways in which,  
18 also Department of Ed funds can be used to not to support  
19 sort of punitive or law enforcement but rather to support  
20 counseling and other social, emotional supports.

21                   VICE CHAIR TIMMONS-GOODSON: Thank you.

22                   COMMISSIONER ACHTENBERG: Madam Chairman.

23                   VICE CHAIR TIMMONS-GOODSON: Yes,  
24 Commissioner Achtenberg, do you have a question?

25                   COMMISSIONER ACHTENBERG: I just wanted to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 encourage the panel members to collaborate across  
2 sectors, if you will, and perhaps give us some of their  
3 best thinking on how, how these rules can be best  
4 utilized to the end of promoting educational equality  
5 and decreasing, you know, achievement gaps, et cetera.

6 And also, the best examples of cross-agency  
7 collaboration that we might be in a position to portray  
8 favorably in our report, and if there are examples of  
9 things that have gone well, then if you could provide  
10 us with those examples that might be very helpful to us  
11 in making this report and our recommendations  
12 meaningful.

13 I just wanted to say that. Thank you, Madam  
14 Chairman.

15 VICE CHAIR TIMMONS-GOODSON: I believe Mr.  
16 Tegeler is indicating that he wants to say something.

17 MR. TEGELER: Well I -- yes, thank you. I  
18 guess this is a slightly critical comment but it's in  
19 the spirit of your question.

20 We've had a good example of collaboration  
21 between HUD and the Department of Education in the Choice  
22 Neighborhoods and Promise Neighborhoods Programs.  
23 Choice Neighborhoods is an effort to bring HUD resources  
24 for public housing redevelopment into a  
25 neighborhood-wide community development approach in I

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 think about a dozen places around the country.

2 And that's been linked very intentionally  
3 with the efforts by the Department of Education to bring  
4 extra resources to the whole child/whole community  
5 approach in the Promise Neighborhoods Program into those  
6 same communities in some cases. That's a very positive  
7 step.

8 One of the kind of slight critiques we've  
9 had in the past is that it isn't really thinking about  
10 integrating these kids into the larger mainstream of  
11 society. You're basically rebuilding schools. And  
12 this is also a critique we've had of the School  
13 Improvement Grant or Turnaround School Program. You're  
14 basically restructuring schools but leaving the exact  
15 same student body in place.

16 We've seen in several parts of the country,  
17 the Hartford example where you heard the superintendent  
18 this morning was a great example. If you build really  
19 high quality magnet schools in low income neighborhoods  
20 in the central city, a lot of suburban families are going  
21 to be attracted into that school in a geographic area  
22 where that's possible. You know, a geographic area  
23 that's compact enough to do that.

24 In some of the southern school, county-wide  
25 school districts there are strong magnet programs in the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 poorer parts of the city that attract suburban people  
2 in. If you did that approach in the Promise  
3 Neighborhoods, Choice Neighborhoods context where we're  
4 focusing resources on an inner-city neighborhood you can  
5 have both school improvement and also school integration  
6 at the same time.

7 And it would help, it would help with HUD's  
8 goal in those neighborhoods, which is often not  
9 realized, of having a more mixed income profile for the  
10 neighborhood. Because it would basically give the  
11 higher income families coming into the neighborhood a  
12 school to call their own and to participate in along with  
13 their lower-income neighbors.

14 So that's one set of examples I think. And  
15 I think the experiment in Hartford has been profound.  
16 Several of the most successful inter-district magnet  
17 schools in Hartford, Connecticut, attracting 50 percent  
18 of the students from the suburbs are located in public  
19 housing redevelopment neighborhoods. There was no  
20 concerted policy there, the schools just happened to be  
21 in those neighborhoods. But it has, it's been a real  
22 boon for both the kids in that former public housing and  
23 the suburban peers.

24 VICE CHAIR TIMMONS-GOODSON: Thank you.

25 I'm going to allow Commissioner Narasaki to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 ask the last question.

2 COMMISSIONER NARASAKI: So, just to follow  
3 up on what Mr. Tegeler just said, the Hartford testimony  
4 she also expressed the concern that in building these  
5 beautiful, wonderful, exciting magnet school programs  
6 what happened was then there was no money for the  
7 traditional neighborhood schools. And so I think the  
8 challenges in a lot of cities where there's falling  
9 budgets, you know, what works in terms of both  
10 desegregation and improving schools for all kids?

11 And so I wanted to ask particularly our  
12 representative from the LDF what your experience is in  
13 terms of what are the best programs that you've seen  
14 courts order that try to do both? Because we hear a lot  
15 of testimony about even for some of the magnet schools,  
16 for example, if your goal is desegregation then you might  
17 end up turning down qualified talented minorities  
18 because you're trying to make sure that you have enough  
19 non-minorities in the school.

20 So I'm wondering where is the next  
21 generation of thinking on that? And what are you  
22 recommending?

23 MR. TEGELER: Before Monique, Commissioner,  
24 I just want to as a point of order, the superintendent  
25 this morning didn't say it exactly the way you said it.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 The magnets are not taking money away from the  
2 neighborhood schools, she was speaking more like the  
3 neighborhood schools remain underfunded, as they were  
4 before, and are being left behind and in contrast with  
5 the beautiful new schools. It's not a -- she did not  
6 testify this morning that the funds are --

7 COMMISSIONER NARASAKI: Well, I would say  
8 that could be true but the results are the same. The  
9 analysis might be a little different but you wind up in  
10 the same place which is the traditional neighborhood  
11 schools are not getting the resources that are needed  
12 to give not even an equitable but not even an equal  
13 education. So that's --

14 MR. TEGELER: I agree. I certainly agree.

15 COMMISSIONER NARASAKI: So that's where I'm  
16 going.

17 MR. TEGELER: Thank you. Sorry.

18 COMMISSIONER NARASAKI: So go ahead.

19 MS. LIN-LUSE: Thank you for your question.  
20 You know, I was going to start off, I'll start with magnet  
21 schools. There are a lot of limitations but there's  
22 also a lot of opportunities that are provided by magnet  
23 schools. One of the issues with any sort of choice  
24 program, as I alluded to earlier, is the sort of what  
25 kind of parameters do you place around it that don't end

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 up undermining your original intent?

2 And so when it comes to magnet programs and  
3 also gifted and talented programs and other sort of  
4 programmatic things that are done to incentivize, you  
5 know, families to choose to go to schools in areas where  
6 they may not live or may be undesirable in some way or  
7 less resourced, and one of the concerns you have is that  
8 you find examples where you walk into the front door and  
9 essentially you can see all of the white children turning  
10 right to go down to the, you know, math and science magnet  
11 program and then the rest of the students who are not  
12 in the math and science magnet program but are still  
13 attending that particular school, other students of  
14 color going to the left.

15 And so it's particularly important that in  
16 the, you know, the design of any sort of programmatic  
17 tools that are court's order, one of the things that we  
18 really push for is that it's not just sort of at the top  
19 layer is there integration there, but really goes a step  
20 deeper in sort of what is the, what's the class  
21 assignment like? Who's taking what courses? And then  
22 also sort of how are you building a pipe -- that's the  
23 other piece, how are you building a pipeline to get  
24 there?

25 So it's not enough just to have an

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 International Baccalaureate school, an IB school, but  
2 it's a high school which is going to, you know,  
3 preference students who have had access to better  
4 schools K through 8, and then now are in a better position  
5 to, you know, be prepared to go to an IB school so that  
6 perhaps when, something that's been considered in one  
7 of the schools districts I am working with, is to have  
8 a middle school IB program, to work in other places.

9 So you're sort of starting to build a  
10 pipeline of opportunity so that opportunities aren't --  
11 you're not sort of providing opportunities that give  
12 sort of a facial level of integration but don't really  
13 go to sort of the level of interaction that we, when we  
14 think about the benefits of diversity, what we're really  
15 talking about is not just people being in the same  
16 building together but people being in the same classroom  
17 with each other, people interacting with each other, and  
18 so how to sort of facilitate that.

19 The other thing is controlled choice  
20 programs in student assignment. They are, you know,  
21 sometimes it takes the right sort of geographic  
22 circumstances but to say that instead of saying, you  
23 know, district-wide boundaries, sort of limiting it to  
24 a set of schools that are relatively near each other but  
25 sort of, you know, you get to have some preference in

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 choice, but also looking at sort of what are the  
2 balancing that you're doing of racial demographics and  
3 also income, socioeconomic status. And so trying to  
4 limit sort of the choice to a set of schools and then  
5 looking to sort of create balance between those.

6 But that's been really effective. We just  
7 implemented it in a jurisdiction in Tennessee. It's  
8 been, it's been great actually. We were able to close  
9 two of the schools that were very racially identifiable  
10 and also really poorly resourced, crumbling walls, you  
11 know, just sort of dilapidated that were predominantly  
12 African American schools, and also closing one of the  
13 older predominantly white schools, and then built a new  
14 -- the other option was the other students that weren't  
15 going to controlled choice also had the opportunity to  
16 go to a new school. And the new school sort of had a  
17 new identity and a new name, a new brand, so that it was  
18 able to be sort of new integrated school built.

19 So I give that example because I think in  
20 a lot of, in a lot of cities, small and large, or in school  
21 districts small and large you have to have a combination  
22 of things. You need to consider, you know, what you can  
23 do programmatically and what you can do through student  
24 assignment and boundaries, and also how you can deal with  
25 whatever other geographic issues that may occur.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 Another one of the things about the  
2 placement of sort of affordable housing and one of the  
3 reasons why really comes to now I meet with planners when  
4 I can in a city to sort of see what's on the horizon for  
5 housing developments within the community, which is  
6 something that school districts, you know, often have  
7 no access to knowing where new housing is coming and how  
8 many houses are going to go in and what type of housing  
9 it will be.

10 One of the school districts where we really  
11 struggled is to try to have increased diversity within  
12 the schools and balancing the schools without putting  
13 the burden on predominantly African American and Latino  
14 students. It's been very challenging because a lot of  
15 the multi-family dwellings those students live in,  
16 students of color live in are on the sort of same major  
17 highway. So it's a large, you know, city but they placed  
18 all of the sort of apartment complexes along one area  
19 and so it becomes difficult to how do you not end up with  
20 a school there that then this, you know, higher poverty  
21 or less diverse as the other schools could be if the  
22 multi-family dwellings were sort of scattered more  
23 throughout the city.

24 And so it's, again, there through the use  
25 of GIS, which will be the last point I make, geographic

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 information systems, it's a lot easier now to look at  
2 ways to plan and do student assignment than it was 30  
3 years ago when you really had to kind of, you know, drive  
4 around and mark on a map where each kid lived. Now,  
5 through this sort of data that's produced, doing work  
6 with GIS specialists who are able to come up with plans  
7 that are going to increase diversity opportunity and not  
8 overburden particular students who have to drive, you  
9 know, go on long bus rides or what have you.

10 COMMISSIONER NARASAKI: Ms. Brown.

11 MS. BROWN: I would just like to make two  
12 quick points. One is that an additional model in  
13 addition to rigorous college-bound high school that's  
14 worked well for integrating schools is bilingual  
15 schools. There's real appetite, particularly for more  
16 affluent students. And these schools tend to work best  
17 when you have about an equal representation of students  
18 who are, for example, native Spanish speakers and then  
19 native English speakers.

20 And so given the rising, given the increase  
21 in the Hispanic population in the U.S., I think this is  
22 a model that could be much more heavily utilized to  
23 integrate schools and also to give students overall  
24 world class education and the ability to be culturally  
25 competent. There are so many benefits to these schools.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 And they are not very widespread.

2 And the second one, just to the point that  
3 you mentioned, I think that's an incredibly important  
4 point about getting the integrated school population is  
5 not the goal, you actually also need to have integration  
6 of classrooms. One of the policies that we've seen work  
7 well is universal screening for gifted and talented  
8 programs. So as opposed to relying on parent and  
9 teacher recommendations, which are subject to inherent  
10 bias, if you actually just screen every child in the  
11 school you see dramatic increases in the percent of  
12 minority students who get the opportunity to go into  
13 those classrooms.

14 So that's all. Thank you.

15 COMMISSIONER NARASAKI: But what happens to  
16 the kids who don't make it into the gifted programs? How  
17 are you ensuring -- or part of the integration scheme,  
18 how are you ensuring that they are still getting the kind  
19 of education they need to be getting and deserve to be  
20 getting?

21 MS. BROWN: Yes, so this is one of the, one  
22 of the things that CAP has prioritized and advocated for  
23 in the last few years is the Common Core. And we very  
24 strongly believe that having really high standards for  
25 all students in math and reading increase K through 12.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 It's essentially like gifted and talented for all.

2 And so I think the integrity to that set of  
3 academic expectations and ensuring that formative  
4 assessments in curriculum are aligned to them and that  
5 all students are actually having that access.

6 COMMISSIONER NARASAKI: Yes, but I'm talking  
7 about the financing so that they could get the education  
8 they need to meet the Common Core standards.

9 MS. BROWN: Certainly more financing is  
10 needed. Absolutely.

11 VICE CHAIR TIMMONS-GOODSON: All right.  
12 Panel. Did you want to say something, Ms. Lin-Luse.

13 MS. LIN-LUSE: I did, if I could.

14 VICE CHAIR TIMMONS-GOODSON: Go right ahead.

15 MS. LIN-LUSE: Thank you. I just wanted to  
16 say that on this issue of gifted and talented that one  
17 of the things that we really advocate for and is very  
18 successful is when schools, instead of having sort of  
19 pull-out programs with just some students in  
20 gifted/talented, really changing the themes and the  
21 focus of the, overall, the school's curriculum. That's  
22 another way actually that can be done to sort of  
23 encourage parents who may have chosen to send their kids  
24 to private school to instead consider their neighborhood  
25 schools.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           So it's not necessarily about having to have  
2 a lottery or a special admissions criteria, but really  
3 looking to how to enrich the curriculum for all students.  
4 And it can encourage parents who may not have children  
5 to send their kids to the local public school to maybe  
6 consider doing that without having some of the barriers  
7 that we've discussed with regard to barriers of  
8 selecting out certain students over others.

9           VICE CHAIR TIMMONS-GOODSON: Panel 4, Mr.  
10 Tegeler, Ms. Brown, Ms. Lin-Luse, Dr. O'Regan, on behalf  
11 of the Commission on Civil Rights I thank you for taking  
12 your time to be with us. It's been excellent. Again,  
13 thank you.

14           We'll now be in recess for a period of ten  
15 minutes. We'll resume promptly at 4 -- excuse me, 3:36.  
16 Thank you.

17           (Whereupon, the above-entitled matter went  
18 off the record at 3:26 p.m. and resumed at 3:36 p.m.)

19           VICE CHAIR TIMMONS-GOODSON: Let's come  
20 back.

21           We'll now proceed with our fifth and final  
22 panel of the day. Briefly allow me to introduce the  
23 panelists in the order in which they'll speak.

24           Our first panelist is Denise Forte, Staff  
25 Director, Committee on Education and Workforce at the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 United States House of Representatives.

2 Our second panelist, Tanya Clay House,  
3 Deputy Assistant Secretary for P-12 Education in the  
4 Office of Planning, Evaluation and Policy Development  
5 of the Department of Education.

6 And our third panelist, Jessie Brown,  
7 Senior Counsel to the Assistant Secretary in the Office  
8 for Civil Rights of the Department of Education.

9 I will ask if the panelists at this time will  
10 swear or affirm that the information you are about to  
11 provide is true and accurate to the best of your  
12 knowledge and belief. If so say it is or I will or I  
13 do.

14 (Panelists sworn.)

15 VI: PANEL FIVE:

16 FEDERAL GOVERNMENT ON EQUITABLE FUNDING

17 VICE CHAIR TIMMONS-GOODSON: Okay. Ms.  
18 Forte, please proceed.

19 MS. FORTE: Thank you.

20 Vice Chair and Commissioners, good  
21 afternoon. My name is Denise Forte. I am the  
22 Democratic Staff Director for the House Committee on  
23 Education in the Workforce. Thank you for the  
24 invitation to speak to you this afternoon about the role  
25 of Federal Government in achieving equitable funding for

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 K-12 public education.

2 I also bring greetings from Congressman  
3 Bobby Scott who could not attend today's discussion,  
4 aptly titled Public Education Funding Inequality in an  
5 Era of Increasing Concentration of Poverty and  
6 Resegregation.

7 As has been noted a few times today already,  
8 this is taking, this conversation is taking place in a  
9 week when we just marked the 62nd anniversary of the  
10 seminal Supreme Court decision in Brown v. Board of  
11 Education. And it was that groundbreaking and  
12 unanimous decision that altered the education landscape  
13 of this country and moved the United States one step away  
14 from state-sanctioned segregation of public education.

15 In that decision the Court announced that  
16 education is perhaps the most important function of  
17 state and local government. And it is, in these days  
18 it is doubtful that any child may reasonably be expected  
19 to succeed in life if he is denied the opportunity of  
20 an education.

21 Such an opportunity, to go on, is a right  
22 which must be made available to all on equal terms. And  
23 it concluded with, in the field of public education, the  
24 doctrine of separate but equal has no place.

25 And so with that decision began the modern

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 federal role in elementary and secondary education.  
2 But due largely to state inaction to serve all on equal  
3 terms in the decade following Brown, Congress took much  
4 necessary steps to address inequality by passing the  
5 first Elementary and Secondary Education, ESEA, which  
6 provided federal money through Title I to address the  
7 special educational needs of children of low income  
8 families and the impact that concentrations of low  
9 income families have on the ability of local education  
10 agencies to support adequate educational programs.

11 And with this law, Congress recognized  
12 access to equal educational opportunity as a civil right  
13 that transcends state boundaries and a right the federal  
14 government has an obligation to protect.

15 Since the legal integration of public  
16 elementary and secondary education and subsequent  
17 federal involvement we've seen notable improvement in  
18 this country in education. High school students are  
19 graduating at the highest rate ever recorded. The high  
20 school dropout rate is at a historic low. And there has  
21 been great progress among students of color and low  
22 income students. Namely, black and Latino 9-year-olds  
23 are doing math at nearly the same level as their  
24 13-year-old counterparts did in the '70s.

25 But all of us know that despite this

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 progress there remains much pronounced achievement  
2 gaps. And as we've also heard from several panelists  
3 this week -- today, the GAO released its finding that  
4 after examining racial and social economic isolation in  
5 K-12 public schools and its resulting impact on  
6 educational equity, and it confirmed that our nation's  
7 schools are in fact largely segregated by race and class.  
8 In some instances segregation in public K-12 schools has  
9 worsened with more than 20 million students of colors  
10 -- color attending racially and socioeconomically  
11 isolated public schools that are indeed under resourced  
12 and the students over disciplined in every region of this  
13 country.

14 And the report is a very stark reminder that  
15 despite supplemental federal investment, educational  
16 inequities will persist when state and local districts  
17 lack the political will or political capital to address  
18 the lack of educational opportunity through more  
19 equitable educational resources. And so while the  
20 congressional intent of Title I is clear, it can only  
21 be fulfilled when state and local school districts step  
22 up to do their part.

23 With a system that is still largely reliant  
24 on local property taxes, the questions remain if federal  
25 dollars are used to fill or attempt to fill large gaps

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 left by inequitable distribution of state and local  
2 resources that underfund high poverty schools, is the  
3 state and local obligation being sufficiently met? Are  
4 they doing their part?

5 And if the answer is no, what is the level  
6 of federal investment necessary to really level the  
7 playing field?

8 As all of you know, there is no federal  
9 constitutional right to an education. The Supreme  
10 Court ruled in the San Antonio Independent School  
11 District v. Rodriguez case in '73 that this inherently  
12 unequal financing mechanism we see from state to state  
13 and in local school districts to local school districts  
14 is indeed legal. And as battles over education finance  
15 have shifted to the states, where most constitutions  
16 either through equal protection or provisions specific  
17 to the state's duty to provide for education, allow for  
18 legal challenges relating to finance inequities.

19 And as we've heard today, many of the  
20 results of these legal challenges are mixed.

21 Given all of this context, the Federal  
22 Government's ability to actually equalize state and  
23 local funding has indeed been limited but it affords  
24 leverage. And that leverage is what Congressman Bobby  
25 Scott and congressional Democrats are working to use so

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 that we can prompt more equitable, and we would also  
2 argue more responsible, allocation of state and local  
3 dollars to improve student outcomes and close persistent  
4 achievement gaps.

5 December marked the enactment of the Every  
6 Student Succeeds Act, which was the comprehensive  
7 reauthorization of elementary and secondary education.  
8 And Ranking Member Scott fought for and secured key  
9 provisions in ESSA alongside Senator Patty Murray that,  
10 if carried out as directed in the law, will lead to, one  
11 would hope, more equitable resource allocation.

12 One of the first things I just want to note  
13 is actual per pupil expenditure transparency. ESSA  
14 requires for the very first time states and local school  
15 districts to report actual per pupil expenditures that  
16 include teacher salary and benefits.

17 Transparency on school climate. ESSA also  
18 requires for the first time that states and school  
19 districts must report on measures of school quality  
20 closely correlated with equity of opportunity,  
21 including access to early learning, dual enrollment and  
22 the use of exclusionary discipline.

23 Weighted student funding pilot. Although  
24 this hasn't garnered much attention, it includes a new  
25 authority for the Department to work with school

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 districts on weighted student funding.

2 And then accountability, both Title I and  
3 state accountability, we know we have to focus on student  
4 outcomes and increased access to educational  
5 opportunity through responsible allocations of  
6 resources.

7 We have also introduced 5260, the Equity and  
8 Inclusion Enforcement Act. I can talk about that a  
9 little bit more through questions. But this amends  
10 Title VI of Civil Rights Act, restore the right to  
11 individual civil actions in cases involving disparate  
12 impact based on race, color or national origin.

13 Thank you.

14 VICE CHAIR TIMMONS-GOODSON: Thank you very  
15 much, Ms. Forte.

16 Our second panelist, Tanya Clay House.

17 MS. CLAY HOUSE: Good afternoon.

18 COMMISSIONER ACHTENBERG: Madam Chair, I  
19 just want to point out I joined the call. I wasn't able  
20 to get back on. I apologize.

21 VICE CHAIR TIMMONS-GOODSON: Thank you very  
22 much, Commissioner Achtenberg.

23 MS. CLAY HOUSE: Good afternoon and thank  
24 you, Vice Chair Timmons-Goodson and Commissioner  
25 Narasaki and all the rest of the Commissioners for

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 allowing me to be here today and to testify on behalf  
2 of the Department of Education.

3 We're committed to ensuring that all  
4 students have access to excellent public education.  
5 And we're pleased, as already indicated, that last year  
6 this nation did achieve the highest graduation rate  
7 we've ever seen.

8 Among other achievements, we're also  
9 equally excited that tens of thousands of children now  
10 have access to high quality preschool, and millions more  
11 to higher education. However, students of color from  
12 low income families still attend under resourced,  
13 underfunded and understaffed and poorly staffed  
14 schools. And, moreover, these schools tend to be  
15 segregated by race and class. The result is that even  
16 as we commemorate the 62nd anniversary of Brown v. Board,  
17 far too many poor students and students of color are not  
18 only segregated, but relegated to under performing  
19 schools.

20 While we continue to make strides in public  
21 education, we have much work to do to eliminate the  
22 resource inequities and, ultimately, the achievement  
23 gaps for racial, ethnic, other historically  
24 disadvantaged students as well.

25 Diverse schools can play an essential role

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 in closing these gaps and positioning all of America's  
2 children in the nation for success. Schools that are  
3 socioeconomically and racially diverse have immediate  
4 and powerful benefits for every student, especially for  
5 their most vulnerable students.

6 I would like to focus on the ongoing problem  
7 of racial and socioeconomic segregation in our public  
8 schools. The data is bleak. Over half of black  
9 students attend schools where 75 percent or more of the  
10 student body is comprised of minority students. In  
11 contrast, overall less than one-quarter of all public  
12 school students attend schools that are over 75 percent  
13 minority.

14 We also know that 57 percent of all Hispanic  
15 students attend majority Hispanic students -- Hispanic  
16 schools. And over half of all Hispanic students attend  
17 schools that are at least 75 percent minority.

18 At the same time, 9 out of every 10 white  
19 public school students attend a school that is majority  
20 white.

21 In short, our schools do not reflect the  
22 diversity of America. Racial segregation in our  
23 schools is doubly pernicious because it is often  
24 intertwined with socioeconomic status and, in  
25 particular concentrated poverty. Minority students

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 are more likely to attend high poverty schools. More  
2 than 75 percent of students are eligible for free and  
3 reduced price lunch. And approximately half of all  
4 black and Hispanic public school students, for example,  
5 attend these high poverty schools, while only 7 percent  
6 of white public school students attend such schools.

7 Part of the legacy of Brown is that it  
8 highlighted not only the inequities of segregated  
9 schools but also the inherent resource equities and  
10 disparities that existed in segregated schools. Today  
11 this is evidenced not only through differential funding  
12 schemes but also the availability of advanced course  
13 work and enrichment opportunities for all students.  
14 Access to these programs correlates with higher  
15 achievement levels. Thus, it is very disappointing  
16 that in our most recent Civil Rights Data Collection it  
17 demonstrates that high minority schools are less likely  
18 to offer advanced course work in gifted and talented  
19 programs than high majority white schools.

20 Beyond course work, as already indicated,  
21 high quality teachers, support staff and leaders are  
22 also fundamental to student learning and development.  
23 Additionally, the physical spaces where students are  
24 educated are also significant resources that influence  
25 our students' learning and development. Still, many of

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 our nation's schools have fallen into disrepair. And  
2 too often school districts with high enrollments of  
3 students of color invest thousands of dollars less per  
4 student and their facilities than the districts of white  
5 student enrollments.

6 The most recent data collected in 2012  
7 revealed much of what the parents and community members  
8 already knew, which is that students of color and low  
9 income children are more likely to be educated in older  
10 and temporary buildings with less updated systems.

11 This is not where we should be in 2016.  
12 Today's truth is the same as what Thurgood Marshall knew  
13 and articulated six decades ago, that separate is  
14 inherently unequal. Even as we discuss the effect of  
15 resource inequities upon low income and minority  
16 students, we know that it is not purely a function of  
17 inadequate funding. It is also a function of  
18 inequitable state and local funding structures.

19 Inequitable school funding has been a  
20 problem in the United States for years, particularly  
21 because of its long history of local property taxes to  
22 fund schools. According, and as already mentioned  
23 earlier by my colleague Ary Amerikaner, in our school  
24 district finance survey in 2011 and '12 school year, our  
25 highest poverty districts spent 15.6 percent less per

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 student than our lowest poverty districts.

2 The Federal Government, and the Department  
3 of Education in particular, play an important role in  
4 identifying and remedying these types of funding  
5 inequities. And we know that the ESEA, the reauthorized  
6 ESSA, is a civil rights law. And it's designed to ensure  
7 that even the most marginalized and disadvantaged  
8 students gain access to a high quality public education.

9 Our written testimony outlines the various  
10 levers that we can use with the Federal Government to  
11 address the problems described above. My colleague  
12 earlier discussed our implementation within Title I of  
13 ESSA. My colleague Jessie Brown will discuss the Office  
14 for Civil Rights' enforcements of our laws.

15 I will focus on a few of the implementations  
16 of some of the discretionary grant programs across the  
17 Department. The Department is actively pursuing  
18 innovative strategies to incentivize work to increase  
19 diversity and combat inequality in our nation's schools.  
20 The President's Fiscal Year 2017 budget request, for  
21 example, includes a proposal entitled Stronger  
22 Together. This \$120 million grant program is designed  
23 to increase socioeconomic diversity in our schools and  
24 school districts.

25 Research increasingly shows that such

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 diversity does matter and it really can improve and lead  
2 to improved outcomes for all students.

3           The court got it right in *Brown*, and we at  
4 the Department firmly believe that this is the will --  
5 that this will help schools and districts tear down the  
6 barriers that prevent poor and minority students from  
7 accessing the same high quality schools and teachers  
8 that are available to many of their peers.

9           In addition to Stronger Together, the  
10 Department is also leveraging other existing programs:  
11 our Investing in Innovation program which now has a new  
12 invitational priority in encouraging socioeconomic  
13 diversity, our Magnet Schools Assistance Program which  
14 also seeks proposals that will focus on the development  
15 of evidence-based strategies for reducing racial and  
16 socioeconomic isolation.

17           We have a blog in which we ask for comments  
18 for our school improvement grants to help districts  
19 improve and implement locally driven strategies to boost  
20 socioeconomic diversity.

21           And, finally, our Equity Assistance Centers  
22 authorized under Title IV, are also have been noticed  
23 for rulemaking in order to provide technical assistance  
24 on issues occasioned by desegregation.

25           The legacy of Brown v. Board is

1 fundamentally about whether we are going to create  
2 equitable educational opportunities for all students.  
3 And ESSA and the creation of the Department of Education  
4 is a part of this legacy. It is both the Department's  
5 responsibility and moral obligation to build on the  
6 civil rights legacy. We take this responsibility very  
7 seriously.

8 And we appreciate the opportunity to  
9 testify before this Commission on the Federal  
10 Government's ongoing efforts. Thank you.

11 VICE CHAIR TIMMONS-GOODSON: Thank you very  
12 much.

13 Our third panelist is Jessie Brown.

14 MS. JESSIE BROWN: Hi.

15 VICE CHAIR TIMMONS-GOODSON: Hi.

16 MS. JESSIE BROWN: Good afternoon.

17 Thank you to the Commission for convening  
18 this important hearing. And thank you for the  
19 opportunity to speak with you today about federal  
20 efforts to ensure resource equity in our nation's  
21 schools. I'm Jessie Brown, Senior Counsel in the Office  
22 for Civil Rights at the Department of Education. And  
23 I will be addressing federal efforts to reduce  
24 disparities in educational resources from the  
25 perspective of the Department's Office for Civil Rights,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 looking at the issue of resource equity through a Title  
2 VI lens.

3 As you know, OCR enforces federal civil  
4 rights laws, including Title VI of the Civil Rights Act  
5 of 1964 which prohibits recipients of federal financial  
6 assistance from discriminating on the basis of race,  
7 color or national origin in educational programs. The  
8 law prohibits intentional discrimination but it also  
9 prohibits facially neutral policies that have the effect  
10 of an unjustified adverse disparate impact on students  
11 based on race, color and national origin.

12 We have seen some progress, as Denise noted,  
13 as Tanya noted we have higher graduation rates, high  
14 quality pre-schools. But we also know that we have  
15 inequities. In too many communities gaps in essential  
16 resources and opportunities exist. And too often it is  
17 students of color that receive less. Such inequities  
18 are both unjust and may also violate the law.

19 Tanya mentioned some of these. But our  
20 data, our CRDC (Civil Rights Data Collection) data also  
21 show that students of color are more likely to be  
22 assigned to inexperienced, out of field, academically  
23 weaker teachers than other students. Students of color  
24 have less access to rigorous course work. A study of  
25 the computer science AP test, advanced placement test,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 found that in 11 states there were no black students that  
2 took the exam. And in eight states there were no Latino  
3 students that took the exam.

4 Students of color are more likely to attend  
5 schools of lower quality facilities, like temporary  
6 portable classrooms. 45 percent of schools with a  
7 majority of students of color have temporary portable  
8 buildings, compared with only 13 percent of schools that  
9 have the fewest students of color, less than 6 percent.

10 OCR has made very clear on several occasions  
11 that resource inequity on the basis of race, including  
12 lack of access to excellent educators, facilities and  
13 instructional materials, may be actionable civil rights  
14 violations. In October of 2014, OCR issued a  
15 comprehensive guidance package on resource  
16 comparability detailing how the Department views this  
17 issue through the lens of Title VI. The guidance has  
18 helped school administrators, teachers, parents,  
19 students and advocates understand their legal  
20 obligations and how OCR may investigate issues related  
21 to resource inequity.

22 It also provides practical suggestions for  
23 how to perform a proactive self-assessment to ensure  
24 compliance with the law.

25 In addition to issuing important guidance

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 documents like the one I just mentioned, and also  
2 offering on-demand technical assistance to recipients,  
3 OCR through its 12 regional offices around the country  
4 ensures that school districts and institutions of higher  
5 education are complying with federal civil rights laws,  
6 largely through investigation of complaints and through  
7 proactive compliance reviews.

8 Because the issue of educational  
9 opportunity is so closely linked to school  
10 desegregation, OCR has been investigating this type of  
11 discrimination since the agency began. In 2015, OCR  
12 received 40 complaints related to student access to  
13 resources, curricula and opportunity to foster college  
14 and career readiness, and resolved 23. Additionally,  
15 last year OCR launched three proactive systemic  
16 investigations and also resolved three compliance  
17 reviews.

18 In an investigation regarding equity of  
19 educational resources, OCR doesn't just look at the  
20 numbers, it looks holistically at the quantitative and  
21 qualitative differences in access to resources like  
22 technology, strong teaching and instructional  
23 materials, and it also takes into account the ongoing  
24 efforts that states or districts are taking to improve  
25 resource equity.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 I'd like to highlight one case in specific  
2 that was resolved in July of 2014. It was a compliance  
3 review out in California evaluating the Elk Grove  
4 Unified School District's compliance with Title VI.  
5 The review was opened in 2011 and assessed whether  
6 African American students were provided equal  
7 educational opportunities to participate in the  
8 district's gifted and talented programs, as well as  
9 honors and AP courses, in compliance with Title VI.

10 The investigation found that during the  
11 previous school year 2011 -- 2010-11, black students in  
12 grades 3 through 6 were nearly five times less likely  
13 than their white peers to be identified for the gifted  
14 and talented program.

15 Elementary schools in the district with a  
16 higher-than-average black student population had  
17 smaller gifted and talented programs than those schools  
18 with higher-than-average white populations. And  
19 schools with a higher enrollment of black students did  
20 less parental outreach about the gifted and talented  
21 programs than the other schools.

22 OCR's investigation found that the  
23 district's policies and procedures resulted in an  
24 unlawful adverse impact on black students and resolved  
25 the case with the district in a voluntary resolution

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 agreement in which the district committed to establish  
2 and implement modified eligibility and selection  
3 criteria for the district's gifted and talented program,  
4 and to provide OCR with an analysis of the changes, with  
5 data to be disaggregated by school, grade level and race.

6 The good news to report in Elk Grove is that  
7 since the agreement, the district has taken  
8 comprehensive steps to eliminate the barriers to equal  
9 access. They've revised the eligibility criteria for  
10 these programs, increased communications and outreach  
11 to the families -- to families about the benefits of the  
12 programs, developed targeted plans at every elementary  
13 and middle school to boost equitable referral and  
14 identification of students, and created a district  
15 Gifted and Talented Equity Committee with parents.

16 This new commitment to equitable access has  
17 led to changes in the program administration that affect  
18 more than 62,000 students district wide, including the  
19 district's change of prerequisites for 42 courses in the  
20 program's first year of implementation.

21 Just a word on the data. OCR collects and  
22 releases every other year the Civil Rights Data  
23 Collection. Tanya cited some of the 2011-12 CRDC data  
24 in her remarks, which is the most recent data that we  
25 have highlighting the inequities that still exist in our

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 public schools. But I would also like to point out for  
2 the Commission that the 2013-14 data will be available  
3 this year. The entire data set will be available to the  
4 public.

5 Like the 2011-12 data, it's a universal  
6 collection, meaning that OCR collected data from all of  
7 the nearly 17,000 school districts in the country. This  
8 data helps to shine a light on disparities that may  
9 indicate civil rights concerns. And while the numbers  
10 alone do not show a violation of federal law, they can  
11 be also utilized by states and districts to help them  
12 assess the access within their own districts to high  
13 quality educators, courses, and other educational  
14 materials.

15 The Department of Education was created to  
16 assist and oversee states and localities in the  
17 provision of equitable and quality public education for  
18 all students. Yet without meaningful oversight and  
19 enforcement by the Department, students in high need  
20 schools, often schools with high populations of students  
21 of color, may not receive the educational opportunities  
22 to which they are entitled.

23 We must guarantee that our students aren't  
24 set up to fail. We take these responsibilities  
25 seriously and appreciate the opportunity to testify

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 before the Commission today.

2 Thank you. I'll look forward to your  
3 questions.

4 VICE CHAIR TIMMONS-GOODSON: Thank you very  
5 much.

6 I'm going to begin with the first question.  
7 In terms of that supplant -- excuse me, supplement, not  
8 supplant provision that you were seeking to go through  
9 negotiated rulemaking and you were unsuccessful, as I  
10 understand it, the Department of Education's plan since  
11 you were not able to reach consensus on the proposal,  
12 your plan is to continue, in your words, to seek input  
13 on how to implement the supplement, not supplant  
14 provision.

15 Would you further explain, please, what you  
16 mean by that, how it is that you seek to continue  
17 receiving input, given that you've already had some  
18 input? Just explain to me, please, somebody where we're  
19 going from here.

20 MS. CLAY HOUSE: Sure. Sure. So thank you  
21 for the question.

22 I think like all of the opportunities that  
23 the Department gives, we are continually in receipt of  
24 comments from our stakeholders, from those various  
25 interested parties. And oftentimes we are, we continue

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 to receive input such in the form of letters, in the form  
2 of continual meetings that are requested from, you know,  
3 by the Department in order to discuss whether or not or  
4 whether or not to clarify and how to go about potentially  
5 providing a new rule on supplement, not supplant.

6 And so that is an ongoing process. It is  
7 something that the Department engages in on a variety  
8 of levels. And so input can take that form of either  
9 meetings, it can take the form of letters, it can take  
10 the form of phone calls. And so it is something in which  
11 it's part of the formalized process in order to make  
12 sure.

13 Now, there is also -- it's part of the  
14 informal process, excuse me.

15 There is also a more formal process when,  
16 you know, if there, if and, you know, when a notice for  
17 a new rule is announced that we would actually have an  
18 opportunity for more formalized comments in which the  
19 public would actually provide on the record their  
20 comments with regard to whether or not this, you know,  
21 our proposed rule is something in which they would agree  
22 with, whether or not they want us to clarify in  
23 particular some of the rules that we have outlined within  
24 the new rule.

25 And so that, so there's different stages of

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 that process but it's an ongoing step that we engage,  
2 it's something that we engage in ongoing throughout the  
3 entire process.

4 VICE CHAIR TIMMONS-GOODSON: What I hear you  
5 saying is that you're open to further suggestions. And  
6 as these additional suggestions come in you'll continue  
7 to rethink and work on it?

8 MS. CLAY HOUSE: Yes, that's correct.

9 VICE CHAIR TIMMONS-GOODSON: Thank you.  
10 Commissioner Narasaki.

11 COMMISSIONER NARASAKI: Thank you, Madam  
12 Chair. And thank you all for coming to testify late on  
13 a Friday afternoon with the sun shining, which I  
14 understand will not be happening tomorrow.

15 MS. CLAY HOUSE: I know.

16 VICE CHAIR TIMMONS-GOODSON: Don't remind  
17 them. They might run.

18 COMMISSIONER NARASAKI: Sorry.

19 So, Ms. Forte, please thank Congressman  
20 Scott for his long leadership on these issues. And also  
21 for requesting the GAO study that recently came out.  
22 The timing was perfect and it provided incredibly useful  
23 information.

24 Could you elaborate on the barriers parents  
25 face? I understand the congressman has proposed

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 additional legislation. And we heard all morning and  
2 most of the day that, largely speaking, most reform on  
3 the state and local level of school financing has come  
4 about because someone has sued to try to push people to  
5 do the right thing.

6 So it seems like that's an important  
7 direction we're going. And it would be great to get more  
8 understanding of what his thinking is.

9 MS. FORTE: Well, I think that -- thank you  
10 for that question and, also, thank you again for inviting  
11 him to testify. And I do know that he's sorry he  
12 couldn't be here.

13 You know, what we've learned in particular  
14 since No Child Left Behind was enacted in 2001, is that  
15 the provision of data to communities, the disaggregation  
16 of data and putting that out there was helpful, one, in  
17 just sort of understanding the inequities that existed.  
18 But it also I think started to move the -- move into the  
19 direction of putting data into the hands of communities,  
20 which is why some folks were able to take action and try  
21 to sue.

22 With this next iteration of ESSA we're  
23 actually hoping with more transparency around per pupil  
24 expenditures, in combination with the work that the  
25 Department of Education has done with the CRDC, that

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 we're not just putting data in the hands of parents but  
2 robust data in the hands of parents.

3 And also with ESSA, by turning more towards  
4 state and local districts and empowering them more to  
5 do work around accountability, having that data is  
6 probably one of the most significant tools in their  
7 toolkit to be able to make changes. Having the data out  
8 there, public, and then be able to effectively advocate  
9 for the changes that they want based on the data.

10 COMMISSIONER NARASAKI: And the proposed  
11 legislation around the litigation?

12 MS. FORTE: Oh, so yeah, let me address that,  
13 too.

14 That was introduced this week after the  
15 announcement of the GAO report and has two parts to it,  
16 actually. In addition to going back to pre-Sandoval  
17 where there was an individual private right of action,  
18 we also decided to reinstate a Assistant Secretary for  
19 Equity at the Department of Education, making sure that  
20 the Department had an actual position that focused on  
21 equity and could drive some more of those equity  
22 conversations out in communities.

23 And taking probably lead from the  
24 Department, again, and some of the work that they're  
25 doing with Title IX, providing the Department the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 authority to institute equity officers in schools that,  
2 again, would be able to effectively help use the data,  
3 understand what's going on with the data, and help school  
4 districts decide what they might want to do.

5 So it's actually a 3-part or a 3-pronged  
6 piece of legislation with giving individuals private  
7 right of action, pre-Sandoval, around Title VI claims  
8 with equity in education, the school officers that will  
9 be equity officers, and then at the federal level an  
10 Assistant Secretary of Equity.

11 COMMISSIONER NARASAKI: Thank you.

12 Following on the data theme, Ms. Brown, the  
13 OCR's 2014 Dear Colleague letter was very helpful in  
14 explaining how the office is looking at resource equity.  
15 And we're wondering, since the release of the guidance  
16 how many times the Office of Civil Rights has  
17 investigated a state or school district for  
18 discriminating based on race, color or national origin,  
19 based on the information that's coming out from that?  
20 Or how are you using it? How has it changed the work  
21 that the office is doing?

22 MS. JESSIE BROWN: Sure. Thank you for the  
23 question.

24 The data itself helps to shine a light on  
25 potential civil rights violations, but the data alone

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 do not show violations. Because of resource, resource  
2 limitations in the Office for Civil Rights we are unable  
3 to do as many proactive investigations, compliance  
4 reviews as we would like. But certainly if we see some  
5 really horrible disparities in the data, that would give  
6 us cause to take a closer look and see whether an  
7 investigation needed to be opened there.

8 We simply can't just open up investigations  
9 every place that we see inequities. There could be a  
10 lot going on that -- there could in fact be no civil  
11 rights violation. And so the vast majority of our work  
12 is complaint driven.

13 I think that I mentioned last year we  
14 received 40 complaints in this area and we opened three  
15 proactive investigations. We also were able to resolve  
16 three proactive investigations that had been opened in  
17 earlier years.

18 So we certainly are, we certainly are seeing  
19 a continuing need for this. And the CRDC data very much  
20 helps in the investigation. But any time that we go in  
21 and do an investigation, we're looking much deeper than  
22 the data. We're taking a very holistic review of what  
23 all is going on.

24 We're also looking at what efforts the  
25 district is taking currently to try to remedy whatever

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 disparities that the data might have shown.

2 COMMISSIONER NARASAKI: And how many staff  
3 do you have at the Office of Civil Rights? And I know  
4 there's some shared jurisdiction with the Department of  
5 Justice that I really haven't been able to figure out.  
6 So I'm wondering what kind of resources are available  
7 since you mentioned that they're limited?

8 MS. JESSIE BROWN: So, yeah. Across the --  
9 and I can get you the exact numbers of staffing that we  
10 have. And we did just, we're hiring some more people  
11 right now because we just had an additional  
12 appropriation.

13 Across the 12 regional offices there's  
14 something like around 600 enforcement attorneys.

15 COMMISSIONER NARASAKI: Wow. That's  
16 certainly better than the EPA Office of Civil Rights  
17 which I think had less than 10 people.

18 MS. JESSIE BROWN: I would also point out  
19 that we're at an all-time high for complaints. We  
20 surpassed 10,000 last year. And so we are continuously  
21 operating at a squeeze.

22 COMMISSIONER NARASAKI: Great.

23 Ms. Clay House, how has ESSA changed the  
24 Department's authority to oversee the distribution of  
25 resources? And what is the Department doing to try to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 clarify this authority to state and local school  
2 districts?

3 And, also, I'm interested in, we've heard  
4 throughout today the importance of empowering parents  
5 with data, but also the issue of how do you make sure  
6 the parents actually know the data and how to use the  
7 data? And we're interested in what else the Department  
8 is doing to try to help start to implement ESSA, the new  
9 rules?

10 MS. CLAY HOUSE: Sure. Yes, thank you for  
11 those questions.

12 As I indicated in my testimony, the Every  
13 Student Succeeds Act we do believe is still  
14 fundamentally a civil rights law. And so that means  
15 that the Department of Education still views and  
16 operates under the same authority that we feel existed  
17 before. And previously, before the authorization of  
18 ESSA, which is that we do have the requisite authority  
19 to ensure that state and local school districts are  
20 actually engaged in the proper allocation of and  
21 distribution of funds.

22 And so, as my colleague earlier spoke about,  
23 one of the ways in which we're trying to ensure and  
24 provide clarity in that area is to decide whether or not  
25 we are going to engage in the type of rulemaking under

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 supplement, not supplant. As indicated, we have  
2 engaged in this negotiated rulemaking conversation thus  
3 far. And this is a result of various comments,  
4 conversations, requests for clarity from the field.

5 That's one of the ways in which we determine  
6 whether or not the Department is indeed going to engage  
7 in such type of rulemaking because if it is an attempt  
8 to interpret the law, it is an attempt to ensure that  
9 there is a proper understanding of in fact how to  
10 properly distribute those state and local dollars within  
11 the supplement, not supplant provisions within the  
12 statute.

13 And so for our perspective, that's one of  
14 the fundamental ways in which we're trying to make sure  
15 that there is that maintenance of oversight and  
16 assistance that we can provide to the state and local  
17 school districts.

18 With regard to how it is that we ensure that  
19 we can engage our parents and help them to understand  
20 the data that is being reported from the schools, from  
21 the state and local school districts, we are in the  
22 process right now of working, going out into the field  
23 and engaging in ESSA listening sessions, what we call  
24 them. I have been on one and in the process of going  
25 to another. A number of us within the Department are

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 going throughout the country in order to educate and  
2 listen to teachers, parents, community activists.

3 We're setting up these meetings  
4 intentionally in order to educate about what the  
5 provisions are within ESSA. We're trying to educate  
6 parents particularly, and community activists, about  
7 the need to engage in meaningful consultation,  
8 particularly when it comes to the creation of the state  
9 and local plans, to understand what that means, to  
10 understand how it is that they can ensure that they do  
11 indeed receive not only the information but can clearly  
12 understand and interpret that information in a way that  
13 they can engage with the school districts.

14 And so this is one method in which we're  
15 trying to, you know, work with our parents.  
16 Additionally, we continue to also have what we call  
17 equity labs, another way in which we're trying to make  
18 sure that we're getting the necessary information out  
19 beyond the schools and working with our districts to make  
20 sure that they're actually assessing, assessing and  
21 understanding appropriately what it means to have  
22 equitable educational opportunity within our schools.

23 And so those are a couple of measures, ways  
24 in which the Department is engaging. And there's more  
25 that I know that we continue to work through throughout

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 the Department. But those are a few that I think are  
2 directly responsive.

3 COMMISSIONER NARASAKI: Thank you. I think  
4 it's really important to sufficiently educate people  
5 about, for example, the dollar per pupil comparison. We  
6 heard all throughout today the issue of the fact that  
7 it often will cost more to provide equitable education  
8 to certain populations of students who are the most  
9 vulnerable. So it might look like that you are giving  
10 them equal funding or even maybe greater funding, but  
11 it still may fall short of what the funding is for the  
12 student.

13 And I worry about that because it came up  
14 in the question that was earlier made by one of our  
15 commissioners. So I'd just encourage you to make sure  
16 that you are educating the general public about how to  
17 understand that as well.

18 MS. CLAY HOUSE: Thank you.

19 VICE CHAIR TIMMONS-GOODSON: Do you have a  
20 question that you wish to ask, Commissioner Kladney?  
21 And I will follow that up with Commissioner Achtenberg.

22 COMMISSIONER KLADNEY: Thank you, Madam Vice  
23 Chair.

24 I don't know who this question goes to. I  
25 really wanted to ask it all day and I just did not have

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 the time. But I know my children are old now so I don't  
2 like have them in my sights, the school board.

3 But zoning, how much does that still lead  
4 to segregation? And do you do anything about it?

5 MS. CLAY HOUSE: I can start and then I think we  
6 can go through it.

7 Zoning is a choice. It's a determination  
8 that is made within, within the community. And so while  
9 we're the Department of Education, we understand that  
10 there is a correlation between zoning for housing as well  
11 as the creation of the school zones within the  
12 communities.

13 And so from our perspective they work in  
14 tandem. And it is something in which we feel and can  
15 obviously be a contributor to the ongoing segregation  
16 that exists within our communities and within our  
17 schools.

18 From the Department's perspective, we  
19 believe that there are opportunities to break down these  
20 barriers, to enable students to be able to go to the,  
21 attend not only their neighborhood schools but also have  
22 the opportunity to attend other schools without, you  
23 know, outside of their neighborhood.

24 COMMISSIONER KLADNEY: Without a variance?

25 MS. CLAY HOUSE: Excuse me?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1                   COMMISSIONER KLADNEY: With a variance or  
2 without a variance? I mean because they use variances  
3 as an excuse. We don't grant the variance.

4                   MS. CLAY HOUSE: Yeah, well, I think that  
5 there is an ability to, depending on, you know, I think  
6 it depends and changes within different districts as to  
7 the extent to which students may be able to, you know,  
8 attend different types of schools.

9                   For example, I know as part of the measures  
10 in which, for example, Jefferson County in Louisville,  
11 Kentucky has engaged in trying to integrate and  
12 diversify their schools, they've engaged in -- they've  
13 actually not only collapsed their school district so  
14 there's actually one, Jefferson County is now combined  
15 with, you know, proper, Louisville proper, but it also  
16 enables them to create what they call clusters.

17                   So that it's not simply their neighborhood  
18 school but they can also go to, they can pick and choose  
19 among a number of different types of schools within that  
20 particular cluster that allows them to have that type  
21 of choice so that they can actually enable there to be  
22 continued diversity within their school districts.

23                   So that's one example. There are many  
24 others across the country. But we do think that they  
25 do work together. They are closely -- you know, there

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 is a, the word escapes me, but there is a collaboration,  
2 there is a connection that exists between not only zoning  
3 for schools but also within the zoning that exists and  
4 the choices that are made for housing and properties  
5 within the school district.

6 MS. JESSIE BROWN: Yeah, I would just  
7 dovetail on that Tanya already stated, which is that,  
8 you know, in our voluntary use of race guidance we do  
9 address some options that districts have that do not,  
10 that do not use race at all. And looking at the zoning,  
11 looking at where feeder schools are -- which schools are  
12 feeding into which high schools, et cetera, is one, is  
13 one option.

14 You know, I think Tanya mentioned, using  
15 controlled choice options within a district. Districts  
16 might want to look at where they're placing the new  
17 schools and potentially high quality new magnet programs  
18 or magnet schools.

19 If the -- as the demographics change, the  
20 district may need to look at zoning and re-look at the  
21 schools' lines.

22 These are local choices. They're choices  
23 that are made at the district level. But certainly have  
24 seen districts taking steps to re-look at those  
25 boundaries because you're exactly right that the housing

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 patterns do contribute to segregation in schools.

2 COMMISSIONER KLADNEY: I've just seen some  
3 that kind of surprised me where the school zone stops  
4 a half a block from the school one way but goes 14 blocks  
5 the other way. So, my question.

6 MS. CLAY HOUSE: Thank you.

7 VICE CHAIR TIMMONS-GOODSON: Commissioner  
8 Achtenberg, do you have a question that you wish to pose  
9 at this time?

10 COMMISSIONER ACHTENBERG: I don't, Madam  
11 Chair.

12 VICE CHAIR TIMMONS-GOODSON: Okay. Let me  
13 ask. We heard from one of the earlier panelists the fact  
14 that a particularly large college or university in her  
15 home state graduated approximately 99 teacher education  
16 majors, teachers. And out of that there were only two  
17 minority teachers.

18 And so as we talk about diversity and  
19 diversifying our schools with regard to students, I'm  
20 wondering what, if anything, is being done or whether  
21 any thought has gone into the fact that at this time in  
22 our country we appear to not be producing very many  
23 minority teachers to go into the classrooms.

24 Any thoughts, comments on this?

25 MS. FORTE: I'll defer to the Department

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 because I know they have developed strategies in that  
2 area. We clearly have thoughts but I know they have  
3 strategies in it.

4 MS. JESSIE BROWN: Yeah, I'll start.

5 One thing I would note is that we, we too  
6 have noticed this problem.

7 We have in fact just two weeks ago Friday  
8 we convened a teacher diversity convening where we  
9 brought together experts and practitioners with a real  
10 focus on higher education, teacher preparation  
11 programs, thinking about what are the ways, what are the  
12 strategies to recruit and also retain students of color  
13 into these programs. Because you're exactly right, we  
14 looked at some data and saw that there were -- and we  
15 released this in a paper which we can get for you -- we  
16 saw that there were various access points. And you see  
17 at each one you see fewer and fewer students of color,  
18 so at the admissions to college access point.

19 And then also we were looking at how to  
20 really encourage teacher prep programs to encourage  
21 diversity in those teacher prep programs. How to make  
22 sure that those students of color that are admitted are  
23 finishing the programs and are going off and teaching.

24 So it is certainly something that we're very  
25 focused on. Efforts are under way looking at data,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 trying to talk with practitioners in the communities  
2 about how to best address this issue. And also trying  
3 to partner and get, gain some knowledge from some  
4 programs that already exist. Call Me Mister is one.  
5 You know, these types of programs, many of them housed  
6 at universities, to try to increase diversity in the  
7 teaching population.

8 VICE CHAIR TIMMONS-GOODSON: Thank you.

9 MS. CLAY HOUSE: Could I add to that briefly?

10 VICE CHAIR TIMMONS-GOODSON: Please.

11 MS. CLAY HOUSE: Just a couple additional  
12 points. I'll say that one of the reasons that we have  
13 engaged -- we have prioritized a couple of additional  
14 elements within the President's budget is in order to  
15 address what you just mentioned is the lack of teacher  
16 diversity within our workforce. And we've looked at  
17 this in multiple ways.

18 And one way we've thought to deal with this  
19 is not only through the inclusion, you know, the addition  
20 of increased funding for our Historically Black College  
21 and Universities, because we recognize that that is  
22 definitely where we see a higher proportion of graduates  
23 of color, particularly within the teaching profession.

24 But as well as we are encouraged with, as  
25 I mentioned earlier, the Stronger Together proposal in

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 which this is an effort in which not only are we trying  
2 to incentivize community-based and community-led  
3 strategies to increase socioeconomic diversity within  
4 our schools, we also recognize that as part of that, in  
5 order to ensure that it's long term we also have to deal  
6 with the workforce and understand and make sure that they  
7 have the necessary professional development, that we're  
8 dealing with retention, and we're looking at the  
9 diversity within our workforce to make sure that there  
10 is the necessary role models and educational  
11 opportunities that are provided for both the students  
12 and the teachers, so that we can make sure that this is  
13 an overall strategy that continues to manifest itself  
14 beyond just the grant cycle and the receipt of the  
15 Stronger Together proposal.

16 So this is something that we are looking at  
17 in multiple ways. And we think that it's an effort that,  
18 you know, we'll continue to engage in even throughout  
19 and try to promote strategies not only within ESSA but  
20 also outside of ESSA through our budget.

21 VICE CHAIR TIMMONS-GOODSON: Any other  
22 responses?

23 MS. FORTE: Oh, I was just going to say that  
24 from the committee's point of view, we've had committee  
25 staff looking at this over the years. The Department's

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 right, it does happen at multiple phases along the  
2 pipeline.

3 And in addition to thinking about what's  
4 going on at the schools of education, we've noticed that  
5 some of the barriers to getting more diversity into the  
6 teacher workforce really start with the access to higher  
7 education and making sure that we can bring down the  
8 costs, make it more affordable, give them greater  
9 access. And ways that teachers may exit schools of  
10 education and want to actually work in high poverty  
11 school districts, can afford to work in high poverty  
12 school districts.

13 So that also means taking a look at teacher  
14 pay, taking a look at loan forgiveness. So I think  
15 Congressman Scott would very much agree that this is a  
16 challenge that we need to take on. And that challenge  
17 has to be addressed in a couple of different places along  
18 the pipeline.

19 COMMISSIONER ACHTENBERG: Madam Chairman,  
20 might I comment?

21 VICE CHAIR TIMMONS-GOODSON: Yes, please.

22 COMMISSIONER ACHTENBERG: I would also  
23 highly recommend and commend to you the various teacher  
24 training programs of the California State University  
25 which trains the highest percentage of minority students

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 to become teachers I think of any college or university  
2 in the country. And given that it's the largest system  
3 in the country as well, it produces a goodly number of  
4 teachers of color.

5 And they have varying approaches. I mean  
6 we have I think 17 colleges of education with teacher  
7 training programs. And they all have a slightly  
8 different approach. But you can learn a lot from what  
9 they've discovered over time. And I would really  
10 recommend that.

11 I know for a fact that consolidated  
12 programs, programs that allow you to get the teaching  
13 credential and your baccalaureate in four years or in  
14 four years and a summer have really produced very good  
15 outcomes. And as you pointed out, articulation  
16 programs with the high school and the community college  
17 so that, you know, you can start earning credits in your  
18 senior year of high school and truncate the process even  
19 further.

20 That has very good outcomes for students of  
21 color to go right from -- first of all, it guarantees  
22 high school graduation, it allows you to pocket some  
23 university credit even before graduating, it becomes  
24 then a very important guarantee of participation in  
25 baccalaureate education. It has great retention

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 predictors. And the students do go on to teach.

2 With regard to incentives to stay in the  
3 profession, cost of college education is one. But I  
4 think there's a new study out right now out of Linda  
5 Darling-Hammond's group at Stanford University about  
6 loan forgiveness and being able to earn, you know, earn  
7 your, through teaching, you know, earn down your college  
8 loans. However you would say that, work off your  
9 college loans through teaching and you work off more if  
10 you teach in more needy areas.

11 Their study seems to indicate that that's  
12 an important attractor of very talented students from  
13 all backgrounds. So I would commend some of those  
14 resources to you.

15 MS. CLAY HOUSE: Thank you.

16 VICE CHAIR TIMMONS-GOODSON: All right.  
17 Our final question for the day by Commissioner Kladney.

18 COMMISSIONER KLADNEY: Thank you, Madam Vice  
19 Chair.

20 Short, and I'm sure you have this answer at  
21 the top of your head. It walks around with you. I want  
22 to know how many teachers we're short in the country?  
23 Any idea?

24 MS. CLAY HOUSE: I don't know exactly.

25 COMMISSIONER KLADNEY: I mean I know there

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 is one. I'm just asking if anybody knows.

2 MS. CLAY HOUSE: Yeah, yeah. I don't have  
3 that data with me.

4 COMMISSIONER KLADNEY: And don't feel bad if  
5 you don't know.

6 MS. CLAY HOUSE: I don't have that data with  
7 me. So, I'm sorry, I don't have that. I'll get that  
8 information back to you.

9 COMMISSIONER KLADNEY: Thank you.

10 VICE CHAIR TIMMONS-GOODSON: So someone,  
11 within the next 30 days someone will get that information  
12 back to us?

13 MS. JESSIE BROWN: Uh-huh.

14 VICE CHAIR TIMMONS-GOODSON: Okay. Ms.  
15 Forte, Ms. Clay House, Ms. Brown, on behalf of the U.S.  
16 Commission on Civil Rights I thank you for your  
17 appearance here today.

18 This brings us to a close, our briefing  
19 Public Education Funding Inequity in an Era of  
20 Increasing Concentration of Poverty and Resegregation.  
21 The entire day has been tremendously informative. And  
22 I'd like on behalf of the Commission to thank all of our  
23 panelists throughout the day.

24 I want to personally thank the Commission  
25 staff for the efforts they've made in the last few months

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 to pull this briefing together. I also want to thank  
2 the staff in advance for the efforts that they're going  
3 to make to distill all of the information that's been  
4 presented at this briefing and to incorporate it into  
5 a report. I'm very grateful for all of their hard work.

6 Again, thank you, Commissioner Narasaki for  
7 bringing this very important topic to our attention.

8 As has been stated previously, the record  
9 for our briefing will remain open for the next 30 days.  
10 If you have been asked and if you've agreed to provide  
11 additional information to us, please do that.

12 Member of the public who'd like to submit  
13 materials, all of that can be mailed to the U.S.  
14 Commission on Civil Rights, Office of General Counsel,  
15 1331 Pennsylvania Avenue, N.W., Suite 1150, Washington,  
16 D.C. 20425. Or it can be sent via email to  
17 edfundcomments@usccr.gov.

18 Is there anything further?

19 (No response.)

20 VICE CHAIR TIMMONS-GOODSON: Hearing  
21 nothing, Mr. Kladney, in turning my head, I hereby  
22 adjourn this meeting at what appears to be 4:31 p.m.

23 (Whereupon, at 4:31 p.m., the  
24 above-entitled matter was concluded.)

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18