

## U.S. COMMISSION ON CIVIL RIGHTS

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BRIEFING  
SUPPLEMENTAL EDUCATIONAL SERVICES UNDER  
THE NO CHILD LEFT BEHIND ACT

+ + + + +

Friday, January 26, 2007

+ + + + +

The Commission convened in Room 540 at 624  
Ninth Street, Northwest, Washington, D.C. at 9:10  
a.m., Gerald A. Reynolds, Chairman, presiding.

PRESENT:

GERALD A. REYNOLDS, Chairman

ABIGAIL THERNSTROM, Vice Chairman

JENNIFER C. BRACERAS, Commissioner (via  
telephone)

PETER N. KIRSANOW, Commissioner

ARLAN D. MELENDEZ, Commissioner

MICHAEL YAKI, Commissioner

KENNETH L. MARCUS, Staff Director

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STAFF PRESENT:

MANUEL ALBA, Acting Chief, Public Affairs Unit

DAVID BLACKWOOD, General Counsel

TERESA BROOKS

MARGARET BUTLER

CHRISTOPHER BYRNES, Attorney Advisor to the  
Office of the Staff Director + Acting Deputy  
General Counsel (OGC)

PAMELA DUNSTON, Chief, Administrative Services  
and Clearinghouse Division (ASCD)

DEREK HORNE, Attorney Advisor

EMMA MONROIG, Solicitor + Parliamentarian

BERNARD QUARTERMAN

MICHELLE YORKMAN RAMEY

EILEEN REIDER

MAHA JWEIED

COMMISSIONER ASSISTANTS PRESENT:

LISA NEUDER

RICHARD SCHMECHEL

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

(9:09:00 a.m.)

**INTRODUCTORY REMARKS**

CHAIRMAN REYNOLDS: On behalf of the Commission on Civil Rights, I welcome everyone to this briefing on Supplemental Educational Services under No Child Left Behind. The U.S. Commission on Civil Rights today brings together a panel of experts, parents, and school district officials from Camden City, Newark City, Passaic City, New Jersey, Dallas, Texas, and Detroit, Michigan to discuss the implementation of the Supplemental Educational Services Program under No Child Left Behind.

The Commission frequently arranges such public briefings with presentations from experts outside the agency in order to inform itself of the nation's civil rights situations and issues. The Supplemental Education Services Program is critical, because it offers low-income students, many of whom are racial minorities, and academic assistance, such as tutoring and remediation, in addition to the education that takes place during the regular school day.

This program also provides low-income students with further assistance by offering them

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1 summer school. Students receive this assistance from  
2 state-approved providers. The duty of alerting  
3 parents of their child's eligibility for supplemental  
4 services, as well as contracting with the providers  
5 that parents will select for these services, however,  
6 belongs to school districts. Allegations have arisen  
7 that certain school districts have not met their  
8 obligations under No Child Left Behind when it comes  
9 to ensuring access to supplemental services. For  
10 example, the Department of Education's Inspector  
11 General identified Newark Unified School District in  
12 New Jersey as providing inadequate notice to parents  
13 of their supplemental education services rights under  
14 No Child Left Behind.

15 According to Excellent Education for  
16 Everyone, the Newark Unified District is the sole  
17 provider of supplemental services at one school for  
18 which 11,000 students are eligible. Excellent  
19 Education for Everyone also alleges that Camden City,  
20 New Jersey ignores No Child Left Behind requirements  
21 by stating in its supplemental services notification  
22 that the transfer option is not available to students  
23 in persistently failing or dangerous schools.

24 Continuing its long and proud history of  
25 ensuring quality education for everyone, the

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1 Commission today seeks to collect information on  
2 whether school districts are facilitating or impeding  
3 the provision of supplemental educational services.  
4 The Commission is interested in hearing about both the  
5 successes and failures in the provision of  
6 supplemental educational services. To the extent  
7 school districts directly provide supplemental  
8 educational services, we want to learn how successful  
9 their programs have been from the experts and school  
10 district officials.

11 We would also like the experts and school  
12 district officials to comment on the extent to which  
13 school districts are facilitating the provision of  
14 supplemental services by the best qualified providers.  
15 Further, the Commission wants to learn whether parents  
16 believe they are appropriately being notified of their  
17 supplemental services rights. Of particular interest  
18 to the Commission is how disadvantaged and minority  
19 children are affected.

20 Without further delay, the Commission is  
21 proud to welcome its first panel of experts. This  
22 morning we welcome three panels, the first will be the  
23 parents, who will discuss whether the schools are  
24 being helpful or not. Well, first, the parents,  
25 please move your chairs.

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**SPEAKER'S PRESENTATION****PANEL 1 -- PARENTS**

1  
2  
3 COMMISSIONER YAKI: Fitzgerald, Francies,  
4 Granados, Lee, and Woods.

5 CHAIRMAN REYNOLDS: Okay. Ms. Francies is  
6 in transit, but we will start. Thank you for making  
7 the trek to Washington, D.C. It is important that  
8 from time to time we -- well, not from time to time,  
9 but on a regular basis, we reach out and speak with  
10 folks who live in the actual communities that we're  
11 trying to help, so thank you for coming. This panel  
12 includes -- and please help me with the pronunciation  
13 of your first name, Sakyibera.

14 MS. FITZGERALD: Sakyibera Fitzgerald.

15 CHAIRMAN REYNOLDS: Sakyibera Fitzgerald  
16 from Newark, New Jersey; Ernestine Cooley Francies  
17 from Passaic, New Jersey, who is on her way; Juan  
18 Granados from Dallas, Texas; Nytasha Lee from Camden,  
19 New Jersey; and Shelba Woods from Detroit, Michigan.  
20 Sakyibera is a resident from Newark, New Jersey who is  
21 the mother of three children and the grandmother of  
22 three baby boys. She is a member of the Secondary  
23 Parent Council of Newark, New Jersey, as well as the  
24 founding member of the Grassroots Organization  
25 Concerned Parents of Newark. She received valuable

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1 training in student advocacy from the Abbot Leadership  
2 Institute located at Rutgers Newark, and she has  
3 worked tirelessly to advocate for not only her own  
4 children, but all the children of Newark. As the  
5 President of the Concerned Parents of Newark, she gave  
6 parent workshops throughout the community which were  
7 meant to empower parents by teaching them their rights  
8 set forth in the No Child Left Behind Act.

9 Next, Ernestine Cooley Francies, who I  
10 mentioned earlier is in transit, received her  
11 Bachelor's Degree in Elementary Education from  
12 Fairleigh Dickinson University. She was the Basic  
13 Skills Parent Liaison for 16 years, and is currently  
14 the District Parent/Teacher Coordinator in Passaic,  
15 New Jersey. Her primary responsibilities include the  
16 organization and implementation of educational  
17 training programs for parents, students, teachers, and  
18 community. In addition, Ms. Francies presents  
19 workshops to audiences with interest, who are  
20 interested in education locally and throughout the  
21 State of New Jersey.

22 Next up we have Mr. Granados. Mr.  
23 Granados was born in Mexico, but came to the United  
24 States in 1992. He worked for the Council for Reform  
25 and Educational Options. The Council is a national

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1 non-profit organization that promotes vouchers as the  
2 solution for minority students marginalized by their  
3 public schools. It has trained many parents through  
4 seminars and workshops, more than 27,000 parents have  
5 received information about No Child Left Behind,  
6 Public School Choice, and Supplemental Services  
7 Programs.

8           Nytasha Lee was born and raised in  
9 southern New Jersey. She is currently pursuing her  
10 Associate Business Degree at Camden County College in  
11 Blackwood, New Jersey. She has been employed with  
12 MedCo Health Solutions for the past five years, and  
13 has recently accepted the position of Warehouse  
14 Supervisor. She has an eight-year old son, Omar, and  
15 serves as mentor through Project Cope to children who  
16 have one or both parents incarcerated. She is an  
17 active PTA member and served as the President for  
18 Cramer Elementary PTA in Camden, New Jersey for the  
19 school years 2004-5, and 2005-6. She has received  
20 several awards for her participation and involvement  
21 as a dedicated part of the community.

22           Next, we have Ms. Woods, who is the mother  
23 of three, the foster care mother of two adult  
24 children, and the adoptive mother of two young  
25 children ages 10 and 12. She is also the grandmother

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1 and caregiver of two small children, ages 4 and 7.  
2 Ms. Woods has worked for the United Cerebral Palsy,  
3 and with Childcare Coordinating Council, which helps  
4 young mothers find suitable and safe childcare for the  
5 Work First Program. Ms. Woods has also been a mental  
6 health worker working in hospitals with young adults  
7 and adolescents with mental disorders. She is  
8 currently pursuing a degree in Special Education at  
9 Wayne King County Community College.

10 I welcome all of you on behalf of the  
11 Commission, and I will call on you in the order in  
12 which you've been given for the record. First, Ms.  
13 Fitzgerald. You will speak for 10 minutes.

14 MS. FITZGERALD: Good morning. I'm here,  
15 even though my doctor asked me not to be.

16 CHAIRMAN REYNOLDS: Well, I and other  
17 Commissioners appreciate you coming up here in this  
18 fine weather.

19 MS. FITZGERALD: In the fall of 2003, I  
20 went to my oldest son's school, Malcolm X High School,  
21 and I asked his teacher, the president, his principal  
22 why doesn't he have a book. The teacher simply  
23 replied by saying, "Your son doesn't have a book  
24 because he didn't ask for one." The answer left me  
25 bewildered and disturbed. After all, what type of

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1 education could my son and his classmates be receiving  
2 in the hands of such a teacher, but that was not the  
3 end. That evening my son came home, "Mom, I don't  
4 know why you made such a big deal about this, because  
5 I'm not the only kid in the class that has a book."  
6 At that point, this brought me to become more active,  
7 not just for my children, but also his classmates, and  
8 all the children in Newark.

9 At that point, I began to search for  
10 knowledge and understanding of the sub-cultural Newark  
11 Public Schools. What I learned was that beside a few  
12 sections of school, our district was still, and it  
13 still is in a state of crisis. I began by first  
14 looking into the availability data of my son's school.  
15 I started looking into the data of my son's school. I  
16 found out how poorly his school was doing, the test  
17 scores, they didn't go up, they just only went down at  
18 a tremendous rate. I looked at the other schools in  
19 Newark to see if I wanted to change my child to  
20 another school. It was the same elsewhere.

21 I started learning more stuff about the No  
22 Child Left Behind law. I educated myself by actually  
23 ordering a No Child Left Behind law book and reading  
24 it, having the disk and getting my own interpretation.  
25 That's when I first learned about SES.

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1           I just wanted to take this moment to point  
2 out the first problem I recognized is that the  
3 district, in this district -- I would not have known  
4 about the SES program if I hadn't taken the initiative  
5 to study the act on my own. That's first and  
6 foremost. And while it is true that parents should  
7 keep themselves educated in such matters wherever  
8 possible, the responsibility still falls on the  
9 district to ensure that the parents of the district  
10 are notified of their rights.

11           With this in mind, I began to speak out in  
12 public. On June 15th I made a presentation concerning  
13 parental notification before the Newark Advisory  
14 Board. The letter dated June 23rd, 2004 addressed to  
15 Marion Bowden, a copy of which you all probably have  
16 before you. It was a follow-up for a request made at  
17 the June 15th meeting. In my letter, I left no room  
18 for doubt to the nature of my request. I wanted the  
19 district to fulfill the requirements of parental  
20 notification in all areas, including SES, as outlined  
21 in No Child Left Behind. Since that time, the  
22 district has maintained that the letters of  
23 notification had, indeed, been sent out to parents;  
24 however, as of today, I only could procure one. And  
25 this did not occur until December, 2006. And this

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1 only came about since a lawsuit was filed naming  
2 Newark Public Schools as a defendant, and it was  
3 focusing on parental notification in No Child Left  
4 Behind.

5 But uniform notifications did not go out  
6 to parents in the district. Tutorial services were  
7 being offered; however, these services were offered,  
8 made only known, tied to word of mouth between  
9 individual school staff and parents. Since Newark was  
10 an approved provider, tutorial services were known to  
11 parents with services and locations run by the  
12 district. However, making a personal visit to many of  
13 these sites, it was clear to me that little or any  
14 tutoring was actually being conducted.

15 The most disturbing thing here is that  
16 there are other approved providers in the area, but  
17 their services were rarely taken advantage of due to  
18 the bullying tactics used by the district to encourage  
19 parents to bring their children to Newark tutors. And  
20 let's just note that most of these sites that Newark  
21 had, they recruit the teachers that they have in the  
22 school already during the day, and as a parent, I say  
23 to myself if you don't do right by my child during the  
24 day time, then how are you going to do right by him in  
25 the evening?

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1           School choice -- the district has fallen  
2 far too short in the responsibility of school choice.  
3 I know no one in the district who had the opportunity  
4 to utilize school choice. Granted, we have very few  
5 schools in our district that's not on the needs to  
6 improve list, that's not in danger of failing, but the  
7 district, from what I was told, their explanation of  
8 not wanting to utilize school choice is because they  
9 don't want to overcrowd the high performing schools  
10 with so many children. But, yet, they're not  
11 providing the parents with options for their children  
12 to utilize tutorial services outside the district,  
13 because when you go in the schools in the afternoon, I  
14 mean, they have everything wonderfully on paper, but  
15 when you go inside the school, it's like playtime for  
16 the children. There's no actual learning going on.  
17 And then you wonder why you have so many freshmen  
18 going to high school performing on a sixth grade  
19 level. It's not a wonder, but I just want to take  
20 this opportunity to thank you all for inviting me out,  
21 and having an opportunity to share my thoughts.

22                   CHAIRMAN REYNOLDS:       Thank you, Ms.  
23 Fitzgerald.

24                   COMMISSIONER YAKI:       We're going to hold  
25 questions until the end of the panel.

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1 CHAIRMAN REYNOLDS: Yes, that's correct.  
2 We will save our questions and comments until all the  
3 panelists have spoken. Mr. Granados.

4 COMMISSIONER YAKI: Just a minute.  
5 Jennifer, can you put -- because your papers are  
6 rustling back and forth.

7 COMMISSIONER BRACERAS: Oh, sorry. I'll  
8 try to figure them out, yes.

9 MR. GRANADOS: Good morning. My name is  
10 Juan Granados. When I first heard about No Child Left  
11 Behind, I really thought this was the answer. You  
12 know, I thought it was a great thing that parents and  
13 children needed in America. I'm an immigrant, but I'm  
14 really proud to say that I'm a citizen now, because so  
15 many things this country have gave me for me and my  
16 family. And when I talk about education, it's  
17 something that really comes to my heart, because as  
18 you see on my biography, I wanted to become a  
19 psychologist, and because no information, or not the  
20 right information was given to me, that right was  
21 taken away, you know. So I came to this country to  
22 succeed and, unfortunately, because of the lack of  
23 information, made an impact on myself, but that is not  
24 stopping me to be a better person. And that's why I  
25 got involved when I heard about Hispanic CREO. I got

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1 involved because I believe parents have the right to  
2 have the right information.

3           When No Child Left Behind came along, I  
4 said okay, this is great. For the first time, parents  
5 are going to be in charge. When something is not  
6 working, when a district is not doing their job,  
7 they're going to responsible, and they're not going to  
8 blame it on the parents no more. Unfortunately, after  
9 doing all the hard work, because believe me, 27,000  
10 parents is hard to get that information to all of  
11 them. We gave seminars, we went out in the streets,  
12 we made sure the parents got the information. And,  
13 unfortunately, at the end, school districts just  
14 didn't give you information until the last minute so  
15 the parents didn't have enough time to make a  
16 decision, or just gave the wrong information.

17           Child Left Behind is a great thing, you  
18 know. And I guess at the end, you want to know who is  
19 leaving the children behind, the only answer is the  
20 district, because they're the ones that are not giving  
21 the information that parents should receive on time.  
22 I've been away from Hispanic CREO for over a year, and  
23 it's sad that parents are still calling me to ask me  
24 if No Child Left Behind is still in place, because  
25 they don't know. They just don't have any

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1 information. They just go by the way that the school  
2 looks. They see this beautiful school and say, you  
3 know what, everything is perfect. My teachers are  
4 doing their job. We have computers, we have  
5 everything that we never had before, but they don't  
6 know about the situation the school is facing. They  
7 really don't understand what an unacceptable schools  
8 means, what a low performance school means, because  
9 the numbers, they just don't get that information. So  
10 parents are still calling, you know, people like  
11 myself to find out what kind of grades the school got  
12 this year, if No Child Left Behind will be something  
13 that they can take advantage this time.

14 They were informed about supplemental  
15 services and, unfortunately, when they asked their  
16 schools about this, they always got the answer that  
17 oh, it's not ready yet. The lease is not ready yet.  
18 When it's ready you're going to receive a letter. And  
19 yes, they did receive a letter, but sometimes it was  
20 just one day, or two days before, and it was in  
21 English, it was not in Spanish. And, clearly, it was  
22 specified that they would receive the information in  
23 their own language.

24 When we did the workshops, when we talked  
25 to parents, it showed a need, and it showed that this

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1 law was something that parents started believing in.  
2 Unfortunately, time had passed, and now they're  
3 questioning about the meaning of this law, because  
4 they say, okay, they told me that if my school was  
5 doing bad, I will be able to change my school. And  
6 I'm still having a hard time to transfer my child.  
7 Sometimes they just say that there's no space.  
8 They're telling me that it's not that bad, that my  
9 school is doing better, to have faith, that it's going  
10 do much better. Or sometimes they just say that they  
11 don't have time to see me at this time, so I have to  
12 schedule a different appointment. So parents are just  
13 given, again, the run-around over, and over, and over.

14 My question is, if this law is set for  
15 children, how come children are still being left  
16 behind? Children are still trapped in low performance  
17 schools. Children are still being in a place that  
18 they don't want to be. These are still being the ones  
19 that are just playing, because they say you have to go  
20 to this place. They go to this place. They go to  
21 that place; oh, no, you're in the wrong place, sir.  
22 You need to go to this other place.

23 The parents are trying to do their job.  
24 They're trying to get the information. Unfortunately,  
25 districts are not giving that information. Parents

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1 are still treated like this is a favor that they do to  
2 us. And the district needs to understand that this is  
3 not a favor, this is our right. And for the first  
4 time, they need to make sure that parents are put as a  
5 first priority. I mean, if we want to make this law  
6 work, if we really want to make a difference in our  
7 children, we have to make people accountable for what  
8 they are doing. And, unfortunately, so far, it's not  
9 being seen.

10 I still see the list of my schools in my  
11 area, and believe me, this is scary, because my child  
12 is going to those schools. So why do I have to look  
13 to move to other city so my child can get a better  
14 education? Why am I hearing the same excuses, that  
15 parents are the ones that don't participate, that  
16 parents are the ones that doesn't get involved. I  
17 learned the language. I'm an immigrant, and I show  
18 that I want to get involved. I want to be informed,  
19 but if the school districts are the ones that are  
20 still saying that everything is fine, and nothing is  
21 wrong, what else can I do?

22 Government needs to be more strict with  
23 these districts. They need to understand that  
24 children deserve a better chance, and No Child Left  
25 Behind was placed for that reason. I just don't --

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1 and to me, it's really silly that after a year that  
2 I've been away from workshops, from training parents  
3 about their rights under No Child Left Behind, they  
4 are still calling me to find out if everything is  
5 still in place, if the laws are still working. Why?  
6 I mean, districts should be the ones doing this. So  
7 we can keep talking about all this over and over, but  
8 at the end, the key point is that districts are not  
9 giving the information to our parents. Districts are  
10 waiting until the last minute to give this  
11 information.

12 Supplemental Services are trying to get  
13 into the districts, and, unfortunately, they're being  
14 given very little or no support at all, because when  
15 they support a supplemental service provider, it's  
16 always the one that the district is providing, so  
17 they're the ones that are getting again the children  
18 to be trained again. So we need to do something. If  
19 you want parents to be believers again, something  
20 needs to happen. District needs to get a strong  
21 message that -- a message needs to be sent that we  
22 cannot take this no more. I mean, I'm a parent. My  
23 kid goes to public school, and I'm really, really  
24 terrified about the next school that he's going to go,  
25 because I don't like it. So why do I have to make the

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1 choice to move to a different city, if it's not my  
2 responsibility. It is the responsibility of the  
3 districts to provide a better education.

4 I did my job. I learned the language.  
5 I'm getting involved. I'm inviting parents to get  
6 involved. I'm telling parents about the law. They  
7 should be the ones doing all this, not me. Thank you.

8 CHAIRMAN REYNOLDS: Thank you. Ms. Lee.

9 MS. LEE: I would just like to state that  
10 it's an honor and a privilege to be here today. My  
11 name is Nytasha Lee. My experience and knowledge of  
12 the SES programs have come through two channels. The  
13 first channel is being a parent of a child in Abbot  
14 District, Camden, New Jersey, and my son attended  
15 Cramer Elementary. The other is through the PTA. I  
16 was the PTA president for that school for two years.

17 I would like to give a little background,  
18 just before I begin, that will serve as an instrument  
19 to show you how important the SES programs are just  
20 for the City of Camden. The school consists of many  
21 different cultures and nationalities, African-  
22 American, Caucasian, Hispanic, Vietnamese, several  
23 different class structures are within the school,  
24 general education, gifted and talented, special  
25 education, inclusion classes. The majority of the

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1 schools in Camden, I'm not sure if you guys are  
2 abreast on the new knowledge, but the majority of them  
3 were investigated by the New Jersey Department of  
4 Education because of the low testing scores. And, of  
5 course, Cramer, the school that I was in, was one of  
6 those that had the low testing scores.

7 Before the administrators and the teachers  
8 can even get involved in teaching these children, they  
9 have to understand what they're up against. And some  
10 of the statistics of what they're up against just from  
11 the community, is that 49 percent of the community  
12 does not have a high school diploma, compared to the  
13 state's average of only 17 percent, 15.9 percent are  
14 unemployed in that city, compared to the state's  
15 average of only 5 percent. The median household is  
16 only \$23,000 a year, compared to the state average of  
17 \$55,000 a year. The amount of people that are  
18 foreign-born is 8 percent of the population, and  
19 that's compared to the state's 17 percent. The  
20 violent crime rate within that city is 21.1 percent,  
21 and that's compared to the average of the state's only  
22 3 percent.

23 Just the characteristics of the school  
24 district from the kids K-12, 53 percent are African-  
25 American, compared to the state's 16 percent, 44

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1 percent of Latino descent, compared to the state's 17  
2 percent, 1 percent is Caucasian, 1.6 percent is Asian,  
3 .01 percent is Native American, so they're really  
4 dealing with a lot of diverse things that are going  
5 on, just besides it's my job to teach this child.

6 Of this, 80 percent of them are eligible  
7 for free or reduced lunch, which, of course, makes us  
8 an average district, but in my experiences with the  
9 attempt to aid Camden City schools, specifically  
10 Cramer, I witnessed the lack of parent participation,  
11 ineffective communication from the district to the  
12 school and to the parents, the lack of a timely  
13 response from the district on correct filing  
14 procedures for grants and grant writing that are  
15 available to us, the lack of well-versed, experienced  
16 people that can give us some kind of way to make a way  
17 out of no way. For example, my involvement with  
18 Cramer, a lot of our challenges arose from the lack of  
19 parent participation, as I stated. Some parents had  
20 jobs that they couldn't leave or get time off from,  
21 some just wouldn't attend at all, unless we had some  
22 kind of giveaway or something to entice them to come  
23 in.

24 Not only were the children suffering from  
25 lack of parent participation, the Camden school system

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1 is impeding, I believe, the SES programs that are  
2 available to them. Two specific instances that I know  
3 about that took place during the `04-05 school years,  
4 Cramer was offered a tutoring program, that would  
5 allow a child upon completion of the program to be  
6 given a Dell computer. Late fliers went out to the  
7 parents, it was very short notice. Some complained  
8 about not getting fliers at all, while others, still  
9 some parents were challenged with the ability to read  
10 the fliers because they were not published in all the  
11 languages that were in the school. Like I said, we  
12 have Caucasian, Hispanic, as well as Vietnamese. And  
13 Vietnamese parents had no idea about this. They're  
14 depending on their second grader to interpret this to  
15 them.

16 The children, like I said, were trying to  
17 interpret the letters to their parents. Moreover, we  
18 wanted the money that would grant the SES program to  
19 fund a project. They have to send everything to the  
20 central office first, and then it has to go through  
21 whatever time with the central office, and then be  
22 sent back to the school in order for the program to  
23 even take place, so 90 percent of the programs are not  
24 taking place in the school, because by the time the  
25 money gets back to the school, the program is no

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1 longer available to us.

2 Another instance that took place is the  
3 ineffective communication displayed by the district,  
4 which actually was directed towards me with the school  
5 choice program. My son is a part of the school choice  
6 program, but we didn't learn about this through a  
7 flier or anything of that nature, I learned about it  
8 through a friend. And in the beginning, we got a  
9 letter -- well, there was a letter that they said that  
10 went out in May, that I did not receive, and a number  
11 of other parents did not receive, but I learned about  
12 it through a friend, so I looked into it. And they  
13 said your child can go to, of course, another school.  
14 It was in another district. They chose the school.  
15 If you wanted your child to go, they would be bussed  
16 there through the Board of Education. That never took  
17 place. By June, we did receive a letter that said  
18 that the Board of Education would not be bussing the  
19 children, you will have to find your own  
20 transportation. But in finding your own  
21 transportation, you would get a \$700 transportation  
22 allowance, so I let my child go there. I have  
23 transportation. I can take him there and pick him up.  
24 And all of this, later on when it was time for the  
25 transportation reimbursement, that never took place.

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1 They told us we would not be allowed to have the \$700,  
2 we would then only be allowed to have \$300. So we  
3 said okay, fine. And then once we did receive the  
4 \$300, they told us that it would not happen any more.  
5 This was supposed to happen every year that you  
6 transported your child to and from that school, and as  
7 long as they were a part of the program, they remained  
8 part of the program. But this, of course, did not  
9 happen.

10 I just wanted to say like the Board of  
11 Education in Camden has done a poor job in choosing  
12 the SES programs that would fit the needs of the  
13 community, and that fit the needs of the school. The  
14 SES programs that we have do not allow the curriculum  
15 that the children are learning. Unfortunately, we are  
16 in a poor testing situation, so, of course, you want  
17 to boost those test scores up. And you want to give  
18 the children the opportunity to learn what they need  
19 to do in order to perform well in a standardized test,  
20 because we are -- they do take a big chunk out of  
21 that, and look at that. It's based on how well we're  
22 doing on the standardized tests. The curriculum that  
23 the SES programs have does not align with what the  
24 children are learning in order to perform well on  
25 these tests.

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1           Also, the SES programs are often used to -  
2           - for instance, they were offered to the third and  
3           fourth graders. Well, you're going to have the same  
4           situation in two years when your first and second  
5           grader is now a third or fourth grader, and you have  
6           to perform well on these tests, but they never got  
7           tutoring, they never had the help, they never had the  
8           opportunity. So every year, it's going to be a  
9           constant vicious cycle that we're going through in  
10          order to allow these children to perform well.

11           The other thing is that the number of  
12          slots don't match the need. If I have 100 children  
13          that need help, and need tutoring, we only have 30  
14          slots, so how do you choose out of the 100 kids that  
15          you know that need help, which 30 get help? You know,  
16          all of our funding, and all of our other statistics  
17          and everything are not based off of those 30 students  
18          that you help. It's based off the 100 that took the  
19          test, so that's another thing.

20           Some of the things that I feel may be  
21          effective in aiding with SES is that if the grants  
22          went straight to the school. I don't know about  
23          anyone else here, but I know that our district has  
24          always been a troublesome district with money being  
25          issues. You know, right now we have an interim

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1 superintendent because of things that have been said  
2 about our superintendent, or whatever, and she's been  
3 removed. And there's been charges filed, and things  
4 of all that nature with money issues, so how can we  
5 trust the district to put the money where it actually  
6 needs to be? So maybe looking into sending the money  
7 straight to the school, having the school be a part  
8 of, teaming up with the SES educators, because right  
9 now, the way that it's set up is that you get an SES  
10 program, it's available to your school. If it does  
11 take place, you have outside people that come in and  
12 actually teach this tutoring. They have no idea, like  
13 I said, with the curriculum.

14           The other thing is that if you at least  
15 had a student -- an improvement program where you had  
16 the SES educators, as well as the educators within the  
17 building, kind of get together, say this is what we  
18 need, this is what we can offer you, and then you get  
19 together, as long as the funding is there, the  
20 curriculum can be what the children need it to be in  
21 order to perform well. And if the focus has to be on  
22 testing, which I don't feel is the only focus that we  
23 should be, we should be educating them not only on the  
24 things that are on the test, but amongst other things.  
25 But if the focus needs to be on testing, then offer

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1 that, too. This is going to be the point of SES,  
2 where we're focusing on testing. This is going to be  
3 the point where we're focusing on math facts that  
4 aren't in the testing, but you'll still need to know  
5 in order to be productive in the community, or in  
6 life.

7 Like I said, we hosted a lot of different  
8 events as the PTA president. Some were parent  
9 breakfasts, and uniform incentives to kind of get the  
10 children going. But most of us are aware that the  
11 children don't receive proper education as a  
12 foundation in their lives, and it's a snowball effect.  
13 This is evident in the statistics. We all have a part  
14 we could play in overall steady progression. It could  
15 go positive if we all work together.

16 CHAIRMAN REYNOLDS: Thank you, Ms. Lee.  
17 Ms. Woods.

18 MS. WOODS: Good morning. I, too, am  
19 pleased to be here. As you know, our schools suffered  
20 a strike that lasted several weeks. And in that  
21 strike, we lost a great deal of teachers, we lost over  
22 12,000 students who went to charter schools.

23 When I first found out about the No Child  
24 Left Behind was last year. I thought it was great. I  
25 didn't get much information from the Detroit school

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1 district. A lot of the teachers weren't familiar with  
2 it.

3 I remember last year when I was talking to  
4 some of the parents whose children were not faring  
5 well in school, they were talking about putting them  
6 in charter schools. Well, I don't have a problem with  
7 charter schools. I'm a product of the Detroit public  
8 schools. I thought I fared well, would have liked my  
9 children to have done so, also. Foster children,  
10 grandchildren, but I learned that the school district  
11 has done my child and my children a grave injustice by  
12 the lack of knowledge that they presented to us. My  
13 children were gone when this came out, so I'm dealing  
14 with grandchildren and foster children.

15 During the time when I applied for the  
16 SES, I put in for four applications, and only one  
17 child received after-school programming. The other  
18 three, I was told didn't receive the applications, but  
19 I know I put them in. I would like to also say that  
20 when we were at my school, Mary McCloud Bethune  
21 Academy, we were passing out fliers that we made  
22 ourselves because our school didn't meet up to the  
23 annual yearly progress, and we haven't in many, many  
24 years. When passing out these fliers, some of the  
25 teachers asked what we were passing out, we explained

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1 it to them. Several weeks later, we received large  
2 white packets in the mail. They looked to me like  
3 junk mail. Opened it up, had a lot of information  
4 about the providers for these after-school programs.  
5 What I did was ran off some of these packets, and  
6 passed them out at the schools, also. But they had a  
7 large pile in the office of the school, and several of  
8 the teachers were asking what were in these packets.  
9 And when I heard one of the receptionists say that  
10 they were the after-school programs for the No Child  
11 Left Behind, these teachers didn't know.

12 This year when I applied, I received a  
13 letter from one of the providers that we used last  
14 year. And I went to the school after the strike was  
15 over, and I asked them when will the after-school  
16 programs be available? The principal didn't know what  
17 we were talking about. The receptionist didn't know  
18 what we were talking about, but I think that the  
19 after-school programs are good for our schools. A lot  
20 of the schools, we have some accelerator schools, but  
21 those schools are few and far between.

22 What I enjoyed most about the after-school  
23 program is that it was a lot different than the other  
24 after-school programs that were implemented by the  
25 district. The ones by the district, we were led to

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1 believe were teaching our children something after  
2 school. What I later found out is that these after-  
3 school programs where they only did their homework,  
4 you see. After the homework, it was play time. Well,  
5 that didn't set too well with me, so during this  
6 international -- one particular provider, the  
7 International After-School Program, did a lot of  
8 things on-line.

9 I have children who have special needs,  
10 learning disabilities, as well as emotional problems  
11 because I deal with foster children. And there were  
12 no after-school programs with the SES for children  
13 with disabilities, as far as learning disabilities,  
14 special education. And my children weren't accepted  
15 because there were no schools for these children with  
16 specific learning disabilities. The one child that I  
17 did have that went there, fared well. I thought he  
18 fared well. My only problem was that we lost a great  
19 deal of teachers, we're in the midst of losing at  
20 least 50 schools will be closing, with more to come  
21 during the fall. This coming fall we're losing more  
22 schools, so I'm looking at the overall picture of, if  
23 all of these schools are being closed, children will  
24 have to be placed with larger classrooms. We're just  
25 fighting that from two years ago with the larger

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1 classrooms, 25 and 30 children in a classroom. With  
2 52 schools closing, we're going to be in dire straits  
3 with larger classrooms, no books, and the books that  
4 my children get are the books that they run off on a  
5 copy machine, and fold up and staple like this. They  
6 fold up and staple, and these are my children's books.  
7 This is what they come home with.

8 A lot of their papers that they come home  
9 with are ran off as copies with no instructions on how  
10 to do any of it. So when after-school programs were  
11 initiated and implemented, I thought they were a good  
12 thing. My children have learned a great deal. I,  
13 personally, went down to the school district, and  
14 signed up a dozen parents myself with children who  
15 have failed first and second grade, so I signed up a  
16 dozen children with at least a dozen more that I took  
17 down there personally to sign up for.

18 When the total of the children came to the  
19 International After-School Programs, he thought that  
20 he had a total of about 200 children, and that's what  
21 the school board told him, that he had a total of 200  
22 children. But when he went down there for the  
23 printout, he had less than 100, with a lot of the  
24 parents that I personally took down, were not on the  
25 list. And the 12 people that I signed up for

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1 personally were not on the list. I don't know what it  
2 is that the school board is doing. I don't know what  
3 it is that the district wants, but what I'm hearing  
4 from similar input from other parents is that it can't  
5 work. Choice transfer requires that the children, if  
6 the school doesn't meet their annual yearly progress,  
7 then your child can be pulled out and put into a  
8 school that does. Well, some of these parents work,  
9 so getting them back and forth to an after-school  
10 program is not an option for parents who work.

11 It's also not an option for the children  
12 to be placed somewhere else to be taught, especially  
13 outside of their district. I don't think the school  
14 board -- me, personally, I don't think the school  
15 board has really made an effort in getting this  
16 information out. I watch the news a great deal. I  
17 don't even think I heard enough footage on the news as  
18 far as the after-school programs and the No Child Left  
19 Behind, nor on my radios.

20 I don't know if it's by design that it's  
21 not working, or if it's because there's not any  
22 information going out at a proper time. And even  
23 though these after-school programs are coming, they're  
24 coming at a time in Detroit where our testing is  
25 conducted in October. We're still waiting for these

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1 after-school programs to begin while the MEAP test has  
2 already been taken, you see, so it's not doing us any  
3 good to have after-school programs so late during our  
4 testing. These children need these programs now, in  
5 order to meet the required amount of time to do these  
6 testings. So what I thought would be a good idea is  
7 if the school district would allow the parents in the  
8 fall to know which school did not make the annual  
9 yearly progress and what schools did, so that we, as  
10 parents, can have an opportunity to decide whether we  
11 want to pull our child out of the school that's not  
12 faring well, and put them in one that is doing well.

13 I, also, would like to also mention to you  
14 that I don't think the district has the right to crap  
15 on the side of the road, and blame it on the horse.  
16 This is surely their problem. The fact that my  
17 children, all nine of them that I'm raising, have  
18 failed at least one class, we're not talking about  
19 children who are stupid. We're talking about  
20 children, when I had these children, were articulate,  
21 smart. A couple of them even had a good head start  
22 when I enrolled them in parochial schools at first,  
23 second, and third grade with scholarships, mind you.  
24 They did well in these parochial schools. It was only  
25 after I took them out and put them in Detroit public

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1 schools is when they started failing. So I think that  
2 implementing the No Child Left Behind is a great idea.

3 I think that the Detroit School District has an  
4 obligation to inform parents what is going on. I also  
5 think that they have the obligation to assist the  
6 children without all the wrangling that they're doing  
7 amongst themselves, because there's a lot of wrangling  
8 amongst themselves. I think that no one is hurting  
9 more than the children who attend these districts, and  
10 with the 50 schools that will be closing, I see a far  
11 greater problem rising than I've ever seen before.

12 I would like to see the No Child Left  
13 Behind implemented. I would like to see more exposure  
14 to all the parents. I would like to see that for  
15 people and parents who want to send their children to  
16 a choice school that has made the annual yearly  
17 progress, to have an opportunity to do that without  
18 being hindered by no transportation to get their  
19 children there, a problem with them being so far away  
20 from home. I think that it would be a good idea for  
21 the Detroit Public School District to look at the big  
22 picture, and that big picture is that there are  
23 children at these schools that are not making the  
24 grades, that the schools have, for years and years,  
25 been failing the students, and the No Child Left

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1 Behind program should be more strongly advertised, not  
2 only through the news. I don't know -- I honestly  
3 don't know if there's even a conspiracy with our news,  
4 because I read the paper every day. I watch the news  
5 every day, and the only thing that I hear from the  
6 news and the media are how many schools that are  
7 closing, the teachers that have been laid off, the  
8 mismanagement of the funds. But I hear nothing about  
9 what can be done, and what is being done to correct  
10 these problems. And I think a correct solution would  
11 be to continue with the after-school programs, No  
12 Child Left Behind.

13 CHAIRMAN REYNOLDS: Ms. Woods, thank you.

14 MS. WOODS: Yes.

15 CHAIRMAN REYNOLDS: Unfortunately, you've  
16 run out of time, but you will have an opportunity to  
17 inform us during the question and answer session. At  
18 this point, I would like to turn to Ms. Francies.

19 MS. FRANCIES: Good morning, and I offer  
20 my apologies for being late. I'm from Passaic City,  
21 which is a tiny little town in Passaic County in the  
22 northeastern part of New Jersey. Passaic is only 3.2  
23 square miles. The majority of our population is 86  
24 percent Hispanic, 10 percent Black, and 4 percent  
25 other, as Indian speaking, white, and some American

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1 Indians.

2 Our town is considered an urban setting,  
3 so I'm not going into details what that brings, what  
4 you can think of when you think of an urban town.  
5 But, nonetheless, we are committed to parent  
6 involvement in our public schools. And I am employed  
7 by the Board of Education for 31 years now, originally  
8 through the old Elementary and Secondary Education Act  
9 that is now morphed into No Child Left Behind, so my  
10 main responsibilities involve getting parents involved  
11 in the education of their children.

12 At the present time, I'm the District  
13 Parent/Teacher Coordinator. Through some state  
14 funding we've hired 11 Parent Liaisons who are  
15 assigned to individual jobs, and their job, too, is to  
16 get parents involved, but I was under the impression  
17 that I'm here this morning to talk about the  
18 implementation of the SES program, so overall,  
19 historically, we've covered all the mandates with no  
20 No Child Left Behind in terms of parent involvement.

21 SES -- I'm going to be very honest with  
22 you. The main part is the notification part to  
23 parents that I will speak on, how we choose to do it  
24 in Passaic is through vendor fairs. Then once parents  
25 are signed up, then there is some monitoring going on,

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1 then I do the evaluation piece. So you know that with  
2 No Child Left Behind there's certain information the  
3 parents must receive, so in September the  
4 superintendent writes that letter explaining why SES  
5 Services are necessary. The test scores, your school  
6 is in need of improvement, et cetera, et cetera. Long  
7 lengthy letter in English and Spanish. Okay.

8 Also, in September, the Assistant  
9 Superintendent sends parents home that letter about  
10 inter-district choice, what they can do if this  
11 happens, so another long letter, but all information  
12 that the state says we should give parents, we give  
13 them. Okay? So now it goes into our office. My  
14 office is within the Title 1 office, which is part of  
15 also Testing, Research, and Evaluation. So right now,  
16 parents have gotten all these letters home in English  
17 and Spanish this September, but now we've got to have  
18 these vendor fares. So now they got the information,  
19 so we figured because this is our third year, so I'll  
20 probably say as of right now, this year we did manage  
21 to reach capacity with a waiting list. Year one that  
22 didn't happen. Parents got all that information.  
23 Then we mailed them home the booklet, "Parents Guide  
24 to SES Services", in English and Spanish. Okay? We  
25 sent them the SES vendor list, and narrowed it down to

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1 the vendors that offer services in our area. Then we  
2 sent them the invitation to the vendor fair, saying  
3 parents, guess what? Do you want free tutoring for  
4 your children that's worth over \$1,500 if your child  
5 is eligible. Come to the school on this day and meet  
6 those vendors who will be offering those services.

7 I say all of that to say that sometimes we  
8 have to send that information home, but put in a  
9 language that parents understand. So even though it  
10 was three or four pages of explaining the reasons why  
11 this, and that, and that, that simple language, come  
12 out to the school and see why. So then we invite the  
13 vendors, letting them know a lot of our parents now,  
14 you're going to have to communicate to them, so you  
15 need someone on your staff who speaks Spanish, also.  
16 So all the vendors that said that they would  
17 participate -- it's usually in a gymnasium -- they're  
18 there. Prior to the parents meeting them, we meet  
19 with the parents. Once again, an explanation is given  
20 on why the SES services are available in our district.

21 Also, an explanation is given about what  
22 you are to ask these vendors, because it will be your  
23 choice about who will give those after-school  
24 services. We can't make that decision for you. We  
25 can assist you, so I told them it's like going

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1 shopping. You're going shopping for the best one, so  
2 there the parents are talking to the vendors,  
3 questioning them about all of these services.

4 The next step, once the parent makes their  
5 decision, we sign a contract. The parent signs a  
6 contract with that vendor for those services. Okay?  
7 Sounds easy enough, so now the parents are signed up,  
8 the vendors are coming to the school, arrangements are  
9 made because most of our services are taking place at  
10 our schools. There is a service that does go to the  
11 home, but most of them take place in the school. So I  
12 figured okay, it's done by now.

13 Oh, the waiting list. Of course, there's  
14 free or reduced lunch. Do you know what it's like to  
15 have to tell a parent that because she makes a couple  
16 of dollars over the guidelines, when a child that's in  
17 that school that's in need of improvement, your child  
18 can't get the services? Okay? So that happens a lot,  
19 too. So the ones that are eligible are taking the  
20 services, so then the complaints start. So that's  
21 what I'll get into in a minute. But then at the end  
22 of the services, I send an evaluation form for the  
23 parents to tell us how were those services you  
24 received from the vendors? And a summary of those  
25 comments from -- of course, we mail that home. It was

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1 a student survey and a parent survey. The parents  
2 said a lack of communication between the regular  
3 classroom teacher and that tutor, not receiving those  
4 regular progress reports that those vendors promised  
5 them. Some of the skills that they were teaching the  
6 children were too remedial, and some parents even  
7 indicated that these tutors were doing homework with  
8 the children, or too many children in the class. For  
9 example, some vendors promise the parents oh, it's  
10 either one-to-one, or no more than three. If tutors  
11 were absent, often the parents weren't notified, but  
12 one thing, if these complaints were made through me,  
13 or through our office, our supervisor immediately  
14 responds to them. Okay.

15 So some of the challenges that I feel that  
16 we still face, as I indicated, the SES program is  
17 administered through the Title 1 office. There is  
18 involvement of the principals and the staff in the  
19 individual schools. That's through meetings and  
20 workshops with the director, and more of that is  
21 needed. It seems that all the responsibilities are  
22 through our office in dealing with SES. And most  
23 importantly, the state in workshops that I've  
24 attended, were to monitor those providers. And, to  
25 me, my personal opinion, I have not seen that happen,

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1 so at this point, I'll stop, but we did implement it.  
2 And in three years, this is the best, so far, in terms  
3 of the enrollment, but I do foresee other kinks in the  
4 process. Thank you.

5 CHAIRMAN REYNOLDS: Okay. Well, I would  
6 like to thank the panelists. The information you  
7 provided has been most helpful. What we all know and  
8 can agree on is that this issue is crucial for the  
9 lives of our children. My folks came up from the  
10 south. They had plenty of jobs for folks who didn't  
11 have high school diplomas. Those days are over.  
12 Those types of jobs now are going overseas. It is  
13 crucial that our children receive a solid education,  
14 because that, in many instances, is their only  
15 opportunity. That's their shot in life, and without a  
16 good education, we are going to develop a rigid caste  
17 system. We will have a society where folks have no  
18 opportunity to move up the ladder, so I appreciate  
19 your comments, and at this point, I will open up the  
20 floor for questions. Commissioner Kirsanow.

21 **QUESTIONS BY COMMISSIONER AND STAFF DIRECTOR**

22 **FOR PANEL 1**

23 COMMISSIONER KIRSANOW: Thank you, Mr.  
24 Chairman. I also want to thank the witnesses, Ms.  
25 Fitzgerald especially coming in here with pneumonia.

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1 I also want to thank the staff who traditionally do a  
2 great job of getting together great panelists, and I  
3 anticipate the subsequent panels that we will have  
4 today be equally impressive.

5 Each of you, the parents, at least, spoke  
6 about the communications problems that you're  
7 experiencing with respect to districts, and getting  
8 notification related to No Child Left Behind. And you  
9 cited a couple of examples, and I just want to tease  
10 those out a little bit more, and just try to get an  
11 idea as to what type of communication you're getting,  
12 if at all, and whether or not it's complying with the  
13 mandates or dictates of No Child Left Behind.

14 I think it was Ms. Fitzgerald who said  
15 that you got your notice late, I think several of you  
16 got your notice with just a couple of days before the  
17 program was going to begin, or you indicated, Ms.  
18 Woods, that the program is going to begin at some  
19 point that wouldn't adequately give you enough time to  
20 be in the program before the testing began.

21 MS. WOODS: Yes.

22 COMMISSIONER KIRSANOW: Each of you can  
23 just answer yes or no -- did the notice that you did  
24 get, if you got a notice, come in understandable  
25 format? Is it understandable? Did you understand

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1 what the notice said?

2 MS. FITZGERALD: Yes, I did.

3 COMMISSIONER KIRSANOW: Okay. The rest of  
4 you understood it?

5 MS. WOODS: No, I didn't.

6 COMMISSIONER KIRSANOW: No?

7 MS. WOODS: No.

8 MS. LEE: No.

9 MR. GRANADOS: No.

10 COMMISSIONER KIRSANOW: Mr. Granados did  
11 not.

12 MS. LEE: I did, but I could probably tell  
13 you that there is -- the jargon that's used is  
14 probably not understandable by most.

15 COMMISSIONER KIRSANOW: Okay. Like  
16 legalese or something? MS. LEE: Yes.

17 COMMISSIONER KIRSANOW: Okay. Not simple,  
18 I think as one person mentioned. If it came in simple  
19 format, you knew what was going on.

20 MS. WOODS: Yes.

21 COMMISSIONER KIRSANOW: Okay. Did you get  
22 it in a timely format?

23 MS. LEE: No.

24 MS. WOODS: No.

25 COMMISSIONER KIRSANOW: None of you did?

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1 Okay. Did it describe to you what the qualifications  
2 of the teachers would be who would be in the SES  
3 program?

4 MS. FITZGERALD: Absolutely not.

5 MS. LEE: No.

6 MS. WOODS: No.

7 COMMISSIONER KIRSANOW: Did it describe to  
8 you the basis or the reason why you were being offered  
9 the SES program, that is your school is failing?

10 MS. WOODS: They had a annual of all the  
11 school districts, of all the schools in the district,  
12 and they had the annual yearly progress on the ones  
13 that failed, the ones that required both SES and  
14 Choice Transfer were the schools who didn't do well.  
15 And it highlighted for the schools who were probably  
16 only entitled to either Choice Transfer.

17 COMMISSIONER KIRSANOW: Okay.

18 MS. WOODS: And then the schools that  
19 didn't, wasn't required by anything because they did  
20 well.

21 COMMISSIONER KIRSANOW: Did your notice  
22 give you a description of the services that were going  
23 to be provided?

24 MS. WOODS: No.

25 MR. GRANADOS: It was incomplete. It was

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1 just saying that you could take this supplemental  
2 service, and information was going to be given in the  
3 future.

4 COMMISSIONER KIRSANOW: Did it tell you  
5 who the providers would be, provide the identity of  
6 the providers?

7 MS. LEE: Yes.

8 MS. WOODS: Yes.

9 COMMISSIONER KIRSANOW: Okay. Mr.  
10 Granados, you said no?

11 MR. GRANADOS: It was too late when they  
12 provided those lists.

13 COMMISSIONER KIRSANOW: Okay. And did it  
14 indicate to you whether or not the classes would be  
15 taught by a teacher who was highly qualified?

16 MS. FITZGERALD: No.

17 MS. LEE: No.

18 COMMISSIONER KIRSANOW: Okay. One other  
19 question -- this has nothing to do with the notice,  
20 but I think, Ms. Lee, you indicated you're from  
21 Camden.

22 MS. LEE: Yes.

23 COMMISSIONER KIRSANOW: My understanding  
24 is that Camden in 2003 had a reputation as being  
25 fairly violent, the schools were fairly violent, a

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1 number of instances of violent crimes, or assaults  
2 within the schools themselves. Was that your  
3 experience?

4 MS. LEE: Yes, it was. The superintendent  
5 that was removed, she did implement something that we  
6 have called Safe Haven Safe Corridors, and that was to  
7 curb that. And basically, what that involved was  
8 parents that came out. We all signed up and gave our  
9 information on our home, who lives with us, things  
10 like that. And if you joined this program, basically  
11 you have a decal in the shape of a diamond that was  
12 blue and gold in your window that allowed children to  
13 know if they were being pressured by drug dealers,  
14 being chased by a dog, being pressured by gangs or  
15 anything of that nature, that they could knock - on  
16 their way to school, and on their way home from  
17 school, that they would be able to knock on these  
18 doors and be able to be assisted, and be in a safe  
19 environment. And, of course, like I said, they took  
20 all of our information to make sure that - background  
21 checks and things of that nature -- but to make sure  
22 that we agree that we would get these children to  
23 school safely.

24 COMMISSIONER KIRSANOW: Okay. Did the  
25 violence decrease in Camden City schools?

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1 MS. LEE: Yes.

2 COMMISSIONER KIRSANOW: Okay.  
3 Substantially?

4 MS. LEE: No.

5 COMMISSIONER KIRSANOW: Let me ask you  
6 this -- I understand that February of 2003, there were  
7 976 what would be considered violent incidents in the  
8 Camden schools. And, purportedly, that decreased to  
9 only 13 incidents in April of 2005. Does that sound  
10 right, from 976 to 13?

11 MS. LEE: I don't think the specific  
12 statistics on that, but it has been a dramatic  
13 decrease. I don't know that it decreased to 13, but I  
14 do see a dramatic decrease. At the same time, I'm not  
15 sure of the numbers, but I know specific in our area,  
16 my child was in a safe area.

17 COMMISSIONER KIRSANOW: I'll just ask one  
18 more question with respect to the notices, then I'll  
19 yield to some of the other commissioners. Did the  
20 notice contain any performance measures or time lines  
21 for the programs, for example, what it was going to do  
22 for you?

23 MS. LEE: No.

24 COMMISSIONER KIRSANOW: Okay. Thanks, Mr.  
25 Chairman. Thank you.

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1 CHAIRMAN REYNOLDS: Vice Chair Thernstrom.

2 VICE CHAIR THERNSTROM: Well, we have two  
3 very different pictures, of course, here. Ms. Francies  
4 gives quite a different picture than these parents,  
5 and how we reconcile the two of them at the end of the  
6 day, I'm not sure. But in any case, I have a question  
7 for the parents, the unhappy parents, and it's a  
8 fundamental question. What is the heart of the  
9 problem here in your view? I mean, we've got from  
10 you descriptions of what seems to me a fatal  
11 combination of high need kids, an urban bureaucracy  
12 that has probably never educated their kids, and they  
13 never educate the kids, and the parents who are,  
14 unlike the four of you, not really highly involved in  
15 this problem. So if that is the right description of  
16 what you've got, then I'm not sure why you think  
17 tinkering with the federal law, with NCLB, is really  
18 going to change the picture very much. And, in  
19 particular, Ms. Woods mentioned her children started  
20 out doing well in parochial schools. Well, that  
21 seems, to me, an argument not for tinkering with NCLB,  
22 but for vouchers, so that those children could have  
23 continued to go to parochial schools on the public  
24 dime. We have representatives of Camden here. Camden  
25 is swimming in money, so nobody can say dollars are

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1 the heart of the problem. Detroit is not short on  
2 funds, either. What is the heart of the problem here,  
3 because tinkering with the implementation of SES is  
4 not going to fix the problems you described.

5 MS. LEE: If I could, I want to be very  
6 clear. Although I am a parent that's very involved,  
7 No Child Left Behind does not work. It does not work.  
8 And the reasons that it does not work is because, like  
9 you mentioned voucher programs, that does not assist  
10 children -- you're dealing with children that have  
11 mental health issues, that once they're classified as  
12 inclusion, they stay in inclusion classes. They may  
13 have had a behavior issue, but they were put in  
14 inclusion because they're not directly dealing with  
15 the issues that the children have.

16 If I never, ever, ever helped my child  
17 with anything at home, it is still the part of the  
18 district to be able to teach my child something, and  
19 that is what's not happening. On top of that, voucher  
20 programs are not effective, because right now, we  
21 currently do have voucher programs. You're absolutely  
22 right, we do have money, but where is the money going?  
23 How hard is the State of New Jersey looking at making  
24 sure that money is going directly to what it's used  
25 for, and not to anything else? The voucher programs

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1 don't work because, for instance, we have charter  
2 schools. The money is used to send that child to a  
3 charter school. The child only gets three instances.  
4 We know these children already have behavior problems,  
5 or whatever the case may be. They get three  
6 instances, and then, guess what, they're kicked out of  
7 the charter school. Public schools cannot kick you  
8 out. We have to accept you, so now you bring that  
9 child back into the public school, but the money has  
10 already been given to the charter school to teach the  
11 child. So now there's no money that's coming back  
12 into the school with the child to teach that child, so  
13 those are some of the things that I see right up  
14 front, and that's why it's not going to work. It's  
15 not going to work, because they're not well equipped  
16 with everything that they need in order to be  
17 effective in teaching these children.

18 VICE CHAIR THERNSTROM: But my question  
19 goes to the heart -- you are swimming in money in New  
20 Jersey districts. My question goes to the very heart  
21 of why they're not equipped, what can change to make  
22 non-functioning districts into functioning ones. As  
23 for the chart schools, I've spent some time at North  
24 Star in Newark. North Star has got nothing but highly  
25 disadvantaged black kids and Hispanics. It's teaching

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1 every kid in that school, putting them on a different  
2 track in life, and it has less money than your average  
3 public school. So it can be done, but you haven't  
4 given me a picture here of what you think is the  
5 fundamental problem with the regular district schools,  
6 and their bureaucracy that you think can be changed,  
7 because if you tell me that the federal government can  
8 put a little more pressure on schools to do X or Y  
9 with respect to SES, specifically, I mean, you're  
10 dreaming away that that's going to fundamentally  
11 change the level of your frustration with the public  
12 schools.

13 CHAIRMAN REYNOLDS: And to add to that,  
14 books. Why is it that books are delivered late, or  
15 they're not delivered at all, or they have to copy a  
16 single book and send kids home with copies of books?  
17 I mean, these are basic questions of competency on the  
18 part of the school districts. And these problems  
19 occur year, after year, after year. It's almost as if  
20 the system is impervious to change, the system is  
21 impervious to learning from past mistakes. And I  
22 believe that's where Vice Chair Thernstrom is going  
23 when she asks about the fundamental problem, and  
24 whether revising No Child Left Behind is going to deal  
25 with this underlying dysfunction that we find in many

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1 urban school districts.

2 VICE CHAIR THERNSTROM: I mean, again,  
3 I'll go back. I very much appreciate the Chair's  
4 comments there, and I'll go back to the question --  
5 not enough books? Again, there is no shortage of  
6 money in New Jersey urban schools. You've got more  
7 money than you know what to do with.

8 MS. LEE: Then where is it? We don't see  
9 it. We don't see that.

10 VICE CHAIR THERNSTROM: Okay, but that  
11 should lead you to ask much more fundamental  
12 questions, it seems to me, than the ones you've put on  
13 the table about notification, or whatever. I mean,  
14 these are non-functioning systems.

15 MS. WOODS: Well, I'll say in my case, if  
16 there's monies available in the Detroit public school  
17 district, I don't see it, because during the year when  
18 our children go back to school, we are presented with  
19 a list of supplies, and on that list of supplies would  
20 be toilet tissue, paper towel, soap, sanitation  
21 handwash, and what else do I give out? These are some  
22 of the things that come on my child's list of pencils  
23 and paper, and erasers and things. This is the list  
24 that we get in Detroit public schools. Now if there's  
25 monies in the district, I don't see that. And if we

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1 were running the district, I think we parents would  
2 probably do a better job with distributing that money,  
3 and doing what we thought was correct with that money  
4 in educating our children, because I feel the same way  
5 all of you feel about your children. I want the best  
6 education money can buy, even though I am a low-income  
7 mother. That is a demand that I have for my children.  
8 I feel the same way about my children as you people in  
9 this room feel about your's.

10 VICE CHAIR THERNSTROM: Yes. And the  
11 parochial schools that you sent your kids to in the  
12 early years, you think they have more money per pupil  
13 than the Detroit public schools? I mean, I know the  
14 New Jersey financial picture very well, because of the  
15 litigation, but you think those parochial schools have  
16 more money per child than the ordinary district school  
17 in Detroit? Of course they didn't. Those parochial  
18 schools run on a shoestring, and they're educating  
19 kids, so the questions, it seems to me, on the table,  
20 are much more fundamental than the ones -- than simply  
21 the implementation of SES and tinkering.

22 CHAIRMAN REYNOLDS: Ms. Fitzgerald.

23 MS. FITZGERALD: I'd like to answer your  
24 question. In Newark, I believe that the district is  
25 being run like a corporation, rather than the

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1 educational business for the children in the City of  
2 Newark. When you have children that are identified  
3 with needs, if we don't address them when they are  
4 identified -- Newark has been doing testing year after  
5 year before the No Child Left Behind, so why a child  
6 does well in fourth grade, and then does poorly in the  
7 eighth grade is beyond me, because Newark does their  
8 own testing each year, so that they can be able to  
9 identify what level that child is at. And while it  
10 seems little, the SES gives us parents a little power  
11 to try to have some right in our district. And with  
12 us here now trying to fight for that right, that can  
13 help our child. It helped my child. My youngest  
14 child, I pulled him out of Newark public school, and I  
15 have put him in a charter school. Before I pulled him  
16 out, he was performing on a second grade level in the  
17 sixth grade. Mind you, he was classified, but in one  
18 year time, one year time he showed so much growth, so  
19 I had him re-evaluated a year later, and I seen that  
20 growth he had. He was performing at second grade  
21 level in language and writing. In that one year, he  
22 did third to fourth grade level in growth in language  
23 and writing. In math he went to ninth grade.

24 VICE CHAIR THERNSTROM: Okay. But that's  
25 an argument for charter schools. It's not an argument

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1 for tinkering with the SES regulations.

2 MS. FITZGERALD: Okay. Part of the SES is  
3 notifying the parents of their rights to school  
4 choice. I mean, and even when I put my son back --  
5 when he aged out of that charter school, and I put him  
6 back into Newark public schools, I didn't want him to  
7 go to a school that was below standards. I wanted him  
8 to go to a school that was up -- basically, a blue  
9 ribbon school. Why would I want to take my son out of  
10 a nurturing environment, and put him back into -- in  
11 my area, all 13 elementary schools are on the needs to  
12 improve list.

13 VICE CHAIR THERNSTROM: Exactly, so what's  
14 the point of school choice within that group of 13  
15 schools that are not doing well?

16 MS. FITZGERALD: Because we do have some  
17 schools in Newark that are performing. All our  
18 schools are not failing. I'm going to just say that.  
19 All our schools are not failing, but whatever our  
20 schools are doing, our model schools that are  
21 performing well are doing, we need it to spread  
22 throughout the rest of the district. And what I  
23 learned was when I put my son back into Newark public  
24 schools, in one of the blue ribbon schools, the parent  
25 participation there was at a high level. Them

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1 parents, they didn't speak English, they spoke  
2 Italian, Portugese, Spanish and Blacks. I mean, my  
3 point is, parents got to have some type of power  
4 somewhere. And if we don't start at one place, where  
5 are we going to start at?

6 And let me just say this -- one thing that the  
7 Chair did not mention, I'm an employee of Montclair  
8 State University, and I am the Vice President of my  
9 local. Part of my job is to encourage employees to do  
10 better. When I try to encourage one of the employees  
11 at my job to take part of an apprenticeship program,  
12 he said to me -- he's like, "Lisa, can I tell you  
13 something?" I said, "Go Ahead." He said, "Lisa, I  
14 graduated from Berringer High School, and I can't  
15 read." I don't want to hear no more of them sad  
16 stories. How do you have a diploma and can't read?  
17 And literally, I will take every Wednesday for a month  
18 and sit down with him and just do some tutoring  
19 sessions with him until it became overwhelming, that I  
20 found him a literacy program. We don't need to hear  
21 any more stories like that. This young man is only 27  
22 years old. Do I want my child to come out of Newark  
23 public schools barely functioning? No. That's why we  
24 need the --

25 VICE CHAIR THERNSTROM: No argument here.

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1 CHAIRMAN REYNOLDS: Okay. Commissioner  
2 Melendez.

3 COMMISSIONER MELENDEZ: Yes. First of  
4 all, I'd like to welcome the panel. I had a question  
5 that really had a touch to the reason why we're here.  
6 The U.S. Commission on Civil Rights basically  
7 investigates instances of discrimination. And I know  
8 that we're hearing a lot about, I guess, management,  
9 and implementing No Child Left Behind. The question I  
10 have -- do you feel, any of you feel that there are  
11 instances of discrimination, other than implementation  
12 of the No Child Left Behind Act, what seems to be a  
13 problem in general terms. Could you comment on that?

14 MS. LEE: Of course there is, because if  
15 there was not, then they -- No Child Left Behind, if  
16 they saw that this is happening in urban areas, they  
17 should have said you know what, we'll take this, a  
18 school that we know that performs well every year, the  
19 implementation should have been to model this school  
20 behind that school; not to say, I'm going to give you  
21 a band-aid to fix it. Let me give you tutoring. Your  
22 kids don't know this, your kids don't know that. They  
23 should have held people accountable. There's no  
24 accountability with No Child Left Behind. Who's held  
25 accountable? We're here talking about books and

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1 things of that nature, that should never even be part  
2 of the problem. That should never even exist.

3 If I lived -- my son goes to school in  
4 Brooklawn, New Jersey. If I lived in Brooklawn, New  
5 Jersey, and they didn't have a book, you can best  
6 believe that superintendent is on site at the school.  
7 You can best believe that that would not be - it  
8 wouldn't happen, it would not happen. But because of  
9 where you live, because of how we're classified,  
10 because of what they think, No Child Left Behind is  
11 giving us a band-aid to say we'll supply you with  
12 this, we'll supply you with that, we'll give you some  
13 SES programs, we'll tutor your children because  
14 they're failing, but they don't know -- there's nobody  
15 held accountable when the SES program doesn't work.  
16 Who's held accountable? No one. When the books  
17 aren't there, who's held accountable? No one.  
18 Discrimination is definitely a happening, it's  
19 happening.

20 MR. GRANADOS: Just by looking at the  
21 numbers, I mean, when you see Hispanics and African  
22 Americans being the ones always not getting that  
23 education, you can see there's discrimination. When  
24 you ask why this is not working -- yes, a big price  
25 for parents, they need to get involved. We need to

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1 get involved, but if we get involved, and the school  
2 districts are not doing what they should do, and  
3 getting away legally by continue working -- they  
4 mention charter schools. If a charter school is not  
5 working, they're just going to close it, and that's  
6 it. Public schools are getting away year after year  
7 doing the same kind of education they're bringing, so  
8 I know there is great schools, I know there is great  
9 districts; but, unfortunately, until we can click it  
10 into the numbers of the Hispanics and African  
11 Americans not getting what they should be getting,  
12 which is a quality education, we have discrimination.

13 MS. FRANCIES: We're talking just about  
14 the SES implementation, so I think I need to ask you  
15 the basic question that's often confused me. Under No  
16 Child Left Behind with SES, private companies coming  
17 into my town to provide services to my children. That  
18 private company is hiring our teachers to provide  
19 these services. If that's the case, why is a private  
20 company needed? I was told they train the teachers on  
21 these specific skills. I don't think that's happening,  
22 so with SES, please go back to the basics with me on  
23 why it was necessary for a private company to come in  
24 to tutor my babies, to hire our teachers, when our  
25 past after-school programs were the district hiring

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1 our teachers to provide those services?

2 MS. LEE: And why would you hire the same  
3 teachers that you feel are not adequately teaching  
4 them now? Why would you hire these same people that  
5 you feel are not putting -- are not giving them what  
6 they need to even meet the AYP. Why would you hire  
7 them to --

8 MS. FRANCIES: And the promises that these  
9 providers make to our parents -- yes, we're going to  
10 do this, and we're going to do that. And if the  
11 parents don't complain to us, we wouldn't know it; so,  
12 in essence, they're not telling the truth. I'm sure on  
13 paper they're an excellent company, but in actually  
14 performing those services to our babies, that's where  
15 that discrimination comes in.

16 MS. WOODS: I don't think that there is a  
17 problem in -- in our district, I don't think there is  
18 a problem with SES. I welcome it, and I know a lot of  
19 other parents would welcome it, if they knew about it.  
20 What I'm saying is that the Detroit public school  
21 district did not do their best in getting out this  
22 information to the parents. We need SES. We need  
23 this program with a school district that has been  
24 failing for the last 20 years, and with the 50 schools  
25 being terminated, and with the teachers being laid

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1 off, I am looking forward to sending my child back to  
2 the after-school program. You couldn't have done  
3 anything better than to have given it to the Detroit  
4 public school district. We need it. We need it until  
5 there is another solution in maintaining a good grade  
6 average, and for us, and for our children to excel in  
7 these tests. We need it in our schools. We need it.  
8 It's important to us as a parent.

9 CHAIRMAN REYNOLDS: Commissioner Yaki.

10 COMMISSIONER YAKI: I also want to thank  
11 the panelists for being here today. And, actually,  
12 what I want to say has to do a lot with what my  
13 colleague, Commissioner Melendez, was getting at;  
14 which was, when I first looked at this briefing, and I  
15 was hearing about the supplemental educational  
16 services issue in the No Child Left Behind Act, my  
17 question really came to one of jurisdiction, which is,  
18 this sounds to me like an issue of whether the No  
19 Child Left Behind Act works, and how it is not  
20 working; which is more under the jurisdiction, quite  
21 frankly, of the House Committee on Education and  
22 Labor, or the Senate Education Committee. What are we  
23 doing hearing about it? And part of me still thinks  
24 that way, because this is the kind of testimony that I  
25 think members of Congress need to hear, that the

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1 people who wrote No Child Left Behind, who passed No  
2 Child Left Behind need to hear, to understand the  
3 frustration of parents in terms of the fact that the  
4 services that your children are not being provided, or  
5 not being provided in a way, or any meaningful way  
6 that helps you along.

7           The only thing that makes me think  
8 differently about whether it's appropriate to hear  
9 this or not is the fact that education has been, and  
10 always will be the hallmark of what our society is all  
11 about. Whether we rise to a level of knowledge,  
12 education and, quite frankly, equality depends on the  
13 quality of education. If people have access to - the  
14 Brown v. Board case itself arose out of the question  
15 of whether or not African American children were being  
16 denied equal access to education, the idea being that  
17 there was better education on the other side of the  
18 fence where the white kids were going, than on the  
19 fence that the African American kids were going. And  
20 now here we are over 50 years later, school districts  
21 have become hyper segregated. You see a  
22 disproportionate number, I would say the vast number,  
23 from what you're telling me, of the children in SES  
24 are black, or Hispanic, or of minority background,  
25 school districts themselves have become much more

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1 segregated simply by virtue of white flight out of  
2 certain neighborhoods.

3 We did a public hearing in Omaha, where  
4 the problem was so great that the solution, albeit one  
5 that none of us really shared in its vision, was to  
6 divide the school district -- was for them to say oh,  
7 we recognize it's a problem, so we'll just divide the  
8 school district into a Hispanic and black, and a white  
9 district, which really doesn't work either in the way  
10 they were going to implement it isn't going to work at  
11 all in terms of violating the Constitution, but here  
12 we have a situation where the quality of education is  
13 at issue. The core fundamental question of what Brown  
14 was about, about how we maintain a more equal society,  
15 how we create the kind of America that we should have,  
16 where any of our kids have the ability to become  
17 lawyers -- not lawyers -- doctors, engineers. I just  
18 say that because I'm a lawyer. And we have failed  
19 that, so 50 years later, the promise of Brown seems to  
20 have been one where -- well, we're not getting it  
21 done. And that, to me, becomes only relevant  
22 examination for me in terms of what is going on,  
23 because the promise of Brown, of creating a better  
24 educational system through inclusion 50 years later is  
25 not finding its way, and your children are the ones

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1 who are paying the price.

2 MR. GRANADOS: And I just want to say that  
3 when we talk about No Child Left Behind,  
4 unfortunately, until districts change their mind,  
5 because they keep seeing kids are just numbers. You  
6 know, they are just statistics, to us they're lives,  
7 you know. Obviously, we keep hearing that we want  
8 options, we want choices, we want -- whether it's SES,  
9 whether it's the School Choice, whether it's vouchers,  
10 we just want more options, you know. And at the end,  
11 if districts are not held accountable, I heard the  
12 commissioner mention something that, you know, just  
13 being pushed in the district is not going to work.  
14 Then what else? I mean, we're doing our part. We're  
15 educating ourselves to speak the language. We're  
16 getting parents involved. Obviously, we're being  
17 involved when you see parents getting sick, but still  
18 being here to talk as a parent, when you see parents  
19 that work eight, ten hour shifts and still take the  
20 time to go to the meetings to see what is going to be  
21 available for their kids. But at the end, the school  
22 districts just keep getting away with the same things  
23 over and over.

24 MS. WOODS: Last year when the provider  
25 came to our school for the Saturday to teach, there

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1 were eight children in our classroom, eight children.  
2 This year when we signed up and they came to our  
3 school, myself, my son, my sister, my brother, and  
4 four other parents were there to sign this application  
5 for this particular provider. We didn't see a lot of  
6 participation in our school. We did not see that, and  
7 the numbers that I saw inside that classroom, inside  
8 the tutoring classroom was terrible. We did not see  
9 that. We did not see a participation. And for those  
10 who do not know and understand the purpose of this  
11 program, needs to be informed. If they understood it,  
12 we would have a greater participation in these after-  
13 school programs.

14 CHAIRMAN REYNOLDS: Ms. Woods, I  
15 absolutely agree. Sir Francis Bacon was right,  
16 "Knowledge is Power". If parents don't have the  
17 information, then they cannot make life-changing  
18 decisions for their children. It's clear that  
19 districts have to do a better job of providing the  
20 information in a manner that parents understand.

21 Now I'm going to entertain one last  
22 question, and then we're going to wrap up this panel,  
23 but I would also like to quickly address questions  
24 that have been raised by some of the commissioners as  
25 to the Commission's jurisdiction.

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1           The commissioners are raising legitimate  
2 questions about our jurisdiction. My response is that  
3 when you have a system that guarantees that black and  
4 Hispanics will stay at the bottom; for me, that's a  
5 civil rights issue. We cannot have a narrow view of  
6 civil rights in the 21st century. I think that it's  
7 extremely important that we be creative, that we  
8 expand the concept of civil rights. Just because  
9 someone -- assuming that someone is not discriminating  
10 against you does not necessarily mean that you're not  
11 being affected, and that your people aren't being  
12 affected by the policies that have been put in place.  
13 So the questions regarding the Commission's  
14 jurisdictions, I say that if it is not within the  
15 Commission's jurisdictions, the notion that black and  
16 Hispanic children are going through a system that  
17 virtually guarantees that they will not have the  
18 ability to improve their lives -- well, then it should  
19 be within our jurisdiction. Commissioner Kirsanow.

20           COMMISSIONER KIRSANOW: Thank you, Mr.  
21 Chairman. I want to piggyback on something the Vice  
22 Chair said -- ask a question, that is. I think, Ms.  
23 Woods, you indicated that your children were doing  
24 well for two or three years when they were in  
25 parochial school.

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1 MS. WOODS: In parochial school. I must  
2 also say that there were at least, no more than 15  
3 children in that classroom. You get to Detroit public  
4 schools, and you have 25, 30 kids.

5 COMMISSIONER KIRSANOW: Okay. I think,  
6 Ms. Lee, Camden, New Jersey spends about \$15,600 per  
7 child; Newark spends about \$17,600 per child, which I  
8 think is the highest of any major school district in  
9 the country, as Ms. Thernstrom is indicating of a wash  
10 in money, but it seems to me the SES program may be  
11 flawed in one fundamental respect, and that is that if  
12 you're in a school that after two years has not met  
13 AYP, Adequate Yearly Progress, you have the ability to  
14 choose where you want to go. But if every school in  
15 that district is failing, and you're limited to  
16 choosing among other schools to transfer to, then it's  
17 almost as if you're re-arranging chairs on the deck of  
18 the Titanic. So I would ask you, if the SES program  
19 were expanded to permit you to transfer out of schools  
20 in your district, other public school districts, other  
21 private schools, parochial schools, and/or SES  
22 providers included some of the parochial schools and  
23 the private services they provide, do you think it  
24 might be improved in that regard?

25 MS. LEE: No.

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1 COMMISSIONER KIRSANOW: No?

2 MS. LEE: I think it's a band-aid. My  
3 child is a part of it. I believe that it's a band-  
4 aid, because now every single -- it goes back to the  
5 number of slots that I talked about. Every single  
6 child in the City of Camden is not going to be able to  
7 go into another school, so do you leave the children  
8 in the City of Camden under-performing?

9 COMMISSIONER KIRSANOW: That's precisely  
10 my point. It seems to me you're confining yourself to  
11 a universe of schools that have already proven  
12 themselves to be failing.

13 MS. LEE: Right. And what I'm saying, you  
14 were saying if they had the opportunity to go to 100  
15 different schools, so then you leave either the city  
16 without any children in a school system at all, or you  
17 still leave some there that are going to still fail.  
18 We have to worry about all of them.

19 CHAIRMAN REYNOLDS: Should it be the  
20 parents -- should parents, not the system, but parents  
21 make that decision? Should parents decide whether a  
22 public school in the neighborhood is best for his or  
23 her child, or should that decision be made by the  
24 school district?

25 MS. LEE: Ultimately, the parent,

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1 definitely, because I am responsible for making sure  
2 that my son is educated, a well-rounded individual,  
3 what kind of person he's going to be in society, all  
4 those things I'm responsible for, so definitely, it  
5 should be my decision in whether or not he's  
6 performing well in this school.

7 CHAIRMAN REYNOLDS: Mr. Granados.

8 MR. GRANADOS: When you bring competition  
9 to districts, you bring quality of education. When  
10 districts fear that they're going to lose children,  
11 they don't feel they're going to lose a student, they  
12 fear the loss of money that they're going to lose  
13 because that child is not going, so bring competition.  
14 That's going to bring parent involvement, because  
15 parents are going to need to be educated why this  
16 school is doing better, why this school is not doing  
17 good. Of course, we're not going to lose districts.  
18 It is going to be really silly that all kids are going  
19 to move to different schools. What's going to happen  
20 is that if just 100 kids move to a different school,  
21 charter, private, those schools that are losing those  
22 kids need to do something better. They need to do  
23 something to bring those kids back to their schools,  
24 and it's going to benefit, not only the children that  
25 are staying, but the ones that are leaving to make the

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1 districts better.

2 CHAIRMAN REYNOLDS: Ms. Fitzgerald.

3 MS. FITZGERALD: Okay. I agree with that,  
4 but we can't realistically think that we're going to  
5 be able to take all the kids out of the district.  
6 However, competition is best, because once you have  
7 that competition there, then that allows people to  
8 wake up. Also, if we were to look at giving parents  
9 the option of doing inter-district transfer, I think  
10 we should also look at the option of the fact that  
11 once they go out into these districts, they must  
12 educate our children, also. They must educate them as  
13 if they were still in the district. The public  
14 schools can't kick kids out, and neither should  
15 charter schools, private schools or anything of such.  
16 You're getting paid to educate our children, educate  
17 our children. I mean, we just can't keep passing the  
18 buck, because that's exactly what went on, and that's  
19 why we're here now, because everybody just passed the  
20 buck on educating our children.

21 CHAIRMAN REYNOLDS: Okay. At this time,  
22 truly one last question, and then we're going to wrap  
23 this panel up. Vice Chair Thernstrom.

24 VICE CHAIR THERNSTROM: I just have a  
25 question about the Detroit schools. Why are all these

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1 schools being closed?

2 MS. WOODS: They say that it's because we  
3 lost so many children. We had about 12,000 children  
4 that went to different --

5 VICE CHAIR THERNSTROM: Yes, that's what I  
6 assumed.

7 MS. WOODS: During the strike.

8 VICE CHAIR THERNSTROM: Yes.

9 CHAIRMAN REYNOLDS: Okay. I would like  
10 to thank the panelists, and --

11 COMMISSIONER TAYLOR: I want to thank all  
12 of you for coming, and offer you all a word of  
13 encouragement. I know it could be overwhelming at  
14 times doing what you all do, that is, fighting to  
15 create options and opportunity. And I want to thank  
16 you all for coming, and encourage you to continue.

17 CHAIRMAN REYNOLDS: Okay. Thank you.  
18 Let's take a five-minute break.

19 (Whereupon, the proceedings went off the  
20 record at 10:41:43 a.m., and went back on the record  
21 at 10:50:21 a.m.)

22 **PANEL 2 -- EXPERTS**

23 CHAIRMAN REYNOLDS: I would like to  
24 introduce the folks who are participating in this  
25 particular panel. First, I'd like to introduce Joel

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1 Packer, then we have Eugene Hickok, Harrison  
2 Blackmond, Maite Arce, and Derrell Bradford.

3 Now, Mr. Bradford is the Deputy Director  
4 and Director of Communications for Excellent  
5 Educations for Everyone, E3, New Jersey's largest  
6 school choice advocacy group, and a co-director of the  
7 Center for Education Justice, and a public interest  
8 law firm focusing on protecting the education rights  
9 of parents and students in New Jersey school  
10 districts. A native of Baltimore, Maryland, Derrell  
11 graduated from the University of Pennsylvania with a  
12 BA in English and Creative Writing. Derrell has a  
13 background in editorial development, graphic and web  
14 design, publishing working for Simon & Schuster, and  
15 City Guide Publications in New York City as its  
16 managing editor before joining E3.

17 Next we have Maite Arce. She is Vice  
18 President of the Hispanic Council for Reform and  
19 Educational Options, and oversees the organization's  
20 core programs, including membership, affiliates,  
21 communications, and parental outreach. In only two  
22 years, Hispanic CREO has developed robust affiliate  
23 networks over 30 national and community-based  
24 organizations, and has trained more than 30,000  
25 parents on issues such as parental involvement and No

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1 Child Left Behind provisions. Ms. Arce has 15 years  
2 of experience in coalition building, program  
3 development, and community outreach to under-served  
4 populations. Prior to Hispanic CREO, Ms. Arce was the  
5 Deputy Director of the Self-Reliance Foundation, a  
6 national non-profit that develops social marketing  
7 campaigns and outreach programs for the Latino  
8 community.

9 Mr. Blackmond studied law at the  
10 University of Michigan Law School, and was awarded his  
11 JD in 1974. He is a member of both the California and  
12 Michigan State Bars. In 1994, Mr. Blackmond was  
13 appointed Chief Executive Officer of the Michigan  
14 Partnership for New Education. That organization was  
15 a \$50 million collaboration of business, government,  
16 philanthropy, and education leaders. It's designed  
17 to create and sustain a statewide education innovation  
18 system in support of new teaching and learning for all  
19 of Michigan's children. In 2005, Harrison was  
20 appointed President and CEO of the Detroit chapter of  
21 the Black Alliance for Educational Options, also known  
22 as BAEO. That organization actively supports parental  
23 choice to empower families, and increase quality  
24 education options for black children. He currently  
25 serves on the Board of Trustees for the Trillium

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1 Academy, a charter school, and is chair of the K-12  
2 Council for the Detroit Regional Chamber of Commerce.

3 Next, we have Dr. Hickok who is Senior  
4 Policy Director at Dutko Worldwide, a government  
5 relations and public policy firm in Washington, D.C.  
6 He is also a Bradley Fellow in education policy at the  
7 Heritage Foundation, which is also based in  
8 Washington, D.C. I had the pleasure of serving with  
9 Dr. Hickok at the U.S. Department of Education under  
10 President Bush. While there, he served as the  
11 Undersecretary for Education for President Bush.  
12 During his tenure at the Department, he had broad  
13 responsibility for the implementation of No Child Left  
14 Behind, and oversaw the re-authorization of the  
15 Individuals With Disabilities Education Act. Previous  
16 to that, for six years he was the Secretary of  
17 Education for the State of Pennsylvania.

18 Next, we have Mr. Packer, who currently  
19 serves as the Director of Educational Policies and  
20 Practices for the National Education Association. NEA  
21 represents 3.2 million public school teachers,  
22 educational support professionals, and higher  
23 education faculty. As Director, Mr. Packer leads a  
24 staff of 20, and oversees NEA's primary policy center  
25 on elementary and secondary educational issues. The

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1 Department has staff responsibilities for school  
2 readiness, standards, curriculum, testing,  
3 accountability, teaching and learning conditions,  
4 quality educational workforce, parental involvement,  
5 educational funding, special education, among other  
6 things. Mr. Packer also oversees NEA's work on the  
7 re-authorization of the elementary and secondary, well  
8 the ESEA.

9 I welcome all of you, and I'm going to  
10 call on you in the order in which you've been  
11 introduced to the record, so Mr. Bradford, you have 10  
12 minutes.

13 MR. BRADFORD: Thank you. I see you guys  
14 are pretty tough on this time limit thing, too.

15 CHAIRMAN REYNOLDS: I would like to think  
16 that I am very lenient.

17 MR. BRADFORD: You are. I've submitted an  
18 extensive testimony to the members of the committee,  
19 and I had a Power Point that I was going to talk from  
20 that was really going to outline this, but I think  
21 it's almost irrelevant now.

22 I should tell you that we have an office  
23 in Newark and Camden. We're a School Choice Advocacy  
24 Group, which means we favor dollars follow the child,  
25 big expansion of charter schools, open enrolled public

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1 schools, multiple chartering authorities, inter-  
2 district choice, and we definitely favor scholarships  
3 or vouchers, whatever you want to call them, so kids  
4 can go to private schools. And despite some people,  
5 we actually think the public schools will improve with  
6 competition. That's got to happen. We're not going  
7 to see an elimination of the government school sector,  
8 and we think they will do the right thing. But the  
9 challenge is, and SES in a micro highlights this in a  
10 way that NCLB does in a macro, that people don't  
11 understand the nature of the thing that is an urban  
12 public school district, especially not in New Jersey,  
13 where 2002-2003 U.S. Census report of school districts  
14 with over 10,000 students showed that we had the top  
15 seven, with Newark as number one, and Camden as number  
16 five. Newark is a billion dollar school district.  
17 That's with a B, a billion. It has over 10,000  
18 employees, it has a quarter of a million dollar  
19 superintendent and its teachers make an average of  
20 \$77,000 a year. We got a night janitor that makes  
21 \$72,000 in Newark. Everybody is paid. Okay?

22 Last year, that billion dollar company,  
23 it's a company -- all right, employs a lot of people,  
24 a lot of contracts, a lot of servicings, could  
25 generate 752 high school graduates from 13 high

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1 schools that could pass an eighth grade competency  
2 test. It costs us a million two per year, per child  
3 to get a kid that can go out and pass an eighth grade  
4 test. All right. This is predominantly a minority  
5 district, just like Camden is predominantly minority.  
6 It's 96 percent African American and Hispanic, and in  
7 Camden, they spend \$16,300 a pupil. They had a  
8 \$210,000 superintendent that they had to fire because  
9 she was stealing, and they have 13,000 kids in school,  
10 13,000 or 16,000 students that are in schools that are  
11 in year two or later. Okay? Just like in Newark, 80  
12 percent of the schools are in year two or later.  
13 There are 15 schools in Newark in year five or six,  
14 and eight in year five or six in Camden. These are by  
15 any measure and metric, like these are black holes of  
16 failure. Okay? And even -- I don't want to bust too  
17 hard on Newark, there are some grains of sand of  
18 success on that beach of failure, but our kids are  
19 dying on it. They're dying on it in Camden, too.

20 And the fact of the matter is that we look  
21 at -- we're greater supports of NCLB. We're great  
22 supporters of NCLB in theory. We're not very good  
23 supporters of it in practice, because where the rubber  
24 meets the road out in urban school districts where you  
25 have parents suddenly informed of how bad their school

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1 districts are doing, suddenly aware in like a very  
2 clear, specific way of what the company is doing to  
3 the child, when they go in and try to access what I  
4 like to call the triggers, the parental empowerment  
5 triggers, like Choice, like SES, what you find is  
6 essentially the regulatory entity, which is also the  
7 offender, telling you well, that's great, but you  
8 can't get none.

9           And the Chairman referenced a letter that  
10 I was sort of unfortunate enough to stumble across a  
11 couple of years ago when then Superintendent Knox, I  
12 don't want to blame Superintendent Fitz for anything  
13 Superintendent Knox did, sent a letter with a typo to  
14 a parent from Bonzall Elementary School, that said  
15 this school is both dangerous and failing. Because we  
16 don't have any better schools, you don't have any  
17 options. Right? And it's like telling me that is the  
18 prime example of what goes on in these school  
19 districts. And here in D.C., and I think generally,  
20 like people are in love with the brand of the American  
21 public school. It's like if you talk to somebody  
22 about what's going on in an urban district, you're  
23 going to get three reasons why an urban district is  
24 doing badly right out of the box. They don't have  
25 enough money, the parents suck, the kids are

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1 unteachable. Right? And in New Jersey, where we have  
2 plenty of money -- okay, Newark pays 9 percent of its  
3 own school costs, 9.54 on a \$916 million budget that's  
4 going to go to 980, Camden paid 2 on a \$316 million  
5 budget a couple of years ago. Okay. Everybody is  
6 paid, the adults are doing fine, and we've ridden  
7 equity, we've ridden equity horse dead. Okay? It's  
8 like it's in the sand gasping for air now. And,  
9 basically, we have not delivered.

10 I mean, the incremental success even, like  
11 we have a voucher program in New Jersey for pre-  
12 schoolers. It's for three and four year olds. You  
13 can go to any pre-school you want to, the state is  
14 going to pay for it, nine to twelve thousand dollars a  
15 year. Right? It is largely cited for the reason that  
16 we have success in districts like Newark and Camden in  
17 Language Arts, Language Arts in fourth grade. But  
18 what we find now is that along with NCLB, because we  
19 support the disaggregated data provision, and we  
20 support the publishing of the data. We think that's  
21 critical. We'd also support it being done in a timely  
22 fashion, so that kids aren't enrolled in schools in  
23 October, and finding out from the districts that their  
24 schools are in need of improvement, or in year five,  
25 or in year six, or finding out that they're supposed

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1 to be restructured, but no real restructuring is going  
2 on. No one is getting fired, the school is not being  
3 reconstituted, the contract is being thrown away, none  
4 of these things are happening. Right?

5 Sixth graders in New Jersey this year,  
6 because to your point, Chairman Reynolds, there's a  
7 drop in sixth grade scores all across the state, but  
8 it's three times as large if you were African American  
9 or Hispanic, read poor, read in one of the districts,  
10 that essentially 80 percent of the African American or  
11 Hispanic kids are concentrated in, in New Jersey,  
12 which are also, incidentally, some of the highest  
13 spending urban districts in America.

14 Now, I say all this to point out that we  
15 have a very serious response from the monopolies that  
16 are these school districts. Very expensive, very well  
17 funded when we essentially put the parent in a  
18 position to access something that the system doesn't  
19 want to give up, because it directly confronts their  
20 financial interest, and that's SES, it's tutoring,  
21 it's transfer, is all these things.

22 In Newark, Platform Learning. Like, I  
23 remember when Platform came to Newark, it was all  
24 these schools in year two, Platform went out to the  
25 schools, saw the parents there, told them the schools

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1 year two, said free tutoring, you want it? And they  
2 signed up 800 people. Right? My colleague, Dan  
3 Rhodes is on the school board there, comes back to me  
4 and tells me Newark public schools invalidated all the  
5 forms, said they didn't have the correct form. So  
6 then Platform has to go out, re-canvass every single  
7 person. They picked up like an extra 100 people in a  
8 row, but this is how the system works. It can't live  
9 with competition. It can't live with anybody else  
10 that it doesn't authorize coming in.

11 And I want to kind of make a jump. It's  
12 not really about SES, but it is. In Camden, where you  
13 may know, arguably the world's most corrupt school  
14 district, where we recently received a \$90,000 report  
15 that found cheating, where the State DOE could not  
16 find cheating, the State DOE found adult interference,  
17 which is ostensibly benign, but we get this report  
18 that says some guy that nobody ever heard of is  
19 rigging all these tests at all these schools, and we  
20 have these two elementary schools that were in the top  
21 six in the state one year, that with state monitors  
22 present. They weren't in the top 600. Okay? And the  
23 parents there want SES. They feel like they were  
24 shafted. They feel like they really didn't get what  
25 the state's taxpayers paid for. And the State DOE

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1 won't aggregate the old scores, even though they know  
2 that they are false, and that they were interfered  
3 with. And more importantly, they won't give the  
4 tutoring because in not aggregating the old scores,  
5 the federal regulation forbids them from doing it, so  
6 even though they didn't meet adequate yearly progress  
7 in one year, and in another year they very likely did  
8 not meet it because of the cheating, they still won't  
9 get up off of the dime. And Superintendent Fitz, this  
10 I will indicate of him, said it's very likely some of  
11 these kids have missed out on some opportunities.

12 Now, the fact of the matter is that there  
13 ain't nothing going to change Newark public schools or  
14 Camden public schools with the current state of  
15 affairs. And I don't -- we're great supporters of  
16 school choice. Like, we support vouchers, and  
17 scholarships, and over the road public schools, and  
18 Dollars Follow the Child, and quarter of a million  
19 dollar superintendents if they're really getting the  
20 job done because that's the right thing to do. But  
21 when it's not happening, we don't think that any  
22 institutional interest, which is what's going on here.  
23 I mean, this is all about whether or not school  
24 districts are inclined or incented to actually police  
25 themselves. And it's clear that they will not do the

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1 things that are necessary when it's going to affect  
2 their bottom line. Thank you.

3 CHAIRMAN REYNOLDS: Well, in the past I've  
4 asked where's the passion? We have all these failing  
5 urban schools, and I think I've found it.  
6 Thank you. Ms. Arce.

7 MS. ARCE: We're going to show a short  
8 film, a documentary of the Hispanic CREO's experience  
9 with the Camden public schools, and specifically, the  
10 SES provisions in working with a parent to guide them  
11 through the process of obtaining tutoring services.  
12 And it's a real short film. I think we might be  
13 ready, and this is a really good example of something  
14 that we were able -- that shows No Child Left Behind  
15 working, where a child really needed the help, and it  
16 worked. But I, also, very briefly afterwards want to  
17 talk about how difficult it was for Hispanic CREO and  
18 our project leaders in that city to get that to happen  
19 for this child, and for the other children that we  
20 were able to obtain those services for. So the point  
21 here is, here's what's working, here's what's not --  
22 the issues that are happening in Camden, and then,  
23 also, this -- it took an organization working  
24 collaboratively with other leaders in the community to  
25 make this happen for this child, so imagine what's

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1 happening to the kids who don't have several  
2 organizations backing them up.

3 (Video played.)

4 CHAIRMAN REYNOLDS: Okay. At this point,  
5 we're going to have to stop the film, quite  
6 informative. Mr. Blackmond.

7 MR. BLACKMOND: First of all, I'd like to  
8 -- well, I ditto everything that my brother, Derrell  
9 Bradford said. He was exactly right on. Good  
10 morning. I'm a product of the separate segregated  
11 schools in Alabama, and the ghetto schools Cincinnati,  
12 Ohio. I'm the ninth of twelve children. I was the  
13 first to graduate from high school, the only one to  
14 attend college and get an advanced degree.

15 My first job out of law school was as a  
16 laborer, was with a labor law firm representing the  
17 largest teacher's union in Michigan, an affiliate of  
18 the National Education Association. I subsequently  
19 worked for five years directly for that labor union,  
20 representing school teachers, negotiating collective  
21 bargaining agreements, taking teachers out on illegal  
22 strikes.

23 I subsequently held positions as  
24 prosecutor for Los Angeles County, where I saw the  
25 devastation on young black and Hispanic men that the

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1 lack of education, the lack of opportunity presented.  
2 I also worked as a business executive and the leader  
3 of a statewide school reform initiative in Michigan,  
4 where I observed how difficult it is to change an  
5 entrenched system where the interests are not to  
6 educate children.

7 My personal mission is to do what I can to  
8 help eliminate the so-called achievement gap between  
9 children of color and their white counterparts. I've  
10 spent the last 20 years doing so. I'm currently semi-  
11 retired, I call myself. However, for the last year,  
12 I've worked full-time as the President and CEO of the  
13 Detroit Chapter of the Black Alliance for Educational  
14 Options. BAEO's mission is to actively support  
15 parental choice, empower families, and to increase  
16 quality educational options for black children.

17 We support all of the things that Derrell  
18 talked about, all the means that Derrell talked about.  
19 For the last three years, our work has included  
20 providing parents with low incomes information  
21 regarding their rights under the No Child Left Behind  
22 Act.

23 I'm telling you about myself, not to brag  
24 or boast, but to let you know where my passion comes  
25 from. I tell you about myself to let you know that I

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1 could identify with the children and parents in the  
2 neighborhoods of Detroit. I was one of the lucky few  
3 who made it through the educational maze relatively  
4 unscathed, and prepared to compete with anyone  
5 academically.

6 Unless we address the issue of the  
7 achievement gap with some urgency, very few of the  
8 100,000 children in Detroit public schools will have  
9 an opportunity to live the American dream. What's  
10 missing is a sense of urgency, what's missing is the  
11 kind of passion that Derrell talked about, a  
12 passionate desire to make sure that no child is truly  
13 left behind.

14 We have a crisis here, and I don't think  
15 that I see in this nation, or in the State of  
16 Michigan, or in the City of Detroit, a sense of  
17 urgency that reflects the depth of the crisis that we  
18 have. I believe that that really is the heart of the  
19 problem.

20 While tinkering with the federal law will  
21 not in and of itself change anything, the federal law  
22 is not the only answer, but it does help. For the  
23 first time, parents know that schools aren't  
24 performing. For the first time, things are  
25 transparent. We can see what is going on. For the

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1 first time, parents have real information about how  
2 their children are performing relative to children in  
3 other districts across the state. For the first time,  
4 we have standards in place for the schools.

5 While we can encourage schools to change,  
6 for the first time, we have some sense of  
7 accountability. And parents in Detroit are exercising  
8 their choice, their rights. They are taking their  
9 kids out of failing schools. They are voting with  
10 their feet. Where inter-district choice exists,  
11 they're taking their children out of failing schools,  
12 and putting them in the schools that work. They're  
13 taking their children out of failing schools, and  
14 putting them in charter schools.

15 I believe that the right to a quality  
16 education is the most important civil rights issue of  
17 this century, and it is most appropriate that the U.S.  
18 Commission on Civil Rights address this issue, and I  
19 applaud you for doing so.

20 We can talk about the issue of whether or  
21 not you ought to be dealing with this issue. We can  
22 talk about the jurisdiction issue, but this is not  
23 about jurisdiction, this is not about legal concepts.  
24 This is about people. This is about the future of our  
25 country. For many years, the education system hasn't

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1 had to educate all of the children. In truth, in the  
2 past, the education system probably has educated about  
3 30 percent of the kids. The other 70 percent could go  
4 to work in factories and plants, and they did okay.  
5 All you have to do is look at the City of Detroit,  
6 where there are more single-family homes, and working  
7 class people owning homes than most other places,  
8 because people did well working in the plants and  
9 factories. Those plants are no more. Those jobs are  
10 gone. The future for people without an education now  
11 is bleak. Unless we do something urgently, I shutter  
12 to think what the consequences would be for  
13 communities like Detroit.

14 We need to do something about this,  
15 especially in light of the fact that voters in  
16 Michigan and other states, in their wisdom have chosen  
17 to ban most forms of affirmative action in the state.  
18 As a result, entrance into the best colleges in the  
19 country like the University of Michigan, will be  
20 accessible only to those who can compete academically  
21 with children from suburban, private, and parochial  
22 schools. Parents with low income, who like the middle  
23 and upper income counterparts have the same hopes and  
24 dreams for their children. They will need all the  
25 help they can to help their children achieve

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1 academically, given the lack of quality educational  
2 options that exist in their communities. A day does  
3 not go by during which I don't receive a call from a  
4 distressed parent seeking academic assistance for his  
5 or her daughter.

6 In Detroit, the SES program has been given  
7 short shrift. When the district was facing a low  
8 enrollment this year in September, they did - they  
9 were on every television station, they gave people  
10 prizes, they were giving out CDs, they were giving out  
11 CD players to try and get people to come back to the  
12 district. The district knows how to get people to  
13 come to programs. For SES, they sent out packets to a  
14 population where the literacy rate is 50 percent.  
15 There's got to be a better way, and they know there's  
16 a better way. Thank you.

17 CHAIRMAN REYNOLDS: Thank you. The  
18 Honorable Eugene Hickok.

19 MR. HICKOK: Thank you, Mr. Chairman.  
20 First, as sort of a disclaimer, I work with a firm  
21 that has among its clients, an SES provider, so I want  
22 to make sure that's on the record.

23 I submitted some testimony, which I'm not  
24 going to refer to right now. It's for the record.  
25 I'd rather sort of respond to what I've heard. And I

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1 guess, for me, I can take precious issue with almost  
2 anything I've heard, having spent the last 10 years  
3 visiting many of these schools in many of these  
4 cities, meeting with many of these parents, looking in  
5 the eyes of many of those kids. And it should haunt  
6 us that in this, the richest nation on earth,  
7 generations of children are being left behind.

8 Now we've been asked to talk about the SES  
9 provisions, and I want to sort of respond to that  
10 particular issue, because I think that's why we're  
11 here. And the first question I would ask myself as I  
12 listen to the parents on the first panel is, why would  
13 districts do this, why would Detroit, or Newark, or  
14 Dallas, any of these districts intentionally try to  
15 limit access to tutoring for kids, free tutoring for  
16 kids? Are they evil people? I don't think they're  
17 evil people. I think it's an issue of money. I think  
18 it's an issue of power. I think it's an issue of  
19 politics, and it's an issue of system, all that  
20 matters more than kids.

21 The fact is that in far too many places,  
22 those who make the decisions, who happen to be adults,  
23 are more interested in making sure that they control  
24 the money, that the money goes into the system, and  
25 that the system pervades, and perseveres. And the

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1 kids are kind of an afterthought. It's public  
2 education for kids as sort of an afterthought. And  
3 until that's changed, nothing is going to change.

4 Is it not enough money? My goodness, I've  
5 heard that since the first school board meeting I went  
6 to, when I first said there wasn't enough money, back  
7 in 1994. There's not enough money. Well, I take  
8 great issue with that. We spend more money on public  
9 education in this country than most people understand,  
10 close to \$600 billion last year. Most districts don't  
11 spend the money they've been allocated on SES, most  
12 districts at the end of the school year have fund  
13 balances of money they haven't spent. Every state in  
14 this country reports every year money they haven't  
15 spend coming from the federal government they've had  
16 for three years. There are lots of reasons for this,  
17 but it's not a lack of money. It's how the money is  
18 managed, or not managed. It's how the money is gulped  
19 up by a system that's supposed to exist for kids, who  
20 live in a system, in a country which the system says  
21 this is what we do, this is when we do it, this is how  
22 we do it, give us your kid. We should have a system  
23 that basically says I'm the parent. This is my child.  
24 These are my hopes for the child, these are my dreams  
25 for that child, what can you do to educate my child?

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1 So it's not money.

2 This is a lack of enforcement by  
3 Washington. It is, and it isn't. SES, as has been  
4 said many times already this morning, has great  
5 potential, and that potential is going unrealized.  
6 The numbers are disappointing. The numbers are very  
7 disappointing. They're lower in SES than School  
8 Choice, but the numbers are disappointing. And it's  
9 surprising because, as I said, in essence, it is a  
10 free tutoring program for our most needy kids in our  
11 most needy schools. But Washington doesn't really  
12 have the authority under this law to enforce it. The  
13 law says the districts and the states choose the  
14 providers, certify the providers, run the programs.  
15 It might be a shortcoming of the law that the fox is  
16 gone into the henhouse, but the fact is, that's what  
17 the law says.

18 Secondly, the Federal Department of  
19 Education has never been an enforcement agency.  
20 There's a brand new rule for an agency like that  
21 struggling with it every day, because they know the  
22 kind of horror stories we've heard are going on, and  
23 they try to root them out where they can. But, at the  
24 same time, they try to root out those problems, they  
25 have to rely upon the states and those superintendents

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1 to do their job. So, you see, you've got this great  
2 problem. You have to rely upon the very system to do  
3 the job that the system refuses to do.

4 And then there's one of capacity. If you  
5 change the law tomorrow and asked the federal  
6 government to enforce SES, to enforce School Choice,  
7 to enforce these provisions by sending boat loads of  
8 bureaucrats all across this great country, they don't  
9 have the ability, the time, or the resources. And I  
10 don't think you really want Washington running your  
11 neighborhood schools. I really don't.

12 What about quality control? We heard some  
13 very, I think, eloquent testimony from the lady from  
14 Passaic, where it sounds like they're doing a pretty  
15 good job of administering the program, and she has  
16 some concerns about quality control. There's enough  
17 here to go around. No two ways about it, but the law  
18 does say that states should certify only those  
19 providers that they feel can do the job they say they  
20 can do, both in terms of financial responsibility, and  
21 educational outcomes. And the states and locals have  
22 an obligation to make sure it's being done, so quality  
23 control is a problem with some providers, no two ways  
24 about it, but the ability to control quality rests  
25 with the system. So as far as SES is concerned, it

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1 seems to me so much potential, so many untapped  
2 opportunities.

3           Someone asked earlier, is tinkering with  
4 NCLB enough? Well, one of the reasons I put some  
5 faith in No Child Left Behind when I was in the  
6 Department, was because I really believe that once we  
7 were able to provide the country, and not just the  
8 system, but the people in this country, with accurate  
9 information about how bad things are in some places,  
10 people will begin to get angry, and I think you heard  
11 some of that anger today. Because as you said, we  
12 have results now, we have data. And now that you have  
13 data, and results, you can't close your eyes to the  
14 problem. And that's what we've done for too long, we  
15 closed our eyes to the problem.

16           This Commission, if I might be so  
17 presumptuous, would do itself a favor by going down  
18 the street and visiting some of the schools, looking  
19 into some of those kids' eyes, getting a sense of the  
20 depth of the problem. We, as a nation, have tried to  
21 close our eyes to it, and No Child Left Behind, for  
22 all of its faults, and it's got many both in law and  
23 implementation, for all of its faults, it's making it  
24 impossible to close our eyes to the problem, and  
25 that's a good thing. And it's not just because

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1 districts are like corporations. Well, they're big  
2 businesses, all right, but you know the best  
3 businesses, the best corporations in this country have  
4 stockholders they have to respond to. And in far too  
5 many places, the stockholders aren't present. The  
6 best businesses in this country have a bottom line,  
7 they have to produce a profit. There is no  
8 educational bottom line in most places until No Child  
9 Left Behind, and now when we have educational bottom  
10 line, you're making it, or you're not making it,  
11 schools tend to say it must be somebody else's fault.  
12 It's the fault of not enough money, or the system --  
13 the testing is not working, or we test too much. The  
14 best corporations don't make excuses, they're  
15 successful. The best corporations thrive because of  
16 competition. Well, obviously, we don't have enough  
17 competition. Competition is one of the basic  
18 principles behind the foundation of our country. We  
19 shouldn't be afraid to make it one of the basic  
20 principles behind the foundation of our education.  
21 And there is discrimination, there is discrimination,  
22 there is the achievement gap. Brown v. Board of  
23 Education said a generation ago, "Equal access."  
24 Well, No Child Left Behind holds out the promise of  
25 equal success, but we're far from it. So, no, I don't

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1 think tinkering with No Child Left Behind is the  
2 answer. In fact, I think what we need is to recognize  
3 that education is the civil rights issue of this  
4 nation. And it's time for an education revolution,  
5 and it needs to start by organizations in this city,  
6 organizations in cities all over this country, and  
7 parents taking back their schools. Because, after  
8 all, it's their kids, and having some ownership of the  
9 American education. That's the only way we're going  
10 to be successful.

11 No Child Left Behind is a step in the  
12 right direction, supplemental services are helpful,  
13 but the way to reclaim American education for our  
14 children is to take ownership of American education  
15 again. Thank you.

16 CHAIRMAN REYNOLDS: Thank you. Mr.  
17 Packer.

18 MR. PACKER: Thank you. I appreciate the  
19 opportunity to join you today, and share the views of  
20 the National Education Association. NEA is the  
21 largest professional association in the country,  
22 representing an array of public school educators. Our  
23 membership is diverse. We have a common mission and  
24 values, based on our belief that a great public school  
25 is a basic right for every child.

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1 NEA and its members have long supported  
2 the Elementary and Secondary Education Act. During  
3 the last re-authorization, we supported the laudable  
4 goals of No Child Left Behind, closing achievement  
5 gaps, raising student achievement for all children,  
6 and ensuring all students have a qualified teacher.  
7 In fact, NEA President, Reg Weaver, has made closing  
8 achievement gaps one of NEA's top priorities, and  
9 we've been using our own funds through grants to both  
10 our state affiliates and individual school districts  
11 to help put in place programs and policies that will  
12 move towards reaching that goal.

13 In terms of No Child Left Behind, of which  
14 supplemental services is a key piece, we did make  
15 clear to Congress when it was acting on it that we  
16 objected to having an accountability system based  
17 solely on test scores. We also made clear that any  
18 test using an accountability system had to be valid  
19 and reliable, aligned with the curriculum, and  
20 designed to inform instruction. We also insisted that  
21 the system had to allow for accurate and fair  
22 measurement of test results.

23 In July, we held our annual meeting, and  
24 over about 9,000 delegates voted on NEA's priorities  
25 for the ESEA re-authorization. Our proposals reflect

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1 our members' fundamental belief that education reform  
2 must include more than a measurement system, and that  
3 it must include the essential programs, curricula, and  
4 supports that students need so they can, in fact,  
5 achieve and learn at higher levels. A copy of our  
6 report called "Our Positive Agenda for ESEA" was  
7 attached to my written statement.

8 No Child Left Behind holds schools  
9 accountable for improving student achievement on two  
10 test scores, as I mentioned, one in reading, and one  
11 in math, with the requirement that by the year 2014,  
12 100 percent of all students score at the proficient or  
13 higher level. This so-called adequate yearly progress  
14 system also requires schools to ensure that various  
15 subgroups of students by race, poverty, disability  
16 status, English proficiency status, all meet the same  
17 yearly proficiency targets. For a typical school,  
18 there's as many as 37 different targets or criteria it  
19 has to meet to make adequate yearly progress, and a  
20 school that falls short on one of 37, is essentially  
21 treated the same as a school that falls short on all  
22 37. Even Secretary Spellings has recently  
23 acknowledged the need to look at differentiation and  
24 the consequences or outcomes, or how we treat schools  
25 that don't make AYP. And I raise all that because

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1 supplemental services is based on what schools do or  
2 do not fail AYP, and we may need to take a closer look  
3 at the whole underlying system.

4 I also want to mention real briefly,  
5 there's another major program in No Child Left Behind  
6 that provides after-school services and tutoring  
7 called 21st Century Community Learning Centers, which  
8 NEA strongly supports. Funding for that program has  
9 been largely frozen for the last five years, and we'd  
10 like to see that program expanded, and I think there's  
11 opportunities to create closer coordination between it  
12 and supplemental services.

13 In terms of SES, itself, there's eight  
14 specific areas we see as problems that I want to lay  
15 out and provide some brief recommendations. First,  
16 funding for SES should be provided without taking  
17 funds from Title 1. The reality is, there is no  
18 separate funding provided by the federal government  
19 for SES. It requires school districts to use up to 15  
20 percent of their Title 1 funding to pay for services.  
21 Since Title 1 funding is on a downward path right now,  
22 it was cut by Congress in fiscal year 2006, and the  
23 current school year, 62 percent of all school  
24 districts have less Title 1 money than they had the  
25 previous year, 15 percent out of a smaller amount

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1 clearly is taking classroom services away from  
2 students who need them, so we propose that Congress  
3 provide a separate funding stream to provide more  
4 funds for supplemental services.

5 Second, and of particular concern I would  
6 hope to this Commission, we want to ensure there's no  
7 discrimination in services by holding SES providers  
8 responsible for complying with all federal civil  
9 rights laws. NCLB added an important provision that  
10 said any entity getting funds under the act was  
11 covered by federal civil rights laws. However, the  
12 Department of Education in its regulations  
13 implementing the law stated that an SES provider is  
14 not a recipient of federal financial assistance; and,  
15 therefore, that private SES providers were generally  
16 not covered by federal civil rights laws, but instead,  
17 put the burden on the school district to ensure there  
18 was no discrimination. The Department made clear that  
19 SES providers have no direct non-discrimination  
20 responsibility.

21 In addition, the Department has said that  
22 a religious entity providing an SES service may limit  
23 employment to persons of a particular religion. We  
24 simply do not understand why an after-school tutoring  
25 program would need to only employ someone of a

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1 particular religion to help students improve their  
2 math and reading skills. We propose that the  
3 Department of Education revise its regulations to  
4 require all SES providers be covered by all applicable  
5 federal civil rights laws, and that faith-based  
6 providers not be permitted to limit employment to  
7 persons of a particular religion.

8 Third, SES providers should be required to  
9 serve all students with disabilities and English  
10 language learners. The Department of Education also  
11 in its regulations determined that no individual  
12 private SES provider had to serve eligible students  
13 with disabilities, or English language learners. If  
14 no providers within a school district's geographic  
15 area were willing to serve such students, then the  
16 school district was responsible for providing such  
17 services. However, many school districts, based on a  
18 different Department of Education regulation, are  
19 barred from being supplemental service providers.  
20 This results in a situation where some school  
21 districts have been deemed unqualified to provide  
22 after-school tutoring to students, in general, but  
23 must provide such services just to students with  
24 disabilities and English language learner students.  
25 We find that an unconscionable, and perhaps illegal

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1 double standard. Again, the Department can correct  
2 these problems through a simple change to its own  
3 regulations.

4 Fourth, we believe that states should be  
5 permitted to require SES providers to use only highly  
6 qualified teachers as instructors. No Child Left  
7 Behind required public schools to ensure that 100  
8 percent of all teachers meet a new federal definition  
9 of highly qualified. The Department chose not to  
10 mandate that SES providers also meet that standard,  
11 and, in fact, prohibited states from doing so on a  
12 state-by-state basis. We believe that, at a minimum,  
13 the Department should change its regulations to allow  
14 each state to make that determination on a state-by-  
15 state basis.

16 Fifth, we think that we need to strengthen  
17 the quality control mechanisms to ensure SES programs  
18 are providing quality services. We heard a lot of  
19 talk about lack of quality, or problems with quality  
20 in public schools, but we haven't heard anything about  
21 -- Mr. Hickok mentioned briefly, the need to ensure  
22 quality in the provision of supplemental services.  
23 The Government Accountability Office recently issued a  
24 report that found that three-fourths of states found  
25 that they were experiencing challenges evaluating SES.

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1 The result is there's virtually no data to gauge the  
2 effectiveness of SES programs, or to ascertain whether  
3 they are actually meeting their purpose of improving  
4 student achievement. We propose that school districts  
5 be given greater authority to look at the quality of  
6 providers, as opposed to the current rules, which only  
7 allow states to do so.

8 Sixth, we recommend that SES and Choice be  
9 targeted to students in specific subgroups that don't  
10 make AYP. Currently, neither SES, nor Choice,  
11 targeted the students based on student achievement.  
12 We propose to provide such targeting. We think that  
13 would help eliminate some of the logistical problems,  
14 capacity problems, and allow limited federal dollars  
15 to be used where the need is greatest. In fact,  
16 Secretary Spellings just this week in the  
17 administration's re-authorization proposals proposed  
18 to do -- recommend that Congress do exactly that.

19 Seventh, we believe that school districts  
20 that have been identified as in need of improvement  
21 should be allowed to serve as SES providers. The  
22 Department of Education in another regulation  
23 generally prohibited school districts that failed to  
24 make AYP to serve as an SES provider. We think that  
25 actually works to limit parental options in terms of

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1 their provider. Many school districts were kicked out  
2 of being providers. And while the Secretary has  
3 allowed on a targeted basis a handful of school  
4 districts to have a waiver, we think that that  
5 prohibition should be eliminated. And as long as the  
6 school district meets the other criteria, and is  
7 providing quality services, should be a provider.

8 And eighth, and last, we support reversing  
9 the order of school choice and SES. Under current  
10 law, the first mandated consequence is provide public  
11 school choice for all students, and in the next year  
12 is SES. We believe it makes more educational sense to  
13 provide additional assistance to students to help them  
14 in the school they currently attend, instead of  
15 sending them first-hand to another school. Again, the  
16 administration recently also said they support that.

17 Taken together, I believe that NEA's  
18 recommendations will improve the quality of  
19 supplemental services, ensure protection of civil  
20 rights for both students and employees, provide more  
21 resource overall for improving student achievement,  
22 and closing achievement gaps. Coupled with our  
23 broader recommendations for changes to ESEA, and our  
24 positive agenda, we think they will result in great  
25 public schools for every child. Thank you.

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1 CHAIRMAN REYNOLDS: Thank you. Okay.  
2 Time for questions. Vice Chairman, Chair Thernstrom.

3 **QUESTIONS BY COMMISSIONER AND STAFF DIRECTOR**

4 **FOR PANEL 2**

5 VICE CHAIR THERNSTROM: You're allowed to  
6 call me Chairman. It's all right. I have a couple of  
7 questions for Dr. Hickok.

8 As you know, I've written a book on  
9 closing the racial gap in learning called "No  
10 Excuses". And in writing it, I did find, I criss-  
11 crossed the country, and not as much as you have,  
12 obviously, in your capacity as Secretary, but I did a  
13 lot of looking at schools. And I found a few - I  
14 found some scattered schools that were doing really  
15 fabulously, I named one before, North Star in Newark,  
16 I Love the Kids schools, and so forth. But scattered  
17 schools aren't going to do it. And there isn't, in my  
18 view, one single urban district in America that has  
19 either turned around, or is in the process of turning  
20 around, walking firmly and sternly in the right  
21 direction, knowing what it's doing.

22 I mean, Roy Romer was a very talented man.  
23 He hit Los Angeles, and he fell on his face. And you  
24 call for an educational revolution, so the question  
25 is, what does such a revolution really look like?

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1 Let's put some meat on those bones. And then I have a  
2 completely separate question, which is NCLB up for re-  
3 authorization. Is anything good going to come out of  
4 that? The good suggestions look pretty dead on  
5 arrival to me, but let's take -- the more important  
6 question is that of putting some meat on the bones of  
7 what you call the revolution, that will really begin  
8 to turn these urban, or have some chance of turning  
9 these urban districts around, which are wall-to-wall  
10 from sea to shining sea in terrible condition.

11 MR. HICKOK: I wish I had an answer to how  
12 to make this revolution happen. I have some thoughts.  
13 It seems to me that one of the great challenges we  
14 have is that we have no alternative visions of what  
15 education might look like, because we all went to  
16 school. We all know teachers, and superintendents,  
17 and parents, and we all pay taxes, and so it's a very  
18 difficult thing to think about doing it differently.  
19 But I'm convinced we can't get where we need to be, if  
20 we don't think of some alternative visions.

21 A couple of observations. The first one  
22 would be that we still confuse education and  
23 schooling. Schooling is about infrastructure, and  
24 buildings, and education is about knowledge and ideas.  
25 Education takes place long before a child enters a

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1 school building, and in this day and age, it's got to  
2 go on for a lifetime, I hope. And so the first thing  
3 we might try to do is get away from that silly  
4 confusion of the two.

5 Secondly, we have an obsessive concern  
6 with this false dichotomy of public versus private.  
7 The public education system belongs to all of the  
8 people. It's not just the education system that  
9 belongs to the parents, it belongs to everyone in a  
10 democracy. All right? And everyone in the democracy  
11 has something at stake in the quality of the education  
12 every child receives, so I think we're all better off  
13 if we begin to get rid of this notion that somehow  
14 you're either for public, or you're for private, and  
15 you can't use public to underwrite privates, and  
16 privates shouldn't get in the way of public. These  
17 are false dichotomies. I understand the reasoning  
18 behind it, I understand the politics behind it, but  
19 it's holding us back. It's holding us back. We can't  
20 get there from here, so those are two things.

21 I think the other thing we need to do is,  
22 there are two ingredients where I've seen success,  
23 even where success isn't supposed to happen. One is a  
24 sense of ownership, as I said earlier, where people  
25 feel they have ownership, they feel they have a stake

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1 in what happens, they make sure good things happen,  
2 and they don't put up with anything less than that.  
3 And I can take you to some schools where good things  
4 aren't supposed to happen, and because the parents,  
5 because the community, because the teachers, because  
6 the leadership has a sense of ownership together, they  
7 make things happen.

8 And secondly is attitude, some of the  
9 attitude you've heard from the parents today, for  
10 example. The right attitude that says I'm just not  
11 going to accept it. I'm just not going to accept it.  
12 I'm going to fight it, so those are some of the things  
13 I think need to be in place for a revolution to start.  
14 I do not think revolutions like this start from places  
15 like Washington. They might create some conditions  
16 that feed the revolution. Secretary Paige used to say  
17 over time nothing fuels discontent more than  
18 frustration, and that will fuel change. And I think  
19 one of the benefits of No Child Left Behind is sadly  
20 that it's fueling that discontentment and frustration,  
21 but it has to start at the grassroots. And I think it  
22 can.

23 CHAIRMAN REYNOLDS: Mr. Packer.

24 MR. PACKER: I want to agree with part of  
25 what Gene just said. I think the comment about

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1 ownership is exactly right. And I think part of the  
2 problem with No Child Left Behind, which we agree that  
3 it's helped raised the debate, and focus attention on  
4 education, but the problem is, it starts off with a  
5 distrust of schools and educators. It starts off with  
6 a premise that they have to be forced to do things,  
7 that unless the federal government puts in place all  
8 these rules and regulations, they're not really  
9 interested in educating children. And it really  
10 imposes top-down solutions, so I agree that ownership  
11 -- if you don't involve teachers and other educators  
12 in developing the solutions at the local level,  
13 working together with parents in the community, it's  
14 not going to work. If teachers feel that solutions  
15 are being imposed without their input, if they don't  
16 they're educationally sound, the programs are just not  
17 going to work, so I agree that ownership, working  
18 together at the local level is a key aspect of this.

19 VICE CHAIR THERNSTROM: Except, you know,  
20 I have to say to you, the first thing I would say  
21 about American public education is that it's not about  
22 education, it's an employment system.

23 MR. PACKER: You did need the --

24 VICE CHAIR THERNSTROM: So that the unions  
25 are part of the problem, and not -- and haven't been

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1 sufficiently part of the solution.

2 MR. PACKER: I think if you want to go and  
3 compare achievement in unionized schools versus non-  
4 unionized, I don't think you'll find startling  
5 differences. If you look at the southern states where  
6 there are no teacher unions, because they're barred by  
7 state law from targeting, I don't think you'll find  
8 startling differences if you look at AYP, if you look  
9 at transfers, so the argument that teacher unions are  
10 the problem, I just don't accept that.

11 VICE CHAIR THERNSTROM: It's part of the  
12 problem.

13 MR. HICKOK: Well, I do want to respond real  
14 briefly to this notion of distrust of schools, because  
15 I was part of the process of writing the law, and  
16 writing the regulations. It's not so much a distrust  
17 of anyone, it's just acknowledgment of the problem,  
18 and the need to create incentives in structures so  
19 that better things can happen. Goodness knows, the  
20 law has terrible flaws in it, and I'm not sure we  
21 wouldn't be better off with a whole different  
22 approach. But it's not a distrust of people, it's  
23 really an acknowledgment of how bad the situation is.

24 CHAIRMAN REYNOLDS: Yes. I mean, looking at  
25 the billions of dollars that are spent annually in

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1 urban school districts, when we look at the money that  
2 goes in, and we look at the results, it is clear that  
3 no school district has any idea how to consistently  
4 raise test scores.

5 MR. PACKER: We agree with that. That's  
6 it.

7 CHAIRMAN REYNOLDS: And so you say -- you  
8 phrase it as distrust, but I believe it's more of a  
9 lack of confidence. If you haven't done it in the  
10 past with billions and billions of dollars, then I  
11 think that the federal government is being rational  
12 when it manifests its lack of confidence by requiring  
13 school districts to perform for the additional funds  
14 that were provided under No Child Left Behind.  
15 Commissioner Yaki.

16 COMMISSIONER YAKI: Thank you very much,  
17 Mr. Chair. As we start getting into these meta  
18 issues, you know, I start thinking to myself well, we  
19 can talk about how the education system needs a  
20 revolution. Well, I would submit that -- I'm sure, I  
21 would hope that people would agree that it's more than  
22 just the education system alone, that what has  
23 happened to the American family over the years, the  
24 great disparity between rich and poor, the kinds of  
25 jobs that are out there, and the fact that there's so

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1 many two-parent, two-job families out there trying to  
2 make it, and what that does to the home environment in  
3 terms of providing supportive education, and after-  
4 school activities. We can go through a whole list of  
5 where we think things need to be improved, and if one  
6 wants to call it, and I actually in my law school  
7 days, we talked about what we defined as prerequisite  
8 rights, rights that were assumed to be part of what  
9 you needed to be a fulfilled citizen of this country,  
10 to enjoy all of the other rights that the Constitution  
11 affords you, education being one, housing being  
12 another, employment being another. I mean, you can  
13 see that it's all connected here, and we could  
14 certainly have a whole other convocation, and talk  
15 about how we can talk about solving everything, but  
16 here we are talking about just one component, and that  
17 is education.

18           And just to respond briefly to the  
19 Chairman, my remarks were not meant to say I do not  
20 see any use for this hearing. I do, and I think I  
21 believe that I said that education was the loadstone  
22 of how Brown v. Board was decided, and I just find it  
23 ironic that here we are still talking about it 50  
24 years later, despite the advances in race relations  
25 during that period of time, notwithstanding whatever

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1 happened in that Texas University the other day.

2 I just have some specific questions for  
3 some of the panelists. It's very, very specific, and  
4 so if you just want to have yes or no, or whatever,  
5 just keep it brief, because we have to get moving on.  
6 Mr. Bradford, E3 -- your organization on its website  
7 advocates for public funds for private schools, among  
8 other things. It talks about tax credits, talks about  
9 vouchers, so you're an organization that does endorse  
10 the use of public funds for private institutions.

11 MR. BRADFORD: Yes.

12 COMMISSIONER YAKI: Okay. Ms. Arce, is it  
13 Arce?

14 MS. ARCE: Arce.

15 COMMISSIONER YAKI: Arce. Your group  
16 sounds like it's more agnostic, it's more just focused  
17 on supplemental education services, or does it have a  
18 position, as well, on whether money should be going  
19 toward private schools, as well?

20 MS. ARCE: We believe parents should have  
21 all the options possible, because we believe  
22 competition is what is going to really make a change  
23 at a faster level. We really think that -- we support  
24 No Child Left Behind and the provisions for parents.  
25 We believe that it can definitely -- it has major

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1 problems in implementation, but if parents have the  
2 right to choose and that money follows the children to  
3 the school that their parents feel is going to meet  
4 the needs of that child, that's going to mean the  
5 money is following the child, and it's going to create  
6 the opportunity for new schools, whether it's charter  
7 schools, private schools. And it's going to reward  
8 the public schools who are doing a good job, and the  
9 districts who are doing a good job. And that's really  
10 what's going to help us to deal with real change.  
11 Competition, and if we're talking about money, those  
12 who are doing a great job are going to succeed. Those  
13 who are not, are going to fail, and close down, and  
14 that's good.

15 COMMISSIONER YAKI: But money being the  
16 way it is, you would still support taking money from a  
17 program, say like No Child Left Behind, for the  
18 purposes of a private voucher program to send your kid  
19 to a parochial school. You would support that.

20 MS. ARCE: Parochial or private non-  
21 religious school, or a charter school, absolutely.

22 COMMISSIONER YAKI: Okay. Mr. Blackmond,  
23 you would -- and your organization also supported  
24 Proposition 2 in the Michigan ballot, didn't it?  
25 Proposition 2 on the Michigan ballot, the one that

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1 involved -- the one that abolished affirmative action  
2 in the Michigan colleges and universities.

3 MR. BLACKMOND: No, we didn't take a  
4 position on that.

5 COMMISSIONER YAKI: You didn't?

6 MR. BLACKMOND: But let me just say that  
7 the real issue here is that everybody else has options  
8 and choice, except for low income people. They're the  
9 ones that don't have it. Everybody else can pick up  
10 and move to a district where the schools are doing a  
11 good job, or they can afford to put their kid in a  
12 private or parochial school. The people who don't  
13 have those options are the people who can't afford to  
14 do that, who are stuck in these schools. And so,  
15 let's get rid of the niceties here. It is not about  
16 putting money in private schools, or parochial  
17 schools, or that kind of thing. We're talking about  
18 making sure low income people have the same  
19 opportunity as the people who, like you and I, who can  
20 afford to make those kinds of choices.

21 COMMISSIONER YAKI: And how would you  
22 define opportunity? Do you mean the opportunity to go  
23 anywhere they want, or the opportunity to a quality  
24 education?

25 MR. BLACKMOND: I'm not sure I see the

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1 distinction there, but yes, the -- wherever that  
2 quality education is, they have the opportunity to put  
3 their kid there.

4 COMMISSIONER YAKI: Right. No, no. I'm  
5 just. I just want to run through this, because I  
6 actually have to leave pretty soon. Secretary Hickok,  
7 your thoughts. You also support private vouchers?

8 MR. HICKOK: Yes. I'm very  
9 straightforward. To me, I don't care where a child  
10 goes to school, I just care about the quality of the  
11 education the child receives.

12 COMMISSIONER YAKI: And what is Dutko  
13 Worldwide? Is that a --

14 MR. HICKOK: It's a government relations  
15 firm, a private partnership.

16 COMMISSIONER YAKI: Is it a registered  
17 lobbyist in Washington, D.C.

18 MR. HICKOK: Some folks are registered  
19 lobbyists. I'm not necessarily one.

20 COMMISSIONER YAKI: And among your clients  
21 are the SES providers?

22 MR. HICKOK: Not my personal clients, the  
23 firm has a few.

24 COMMISSIONER YAKI: The clients of the  
25 firm.

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1 MR. HICKOK: I think in Florida,  
2 primarily.

3 COMMISSIONER YAKI: Okay. I think I've --  
4 Mr. Packer.

5 MR. PACKER: NEA has a longstanding policy  
6 of opposing public dollars to private and religious  
7 schools, and I would make one point about that; is  
8 that, public, as some of the other earlier panelists,  
9 public schools have an obligation to serve all  
10 children whether they have disabilities, discipline  
11 problems, English proficiency problems, private  
12 schools do not. They get to decide who they accept,  
13 and we think that there's a variety of reasons why  
14 public dollars should stay with the public schools.

15 COMMISSIONER YAKI: Thank you. That ends  
16 my questions.

17 CHAIRMAN REYNOLDS: Okay.

18 VICE CHAIR THERNSTROM: Charter schools do  
19 not get to choose who they accept. They have to do  
20 random lotteries.

21 MR. PACKER: They're public schools.  
22 They're not private schools.

23 CHAIRMAN REYNOLDS: But, Mr. Packer, in  
24 light of this grand failure that is urban school  
25 districts, we're not -- well, are we in a position --

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1 are we doing so well that we could just ignore  
2 options, even strange options that we've never tried  
3 before? It seems to me that you say that we should  
4 have -- or Mr. Blackmond says that we should have a  
5 sense of urgency. I think that it's time for a little  
6 bit of desperation looking at the test scores, and  
7 looking at the fact that these children would not be  
8 able to improve their lives, so the idea of taking  
9 options off the table seems crazy.

10 I mean, if you have demonstrated  
11 conclusively that something that doesn't work -- I can  
12 agree with you. And if we apply that standard, then  
13 we would have to shut down the public school system in  
14 urban communities. But how can we ignore things like  
15 vouchers? The Crystal Ray schools are doing a good  
16 job. They have other private institutions that are  
17 doing a good job, at least they're doing a better job,  
18 and these institutions are providing their students  
19 with an opportunity to improve their lives, so why  
20 should we ignore that option?

21 MR. PACKER: Well, first of all, I think  
22 probably worth the Commission having, Mr. Yaki said a  
23 broader hearing on whole other array of issues about  
24 urban education. We could talk about the problems in  
25 rural education, as well, but I think in terms of NEA

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1 absolutely totally agrees there is a crisis in  
2 achievement gaps in this country, there's a crisis in  
3 graduation rates in this country. We just released  
4 our own 12 point plan on our proposals to improve  
5 graduation and reduce dropout rates. We don't believe  
6 private school vouchers where they've been in place  
7 have been shown to have had any measurable effect on  
8 improving student achievement. We think we should  
9 concentrate our efforts where 90 to 95 percent of  
10 students go, which is in the public school system.

11 I fully agree with Mr. Yaki that it's a  
12 somewhat unreasonable expectation to say without  
13 addressing poverty, housing, homelessness, employment,  
14 nutrition, healthcare, other factors, the fact that  
15 poor children tend to have higher rates of asthma.  
16 They miss more school. If you're out of school,  
17 you're not going to be learning as much. Maybe we  
18 should be putting more attention into children's  
19 healthcare to make sure they get their asthma taken  
20 care of. A child doesn't have dental coverage and has  
21 a toothache, it's going to affect their ability to  
22 concentrate in the classroom. We can go through a  
23 whole range of healthcare issues alone, so that's one  
24 aspect I think we have to look at in a holistic area.  
25 And we absolutely fully agree, there're significant

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1 problems in urban schools and other kinds of schools.  
2 We think the solutions range from early childhood  
3 education, quality professional development, mentoring  
4 programs for new teachers, improving working  
5 conditions in the schools. I agree that there are  
6 some schools that are --

7 CHAIRMAN REYNOLDS: We've tried all that,  
8 all the things you just mentioned.

9 MR. BRADFORD: I'm sorry. NEA's answer to  
10 this is more of the same. I don't even know why we're  
11 going down this road, and I would respectfully submit  
12 to Commissioner Yaki, that you should ask everyone on  
13 the second panel.

14 COMMISSIONER YAKI: It's Yaki.

15 MR. BRADFORD: Yaki, I'm so sorry. Well,  
16 my name is Derrell, too. You should --

17 COMMISSIONER YAKI: I'm sorry, too.

18 (Simultaneous speech.)

19 MR. BRADFORD: You should everybody on the  
20 second panel the question in reverse, I mean, because  
21 it's relevant, and it's pertinent. And the fact --  
22 you know, I am so tired of hearing this argument about  
23 how we have to fix every other problem so that we can  
24 fix what's going on for poor kids in the schools. I  
25 mean, we have two education systems in this country.

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1 We have one for white kids, largely, and it's okay.  
2 It's not fantastic, but it's okay. And then we have  
3 one that African American and Hispanic kids largely  
4 people, and it's not so good. And in New Jersey,  
5 where we have early childhood, where we have myriad  
6 programs, that's why we spend so much money. And I  
7 should say this -- our organization supports \$18,000  
8 \$20,000 like they spend in Englewood, 22 maybe in some  
9 other places, if that's what it takes to ensure that  
10 the high risk kid gets the access and the supports  
11 that we're talking about. But what my life is here,  
12 what's going on here, is that we've done all that  
13 stuff, and we're still not getting -- these kids are  
14 still not getting a fair shake.

15 COMMISSIONER YAKI: Well, I would really  
16 argue with that we've done all that stuff. I mean, I  
17 would really have a serious argument over the last  
18 eight years, and between that, the 16 years before  
19 that we've really done all that stuff.

20 MR. BRADFORD: How do you define the  
21 result? Is it that we put all the money on the table  
22 necessary to fuel all the programmatic inputs, or that  
23 we're actually getting kids educated? And I have a  
24 small personal anecdote I want to relay, because I'm  
25 from Baltimore. And I went to public school until I

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1 was in sixth grade, and I was really dying on the  
2 vine, and I got very lucky, and I got a scholarship to  
3 go to a private school, and I graduated from there.  
4 And the high school I was supposed to go to, Frederick  
5 Douglas High School, 14 years after I graduated from  
6 high school, in 2006, only 10 percent of the seniors  
7 at that school can pass the Maryland Assessment in  
8 Language Arts, which I'm also sure isn't a very  
9 difficult test. Now I just want to submit to you that  
10 it's like this school is named after a man who would  
11 have gotten killed if people knew that he was teaching  
12 himself to read. Okay? And 14 years later, 14 years  
13 worth of students like me went through that school and  
14 were shortchanged. What kind of America are we  
15 building for these students if we don't give them  
16 something else? I mean, this school is so clearly and  
17 demonstrably failing children of color, how can we  
18 continue to put that on the table, and not try to put  
19 something else there?

20 COMMISSIONER YAKI: Well, if you really  
21 want to get into this debate.

22 MR. BRADFORD: That's why we're here.

23 COMMISSIONER YAKI: I mean, let's talk  
24 about the fact that during that same time period what  
25 was going on in terms of government assistance to the

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1 inner cities. Let's talk about -- I don't know what  
2 year you -- you certainly look a lot younger than I  
3 do.

4 MR. BRADFORD: You have more hair.

5 COMMISSIONER YAKI: Well, everyone can't  
6 be perfect, so -- but let's see, when did you go to --  
7 when were you --

8 MR. BRADFORD: I graduated in 1992.

9 COMMISSIONER YAKI: 1992 in high school,  
10 so you were on what I would call the tail-end of the  
11 lovely time we had when the government began massive  
12 cutbacks in assistance to the cities in programs and  
13 after-school care. I could go through the litany of  
14 the Regan revolution and its impact on urban America,  
15 but we're not going to do that. We're going to talk,  
16 instead --

17 (Simultaneous speech.)

18 COMMISSIONER YAKI: We can talk about the  
19 firewalls between defense --

20 MR. BRADFORD: The federal government is  
21 not --

22 COMMISSIONER YAKI: We can talk about the  
23 fact that --

24 CHAIRMAN REYNOLDS: Can we agree on that  
25 point?

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1 COMMISSIONER YAKI: Pardon?

2 CHAIRMAN REYNOLDS: Can we agree on that  
3 point?

4 COMMISSIONER YAKI: What point?

5 CHAIRMAN REYNOLDS: The federal government  
6 does not run schools. Can we agree on the fact that  
7 the contribution that the federal government has made  
8 over the years has increased substantially? Can we  
9 agree on the fact that despite this increase in  
10 funding, test scores have not moved. If they have  
11 moved, they've gone in the wrong direction.

12 COMMISSIONER YAKI: Well, maybe we should  
13 go back to San Antonio's School District v. Rodriguez,  
14 where the Supreme Court appointed by Republicans  
15 started messing with the funding system, and the  
16 school system to be able to --

17 CHAIRMAN REYNOLDS: So the answer is  
18 money.

19 COMMISSIONER YAKI: Well, if you want to  
20 go back to 1974 when the money started to disappear,  
21 when things like --

22 (Simultaneous speech.)

23 COMMISSIONER YAKI: When Prop -- well,  
24 come to California and look at what Prop 13 did to our  
25 schools. Okay? Should we talk about that? Let's

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1 talk about Prop 209 --

2 (Simultaneous speech.)

3 COMMISSIONER YAKI: Let's talk about --

4 CHAIRMAN REYNOLDS: Is the answer money?

5 COMMISSIONER YAKI: Pardon?

6 CHAIRMAN REYNOLDS: Great question, is the  
7 answer money?

8 COMMISSIONER YAKI: The answer is not just  
9 money, no. The answer is about economic programs that  
10 create a great disparity between rich and poor over  
11 the last 25 years. It's about the disparity, the  
12 wealth drop between African Americans and white  
13 people. It's about the epidemic of drugs, it's about  
14 the epidemic of homelessness, it's about the lack of  
15 affordable housing in this country. I mean, let's go  
16 there, Gerry. It's not just about --

17 CHAIRMAN REYNOLDS: Is someone willing to  
18 give me their chair? I need to be over there.

19 MR. HICKOK: Could I just say just two  
20 things. Some of this is well, it's kind of  
21 irrelevant, because we can go back and say who did  
22 what, or didn't do what, or spent this, or didn't  
23 spend this. This is the world in which we exist, and  
24 the promise of public education has always been we  
25 take your children no matter what world they come

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1 from, and educate them. And the problem is that we've  
2 got a public education system that hasn't changed with  
3 the world as it has changed.

4 COMMISSIONER YAKI: Well, if the  
5 conditions in which those children exist are --

6 MR. HICKOK: And, secondly, I would argue,  
7 and this is the scariest part, and I've thought a lot  
8 about this, but I worry that we have a system of  
9 education in this country that's contributing to the  
10 problem, the problems you're talking about, as opposed  
11 to helping solve the problems, and that is a seed  
12 change in American history and culture. Education was  
13 all about creating opportunities and solving problems,  
14 the way it's going now, it's not solving, it's making  
15 those problems worse.

16 MS. ARCE: And the families who are  
17 struggling with issues, as Commissioner Yaki - there  
18 are a lot of family issues that exist, we all know  
19 that. But it's an excuse, because we have seen it  
20 work in urban communities. We have seen the KIP  
21 schools do an incredible job, because they're  
22 providing those children who are in really at high-  
23 risk situations, with a quality education. We've seen  
24 that, and Crystal Ray schools do the same thing, so  
25 why cannot the same public schools in those same

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1 districts where those schools exist do the same thing?  
2 It's not because of drugs, it's not because of family  
3 situations. The kids are the same in both schools.  
4 Why is one graduating college-bound kids, and the  
5 other one not graduating them at all?

6 MR. BLACKMOND: Let me just say, I was in  
7 school during the Democratic administrations, the  
8 Johnson administration, the War on Poverty, the whole  
9 bit, when all that money was coming into the  
10 community. And let tell you, it made absolutely no  
11 difference, it made no difference. It is not about  
12 the money coming into the community, it is not about  
13 governmental programs. It is about the commitment of  
14 the people who are supposed to be providing the  
15 service doing the job, and the competence of the  
16 people doing the job.

17 When I start hearing NEA and those  
18 organizations supporting merit pay, supporting the  
19 people who are really doing the job, and who are  
20 committed to doing the job, then I'll get on their  
21 bandwagon. Until I hear that, I don't hear the kind  
22 of commitment that's necessary. It's about the people  
23 who are in the system, who are supposed to be  
24 providing the service, doing the job, and they're not.

25 CHAIRMAN REYNOLDS: Okay, three more

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1 questions. First, Commissioners Melendez, then  
2 Kirsanow, than Vice Chair Thernstrom.

3 COMMISSIONER MELENDEZ: Yes. I have a  
4 question for all of you. What would you say is the  
5 most important solution to providing SES services as  
6 they should be? And what is the most important  
7 recommendation for change you think we should make,  
8 because there's a lot of --

9 MR. BRADFORD: You mean what we're  
10 actually here to talk about.

11 MR. BLACKMOND: I think, first of all,  
12 there has to be a commitment on the part of the  
13 embrace it. If their goal is academic achievement,  
14 then this is another tool that they can use to achieve  
15 that result. It's working in some instance. There're  
16 questions of quality, there are questions of abuse,  
17 and those kinds of things, but this is something new.  
18 This is not something that's been in place a long  
19 time. We can fix the problems that exist. If we see  
20 it as an opportunity, rather than a threat, we can  
21 make it work.

22 CHAIRMAN REYNOLDS: Okay. Commissioner  
23 Kirsanow.

24 COMMISSIONER KIRSANOW: I have a question  
25 for Mr. Bradford, actually two, and they are more

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1 specific. My understanding is there are currently 71  
2 schools in New Jersey that are in the fifth year --

3 MR. BRADFORD: In Newark, oh, 71 in New  
4 Jersey, yes.

5 COMMISSIONER KIRSANOW: New Jersey.

6 MR. BRADFORD: Yes.

7 COMMISSIONER KIRSANOW: They in the fifth  
8 year of AYP. In other words, they would be eligible,  
9 or mandated to restructure. Are you aware of any  
10 schools in New Jersey that have restructured during  
11 the fifth year of AYP?

12 MR. BRADFORD: The challenge is that like  
13 the school districts, like Newark has 15 schools in  
14 year five or six, but there are essentially six  
15 options that play out as restructuring, and the  
16 individual districts get to decide which ones they  
17 want to do. And I would argue that the more assertive  
18 ones, like utter reconstitution of the schools, are  
19 not things that school districts want to do. So to my  
20 knowledge, the answer is no. I definitely haven't  
21 seen someone choose the top option, and I definitely  
22 haven't seen an option that I would like; although,  
23 there was -- I can't remember what the district was.  
24 It's a northern New Jersey district, and it was very  
25 telling, because one of the superintendents there was

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1 asked about restructuring, and he was just like, I  
2 don't know how we're going to do this, because we  
3 can't do anything about the teacher contract at the  
4 schools that we have to restructure, which means  
5 fundamentally we still get the same school with a  
6 different school structure.

7 COMMISSIONER KIRSANOW: No staff has ever  
8 been replaced, to your knowledge?

9 MR. BRADFORD: Not that I know of.

10 COMMISSIONER KIRSANOW: Okay. Second  
11 question has to do with -- I think in the beginning  
12 you said that usually you hear the three reasons for  
13 the failure of the schools is -- or three reasons why  
14 the schools aren't doing as well as they should.

15 MR. BRADFORD: Urban schools.

16 COMMISSIONER KIRSANOW: Urban schools.

17 MR. BRADFORD: Yes, urban schools.

18 COMMISSIONER KIRSANOW: Is lack of money,  
19 the parents suck --

20 MR. BRADFORD: Parents are bad, kids are  
21 bad.

22 COMMISSIONER KIRSANOW: Right. Okay.  
23 Kids are bad.

24 MR. BRADFORD: I did say suck, yes.

25 COMMISSIONER KIRSANOW: Right, you said

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1 suck. Can you give me three reasons, or three what  
2 you believe to be the chief obstacles to reform?

3 MR. BRADFORD: I think that demonstrably,  
4 and what we've talked about today, is that the  
5 ownership piece of this from the parents' standpoint  
6 does not exist, and I had someone last week at a panel  
7 that I ran on segregation in public schools in New  
8 Jersey talk about how poor people got to get  
9 organized, poor people always have to get organized to  
10 make something happen. And I would argue that when  
11 talking about expanding choice, that's ownership.  
12 That's immediate, and people understand that, so  
13 that's the first thing.

14 The second thing is that you have to deal  
15 with the adults in a completely different way. I  
16 don't know whether or not anyone has seen Heather  
17 Peske's study on teaching and equality from the  
18 Education Trust where they analyze three states, and  
19 they found that largely, high poverty, or high  
20 minority school districts get teachers that just  
21 aren't as good. And even in individual school  
22 districts, what you have, because of seniority  
23 assignment, and more ability to track your own  
24 placement, is clusters are very high performing  
25 teachers in individual schools, which also like drive

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1 up -- which also sort of lead to this huge inequity in  
2 how much spending is going on from school to school in  
3 different districts. So I would say you can't ever  
4 have the talented workers figuring out where they want  
5 to go on their own. I mean, it's bad, but you've got  
6 to put the best people in the worst place. You've just  
7 got to do it.

8 And the third thing is that - because once  
9 again, I mean, I agree with this, and it's  
10 frustrating, and it is unfair, and I'm not saying it's  
11 fair, but like when it comes down to it, it's all  
12 about the quality and the ability of the person in  
13 that classroom in front of that child. And if we've  
14 got to pay them \$200,000 a year I'm cool with that,  
15 but the fact of the matter is, we can't pay a teacher  
16 \$200,000 a year no matter how good they are, because  
17 their union won't let us. And, frankly, I think it's  
18 those three things in any order you want to shake it  
19 up, those are the three obstacles.

20 COMMISSIONER KIRSANOW: Also, you had made  
21 reference to -- earlier in your testimony to  
22 apparently some tests being rigged in terms of  
23 proficiency exams.

24 MR. BRADFORD: Yes.

25 COMMISSIONER KIRSANOW: And my

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1 understanding, as I think I read a newspaper article a  
2 while ago, that those were a couple of schools,  
3 elementary schools, I think Wilson, Wiggins.

4 MR. BRADFORD: Yes, in Camden. Yes.

5 COMMISSIONER KIRSANOW: In Camden, showing  
6 96 or 100 percent proficiency, when in actuality they  
7 were about 45 percent or so.

8 MR. BRADFORD: Yes, one of the schools had  
9 a 77 percent drop in its math scores from one year to  
10 the next.

11 COMMISSIONER KIRSANOW: Any evidence that  
12 that's more widespread than those two schools?

13 MR. BRADFORD: Well, yes. The DOE that  
14 investigated it said they thought that there was adult  
15 interference essentially at almost -- I think it was  
16 five other schools that were included in the list.  
17 There was a high school there, Brim Medical Arts,  
18 where the principal, who's sort of a whistle blower,  
19 he reported that he was allegedly told by his boss, an  
20 Assistant Superintendent, how to rig the scores on the  
21 high school proficiency assessment, and he was fired  
22 for outing this. And the following year, that school  
23 experienced the largest decrease in standardized test  
24 scores of any high school in the state. And I want to  
25 that was released last week exactly on this. And the

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1 investigator hired by the school board, the Camden  
2 School Board, found -- he asserts this, and it's  
3 important for this hearing. "Federal and state  
4 education officials are hardly blameless in this  
5 series of events. They have concocted a system under  
6 which enormous benefits flow to schools that satisfy  
7 arbitrary test score cutoffs, and severe consequences  
8 flow to those that do not. They then expressed stern  
9 disdain when the districts crossed the line in  
10 achieving those scores. The NCLB structure places an  
11 absurd amount of emphasis on the results of a single  
12 test. While the district administrator's actions are  
13 inexcusable, it is ultimately not surprising that  
14 investigations of test score manipulation are almost  
15 commonplace around the country." This is the NCLB  
16 made me do it strategy. This is a brand new one. I  
17 don't know if you've seen it yet, but for me, if you  
18 can't pass the HPSA, the eighth grade competency test,  
19 you didn't just fail one test, you probably failed 100  
20 on the way there. This is not about one individual  
21 benchmark. This about a huge series of things that  
22 add up, and these are the individual published  
23 instances you get to look at.

24 COMMISSIONER KIRSANOW: Thank you, Mr.  
25 Chairman.

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1 CHAIRMAN REYNOLDS: Vice Chair Thernstrom.

2 VICE CHAIR THERNSTROM: Okay. At the risk  
3 of escalating the already escalated conversation  
4 between the Chair and Commissioner Yaki, I hope you  
5 are not saying that until we have Hillary Clare, a  
6 single pair of highly regulated healthcare system, and  
7 whatever else you want to name, we can't educate kids,  
8 because if you're saying that, you let schools off the  
9 hook.

10 COMMISSIONER YAKI: Am I saying that? No.

11 VICE CHAIR THERNSTROM: Good. Thank you,  
12 because it seems --

13 COMMISSIONER YAKI: But if you're asking  
14 me.

15 VICE CHAIR THERNSTROM: Yes. No, I am  
16 asking you, because it seems --

17 COMMISSIONER YAKI: What I am saying is  
18 that it is, I think, foolish to think that we live in  
19 the same kind of world that we did 20 or 30 years ago,  
20 and that the challenges that schools have, that the  
21 public schools have are infinitely greater than they  
22 were before. And when people say well, per capita  
23 student spending is blankety-blank, blankety-blank, my  
24 answer is, there are other challenges that must be  
25 accommodated, as well. And so, I don't necessarily

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1 subscribe to the idea of pulling money out of the  
2 public school system through vouchers or other kinds  
3 of programs. I think the KIP schools are fine, I think  
4 charter schools are great, I think Magnet schools are  
5 wonderful. I've seen where in San Francisco, we  
6 created two or three more Magnet schools for kids  
7 there. But I think we have to understand that the  
8 world in which kids grow up nowadays is a lot  
9 different than what we did, and it's more challenging.  
10 It doesn't excuse them, it doesn't excuse us. It  
11 doesn't excuse anybody, but we've got to understand  
12 what it is that's out there.

13 MS. ARCE: Commissioner Yaki.

14 COMMISSIONER YAKI: Ms. Arce.

15 MS. ARCE: You're right, the world has  
16 changed. Why hasn't the public school system changed  
17 along with it to meet those challenges?

18 COMMISSIONER YAKI: Well, I would say the  
19 public school system has changed. I think that when  
20 you -- the whole idea of charter schools are becoming  
21 much more prevalent. KIP Schools have become more  
22 prevalent. I think that No Child Left Behind is a  
23 means of change, and why Democrats and Republicans  
24 joined the President in passing it. And it's funny,  
25 because it's like almost the last thing we've been

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1 discussing today has been the No Child Left Behind and  
2 the SES because it brings up, as the Chair said, just  
3 the fundamental issue of an achievement gap, and a  
4 system that right now perpetuates great disparity for  
5 minorities in this country. And that, I agree with  
6 you, Mr. Chairman, and yes, I agree with reform. We  
7 may not agree with how to reform, but I think --

8 CHAIRMAN REYNOLDS: That's true. Okay.  
9 Yes, Mr. Packer.

10 MR. PACKER: Just the hearing is focused  
11 on SES, and there's an assumption that SES is one of  
12 the most important ways, or effective ways to improve  
13 student achievement. I would question that. I think,  
14 to respond to Vice Chair Thernstrom, it's not  
15 necessarily saying let's -- by talking about other  
16 issues say schools aren't accountable, but maybe the  
17 research shows that investing in early childhood  
18 education would be more effective at reducing  
19 achievement gaps than SES.

20 VICE CHAIR THERNSTROM: And I would say --

21 MR. PACKER: And I would still argue that  
22 the research shows that --

23 (Simultaneous speech.)

24 VICE CHAIR THERNSTROM: Say the research  
25 shows exactly the opposite.

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1 MR. PACKER: I would like to see the  
2 research that shows that SES -- what it has done to  
3 close the achievement gap, compared to quality early  
4 childhood --

5 VICE CHAIR THERNSTROM: No. I'm talking  
6 about early childhood education. We do not have good  
7 returns. Look at the research on Head Start.

8 MR. HICKOK: And one of the reasons we  
9 don't have good data on SES is because the districts  
10 keep suppressing the statistics and the participation  
11 rates.

12 MR. PACKER: But my point is that we're  
13 assuming SES is the solution. We're assuming --

14 CHAIRMAN REYNOLDS: No, we're not.

15 MR. PACKER: Yes, you are.

16 CHAIRMAN REYNOLDS: SES is a part of a  
17 larger --

18 MR. PACKER: Correct. And we're arguing  
19 that there are other larger pieces, as well.

20 CHAIRMAN REYNOLDS: Yes. Well, we're not  
21 here to talk about those.

22 MR. PACKER: I'm just talking about within  
23 the education system. Early childhood education is  
24 certainly related to this.

25 COMMISSIONER TAYLOR: I heard something

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1 from Mr. Bradford that I want to see if you agree  
2 with, Mr. Packer.

3 MR. BRADFORD: Derrell.

4 COMMISSIONER TAYLOR: And that is this, do  
5 you agree that the worst schools require and demand  
6 the best teachers?

7 MR. PACKER: Yes.

8 COMMISSIONER TAYLOR: Period.

9 MR. PACKER: Yes.

10 COMMISSIONER TAYLOR: And does the NEA  
11 support policies that have that as the number one  
12 goal, rather than protecting seniority or other union-  
13 related issues?

14 MR. PACKER: We have supported and  
15 proposed a variety of ways to do that in terms of  
16 financial incentives to attract and retain teachers in  
17 those schools. If you -- we have supported improving  
18 working conditions so people go to those schools. You  
19 also have to look at what do you need to be an  
20 effective teacher? It's not just the teacher, it's  
21 the collaborative working conditions in the schools.  
22 It's what kind of say do the teachers have in the  
23 curriculum in the school, so I think you have to,  
24 again, look at these things as a package. And we've  
25 supported a variety of things to provide higher paying

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1 financial incentives outside the salary --

2 COMMISSIONER TAYLOR: More specific. I  
3 mean, is that -- what I heard is you say you agree  
4 that it's important, but it's not the number one  
5 priority.

6 MR. BRADFORD: Yes.

7 COMMISSIONER TAYLOR: That it must be  
8 balanced against other competing issues. Am I  
9 misstating what you're saying, or is it the number one  
10 priority to get the best teachers into the worst  
11 schools?

12 MR. BRADFORD: I think there's several  
13 number one priorities that we talked about in  
14 improving -- is it -- are you asking me --

15 COMMISSIONER TAYLOR: I'm asking if you  
16 see a policy that undermines that goal, do you then  
17 say that policy which undermines the goal of getting  
18 the best teacher into the worst school, must be  
19 subordinated, period.

20 MR. BRADFORD: Yes. And if you look at a  
21 study that AFT just came out with, they found that  
22 there's actually -- if you're talking about teacher  
23 contracts -- that they're not the barrier to getting  
24 the best teachers --

25 COMMISSIONER TAYLOR: Yes, I'm putting all

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1 the issues on the table. I don't have any single one  
2 in mind at all.

3 MR. PACKER: Yes.

4 COMMISSIONER TAYLOR: Let me -- because I  
5 don't want to leave here -- frankly, I usually leave  
6 these meetings inspired, but I'm afraid I'm going to  
7 leave this meeting with a very sad heart, because my  
8 sense is that we're having a discussion very similar  
9 to the Katrina discussion. The argument from a lot of  
10 folks from my community was that if white folks had  
11 been in that area, that wouldn't happen. I make the  
12 same argument in this case. We're talking about white  
13 people instead of black folks and brown folks, we  
14 would be talking about, respectfully, Mr. Packer,  
15 radical change, is my submission. Not tinkering, not  
16 supporting government programs, that would be my  
17 submission. But in an effort, so I don't leave here  
18 with a sad heart, can I offer a proposal. If we were  
19 to find an urban school district, make it a moderately  
20 sized school district so it's manageable, and I were  
21 to say to you going back to Mr. Bradford's suggestion  
22 of paying \$200,000, I will give you all the support  
23 you list relative to the community efforts, education,  
24 we'll take care of the dental care, let's pick a 50 or  
25 100,000 populated area in terms of overall census

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1 where it's manageable, and give you every support.  
2 And in exchange, put on the table all those radical  
3 solutions of school choice, vouchers -- is that a  
4 bargain that from your perspective would make sense?  
5 Is that something you could buy into? I'll give you  
6 all the things you say a community needs, and  
7 Commissioner Yaki can list them all. And God knows, I  
8 don't like taxes, but I'll support them if it allows  
9 us all to agree that we put radical solutions on the  
10 table. To me, that's the only way you can credibly  
11 say that you oppose the radical solutions. If I offer  
12 to fund everything, then I think I'm calling your bet.

13 MR. PACKER: Right. Since no one has  
14 ever, who has the authority to do that, actually ever  
15 proposed that, I think it's such a hypothetical  
16 construct that it's not answerable.

17 CHAIRMAN REYNOLDS: You can say yes or no.

18 MR. PACKER: I would like to see a state  
19 or the federal government say we're going to provide  
20 those things, and then we could talk about it.

21 COMMISSIONER YAKI: Just one second, Mr.  
22 Secretary. What you're talking about, though, to  
23 really do it correctly, you'd have to set it up in two  
24 different communities, because the one thing you don't  
25 want to have happen is one of the -- to me, at least,

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1 you would want to have it controlled. You would have  
2 one where the public school gets its funding per  
3 capita, and one where the funding for whatever gets  
4 affected by kids going out, or what have you, and then  
5 sort of compare and see what happens from there.

6 COMMISSIONER TAYLOR: That makes a lot of  
7 sense, and that's the reason I generally don't leave  
8 these meetings with a sad heart, because we generally  
9 have someone who puts an idea on the table, and it's  
10 improved, like Commissioner Yaki just did. But it  
11 still requires all the participants in the political  
12 process to buy into it. And what I hear is that it's  
13 too hypothetical, which I understand, that you just  
14 can't buy into it.

15 MR. PACKER: Where there are vouchers in  
16 Milwaukee, in Cleveland, and other places, the  
17 research has not shown --

18 COMMISSIONER TAYLOR: See, I'm not arguing  
19 that. That's the point. We get bogged down if you  
20 argue does it work. Okay.

21 MR. HICKOK: Can I go back to his first  
22 question?

23 CHAIRMAN REYNOLDS: Yes.

24 MR. HICKOK: Which is not hypothetical. I  
25 mean, this is a real basic issue. In the re-

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1 authorization proposals by this administration that  
2 have been announced this week on No Child Left Behind,  
3 one of them is still just being fleshed out. One of  
4 them, as I understand it, is to make it easier for  
5 superintendents to make sure the most qualified  
6 teachers get where the need is greatest, getting to  
7 your point. Have lots of problems with that, I think,  
8 because a qualified teacher issue has lots of problems  
9 because those are local decisions often in contracts.  
10 But here's a proposal that would make it easier for  
11 superintendents to make sure the most qualified get  
12 where the need is greatest. Would you support  
13 something like that?

14 MR. PACKER: The proposal that the Bush  
15 administration was to abrogate collective bargaining  
16 agreements, and we don't think the federal government  
17 should abrogate what's been negotiated locally between  
18 teachers and the school board.

19 MR. HICKOK: So you would not be in favor  
20 of it.

21 MR. PACKER: Correct. But I wouldn't  
22 phrase it the way you phrased it, because I --

23 MR. HICKOK: Well, I know you wouldn't.

24 MR. PACKER: That's not what the outcome  
25 is, would be.

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1 CHAIRMAN REYNOLDS: Okay. At this point,  
2 I'd like to thank the panelists. This has been a  
3 spirited exchange, but we walk away here, I hope,  
4 respecting the views that have been offered by  
5 ideological opponents.

6 COMMISSIONER YAKI: Not ourselves, but  
7 certainly them.

8 (Laughter.)

9 CHAIRMAN REYNOLDS: Okay. Once again,  
10 let's take a five-minute break before the next panel.

11 (Whereupon, the proceedings went off the  
12 record at 12:30:08 p.m., and went back on the record  
13 at 12:40:03 p.m.)

14 **PANEL 3 -- GOVERNMENT REPRESENTATIVES**

15 CHAIRMAN REYNOLDS: Okay, let's get  
16 started. The next panel is government officials and  
17 representatives who will discuss their experiences  
18 with providing supplemental education services. The  
19 speakers will include Marion Bolden, the  
20 Superintendent of the Newark Public Schools; Reginald  
21 Felton Director of Federal Relations of the National  
22 School Board Association; Leonard Fitts,  
23 Superintendent of Public Schools; Kimberly Hood,  
24 Executive Director of the LEA Grant Programs from the  
25 District of Columbia Public Schools and finally

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1 Christine Krenicki --

2 MS. KRENICKI: Yes, it is.

3 CHAIRMAN REYNOLDS: Okay, since I've  
4 botched one this morning, I'm a little sensitive.

5 MS. KRENICKI: No, you did a good job.

6 CHAIRMAN REYNOLDS: Ms. Krenicki is the  
7 Supervisor of Testing, Research and Evaluations at the  
8 Passaic Schools, Passaic City Schools.

9 Okay, Ms. Bolden has served as  
10 Superintendent of the Newark Public Schools since July  
11 21st of 1999. Newark is the largest school district  
12 in the State of New Jersey with an approximate  
13 enrollment of 44,000. Under her leadership, the  
14 district has made important strides forward,  
15 implementing numerous initiatives that impact on the  
16 school's instructional and financial programs as well  
17 as the facilities.

18 Instructionally, there have been  
19 significant improvements in the areas of language  
20 arts, mathematics and science as measured by state  
21 mandated assessments. Ms. Bolden has also initiated  
22 the White Ticket Literacy Program establishing a  
23 systematic reading and writing program across all  
24 grade levels that is producing impressive results.

25 Mr. Felton is the Director of the Federal

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1 Relations at the National School Board's Association,  
2 the nationwide advocacy organization that fosters  
3 equity and excellence in public, elementary and  
4 secondary education through local school board  
5 leadership. He is responsible for developing and  
6 implementing comprehensive legislative strategies and  
7 representing the interest of the local school board.  
8 His program areas include No Child Left Behind, IDEEA  
9 and FRPRA, Labor and emerging federal issues impacting  
10 the business operations of local school boards.

11 Mr. Felton has an impressive background in  
12 public service, among these from 1994 to 2004. He  
13 served as an elected member of the Montgomery County,  
14 Maryland Board of Education which is one of the  
15 largest school systems in the nation with more than  
16 144,000 students with an operating budget of more than  
17 \$1.7 billion. In 1996, he was elected President and  
18 became the first African American to serve in this  
19 position and in 1998 and 2001 he was elected again by  
20 his colleagues to serve as President of the School  
21 Board.

22 Next would be Dr. Leonard Fitts, who is  
23 the Superintendent of the Camden School District. A  
24 native of Alabama, Dr. Fitts holds a degree, a BS in  
25 mathematics and science and an education degree, a

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1 Masters of Education in counseling and guidance from  
2 Tuskegee University and a Doctorate in Educational  
3 Psychology from the University of Pennsylvania, and  
4 finally a Post-Doctorate Masters of Business  
5 Administration degree from Drexel University.

6 We also have Kimberly Hood. Ms. Hood is  
7 the Executive Director of the Office of the LEA Grant  
8 Programs here in the District. Ms. Krenicki is the  
9 Supervisor of Testing, Research, Evaluation of Title I  
10 of the No Child Left Behind in the Passaic City School  
11 District in Passaic, New Jersey. In addition to  
12 evaluating various educational programs, she has  
13 implemented supplemental educational service provider  
14 programs in Passaic City School District, including  
15 holding meeting with parents regarding choice options,  
16 meeting with providers, preparing contracts and  
17 purchase orders and monitoring program implementation.  
18 She prepared documentation for federal and state  
19 applications and evaluations and has prepared and  
20 administered annual budgets for Title I programs at  
21 all levels. I welcome you all and I call on you in  
22 the order in which you were entered into the record.  
23 We will start with Ms. Bolden and please remember that  
24 each of you have 10 minutes to make your comments.

25 MS. BOLDEN: Well, I guess it's good

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1 afternoon now to the members of the Commission. And  
2 I'm going to take my 10 minutes to start to address  
3 the issue that I thought we were called here to do and  
4 that's to talk about SES. Then I'm going to divert  
5 and respond to some of the comments that were made  
6 earlier. In terms of NCLB in concept and theory I am  
7 very much supportive of it. In terms of its  
8 implementation, there are a lot of flaws, a lot of  
9 things that we are going to have to revisit in the  
10 reauthorization.

11 SES, I think SES, again, in concept has  
12 been a very effective way to help close the  
13 achievement gap, but it has to be implemented in ways  
14 that are sensible, it has to be implemented in ways  
15 where there is a way to deal with assessing the  
16 effectiveness of providers versus schools or the  
17 other. In the statement that I've prepared, we talked  
18 about how we entered into our SES services from year  
19 one, from year two to year three. In the first year  
20 we were able to service 1500 youngsters, the second  
21 year 2800, the third and fourth year 4400 youngsters  
22 we've been able to serve. And one of the reasons I  
23 think that we were invited here is because we were  
24 visited by the GOA and they said that Newark was one  
25 of the districts in terms of its implementation of SES

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1 had done a fairly good job, even in terms of its  
2 outreach to parents.

3 Now, we have spent every single dollar  
4 that has been allocated for SES in our district. We  
5 had a mixed kind of implementation. We have providers  
6 and we also have the school district providing  
7 services. We have also been able to implement a pre  
8 and a post-test to assess the effectiveness of the  
9 providers. I think that's very important because when  
10 you talk about informing parents, they also need to  
11 have a track record of how your providers have  
12 performed, how the school district has performed. And  
13 so that is something I think that is also -- it's  
14 provided so that it can give information to parents to  
15 make choices.

16 In terms of how we notify our parents, we  
17 use a variety of different ways. We have never been  
18 late with the mailing of letters to parents.  
19 Certainly, we get a lot of letters returned to us  
20 because parents have moved or not changed their  
21 address in our data base and things of that nature.  
22 We do massive mailings. We have a TV cable station  
23 which we use. We have fairs where we invite our  
24 parents and we have the providers present.

25 We also provide transportation to these

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1 forums so that as many parents as we can, we make  
2 available the information. I have a parent advisory  
3 council. They help me. You know, if things don't go  
4 right, I ask them, "Well, how can we better inform  
5 parents"? They help me with my newsletter to make it  
6 more parent friendly. So there are a number of things  
7 that we have done with SES and again, are there some  
8 issues? There are no money provided for the cost of  
9 administration. All of the money comes from what you  
10 would have gotten otherwise with your Title I money.

11 The issue of Newark's getting -- we have  
12 loads and loads and loads of money to spend on  
13 children, I would have to say we have sufficient  
14 funds, but to characterize it as we have more than we  
15 need is not the case. With the way that we use our  
16 SES funds, the number of youngsters, I told you that  
17 we serve, is 4400. We have 18,000 that in terms of  
18 the NCLB definition need to be served. It is with the  
19 funds that we have through our state allocation that  
20 we service the other youngsters. It's not that the  
21 other youngsters are not getting served. They are  
22 getting served differently by the District. So I  
23 wanted to make that distinction.

24 When it comes to the providers in terms of  
25 their ability to deliver services with the

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1 reauthorization and I heard some recommendations today  
2 by the NEA which I'm in absolute agreement with, they  
3 should be certified staff. And one of the reasons  
4 that the district is able to serve under our avid  
5 school district models, more of the parents want  
6 proximity. They want to be able to serviced - have  
7 their children serviced in our schools as opposed to  
8 going to a Silvan that might be miles away or a  
9 Catholic. We look at our program every year. We try  
10 to modify it so that parents are accommodated and are  
11 not inconvenienced. And we also look at our program  
12 and if it needs to be revised or reinforced in terms  
13 of academics and alignment, we do that as well. And  
14 I'm going to now turn from talking about SES, because  
15 I have to respond to some of the things especially E-  
16 3.

17 And E-3 has been in our district and I  
18 guess what bothers me as a superintendent is that the  
19 attack mode. I've been in the district since  
20 kindergarten. In fact, I was born in Newark. I would  
21 not choose to be superintendent any place other than  
22 Newark. And some of the comments suggesting that  
23 administrators and school districts don't have kids as  
24 the first priority is just absolutely so unfair.  
25 Chasing money, if I chase money and I'd gone to court,

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1 and I'm that state-appointed superintendent, to get  
2 funds for my kids, it's not chasing money for the  
3 purpose of chasing money; it's chasing money for the  
4 purpose of providing those supports that we know our  
5 children need.

6           There was the comment about should we look  
7 at radical changes? I have a union, a very, very  
8 strong AFT union in my district and in my six years  
9 schools, I've got my union side by side with me  
10 saying, "How do we do this"? And yes, it has made a  
11 difference because in those schools that are failing,  
12 there's no question that there's staff that needs to  
13 be moved. Well, now that I have my union as a  
14 partner, I'm not going to get and flack from them  
15 because I am going to move them. There was a question  
16 whether or not should the best teachers be in the  
17 lowest performing schools? Of course, they should be.  
18 And to the extent that you can do that as a  
19 superintendent, that's what you do.

20           There was another question that you asked.  
21 Has any of the school districts in New Jersey decided  
22 to reconstitute a school completely? In Newark, yes,  
23 we have. And to suggest that there hasn't been any  
24 progress is also very misleading because well, maybe  
25 10 years ago, the graduation rate was 40 percent.

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1 When I started, it was 50 percent, and this last  
2 school year it was 74. Now, people like to say,  
3 "Well, did they all pass the HSPA"? Well, more than  
4 half of them did. But the issue for me is I have them  
5 now, and they're there, not to say that we're not  
6 struggling. My kids stay with us because they think  
7 we care about them. That has as much to do with  
8 closing that achievement gap as anything else.

9 In Newark we are also a very economically  
10 deprived city. And to suggest that that has nothing  
11 to do with students' ability to focus on what they  
12 need to is also absurd. I do walk-throughs of my  
13 schools and I have high school kids who stop me and  
14 say, "Ms. Bolden, all we care about at 1:00 o'clock is  
15 getting home safe". So I mean, there are so many  
16 issues that -- and that is not an excuse, because even  
17 with that, I said, "Whatever it takes, what do we do?  
18 Do we have to now to go the city and get more police"?  
19 That's what we did. I mean, so whatever gets in the  
20 way of education is what we try to take on.

21 And to say that nothing has worked is not  
22 even a fair assessment in terms of seven years ago is  
23 when Abbott was actually implemented in New Jersey.  
24 For three years, the state mandated that we take whole  
25 school reform models. We almost wasted three years

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1 because it absolutely is not the issue. And so  
2 there's no silver bullet. You can't tell me to take  
3 success for all and think that that's going to be the  
4 answer for what goes on. It is hard work. It is  
5 having teachers who care, teachers who have high  
6 expectations, and I think many of us have said the  
7 same thing. And I have gone to every single in-  
8 service or workshop to make myself smarter about what  
9 it takes.

10 But when I come back, my very intuitive  
11 instincts tells me what's right, and those are the  
12 things that will make a difference. I think SES and  
13 NCLB, I'm glad because it is not just Newark, it's  
14 because you've got to look at African American and  
15 Latino children, bilingual youngsters as well, special  
16 ed youngsters and afford them the same opportunities  
17 as anyplace else. But will we get this right, I think  
18 we'll get it right when we all stop fighting one  
19 another and say, "How do we collaboratively make  
20 choices.

21 My last thing I'm going to say, I hope I  
22 have enough time, we have 13 charter schools in our  
23 district. This superintendent has never said anything  
24 negative about charter schools and neither has any of  
25 my board. Those charter schools that want to partner

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1 with the district do. Most of our charter schools  
2 want nothing to do with the public school system.  
3 When it comes to vouchers, I could care less about  
4 vouchers, with the exception that you can take  
5 vouchers -- I agree with the parent that said it's a  
6 band aid because at the end of the day, whether kids  
7 go to charters or whether kids take advantage of a  
8 voucher, I will have 40,000 kids, I will have the most  
9 disadvantaged and my issue is, help me deal with those  
10 youngsters who are going to reside with so that they  
11 have the same opportunities as anybody else.

12 That's my 10 minutes of frustration.

13 CHAIRMAN REYNOLDS: Thank you. Well, we  
14 all share your frustration. Mr. Felton?

15 MR. FELTON: Yes, thank you again for the  
16 opportunity to participate today. Within the National  
17 School Boards Association, of course, we believe that  
18 student achievement is first and certainly for the  
19 last decade, we have emphasized that school boards  
20 need to focus on student achievement as their primary  
21 mission. But in reality, of course, we also say that  
22 when we're talking about education, there's the  
23 academics of education, the business of education and  
24 the politics of education. And for us to believe that  
25 we can resolve this issue without approaching the

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1 three components of that problem, I think that we are  
2 simply misleading the American people.

3 Let me also say that we support No Child  
4 Left Behind and the objectives of that bill. We've  
5 seen very positive products come out of that bill,  
6 certainly with the desegregation of data and the  
7 emphasis on annual assessments and the monitoring.  
8 However, even from the very beginning, we took the  
9 position that there were serious flaws and while I  
10 won't go into the politics of that bill, all of us  
11 know that this was an unusual time on Capitol Hill  
12 with the enactment of this legislation which did not  
13 follow a normal process of vetting. So that many of  
14 the unintended consequences of the Act could have been  
15 addressed prior to the bill.

16 So five years later now as we approach  
17 reauthorization, and we certainly do support the  
18 reauthorization of the bill, our organization has  
19 identified 42 specific recommendations and offered  
20 that in the form of legislation that we believe could  
21 make the law doable and workable as Secretary  
22 Spellings has said she'd like to see. More  
23 specifically as we deal with supplemental educational  
24 services there are concerns that school districts  
25 have. Number one is that we believe that competing

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1 successfully in the global market requires a system of  
2 rewards and sanctions that are researched based and  
3 provide positive incentives for students, school, and  
4 school district performance. We are concerned that on  
5 its face it appears that school choice and  
6 supplemental services are in fact, incentives. The  
7 question is do they really reflect positive incentives  
8 given the reality of what urban schools find  
9 themselves in?

10 Secondly, supplemental services, as you  
11 know, are funded through Title I. While Congress only  
12 funds about 50 percent of, in fact, what Congress  
13 promised, and if we were to look at how many eligible  
14 students we actually have, as the superintendent  
15 pointed out here, far more resources are needed, not  
16 excess funding but just to support those students who  
17 are in poverty in our schools today. And what does  
18 that mean? That means that if you establish a system  
19 with the expectation that students in poverty can do  
20 as well and we believe they can do as well, and you  
21 only fund 40 percent of that, then certainly that 60  
22 percent is a deficit.

23 Now, we can argue whether it's - whose  
24 responsibility is that. We certainly are aware that  
25 on average the Federal Government only provides seven

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1 percent of what we currently spend, the rest coming  
2 from local and state funding, but the real question  
3 is, what does it take to actually educate our children  
4 in today's world and how does that relate to the  
5 deficit.

6 We know that local school districts are  
7 meeting the intent in terms of notification and this  
8 is a national perspective from our organization. But  
9 we also understand that while there's a notification  
10 requirement for supplemental services, there are  
11 probably another 50 additional notification  
12 requirements for local school districts. And so while  
13 the intent of the law may have been met because  
14 parents are, in fact, notified, there is certainly a  
15 concern whether certainly parents of certainly  
16 students in poverty and bilingual students, students  
17 who are not proficient in English, are they, in fact,  
18 being reached, and then what should the appropriate  
19 means be?

20 We agree with some of the earlier comments  
21 that were made that the research is inconclusive with  
22 respect to supplemental services. It was laid on the  
23 table, as many of you know, as a compromise to  
24 vouchers and yet we now are beginning to face the  
25 possibility of a voucher provision in the

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1 reauthorization. So I think we have to say first of  
2 all, do we believe that supplemental services  
3 themselves as an approach, does it really  
4 significantly improve a student achievement and  
5 certainly for us that is a question and, in fact, in  
6 Hillsboro County School District in Florida, their  
7 report suggests that the percent of students making  
8 adequate progress in both reading and math remain  
9 greater for non-participatory students even when their  
10 economic status was comparable. So that certainly  
11 raises a question in terms of its value.

12 We're also concerned that the current law  
13 restricts many school districts from offering  
14 supplemental services with, again, the thinking that  
15 if a school was -- a school district was in need of  
16 improvement, that it certainly couldn't provide  
17 supplemental services, and yet, the data available to  
18 us suggests that that same school that may have  
19 offered those services at one price, now finds itself  
20 taking their very limited resources because they're  
21 forced to go through a contractor. The contractor  
22 then hires the teachers, rents our facilities at a  
23 much higher rate, therefore, really limiting the  
24 extent of the dollars available to local school  
25 districts.

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1           The current law does not require the  
2 states to consult with local school districts and yet,  
3 we know that local school districts have invaluable  
4 information regarding certain prospective providers.  
5 This can be fixed by simply again, make an amendment  
6 to the law that would at least require consultation.  
7 States certainly can make the difference but as I  
8 referred to you earlier, the politics of education is  
9 such that many of the providers have simply lobbied  
10 their states to be placed on the list and again, they  
11 hire personnel not as qualified as teachers within the  
12 school system, charge higher rates and then we say to  
13 local school districts, "What have you done with those  
14 dollars"?

15           Another issue; the current law requires 20  
16 percent set-asides for again, supplemental services  
17 but does not permit the school to release the funds to  
18 be reallocated to other Title I programs even when  
19 it's clear that those resources will not be used.  
20 Therefore, school districts that they've used it,  
21 that's fine, but certainly, there are many school  
22 districts out there fully notified parents, parents  
23 have elected not to participate. There's funding  
24 available from the very limited base for Title I in  
25 the beginning and yet, now, that school district is

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1 restricted from using those resources to support other  
2 Title I programs. This isn't additional money for  
3 supplemental services. This is the same Title I fund  
4 that, again, we believe is certainly less than 50  
5 percent of what is delivered.

6 Now, what are some school districts doing,  
7 again from a national perspective? School districts  
8 are identifying and actually contacting community  
9 based organizations that are willing to partner with  
10 local school districts who participate in the  
11 communications. This is a very difficult issue.  
12 Communicating with parents on this issue is no easier  
13 than communicating with parents on any issue. It's  
14 nice to say that a TV station -- that the school  
15 district has a TV station. Well, that assumes parents  
16 have access to cable TV. Or it's easy to say that a  
17 school district puts it up on the web. Well, that  
18 assumes again, these families have access to the PCs.  
19 So there is a very critical communication issue that  
20 has to be addressed and certainly our urban school  
21 districts are attempting to do that.

22 We also are concerned and are willing to  
23 seek support from the local media. We've heard  
24 parents say this morning, they don't even hear  
25 necessarily on their local radio and TV stations.

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1 Well, TV and radio ads cost money. And that doesn't  
2 mean that local school districts could not to  
3 negotiate public service announcements but if we  
4 believe that we're going to reach communities simply  
5 because of the business of radio and TV stations and  
6 permitting public service announcements, again that's  
7 no realistic. So when we really talk about reaching  
8 out to certain targeted communities, not only does it  
9 have to be a plan, but it has to be a plan that is  
10 affordable.

11 We also have many school districts that  
12 are engaging their school board sponsored committees.  
13 There isn't a school district out there that doesn't  
14 have parent committees and that's still an issue.  
15 Again, this is no easier or no more difficult than  
16 your typical PTA. So many of organizations have had  
17 to establish traditional PTA organizations and  
18 different approaches to reaching with hopefully the  
19 help of those parents.

20 School districts are also engaging other  
21 parent groups that have, perhaps organized for a  
22 different reason, because they see the value, if we  
23 can reach a family, that's going to make a difference.  
24 Historically, we use churches. We know that even less  
25 than 50 percent of our NAACP are no longer affiliated

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1 with organized churches, so there has to be a  
2 difference. But anyway, bottom line is, school boards  
3 do understand the need to communicate. They do  
4 understand the need to insure the programs operate  
5 fully but there are challenges and I look forward to  
6 discussing with you in the Q and A period.

7 CHAIRMAN REYNOLDS: Thank you. Dr. Fitts?

8 DR. FITTS: Thank you very much, Chairman  
9 Reynolds for the opportunity to appear before this  
10 Commission and to discuss supplemental education  
11 services under the federal law, No Child Left Behind.  
12 And let me clarify one thing. I'm the interim  
13 Superintendent for Camden City, not the superintendent  
14 and I want to talk a little bit about that and how  
15 that fits into No Child Left Behind.

16 I would also invite you to view 20/20  
17 tonight on ABC because it will give you the  
18 opportunity to get a first-hand experience of the  
19 challenges that's found in an urban school district  
20 like Camden for something that has taken place over  
21 time. So as an interim superintendent, who is dealing  
22 with No Child Left Behind, I come to a challenged  
23 school district, all kinds of challenges, social  
24 challenges, economic challenges, educational  
25 challenges, low achievements and all the other things

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1 that you read in the newspaper and that you do not  
2 read in the newspaper.

3 They are there. So in the midst of all of  
4 this, we have to do what I call correcting and re-  
5 engineering and stabilizing and growing and developing  
6 a school district. So how do we do it with No Child  
7 Left Behind with it. The first thing I want to tell  
8 you, that we embrace No Child Left Behind. It's a  
9 valuable aid to the school district. Now, what are we  
10 going to do to make it work for us?

11 For one thing, we're going to implement it  
12 in full compliance with the law, that's number one,  
13 full compliance of the law. That we're doing in an  
14 urban school district as we prepare the school  
15 district for the new superintendent, we're building a  
16 systems approach to what we do about educating urban  
17 youngsters. We want to give them the best and the  
18 finest but every one of us must be accountable at  
19 every step of the way. Here are some of the things  
20 that we have done in our No Child Left Behind and in  
21 this project of supplemental educational services.

22 We've improved our communication,  
23 communication with parents, with all of the  
24 stakeholders out there, communication with the  
25 providers. So we have an ongoing system of

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1 communication drawing off the best practices. We have  
2 people that go out there and what are the systems for  
3 communications? Bring them to us, put them in place.  
4 I won't go over them because many of them have already  
5 been cited. We develop a strict system of  
6 accountability. We have a booklet here that I can  
7 literally track from Day One all the way through the  
8 process; the parents, the students and the providers.

9 We know where that accountability will break down.  
10 We have a sanction in penalties in place and we have  
11 the rewards to encourage you to do better.

12 We delegate responsibility. No one is out  
13 of the loop; principals, parents, teachers, the list  
14 goes on, responsibility is clearly outlined. We  
15 collaborate. The union is an integral part of this  
16 process. They fit right into the equation. They know  
17 where they are in the equation. And so we are  
18 partners in this initiative. We go in it, we work at  
19 it together. We recognize that if we are going to  
20 make change in providing services, supplemental  
21 educational services, it's okay for the providers to  
22 do some things but I have to make sure that my staff  
23 can continue the work and I've had to put a lot of  
24 money into professional development to assure that the  
25 staff can continue the efforts of the providers out

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1 there.

2 Well, what are some of the things I'm  
3 noticing? As I look at the two areas, literacy and  
4 math, elementary teachers are fundamentally weak in  
5 mathematics. The certification process allows that to  
6 happen. You can get an elementary certification with  
7 approximately one course in mathematics and a very,  
8 very low level elementary course. So if you ask me,  
9 "Will my math scores improve"? Not much because the  
10 intellectual properties of the staff is just not  
11 there. You can't teach math if you don't know it.  
12 And so, I've had to work and we're working with the  
13 college. Rutgers University is made available to me,  
14 five courses, after school and on Saturday, in math  
15 that will allow you to get certification in  
16 mathematics as a subject matter, as a subject matter  
17 teacher.

18 Well, I want a subject -- I want subject  
19 matter teachers in elementary schools because what I  
20 want, I want the skill down that low and if I can get  
21 those skills, I can raise student performance in math  
22 and then I can go on and build systems of literacy  
23 course, math course, et cetera. So what we're talking  
24 about it re-engineering our schools for success to  
25 deal with the challenges of low student achievement

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1 out there.

2 Supplemental educational services also  
3 pointed out something for me, that there is low  
4 magnetism in regular classes. Something is not  
5 holding those kids. Something is not pulling them in,  
6 drawing them in, keeping them and so we'd have to say,  
7 how do we increase the magnetism in this classroom to  
8 hold more kids, to keep them excited, to get them  
9 involved, so we're looking at activities, things we  
10 can do, not so much materials and supplies. What can  
11 the teacher do? How can you get those kids excited?  
12 How can you challenge those kids? How can you set  
13 high expectations and make them reach for the stars?  
14 We spend some time in our schools staffing for  
15 success. We allow too much mediocrity to come and to  
16 knock at our door and we hire them. We have to be  
17 able to say to them, "You're good for some team but  
18 you're not good enough for this team, this is a high  
19 performance team." So let's staff our schools for  
20 success and we make sure that we select the best, the  
21 finest and the brightest to come to our schools.  
22 We're doing that.

23 There's nothing wrong to get some name  
24 brands in your schools. You know what I'm talking  
25 about, get the Harvards, get the Yales, get the MITs,

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1 get the Stanfords, get the Dartmouth, get them in,  
2 because it's going to help you to drive out some of  
3 that mediocrity. Go out and recruit them, they'll  
4 come. I talked a little bit about high expectations.  
5 One of the things that I think that No Child Left  
6 Behind can do, one of the things that I think that  
7 supplemental educational services can do, I think that  
8 you need to expand your role and the services that you  
9 would like to provide school districts with. I think  
10 you need to enlarge those services, expand and enlarge  
11 them.

12           You need to become more specific and more  
13 concrete in what you want us to do and what your  
14 expected outcomes are for us. I think that also you  
15 need to add the financial piece of asking the question  
16 where is it that we get gains for the investment that  
17 we're putting in? We get good testimonial data but we  
18 do not get good operational data nor do we have hard  
19 core empirical evidence to demonstrate that the return  
20 is equivalent to the investment. Those are the issues  
21 I think that you need to ask us out of the school  
22 district. Thank you.

23           CHARIMAN REYNOLDS: Thank you, Dr. Fitts.  
24 Ms. Hood?

25           MS. HOOD: Yes, good afternoon, everyone.

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1 Thank you so much for inviting the District of  
2 Columbia to participate this afternoon on the panel  
3 discussion regarding supplemental educational  
4 services. In the District of Columbia, we began  
5 implementing the SES provisions of the No Child Left  
6 Behind Act in 2002/2003. With that we made a decision  
7 at the district level to implement the program with  
8 our schools that were in the first year in need of  
9 improvement and not wait until they moved into the  
10 second year and aggressively moving into corrective  
11 action and to use that opportunity as a partnership  
12 with our parents as a parental outreach to pull our  
13 parents into the educational loop of assisting in  
14 making decisions about the education of their  
15 children. In 2002/03 we had 15 schools in need of  
16 improvement with approximately 4800 students eligible  
17 for SES with the per pupil cap of about \$1200.00.  
18 Today our per pupil cap is up to about \$2111.00 and  
19 we're anticipating saving around 35 to 3800 students.  
20 Taking into account that the Federal Reserve  
21 requirements for SES, we are tapping out that  
22 opportunity as well as putting in other federal and  
23 local resources to support the program.

24 One of the things that we have found in  
25 implementing the SES provisions over the past three

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1 years was the need to better coordinate service and  
2 track student performance and student data. So the  
3 district had invested in a web based management system  
4 called "Webstars" that we use to just support the  
5 data, the operations of SES, to track the service  
6 delivery, to ensure that each of our providers are  
7 working individually with students in developing  
8 individual student service plans and it makes it  
9 easier for us at the district to monitor the  
10 implementation of those plans in the schools.

11 I will say that one of the pitfalls that  
12 we've come across and that we are dealing with at the  
13 district level now is working with our local schools  
14 and letting them realize that they too have an  
15 important role to play if we are going to be effective  
16 in the delivery of our SES program in terms of  
17 coordinating and collaborating between the classroom  
18 teacher and the SES provider and the services that  
19 they are providing. We're trying to ensure that that  
20 communication loop is there as we feel it's going to  
21 be necessary if we're going to ensure that what is  
22 happening in the SES program is connected and does  
23 have a direct impact on the activities in the  
24 classroom and the achievement of the student in the  
25 classroom. So that is one area that we are working on

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1 to improve.

2 The other area that we are working to  
3 improve is our level of accountability and  
4 expectations for the vendors that we work with. As  
5 you know, at the state level, the vendors go through a  
6 process where they are approved to be on the list  
7 based on the fact that they are to have high quality  
8 research based programs. But it is our responsibility  
9 at the district level to ensure that what they have  
10 stated in their plans that have been approved by the  
11 state, they are indeed doing or putting in place in  
12 the school building. And so working with our vendors,  
13 we have, indeed, this year, increased the level of  
14 oversight and monitoring that we do at the district  
15 level and in terms of the reporting requirements back  
16 to us at the district level, so that it rolls up into  
17 our complete evaluation of effectiveness at the SES  
18 providers. And we began evaluating our SES services  
19 in 2003/04 and we conducted a similar evaluation of  
20 services that were rendered in 2004/05. And the  
21 measure of effectiveness that we used was our state  
22 standardized test. At that time it was the DC SAT9.

23 And in examining the report, what we found  
24 was that among the schools that were receiving SES,  
25 that we noticed that the gains of our NCEs were more

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1 significant than those where SES -- in schools where  
2 SES was not implemented. But when we drilled down a  
3 little further and started looking at individual  
4 school performance, what we found was large  
5 disparities. And so at the district level, we made  
6 the conclusion that SES as a part of an overall  
7 improvement strategy, as the schools are developing  
8 and implementing school improvement plans, was  
9 correlated to the improvement in those areas but we  
10 could not isolate to say that it was the only factor  
11 that led to such improvements overall.

12 As you know, we are a district in need of  
13 improvement and we have a new superintendent that's  
14 been with us for a little over two years and we have  
15 worked aggressively during that time to establish new,  
16 more rigorous standards, an aligned assessment system  
17 that is criteria referenced, implemented a new  
18 curriculum and frameworks to support those standards  
19 and as well, this year we began and launched our is  
20 also aligned to the state assessment.

21 And so in the District of Columbia we have  
22 a lot of new things going on but all of it is based on  
23 what we consider to be research best practices in  
24 education and models for improvement that eventually  
25 we hope to see the gains that we seek. And so in

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1 conclusion, what we're reporting from our district is  
2 that SES as an extension of our parental involvement  
3 program, as a partnership of building the relationship  
4 between family, the school, communities and the  
5 provider is paramount to the programs that we're  
6 putting forth and paramount to our overall district  
7 improvement model.

8 So again, we have a lot to do and we are  
9 continuing to improve the monitoring and oversight of  
10 the implementation of SES but we do see its value in  
11 our district improvement model.

12 CHAIRMAN REYNOLDS: Thank you, Ms. Hood.  
13 Dr. Krenicki.

14 DR. KRENICKI: It's an unusual position to  
15 be the last person of the whole day but I want to  
16 thank you all for the opportunity to have been here  
17 today. My superintendent of schools asked me to come  
18 here to represent the district. We are an urban  
19 district and I, too, am going to go home with a sad  
20 heart today because I feel that we are an urban  
21 district moving in the right direction and we have  
22 been moving in the right direction. And I think that  
23 the issues that -- this discussion today only proved  
24 that you can't talk about SES without talking about  
25 NCLB. NCLB is the driving educational force. It's

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1 everything we live by. We live by that acronym on our  
2 town.

3 And but I don't think we're looking at the  
4 data in the way that we should be and that's the sad  
5 heart I take back with me. I'll go back to my little  
6 world but I will have learned a great deal from this  
7 because you're looking at success stories. You're  
8 looking at children that don't succeed and you're not  
9 looking at -- we have the largest special ed  
10 population in the state of classified children. We  
11 have a very large LEP population. Our general ed  
12 students are doing very well, but under NCLB we're not  
13 allowed to look at general ed, except we look by their  
14 ethnicity. We have to look at our sub-populations and  
15 you've said, you the folks in charge have said, that  
16 by 2014 our special ed children have to achieve 100  
17 percent proficiency on a state test that keeps raising  
18 the bar. It keeps changing the test. We're always  
19 running.

20 Every time we get to that bar, that bar  
21 changes. We are doing the right things and what are  
22 the right things we're doing? It's something called  
23 best practices. Yes, we do differentiated  
24 instruction. Thank you for the Reading First Grant.  
25 We do intensive early literacy and that has been very

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1 effective but that's been over a period of years. We  
2 talk about urban bureaucracy maybe not educating --  
3 the impediment to educating our students, but maybe we  
4 need to look at the federal bureaucracy, that's the  
5 impediment for us to have that sustainability.

6 We're not going to make it happen  
7 overnight and it doesn't happen overnight. It takes  
8 time. Every initiative takes time. It takes years.  
9 We don't have those years. That bar keeps going up  
10 and just as we think we reach it with our intensive  
11 early literacy, and our every child is going to be  
12 reading at third grade, we're working hard. I started  
13 the preschool program in my town. Yes, it does make a  
14 difference but every child doesn't read at the same  
15 grade level and every child coming into the school  
16 district isn't ready at the same level, but that's  
17 what early childhood do, that's what pre-K do. Does  
18 SES work? It works in our town. We made it work,  
19 well, because we put over one million dollars into  
20 that program. Well, if we put one million dollars  
21 into that program, we expect something back. We're  
22 not going to give it to these private vendors coming,  
23 in. They're making a lot of money, folks, a great  
24 deal of money. And their programs are so so. You  
25 have to monitor them. You have to put their feet to

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1 the fire and you have to say, "If you're here  
2 educating our children, then we expect this from you  
3 and if we don't get it, you're out".

4           Whatever the law is, whatever the rules  
5 are, you have an obligation to our children. SES  
6 programs work. It's always been research proven that  
7 after school programs work. This is an after school  
8 program. We're not allowed to run them any more.  
9 We're a district in need of improvement in year 2. So  
10 therefore, we have outsiders coming in to run our  
11 program but we mandate that they use our staff because  
12 some of the pre-packaged programs have very good  
13 professional development activities and we have some  
14 good pre-packaged curriculum. That's a good infusion  
15 for the staff. They can come back with something new.

16           But you have -- it's another layer of  
17 things that you have to do. You know, I have many  
18 things attached to my title. We're learned to do more  
19 with less. That's the famous expression. We are not  
20 swimming in money. We are flat funded in New Jersey.  
21 We are not going to be on par with our suburban  
22 districts. Our kids have a lot of other issues and  
23 you have to acknowledge them. No, we're not letting  
24 public schools off the hook. I'll tell you, we are  
25 moving in some great directions.

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1                   Yes, the Title I PB monies have done  
2 wonderful things. We're making our staff highly  
3 qualified. We can't find good reading specialists.  
4 So guess what, we trained our teachers to be reading  
5 specialists. Folks don't want to come to urban  
6 centers. We are taking our teachers and making them  
7 certified. We do have a year five school  
8 restructuring. Yes, no, we didn't do a band aid. We  
9 moved the principal. Because it's a middle school,  
10 it's a very difficult middle school. You have posses,  
11 it's a very difficult age. We have a two-grade school  
12 and what we did was we took the math teachers out.  
13 Language Arts, literacy and math were our  
14 deficiencies. We took those math -- quote "math  
15 teachers" that didn't have to be certified because  
16 they're elementary, and we moved them into the  
17 elementary school and we've pulled out certified  
18 people in the middle school. We have a double period  
19 of language arts. Are you going to see those results  
20 next year? No, you're not. Change takes time and  
21 unfortunately we don't have that time. The initiative  
22 moves faster than we have time to catch up.

23                   And with the children, with our special ed  
24 population, with our LEP population, it's working. We  
25 have a bilingual policy, but all of this is not going

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1 to be a quick fix. SES works. Why does it work,  
2 because we monitor it, we require these vendors,  
3 knowing that our LEP population, special ed  
4 populations have to be addressed to be dealt with. We  
5 make them provide those services to those students.  
6 We make them provide bilingual teachers. We make them  
7 abide by the IAP accommodations. We do all that and  
8 then on the other hand, too, we offered intra-district  
9 choice. Well, in a district that the five schools  
10 that are not in Schools in need of improvement, have  
11 30 plus students in the classroom.

12 So when I went to my state Department, I  
13 said, "Okay, so what do we do now? You're telling me  
14 that we have to go -- we're in violation of the New  
15 Jersey state law which says you have to have 21  
16 students in a classroom. So now we have 30, okay. So  
17 now what do you want me to do"?

18 "Well, you know, you should bring another  
19 teacher in and you can split the class up." Well, we  
20 don't have that funding to bring another teacher in  
21 and under Title I we don't have the money because  
22 we've taken \$1 million to give to the SES providers so  
23 now what do we do? So when the parents find out that  
24 there are 30 plus children in the classroom, they  
25 rethink that one. Our superintendent was very

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1 proactive when we came up with -- when this law was  
2 first instituted and we went to other districts. And  
3 we said, "Will you take our students, do you have  
4 room, can you take them"? And they all replied, "No,  
5 we don't want them. We don't want your kids".

6 So that's a slap in the face for children.  
7 Who's going to be an advocate for these children?  
8 There are no advocates out there. We are the  
9 advocates, we, the educators, the folks that you say  
10 that we make a lot of money, the folks that you say  
11 that we are, you know, part of unions everything else,  
12 but do you know what, we're the advocates for the  
13 kids. We watch out for them and when folks do that  
14 to us and slap the door in the face, what do you do?

15 Well, we go back and we say to the  
16 parents, "Look, dig your heels in. We believe we're  
17 going to turn our schools around and we can't do it  
18 without you. You are our partners. You have to help  
19 us make it work". And we put them on our teams. We  
20 put them on our planning teams. Do we reach the  
21 parent that we really want to reach, the one with the  
22 child who is experiencing problems, who is probably  
23 the most disruptive? No, we don't but that's why we  
24 have Ernestine. Ernestine and I are a team. And then  
25 we bring those parents in and we talk to those

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1 parents. We try to reach out to them. But you're not  
2 going to get all of them. You have to work with the  
3 parents that are proactive and that are going to make  
4 it happen. I feel sorry -- I feel badly for the  
5 parents this morning who said SES didn't work, because  
6 we truly make it work.

7 We go out there. We get the parents. We  
8 provide them with child care so that they can come and  
9 meet the vendors and talk to the vendors. And they're  
10 at a loss, quite frankly, folks. We hit them with all  
11 of these vendors and they look at us and they go,  
12 "Whoa, help us out, who are these folks"? You know,  
13 everybody is in their face. You know, we don't allow  
14 that. We don't allow soliciting at the schools. I  
15 disagree. We don't allow them to go in there.  
16 They're like vultures on parents that are - that don't  
17 have the wherewithal nor the knowledge, and they're  
18 taken back by high powered vendors who go in there and  
19 offer them not only the tee shirts and the mugs and  
20 the food and the this and the that, that's not what  
21 we're about. We're about offering quality programs to  
22 children and not making it such a monumental thing for  
23 a parent to choose a vendor. You don't realize how  
24 difficult that is for a parent to meet all these  
25 vendors who are there.

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1                   And we monitor them. We don't allow that  
2 to happen but that's a full -- you've created -- it's  
3 been created a full time job. But the bottom line is  
4 here, there's another issue that needs to be addressed  
5 and that's in the federal law, the NCLB law. It's a  
6 little, little one. It's called proportionality. The  
7 only students that are eligible for SES services are  
8 students that qualify for free or reduced lunch. We  
9 have schools that are 80 percent, 90 percent, 70  
10 percent that qualify. However, there's a portion of  
11 kids that don't get the service because they just are  
12 a couple of dollars above. And what we had was, our  
13 superintendent was approached by an elected official  
14 who said, "We want proportionality used for the  
15 schools in a certain school district, in certain  
16 attendance areas that do not want to fill out the  
17 income eligibility survey, but they're eligible for --  
18 they feel that they're eligible for services." I ask  
19 you to look into that law because if that  
20 proportionality can apply for regular Title I services  
21 for non-public students, then it surely should apply  
22 for children in schools in need of improvement who  
23 should not be denied SES services because they make a  
24 few more dollars more than what this income survey  
25 asks for. Thank you very much.

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1                   CHAIRMAN REYNOLDS: Okay, this is going to  
2 be difficult and it's difficult because I'm trying to  
3 square what I heard from the other panels and what I  
4 heard from you here today. Well, before I offer my  
5 own comments, I'll ask are there any questions from  
6 the Commissioners? Okay, good. We have a grand mess  
7 on our hands and I have said -- I have described the  
8 problems in stark terms but I want to be clear that I  
9 am not stating that superintendents or other  
10 professionals aren't trying. I mean, this is a  
11 monumental task and quite frankly, I don't have any  
12 solutions. If there is a magic bullet, we wouldn't be  
13 here. But there are some shortcomings, there are some  
14 things that we all need to do a better job at our  
15 jobs.

16                   Those instances where money goes back, I  
17 don't understand that, I mean, because that's an  
18 instance where you're trying to give away free money.  
19 I think that that's an indication -- where that does  
20 happen, that's an indication that there isn't an  
21 effective outreach program. And one of the things  
22 that the public education system needs, what all  
23 bureaucracies need is creativity. And it's hard to  
24 manufacture that. It's nice -- it's sort of like  
25 sending your teachers to a seminar and expecting to

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1 come back with leadership qualities.

2 Creativity is needed because one solution  
3 -- a solution that works in one school is not going  
4 to work at a school down the block. And so in terms  
5 of reaching out to parents, in terms of educating  
6 parents about the services offered under No Child Left  
7 Behind, I think that each school is going to have to  
8 look at its population and find out what are the  
9 needs. If you have a large percentage of Spanish  
10 speaking students, hey, we have a language issue here.

11 So I don't know what our briefing report  
12 is going to look like but the bottom line is that  
13 there is a high level of frustration from all parties.  
14 I mean, the folks that run school districts are  
15 frustrated at the barriers put in front of them by the  
16 federal and state government. Parents are frustrated  
17 because their children, their lives are on the line  
18 here. Their ability to move out of a project is  
19 basically depending on what you do. So when you face  
20 these angry parents, they're just worried about their  
21 kids.

22 So I just want to thank all of you.  
23 Again, this was a lot to digest.

24 **QUESTIONS BY COMMISSIONER AND STAFF DIRECTOR**

25 **FOR PANEL 3**

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1 COMMISSIONER MELENDEZ: Yes, I had a  
2 question of this panel. What specific changes would  
3 you like to see in terms of giving school districts  
4 more authority to establish the rules for the SEC  
5 (sic) providers?

6 DR. KRENICKI: Well, we established our  
7 rules.

8 COMMISSIONER MELENDEZ: Oh, you did.

9 DR. KRENICKI: Yeah, we did and we have a  
10 contract where it's all written out and they have to  
11 sign to it.

12 COMMISSIONER TAYLOR: Can we provide a  
13 copy of that for the record, what your school district  
14 does with respect to SES? I would like to get a copy  
15 of that. That would be interesting to see.

16 MR. FITTS: Yeah, because the law  
17 specifically gives the authority to the states and in  
18 many states they have set up some communication link  
19 with the school districts but for the most part,  
20 school districts have not been part of that process.

21 MS. BOLDEN: We have a contract as well  
22 but in terms of who decides who the eligible providers  
23 are, the state does. I think that there needs to be  
24 some standard because we just had a karate club and I  
25 think -- I don't know if they were approved but they

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1 probably will get approved.

2 MR. FITTS: We work with the providers to  
3 make sure that what they are providing are consistent  
4 with what we call our immediate high priority targets.  
5 Okay. What are our immediate high priority targets,  
6 literacy and math, okay, so that's high. Now, there  
7 are the other categories, we have a medium high  
8 priority target, okay, we have low, and then we have  
9 long range targets. So we have to ask them, "Let's  
10 see where you fit in. We want you to come closer to  
11 this immediate one, that's literacy and math". So  
12 those are the ones that we have a serious discussion  
13 with to say that we'd like for you to support us in  
14 our initiative.

15 CHAIRMAN REYNOLDS: Well, do you have any  
16 ideas on how -- I guess how do you improve customer  
17 service? There's a high level of dissatisfied  
18 customers, the parents. There seems to be a problem  
19 in terms of communication, not just letting them know  
20 what their rights are under No Child Left Behind but  
21 that's just a symptom of a larger problem. Middle  
22 class families don't have these problems because we  
23 don't listen, we leave, but the populations that you  
24 serve, they don't have these choices but it is  
25 imperative that school districts in urban communities

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1 do not exercise their power to ignore the wishes and  
2 needs of their parents.

3 So any thoughts?

4 MR. FITTS: We have a customer  
5 satisfaction sheet that the parents fill out, okay.  
6 And they fill it out on a regular basis, customer  
7 satisfaction. And they turn that into the district.  
8 We now collate that data and we talk to the providers  
9 and we say, "Look, your customer satisfaction is  
10 dropping. You know, it's disintegrating, it's falling  
11 down. What are you going to do?" Because we've got  
12 to make sure that we have -- that parents are  
13 satisfied, they see benefits, see emerging tangible  
14 results coming from it, and we allow that to go on for  
15 a whole year. That happens quarterly.

16 MS. BOLDEN: I think ours is a lot better.  
17 We have a position called a parent liaison who  
18 actually does an outreach and I think that has helped  
19 us but you've got to reach out to your parent  
20 organizations to help you as well. And when you talk  
21 about being creative and thinking of doing things  
22 differently, with our six schools we have partnerships  
23 with the union and a given college but in one of them  
24 the Urban League stepped up and the Urban League  
25 suggested that what was missing in this school is the

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1 involvement of the parents.

2           Okay, so they have assembled a group that  
3 will go door to door, knock on the door and if  
4 somebody knocks on a parent's door and suggests that I  
5 am very interesting in the well-being of your child",  
6 that parent is going to come to school with a whole  
7 different attitude. So in terms of just looking at  
8 five or six different models, we're very interested to  
9 see and she's not going in there to deal with the  
10 academic instruction but I'm feeling that the work  
11 with the Urban League is going to be much more  
12 significant than the work with Seton Hall. There are  
13 things that you need to -- you've got to look at it  
14 differently. If what you've done before hasn't  
15 worked, you've got to come out of there and think of  
16 some other ways to engage parents. So there are some  
17 thing, I think that all of us have been considering.

18           MR. FELTON: In addition to those  
19 partnerships, though, what many communities are  
20 looking at the way their own municipalities are  
21 structured, so that you don't have this stovepipe  
22 approach to families where every department is dealing  
23 with the family differently when we begin to say,  
24 "Let's look at the family and what are those services  
25 that are being provided to the family so that there

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1 could be some efficiencies gained.

2 The other thing is community service  
3 learning programs where, again, certainly your senior  
4 high school students can use this kind of project as  
5 one in terms of meeting their graduation requirements,  
6 more so do begin to help families who, in fact, do  
7 need that kind of support.

8 CHARIMAN REYNOLDS: Dr. Krenicki?

9 DR. KRENICKI: We also have at every  
10 school, the district parent liaison who the parents  
11 feel that they have a comfort level with and then they  
12 sort their complaints and then we have Ernestine at  
13 the district level who is an advocate for the parents  
14 and then we have a whole procedure in place where if  
15 they don't get satisfaction, it's taken -- at every  
16 step they know where they can go so they never reach a  
17 brick wall and they will always be listened to and  
18 their concerns are always addressed. And it goes  
19 right up to the superintendent. So we make sure that  
20 we take care of them at every level so that we listen  
21 and we make changes.

22 If they have complaints about vendors, we  
23 call the vendors in right away and we address every  
24 single complaint.

25 CHARIMAN REYNOLDS: Okay, I'd like to

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1 thank this panel and the other panelists. This has  
2 been an informative exchange. Thank you very much.

3 (Whereupon, at 1:40 the above-entitled  
4 matter concluded.)

5