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

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

Continuing its long and proud history of ensuring quality education for everyone, the
Commission today seeks to collect information on whether school districts are facilitating or impeding the provision of supplemental educational services. The Commission is interested in hearing about both the successes and failures in the provision of supplemental educational services. To the extent school districts directly provide supplemental educational services, we want to learn how successful their programs have been from the experts and school district officials.

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

Without further delay, the Commission is proud to welcome its first panel of experts. This morning we welcome three panels, the first will be the parents, who will discuss whether the schools are being helpful or not. Well, first, the parents, please move your chairs.
SPEAKER'S PRESENTATION

PANEL 1 -- PARENTS


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

MS. FITZGERALD: Sakyibera Fitzgerald.

CHAIRMAN REYNOLDS: Sakyibera Fitzgerald from Newark, New Jersey; Ernestine Cooley Francies from Passaic, New Jersey, who is on her way; Juan Granados from Dallas, Texas; Nytasha Lee from Camden, New Jersey; and Shelba Woods from Detroit, Michigan. Sakyibera is a resident from Newark, New Jersey who is the mother of three children and the grandmother of three baby boys. She is a member of the Secondary Parent Council of Newark, New Jersey, as well as the founding member of the Grassroots Organization Concerned Parents of Newark. She received valuable
training in student advocacy from the Abbot Leadership Institute located at Rutger's Newark, and she has worked tirelessly to advocate for not only her own children, but all the children of Newark. As the President of the Concerned Parents of Newark, she gave parent workshops throughout the community which were meant to empower parents by teaching them their rights set forth in the No Child Left Behind Act.

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

Next up we have Mr. Granados. Mr. Granados was born in Mexico, but came to the United States in 1992. He worked for the Council for Reform and Educational Options. The Council is a national
non-profit organization that promotes vouchers as the solution for minority students marginalized by their public schools. It has trained many parents through seminars and workshops, more than 27,000 parents have received information about No Child Left Behind, Public School Choice, and Supplemental Services Programs.

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

Next, we have Ms. Woods, who is the mother of three, the foster care mother of two adult children, and the adoptive mother of two young children ages 10 and 12. She is also the grandmother
and caregiver of two small children, ages 4 and 7. Ms. Woods has worked for the United Cerebral Palsy, and with Childcare Coordinating Council, which helps young mothers find suitable and safe childcare for the Work First Program. Ms. Woods has also been a mental health worker working in hospitals with young adults and adolescents with mental disorders. She is currently pursuing a degree in Special Education at Wayne King County Community College.

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

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

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

MS. FITZGERALD: In the fall of 2003, I went to my oldest son's school, Malcolm X High School, and I asked his teacher, the president, his principal why doesn't he have a book. The teacher simply replied by saying, "Your son doesn't have a book because he didn't ask for one." The answer left me bewildered and disturbed. After all, what type of
education could my son and his classmates be receiving
in the hands of such a teacher, but that was not the
end. That evening my son came home, "Mom, I don't
know why you made such a big deal about this, because
I'm not the only kid in the class that has a book."
At that point, this brought me to become more active,
not just for my children, but also his classmates, and
all the children in Newark.

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

I started learning more stuff about the No
Child Left Behind law. I educated myself by actually
ordering a No Child Left Behind law book and reading
it, having the disk and getting my own interpretation.
That's when I first learned about SES.
I just wanted to take this moment to point out the first problem I recognized is that the district, in this district -- I would not have known about the SES program if I hadn't taken the initiative to study the act on my own. That's first and foremost. And while it is true that parents should keep themselves educated in such matters wherever possible, the responsibility still falls on the district to ensure that the parents of the district are notified of their rights.

With this in mind, I began to speak out in public. On June 15th I made a presentation concerning parental notification before the Newark Advisory Board. The letter dated June 23rd, 2004 addressed to Marion Bowden, a copy of which you all probably have before you. It was a follow-up for a request made at the June 15th meeting. In my letter, I left no room for doubt to the nature of my request. I wanted the district to fulfill the requirements of parental notification in all areas, including SES, as outlined in No Child Left Behind. Since that time, the district has maintained that the letters of notification had, indeed, been sent out to parents; however, as of today, I only could procure one. And this did not occur until December, 2006. And this
only came about since a lawsuit was filed naming Newark Public Schools as a defendant, and it was focusing on parental notification in No Child Left Behind.

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

The most disturbing thing here is that there are other approved providers in the area, but their services were rarely taken advantage of due to the bullying tactics used by the district to encourage parents to bring their children to Newark tutors. And let's just note that most of these sites that Newark had, they recruit the teachers that they have in the school already during the day, and as a parent, I say to myself if you don't do right by my child during the day time, then how are you going to do right by him in the evening?
School choice -- the district has fallen far too short in the responsibility of school choice. I know no one in the district who had the opportunity to utilize school choice. Granted, we have very few schools in our district that's not on the needs to improve list, that's not in danger of failing, but the district, from what I was told, their explanation of not wanting to utilize school choice is because they don't want to overcrowd the high performing schools with so many children. But, yet, they're not providing the parents with options for their children to utilize tutorial services outside the district, because when you go in the schools in the afternoon, I mean, they have everything wonderfully on paper, but when you go inside the school, it's like playtime for the children. There's no actual learning going on. And then you wonder why you have so many freshmen going to high school performing on a sixth grade level. It's not a wonder, but I just want to take this opportunity to thank you all for inviting me out, and having an opportunity to share my thoughts.

CHAIRMAN REYNOLDS: Thank you, Ms. Fitzgerald.

COMMISSIONER YAKI: We're going to hold questions until the end of the panel.
CHAIRMAN REYNOLDS: Yes, that's correct. We will save our questions and comments until all the panelists have spoken. Mr. Granados.

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

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

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

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

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

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

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

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

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

The parents are trying to do their job. They're trying to get the information. Unfortunately, districts are not giving that information. Parents
are still treated like this is a favor that they do to
us. And the district needs to understand that this is
not a favor, this is our right. And for the first
time, they need to make sure that parents are put as a
first priority. I mean, if we want to make this law
work, if we really want to make a difference in our
children, we have to make people accountable for what
they are doing. And, unfortunately, so far, it's not
being seen.

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

Government needs to be more strict with
these districts. They need to understand that
children deserve a better chance, and No Child Left
Behind was placed for that reason. I just don't --
and to me, it's really silly that after a year that I've been away from workshops, from training parents about their rights under No Child Left Behind, they are still calling me to find out if everything is still in place, if the laws are still working. Why? I mean, districts should be the ones doing this. So we can keep talking about all this over and over, but at the end, the key point is that districts are not giving the information to our parents. Districts are waiting until the last minute to give this information.

Supplemental Services are trying to get into the districts, and, unfortunately, they're being given very little or no support at all, because when they support a supplemental service provider, it's always the one that the district is providing, so they're the ones that are getting again the children to be trained again. So we need to do something. If you want parents to be believers again, something needs to happen. District needs to get a strong message that -- a message needs to be sent that we cannot take this no more. I mean, I'm a parent. My kid goes to public school, and I'm really, really terrified about the next school that he's going to go, because I don't like it. So why do I have to make the
choice to move to a different city, if it's not my responsibility. It is the responsibility of the districts to provide a better education.

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

CHAIRMAN REYNOLDS: Thank you, Ms. Lee.

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

I would like to give a little background, just before I begin, that will serve as an instrument to show you how important the SES programs are just for the City of Camden. The school consists of many different cultures and nationalities, African-American, Caucasian, Hispanic, Vietnamese, several different class structures are within the school, general education, gifted and talented, special education, inclusion classes. The majority of the
schools in Camden, I'm not sure if you guys are abreast on the new knowledge, but the majority of them were investigated by the New Jersey Department of Education because of the low testing scores. And, of course, Cramer, the school that I was in, was one of those that had the low testing scores.

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

Just the characteristics of the school district from the kids K-12, 53 percent are African-American, compared to the state's 16 percent, 44
percent of Latino descent, compared to the state's 17 percent, 1 percent is Caucasian, 1.6 percent is Asian, .01 percent is Native American, so they're really dealing with a lot of diverse things that are going on, just besides it's my job to teach this child.

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

Not only were the children suffering from lack of parent participation, the Camden school system
is impeding, I believe, the SES programs that are available to them. Two specific instances that I know about that took place during the `04-05 school years, Cramer was offered a tutoring program, that would allow a child upon completion of the program to be given a Dell computer. Late fliers went out to the parents, it was very short notice. Some complained about not getting fliers at all, while others, still some parents were challenged with the ability to read the fliers because they were not published in all the languages that were in the school. Like I said, we have Caucasian, Hispanic, as well as Vietnamese. And Vietnamese parents had no idea about this. They're depending on their second grader to interpret this to them.

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

Another instance that took place is the ineffective communication displayed by the district, which actually was directly towards me with the school choice program. My son is a part of the school choice program, but we didn't learn about this through a flier or anything of that nature, I learned about it through a friend. And in the beginning, we got a letter -- well, there was a letter that they said that went out in May, that I did not receive, and a number of other parents did not receive, but I learned about it through a friend, so I looked into it. And they said your child can go to, of course, another school. It was in another district. They chose the school. If you wanted your child to go, they would be bussed there through the Board of Education. That never took place. By June, we did receive a letter that said that the Board of Education would not be bussing the children, you will have to find your own transportation. But in finding your own transportation, you would get a $700 transportation allowance, so I let my child go there. I have transportation. I can take him there and pick him up. And all of this, later on when it was time for the transportation reimbursement, that never took place.
They told us we would not be allowed to have the $700, we would then only be allowed to have $300. So we said okay, fine. And then once we did receive the $300, they told us that it would not happen any more. This was supposed to happen every year that you transported your child to and from that school, and as long as they were a part of the program, they remained part of the program. But this, of course, did not happen.

I just wanted to say like the Board of Education in Camden has done a poor job in choosing the SES programs that would fit the needs of the community, and that fit the needs of the school. The SES programs that we have do not allow the curriculum that the children are learning. Unfortunately, we are in a poor testing situation, so, of course, you want to boost those test scores up. And you want to give the children the opportunity to learn what they need to do in order to perform well in a standardized test, because we are -- they do take a big chunk out of that, and look at that. It's based on how well we're doing on the standardized tests. The curriculum that the SES programs have does not align with what the children are learning in order to perform well on these tests.
Also, the SES programs are often used to -
- for instance, they were offered to the third and fourth graders. Well, you're going to have the same situation in two years when your first and second grader is now a third or fourth grader, and you have to perform well on these tests, but they never got tutoring, they never had the help, they never had the opportunity. So every year, it's going to be a constant vicious cycle that we're going through in order to allow these children to perform well.

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

Some of the things that I feel may be effective in aiding with SES is that if the grants went straight to the school. I don't know about anyone else here, but I know that our district has always been a troublesome district with money being issues. You know, right now we have an interim
superintendent because of things that have been said about our superintendent, or whatever, and she's been removed. And there's been charges filed, and things of all that nature with money issues, so how can we trust the district to put the money where it actually needs to be? So maybe looking into sending the money straight to the school, having the school be a part of, teaming up with the SES educators, because right now, the way that it's set up is that you get an SES program, it's available to your school. If it does take place, you have outside people that come in and actually teach this tutoring. They have no idea, like I said, with the curriculum.

The other thing is that if you at least had a student -- an improvement program where you had the SES educators, as well as the educators within the building, kind of get together, say this is what we need, this is what we can offer you, and then you get together, as long as the funding is there, the curriculum can be what the children need it to be in order to perform well. And if the focus has to be on testing, which I don't feel is the only focus that we should be, we should be educating them not only on the things that are on the test, but amongst other things. But if the focus needs to be on testing, then offer
that, too. This is going to be the point of SES, where we're focusing on testing. This is going to be the point where we're focusing on math facts that aren't in the testing, but you'll still need to know in order to be productive in the community, or in life.

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


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

When I first found out about the No Child Left Behind was last year. I thought it was great. I didn't get much information from the Detroit school
district. A lot of the teachers weren't familiar with it.

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

During the time when I applied for the SES, I put in for four applications, and only one child received after-school programming. The other three, I was told didn't receive the applications, but I know I put them in. I would like to also say that when we were at my school, Mary McCloud Bethune Academy, we were passing out fliers that we made ourselves because our school didn't meet up to the annual yearly progress, and we haven't in many, many years. When passing out these fliers, some of the teachers asked what we were passing out, we explained
it to them. Several weeks later, we received large white packets in the mail. They looked to me like junk mail. Opened it up, had a lot of information about the providers for these after-school programs. What I did was ran off some of these packets, and passed them out at the schools, also. But they had a large pile in the office of the school, and several of the teachers were asking what were in these packets. And when I heard one of the receptionists say that they were the after-school programs for the No Child Left Behind, these teachers didn't know.

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

What I enjoyed most about the after-school program is that it was a lot different than the other after-school programs that were implemented by the district. The ones by the district, we were led to
believe were teaching our children something after school. What I later found out is that these after-school programs where they only did their homework, you see. After the homework, it was play time. Well, that didn't set too well with me, so during this international -- one particular provider, the International After-School Program, did a lot of things on-line.

I have children who have special needs, learning disabilities, as well as emotional problems because I deal with foster children. And there were no after-school programs with the SES for children with disabilities, as far as learning disabilities, special education. And my children weren't accepted because there were no schools for these children with specific learning disabilities. The one child that I did have that went there, fared well. I thought he fared well. My only problem was that we lost a great deal of teachers, we're in the midst of losing at least 50 schools will be closing, with more to come during the fall. This coming fall we're losing more schools, so I'm looking at the overall picture of, if all of these schools are being closed, children will have to be placed with larger classrooms. We're just fighting that from two years ago with the larger
classrooms, 25 and 30 children in a classroom. With 52 schools closing, we're going to be in dire straits with larger classrooms, no books, and the books that my children get are the books that they run off on a copy machine, and fold up and staple like this. They fold up and staple, and these are my children's books. This is what they come home with.

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

When the total of the children came to the International After-School Programs, he thought that he had a total of about 200 children, and that's what the school board told him, that he had a total of 200 children. But when he went down there for the printout, he had less than 100, with a lot of the parents that I personally took down, were not on the list. And the 12 people that I signed up for
personally were not on the list. I don't know what it is that the school board is doing. I don't know what it is that the district wants, but what I'm hearing from similar input from other parents is that it can't work. Choice transfer requires that the children, if the school doesn't meet their annual yearly progress, then your child can be pulled out and put into a school that does. Well, some of these parents work, so getting them back and forth to an after-school program is not an option for parents who work.

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

I don't know if it's by design that it's not working, or if it's because there's not any information going out at a proper time. And even though these after-school programs are coming, they're coming at a time in Detroit where our testing is conducted in October. We're still waiting for these
after-school programs to begin while the MEAP test has already been taken, you see, so it's not doing us any good to have after-school programs so late during our testing. These children need these programs now, in order to meet the required amount of time to do these testings. So what I thought would be a good idea is if the school district would allow the parents in the fall to know which school did not make the annual yearly progress and what schools did, so that we, as parents, can have an opportunity to decide whether we want to pull our child out of the school that's not faring well, and put them in one that is doing well.

I, also, would like to also mention to you that I don't think the district has the right to crap on the side of the road, and blame it on the horse. This is surely their problem. The fact that my children, all nine of them that I'm raising, have failed at least one class, we're not talking about children who are stupid. We're talking about children, when I had these children, were articulate, smart. A couple of them even had a good head start when I enrolled them in parochial schools at first, second, and third grade with scholarships, mind you. They did well in these parochial schools. It was only after I took them out and put them in Detroit public
schools is when they started failing. So I think that implementing the No Child Left Behind is a great idea.

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

I would like to see the No Child Left Behind implemented. I would like to see more exposure to all the parents. I would like to see that for people and parents who want to send their children to a choice school that has made the annual yearly progress, to have an opportunity to do that without being hindered by no transportation to get their children there, a problem with them being so far away from home. I think that it would be a good idea for the Detroit Public School District to look at the big picture, and that big picture is that there are children at these schools that are not making the grades, that the schools have, for years and years, been failing the students, and the No Child Left
Behind program should be more strongly advertised, not only through the news. I don't know -- I honestly don't know if there's even a conspiracy with our news, because I read the paper every day. I watch the news every day, and the only thing that I hear from the news and the media are how many schools that are closing, the teachers that have been laid off, the mismanagement of the funds. But I hear nothing about what can be done, and what is being done to correct these problems. And I think a correct solution would be to continue with the after-school programs, No Child Left Behind.

CHAIRMAN REYNOLDS: Ms. Woods, thank you.

MS. WOODS: Yes.

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

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

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

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

SES -- I'm going to be very honest with you. The main part is the notification part to parents that I will speak on, how we choose to do it in Passaic is through vendor fairs. Then once parents are signed up, then there is some monitoring going on,
then I do the evaluation piece. So you know that with No Child Left Behind there's certain information the parents must receive, so in September the superintendent writes that letter explaining why SES Services are necessary. The test scores, your school is in need of improvement, et cetera, et cetera. Long lengthy letter in English and Spanish. Okay.

Also, in September, the Assistant Superintendent sends parents home that letter about inter-district choice, what they can do if this happens, so another long letter, but all information that the state says we should give parents, we give them. Okay? So now it goes into our office. My office is within the Title 1 office, which is part of also Testing, Research, and Evaluation. So right now, parents have gotten all these letters home in English and Spanish this September, but now we've got to have these vendor fares. So now they got the information, so we figured because this is our third year, so I'll probably say as of right now, this year we did manage to reach capacity with a waiting list. Year one that didn't happen. Parents got all that information. Then we mailed them home the booklet, "Parents Guide to SES Services", in English and Spanish. Okay? We sent them the SES vendor list, and narrowed it down to
the vendors that offer services in our area. Then we
sent them the invitation to the vendor fair, saying
parents, guess what? Do you want free tutoring for
your children that's worth over $1,500 if your child
is eligible. Come to the school on this day and meet
those vendors who will be offering those services.

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

Also, an explanation is given about what
you are to ask these vendors, because it will be your
choice about who will give those after-school
services. We can't make that decision for you. We
can assist you, so I told them it's like going
shopping. You're going shopping for the best one, so there the parents are talking to the vendors, questioning them about all of these services.

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

Oh, the waiting list. Of course, there's free or reduced lunch. Do you know what it's like to have to tell a parent that because she makes a couple of dollars over the guidelines, when a child that's in that school that's in need of improvement, your child can't get the services? Okay? So that happens a lot, too. So the ones that are eligible are taking the services, so then the complaints start. So that's what I'll get into in a minute. But then at the end of the services, I send an evaluation form for the parents to tell us how were those services you received from the vendors? And a summary of those comments from -- of course, we mail that home. It was
a student survey and a parent survey. The parents said a lack of communication between the regular classroom teacher and that tutor, not receiving those regular progress reports that those vendors promised them. Some of the skills that they were teaching the children were too remedial, and some parents even indicated that these tutors were doing homework with the children, or too many children in the class. For example, some vendors promise the parents oh, it's either one-to-one, or no more than three. If tutors were absent, often the parents weren't notified, but one thing, if these complaints were made through me, or through our office, our supervisor immediately responds to them. Okay.

So some of the challenges that I feel that we still face, as I indicated, the SES program is administered through the Title 1 office. There is involvement of the principals and the staff in the individual schools. That's through meetings and workshops with the director, and more of that is needed. It seems that all the responsibilities are through our office in dealing with SES. And most importantly, the state in workshops that I've attended, were to monitor those providers. And, to me, my personal opinion, I have not seen that happen,
so at this point, I'll stop, but we did implement it. And in three years, this is the best, so far, in terms of the enrollment, but I do foresee other kinks in the process. Thank you.

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

QUESTIONS BY COMMISSIONER AND STAFF DIRECTOR FOR PANEL 1

COMMISSIONER KIRSANOW: Thank you, Mr. Chairman. I also want to thank the witnesses, Ms. Fitzgerald especially coming in here with pneumonia.
I also want to thank the staff who traditionally do a
great job of getting together great panelists, and I
anticipate the subsequent panels that we will have
today be equally impressive.

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

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

MS. WOODS: Yes.

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

    MS. FITZGERALD:  Yes, I did.

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

    MS. WOODS:  No, I didn't.

COMMISSIONER KIRSANOW:  No?

    MS. WOODS:  No.

    MS. LEE:  No.

    MR. GRANADOS:  No.

COMMISSIONER KIRSANOW:  Mr. Granados did not.

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

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

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

    MS. WOODS:  Yes.

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

    MS. LEE:  No.

    MS. WOODS:  No.

COMMISSIONER KIRSANOW:  None of you did?
Okay. Did it describe to you what the qualifications of the teachers would be who would be in the SES program?

MS. FITZGERALD: Absolutely not.

MS. LEE: No.

MS. WOODS: No.

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

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

COMMISSIONER KIRSANOW: Okay.

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

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

MS. WOODS: No.

MR. GRANADOS: It was incomplete. It was
just saying that you could take this supplemental service, and information was going to be given in the future.

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

MS. LEE: Yes.

MS. WOODS: Yes.

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

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

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

MS. FITZGERALD: No.

MS. LEE: No.

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

MS. LEE: Yes.

COMMISSIONER KIRSANOW: My understanding is that Camden in 2003 had a reputation as being fairly violent, the schools were fairly violent, a
number of instances of violent crimes, or assaults within the schools themselves. Was that your experience?

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

COMMISSIONER KIRSANOW: Okay. Did the violence decrease in Camden City schools?
MS. LEE: Yes.

COMMISSIONER KIRSANOW: Okay.

Substantially?

MS. LEE: No.

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

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

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

MS. LEE: No.

COMMISSIONER KIRSANOW: Okay. Thanks, Mr. Chairman. Thank you.
CHAIRMAN REYNOLDS: Vice Chair Thernstrom.

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

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

If I never, ever, ever helped my child with anything at home, it is still the part of the district to be able to teach my child something, and that is what's not happening. On top of that, voucher programs are not effective, because right now, we currently do have voucher programs. You're absolutely right, we do have money, but where is the money going? How hard is the State of New Jersey looking at making sure that money is going directly to what it's used for, and not to anything else? The voucher programs
don't work because, for instance, we have charter schools. The money is used to send that child to a charter school. The child only gets three instances. We know these children already have behavior problems, or whatever the case may be. They get three instances, and then, guess what, they're kicked out of the charter school. Public schools cannot kick you out. We have to accept you, so now you bring that child back into the public school, but the money has already been given to the charter school to teach the child. So now there's no money that's coming back into the school with the child to teach that child, so those are some of the things that I see right up front, and that's why it's not going to work. It's not going to work, because they're not well equipped with everything that they need in order to be effective in teaching these children.

VICE CHAIR THERNSTROM: But my question goes to the heart -- you are swimming in money in New Jersey districts. My question goes to the very heart of why they're not equipped, what can change to make non-functioning districts into functioning ones. As for the chart schools, I've spent some time at North Star in Newark. North Star has got nothing but highly disadvantaged black kids and Hispanics. It's teaching
every kid in that school, putting them on a different
track in life, and it has less money than your average
public school. So it can be done, but you haven't
given me a picture here of what you think is the
fundamental problem with the regular district schools,
and their bureaucracy that you think can be changed,
because if you tell me that the federal government can
put a little more pressure on schools to do X or Y
with respect to SES, specifically, I mean, you're
dreaming away that that's going to fundamentally
change the level of your frustration with the public
schools.

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

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

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

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

MS. WOODS: Well, I'll say in my case, if there's monies available in the Detroit public school district, I don't see it, because during the year when our children go back to school, we are presented with a list of supplies, and on that list of supplies would be toilet tissue, paper towel, soap, sanitation handwash, and what else do I give out? These are some of the things that come on my child's list of pencils and paper, and erasers and things. This is the list that we get in Detroit public schools. Now if there's monies in the district, I don't see that. And if we
were running the district, I think we parents would probably do a better job with distributing that money, and doing what we thought was correct with that money in educating our children, because I feel the same way all of you feel about your children. I want the best education money can buy, even though I am a low-income mother. That is a demand that I have for my children. I feel the same way about my children as you people in this room feel about your's.

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

CHAIRMAN REYNOLDS: Ms. Fitzgerald.

MS. FITZGERALD: I'd like to answer your question. In Newark, I believe that the district is being run like a corporation, rather than the
educational business for the children in the City of Newark. When you have children that are identified with needs, if we don't address them when they are identified -- Newark has been doing testing year after year before the No Child Left Behind, so why a child does well in fourth grade, and then does poorly in the eighth grade is beyond me, because Newark does their own testing each year, so that they can be able to identify what level that child is at. And while it seems little, the SES gives us parents a little power to try to have some right in our district. And with us here now trying to fight for that right, that can help our child. It helped my child. My youngest child, I pulled him out of Newark public school, and I have put him in a charter school. Before I pulled him out, he was performing on a second grade level in the sixth grade. Mind you, he was classified, but in one year time, one year time he showed so much growth, so I had him re-evaluated a year later, and I seen that growth he had. He was performing at second grade level in language and writing. In that one year, he did third to fourth grade level in growth in language and writing. In math he went to ninth grade.

VICE CHAIR THERNSTROM: Okay. But that's an argument for charter schools. It's not an argument
for tinkering with the SES regulations.

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

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

MS. FITZGERALD: Because we do have some schools in Newark that are performing. All our schools are not failing. I'm going to just say that. All our schools are not failing, but whatever our schools are doing, our model schools that are performing well are doing, we need it to spread throughout the rest of the district. And what I learned was when I put my son back into Newark public schools, in one of the blue ribbon schools, the parent participation there was at a high level. Them
parents, they didn't speak English, they spoke Italian, Portuguese, Spanish and Blacks. I mean, my point is, parents got to have some type of power somewhere. And if we don't start at one place, where are we going to start at?

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

VICE CHAIR THERNSTROM: No argument here.
CHAIRMAN REYNOLDS: Okay. Commissioner Melendez.

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

MS. LEE: Of course there is, because if there was not, then they -- No Child Left Behind, if they saw that this is happening in urban areas, they should have said you know what, we'll take this, a school that we know that performs well every year, the implementation should have been to model this school behind that school; not to say, I'm going to give you a band-aid to fix it. Let me give you tutoring. Your kids don't know this, your kids don't know that. They should have held people accountable. There's no accountability with No Child Left Behind. Who's held accountable? We're here talking about books and
things of that nature, that should never even be part of the problem. That should never even exist.

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

MR. GRANADOS: Just by looking at the numbers, I mean, when you see Hispanics and African Americans being the ones always not getting that education, you can see there's discrimination. When you ask why this is not working -- yes, a big price for parents, they need to get involved. We need to
get involved, but if we get involved, and the school
districts are not doing what they should do, and
getting away legally by continue working -- they
mention charter schools. If a charter school is not
working, they're just going to close it, and that's
it. Public schools are getting away year after year
doing the same kind of education they're bringing, so
I know there is great schools, I know there is great
districts; but, unfortunately, until we can click it
into the numbers of the Hispanics and African
Americans not getting what they should be getting,
which is a quality education, we have discrimination.

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

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

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

MS. WOODS: I don't think that there is a problem in -- in our district, I don't think there is a problem with SES. I welcome it, and I know a lot of other parents would welcome it, if they knew about it. What I'm saying is that the Detroit public school district did not do their best in getting out this information to the parents. We need SES. We need this program with a school district that has been failing for the last 20 years, and with the 50 schools being terminated, and with the teachers being laid
off, I am looking forward to sending my child back to
the after-school program. You couldn't have done
anything better than to have given it to the Detroit
public school district. We need it. We need it until
there is another solution in maintaining a good grade
average, and for us, and for our children to excel in
these tests. We need it in our schools. We need it.
It's important to us as a parent.

CHAIRMAN REYNOLDS: Commissioner Yaki.

COMMISSIONER YAKI: I also want to thank
the panelists for being here today. And, actually,
what I want to say has to do a lot with what my
colleague, Commissioner Melendez, was getting at;
which was, when I first looked at this briefing, and I
was hearing about the supplemental educational
services issue in the No Child Left Behind Act, my
question really came to one of jurisdiction, which is,
this sounds to me like an issue of whether the No
Child Left Behind Act works, and how it is not
working; which is more under the jurisdiction, quite
frankly, of the House Committee on Education and
Labor, or the Senate Education Committee. What are we
doing hearing about it? And part of me still thinks
that way, because this is the kind of testimony that I
think members of Congress need to hear, that the
people who wrote No Child Left Behind, who passed No
Child Left Behind need to hear, to understand the
frustration of parents in terms of the fact that the
services that your children are not being provided, or
not being provided in a way, or any meaningful way
that helps you along.

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

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

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

MS. WOODS: Last year when the provider came to our school for the Saturday to teach, there
were eight children in our classroom, eight children. This year when we signed up and they came to our school, myself, my son, my sister, my brother, and four other parents were there to sign this application for this particular provider. We didn't see a lot of participation in our school. We did not see that, and the numbers that I saw inside that classroom, inside the tutoring classroom was terrible. We did not see that. We did not see a participation. And for those who do not know and understand the purpose of this program, needs to be informed. If they understood it, we would have a greater participation in these after-school programs.

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

Now I'm going to entertain one last question, and then we're going to wrap up this panel, but I would also like to quickly address questions that have been raised by some of the commissioners as to the Commission's jurisdiction.
The commissioners are raising legitimate questions about our jurisdiction. My response is that when you have a system that guarantees that black and Hispanics will stay at the bottom; for me, that's a civil rights issue. We cannot have a narrow view of civil rights in the 21st century. I think that it's extremely important that we be creative, that we expand the concept of civil rights. Just because someone -- assuming that someone is not discriminating against you does not necessarily mean that you're not being affected, and that your people aren't being affected by the policies that have been put in place. So the questions regarding the Commission's jurisdictions, I say that if it is not within the Commission's jurisdictions, the notion that black and Hispanic children are going through a system that virtually guarantees that they will not have the ability to improve their lives -- well, then it should be within our jurisdiction. Commissioner Kirsanow.

COMMISSIONER KIRSANOW: Thank you, Mr. Chairman. I want to piggyback on something the Vice Chair said -- ask a question, that is. I think, Ms. Woods, you indicated that your children were doing well for two or three years when they were in parochial school.
MS. WOODS: In parochial school. I must also say that there were at least, no more than 15 children in that classroom. You get to Detroit public schools, and you have 25, 30 kids.

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

MS. LEE: No.
COMMISSIONER KIRSANOW: No?

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

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

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

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

MS. LEE: Ultimately, the parent,
definitely, because I am responsible for making sure that my son is educated, a well-rounded individual, what kind of person he's going to be in society, all those things I'm responsible for, so definitely, it should be my decision in whether or not he's performing well in this school.

CHAIRMAN REYNOLDS: Mr. Granados.

MR. GRANADOS: When you bring competition to districts, you bring quality of education. When districts fear that they're going to lose children, they don't feel they're going to lose a student, they fear the loss of money that they're going to lose because that child is not going, so bring competition. That's going to bring parent involvement, because parents are going to need to be educated why this school is doing better, why this school is not doing good. Of course, we're not going to lose districts. It is going to be really silly that all kids are going to move to different schools. What's going to happen is that if just 100 kids move to a different school, charter, private, those schools that are losing those kids need to do something better. They need to do something to bring those kids back to their schools, and it's going to benefit, not only the children that are staying, but the ones that are leaving to make the
CHAIRMAN REYNOLDS: Ms. Fitzgerald.

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

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

VICE CHAIR THERNSTROM: I just have a question about the Detroit schools. Why are all these districts better?
schools being closed?

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

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

MS. WOODS: During the strike.

VICE CHAIR THERNSTROM: Yes.

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

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

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

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

PANEL 2 -- EXPERTS

CHAIRMAN REYNOLDS: I would like to introduce the folks who are participating in this particular panel. First, I'd like to introduce Joel
Packer, then we have Eugene Hickok, Harrison Blackmond, Maite Arce, and Derrell Bradford.

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

Next we have Maite Arce. She is Vice President of the Hispanic Council for Reform and Educational Options, and oversees the organization's core programs, including membership, affiliates, communications, and parental outreach. In only two years, Hispanic CREO has developed robust affiliate networks over 30 national and community-based organizations, and has trained more than 30,000 parents on issues such as parental involvement and No
Child Left Behind provisions. Ms. Arce has 15 years of experience in coalition building, program development, and community outreach to under-served populations. Prior to Hispanic CREO, Ms. Arce was the Deputy Director of the Self-Reliance Foundation, a national non-profit that develops social marketing campaigns and outreach programs for the Latino community.

Mr. Blackmond studied law at the University of Michigan Law School, and was awarded his JD in 1974. He is a member of both the California and Michigan State Bars. In 1994, Mr. Blackmond was appointed Chief Executive Officer of the Michigan Partnership for New Education. That organization was a $50 million collaboration of business, government, philanthropy, and education leaders. It's designed to create and sustain a statewide education innovation system in support of new teaching and learning for all of Michigan's children. In 2005, Harrison was appointed President and CEO of the Detroit chapter of the Black Alliance for Educational Options, also known as BAEO. That organization actively supports parental choice to empower families, and increase quality education options for black children. He currently serves on the Board of Trustees for the Trillium...
Academy, a charter school, and is chair of the K-12 Council for the Detroit Regional Chamber of Commerce.

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

Next, we have Mr. Packer, who currently serves as the Director of Educational Policies and Practices for the National Education Association. NEA represents 3.2 million public school teachers, educational support professionals, and higher education faculty. As Director, Mr. Packer leads a staff of 20, and oversees NEA's primary policy center on elementary and secondary educational issues. The
Department has staff responsibilities for school readiness, standards, curriculum, testing, accountability, teaching and learning conditions, quality educational workforce, parental involvement, educational funding, special education, among other things. Mr. Packer also oversees NEA's work on the re-authorization of the elementary and secondary, well the ESEA.

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

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

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

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

I should tell you that we have an office in Newark and Camden. We're a School Choice Advocacy Group, which means we favor dollars follow the child, big expansion of charter schools, open enrolled public
schools, multiple chartering authorities, inter-district choice, and we definitely favor scholarships or vouchers, whatever you want to call them, so kids can go to private schools. And despite some people, we actually think the public schools will improve with competition. That's got to happen. We're not going to see an elimination of the government school sector, and we think they will do the right thing. But the challenge is, and SES in a micro highlights this in a way that NCLB does in a macro, that people don't understand the nature of the thing that is an urban public school district, especially not in New Jersey, where 2002-2003 U.S. Census report of school districts with over 10,000 students showed that we had the top seven, with Newark as number one, and Camden as number five. Newark is a billion dollar school district. That's with a B, a billion. It has over 10,000 employees, it has a quarter of a million dollar superintendent and its teachers make an average of $77,000 a year. We got a night janitor that makes $72,000 in Newark. Everybody is paid. Okay?

Last year, that billion dollar company, it's a company -- all right, employs a lot of people, a lot of contracts, a lot of servicings, could generate 752 high school graduates from 13 high
schools that could pass an eighth grade competency test. It costs us a million two per year, per child to get a kid that can go out and pass an eighth grade test. All right. This is predominantly a minority district, just like Camden is predominantly minority. It's 96 percent African American and Hispanic, and in Camden, they spend $16,300 a pupil. They had a $210,000 superintendent that they had to fire because she was stealing, and they have 13,000 kids in school, 13,000 or 16,000 students that are in schools that are in year two or later. Okay? Just like in Newark, 80 percent of the schools are in year two or later. There are 15 schools in Newark in year five or six, and eight in year five or six in Camden. These are by any measure and metric, like these are black holes of failure. Okay? And even -- I don't want to bust too hard on Newark, there are some grains of sand of success on that beach of failure, but our kids are dying on it. They're dying on it in Camden, too.

And the fact of the matter is that we look at -- we're greater supporters of NCLB. We're great supporters of NCLB in theory. We're not very good supporters of it in practice, because where the rubber meets the road out in urban school districts where you have parents suddenly informed of how bad their school
districts are doing, suddenly aware in like a very clear, specific way of what the company is doing to the child, when they go in and try to access what I like to call the triggers, the parental empowerment triggers, like Choice, like SES, what you find is essentially the regulatory entity, which is also the offender, telling you well, that's great, but you can't get none.

And the Chairman referenced a letter that I was sort of unfortunate enough to stumble across a couple of years ago when then Superintendent Knox, I don't want to blame Superintendent Fitz for anything Superintendent Knox did, sent a letter with a typo to a parent from Bonzall Elementary School, that said this school is both dangerous and failing. Because we don't have any better schools, you don't have any options. Right? And it's like telling me that is the prime example of what goes on in these school districts. And here in D.C., and I think generally, like people are in love with the brand of the American public school. It's like if you talk to somebody about what's going on in an urban district, you're going to get three reasons why an urban district is doing badly right out of the box. They don't have enough money, the parents suck, the kids are
unteachable. Right? And in New Jersey, where we have plenty of money -- okay, Newark pays 9 percent of its own school costs, 9.54 on a $916 million budget that's going to go to 980, Camden paid 2 on a $316 million budget a couple of years ago. Okay. Everybody is paid, the adults are doing fine, and we've ridden equity, we've ridden equity horse dead. Okay? It's like it's in the sand gasping for air now. And, basically, we have not delivered.

I mean, the incremental success even, like we have a voucher program in New Jersey for pre-schoolers. It's for three and four year olds. You can go to any pre-school you want to, the state is going to pay for it, nine to twelve thousand dollars a year. Right? It is largely cited for the reason that we have success in districts like Newark and Camden in Language Arts, Language Arts in fourth grade. But what we find now is that along with NCLB, because we support the disaggregated data provision, and we support the publishing of the data. We think that's critical. We'd also support it being done in a timely fashion, so that kids aren't enrolled in schools in October, and finding out from the districts that their schools are in need of improvement, or in year five, or in year six, or finding out that they're supposed
to be restructured, but no real restructuring is going on. No one is getting fired, the school is not being reconstituted, the contract is being thrown away, none of these things are happening. Right?

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

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

In Newark, Platform Learning. Like, I remember when Platform came to Newark, it was all these schools in year two, Platform went out to the schools, saw the parents there, told them the schools
year two, said free tutoring, you want it? And they signed up 800 people. Right? My colleague, Dan Rhodes is on the school board there, comes back to me and tells me Newark public schools invalidated all the forms, said they didn't have the correct form. So then Platform has to go out, re-canvass every single person. They picked up like an extra 100 people in a row, but this is how the system works. It can't live with competition. It can't live with anybody else that it doesn't authorize coming in.

And I want to kind of make a jump. It's not really about SES, but it is. In Camden, where you may know, arguably the world's most corrupt school district, where we recently received a $90,000 report that found cheating, where the State DOE could not find cheating, the State DOE found adult interference, which is ostensibly benign, but we get this report that says some guy that nobody ever heard of is rigging all these tests at all these schools, and we have these two elementary schools that were in the top six in the state one year, that with state monitors present. They weren't in the top 600. Okay? And the parents there want SES. They feel like they were shafted. They feel like they really didn't get what the state's taxpayers paid for. And the State DOE
won't aggregate the old scores, even though they know that they are false, and that they were interfered with. And more importantly, they won't give the tutoring because in not aggregating the old scores, the federal regulation forbids them from doing it, so even though they didn't meet adequate yearly progress in one year, and in another year they very likely did not meet it because of the cheating, they still won't get up off of the dime. And Superintendent Fitz, this I will indicate of him, said it's very likely some of these kids have missed out on some opportunities.

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

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

MS. ARCE: We're going to show a short film, a documentary of the Hispanic CREO's experience with the Camden public schools, and specifically, the SES provisions in working with a parent to guide them through the process of obtaining tutoring services. And it's a real short film. I think we might be ready, and this is a really good example of something that we were able -- that shows No Child Left Behind working, where a child really needed the help, and it worked. But I, also, very briefly afterwards want to talk about how difficult it was for Hispanic CREO and our project leaders in that city to get that to happen for this child, and for the other children that we were able to obtain those services for. So the point here is, here's what's working, here's what's not -- the issues that are happening in Camden, and then, also, this -- it took an organization working collaboratively with other leaders in the community to make this happen for this child, so imagine what's
happening to the kids who don't have several organizations backing them up.

(Video played.)

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

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

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

I subsequently held positions as prosecutor for Los Angeles County, where I saw the devastation on young black and Hispanic men that the
lack of education, the lack of opportunity presented. I also worked as a business executive and the leader of a statewide school reform initiative in Michigan, where I observed how difficult it is to change an entrenched system where the interests are not to educate children.

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

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

I'm telling you about myself, not to brag or boast, but to let you know where my passion comes from. I tell you about myself to let you know that I
could identify with the children and parents in the neighborhoods of Detroit. I was one of the lucky few who made it through the educational maze relatively unscathed, and prepared to compete with anyone academically.

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

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

While tinkering with the federal law will not in and of itself change anything, the federal law is not the only answer, but it does help. For the first time, parents know that schools aren't performing. For the first time, things are transparent. We can see what is going on. For the
first time, parents have real information about how
their children are performing relative to children in
other districts across the state. For the first time,
we have standards in place for the schools.

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

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

We can talk about the issue of whether or
not you ought to be dealing with this issue. We can
talk about the jurisdiction issue, but this is not
about jurisdiction, this is not about legal concepts.
This is about people. This is about the future of our
country. For many years, the education system hasn't
had to educate all of the children. In truth, in the past, the education system probably has educated about 30 percent of the kids. The other 70 percent could go to work in factories and plants, and they did okay. All you have to do is look at the City of Detroit, where there are more single-family homes, and working class people owning homes than most other places, because people did well working in the plants and factories. Those plants are no more. Those jobs are gone. The future for people without an education now is bleak. Unless we do something urgently, I shutter to think what the consequences would be for communities like Detroit.

We need to do something about this, especially in light of the fact that voters in Michigan and other states, in their wisdom have chosen to ban most forms of affirmative action in the state. As a result, entrance into the best colleges in the country like the University of Michigan, will be accessible only to those who can compete academically with children from suburban, private, and parochial schools. Parents with low income, who like the middle and upper income counterparts have the same hopes and dreams for their children. They will need all the help they can to help their children achieve
academically, given the lack of quality educational options that exist in their communities. A day does not go by during which I don't receive a call from a distressed parent seeking academic assistance for his or her daughter.

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

CHAIRMAN REYNOLDS: Thank you. The Honorable Eugene Hickok.

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

I submitted some testimony, which I'm not going to refer to right now. It's for the record. I'd rather sort of respond to what I've heard. And I
guess, for me, I can take precious issue with almost anything I've heard, having spent the last 10 years visiting many of these schools in many of these cities, meeting with many of these parents, looking in the eyes of many of those kids. And it should haunt us that in this, the richest nation on earth, generations of children are being left behind.

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

The fact is that in far too many places, those who make the decisions, who happen to be adults, are more interested in making sure that they control the money, that the money goes into the system, and that the system pervades, and perseveres. And the
kids are kind of an afterthought. It's public education for kids as sort of an afterthought. And until that's changed, nothing is going to change.

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

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

Secondly, the Federal Department of Education has never been an enforcement agency. There's a brand new rule for an agency like that struggling with it every day, because they know the kind of horror stories we've heard are going on, and they try to root them out where they can. But, at the same time, they try to root out those problems, they have to rely upon the states and those superintendents...
to do their job. So, you see, you've got this great problem. You have to rely upon the very system to do the job that the system refuses to do.

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

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

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

This Commission, if I might be so presumptuous, would do itself a favor by going down the street and visiting some of the schools, looking into some of those kids' eyes, getting a sense of the depth of the problem. We, as a nation, have tried to close our eyes to it, and No Child Left Behind, for all of its faults, and it's got many both in law and implementation, for all of its faults, it's making it impossible to close our eyes to the problem, and that's a good thing. And it's not just because
districts are like corporations. Well, they're big businesses, all right, but you know the best businesses, the best corporations in this country have stockholders they have to respond to. And in far too many places, the stockholders aren't present. The best businesses in this country have a bottom line, they have to produce a profit. There is no educational bottom line in most places until No Child Left Behind, and now when we have educational bottom line, you're making it, or you're not making it, schools tend to say it must be somebody else's fault. It's the fault of not enough money, or the system -- the testing is not working, or we test too much. The best corporations don't make excuses, they're successful. The best corporations thrive because of competition. Well, obviously, we don't have enough competition. Competition is one of the basic principles behind the foundation of our country. We shouldn't be afraid to make it one of the basic principles behind the foundation of our education. And there is discrimination, there is discrimination, there is the achievement gap. Brown v. Board of Education said a generation ago, "Equal access." Well, No Child Left Behind holds out the promise of equal success, but we're far from it. So, no, I don't
think tinkering with No Child Left Behind is the answer. In fact, I think what we need is to recognize that education is the civil rights issue of this nation. And it's time for an education revolution, and it needs to start by organizations in this city, organizations in cities all over this country, and parents taking back their schools. Because, after all, it's their kids, and having some ownership of the American education. That's the only way we're going to be successful.

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

CHAIRMAN REYNOLDS: Thank you. Mr. Packer.

MR. PACKER: Thank you. I appreciate the opportunity to join you today, and share the views of the National Education Association. NEA is the largest professional association in the country, representing an array of public school educators. Our membership is diverse. We have a common mission and values, based on our belief that a great public school is a basic right for every child.
NEA and its members have long supported the Elementary and Secondary Education Act. During the last re-authorization, we supported the laudable goals of No Child Left Behind, closing achievement gaps, raising student achievement for all children, and ensuring all students have a qualified teacher. In fact, NEA President, Reg Weaver, has made closing achievement gaps one of NEA's top priorities, and we've been using our own funds through grants to both our state affiliates and individual school districts to help put in place programs and policies that will move towards reaching that goal.

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

In July, we held our annual meeting, and over about 9,000 delegates voted on NEA's priorities for the ESEA re-authorization. Our proposals reflect
our members' fundamental belief that education reform must include more than a measurement system, and that it must include the essential programs, curricula, and supports that students need so they can, in fact, achieve and learn at higher levels. A copy of our report called "Our Positive Agenda for ESEA" was attached to my written statement.

No Child Left Behind holds schools accountable for improving student achievement on two test scores, as I mentioned, one in reading, and one in math, with the requirement that by the year 2014, 100 percent of all students score at the proficient or higher level. This so-called adequate yearly progress system also requires schools to ensure that various subgroups of students by race, poverty, disability status, English proficiency status, all meet the same yearly proficiency targets. For a typical school, there's as many as 37 different targets or criteria it has to meet to make adequate yearly progress, and a school that falls short on one of 37, is essentially treated the same as a school that falls short on all 37. Even Secretary Spellings has recently acknowledged the need to look at differentiation and the consequences or outcomes, or how we treat schools that don't make AYP. And I raise all that because
supplemental services is based on what schools do or
do not fail AYP, and we may need to take a closer look
at the whole underlying system.

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

In terms of SES, itself, there's eight
specific areas we see as problems that I want to lay
out and provide some brief recommendations. First,
funding for SES should be provided without taking
funds from Title 1. The reality is, there is no
separate funding provided by the federal government
for SES. It requires school districts to use up to 15
percent of their Title 1 funding to pay for services.
Since Title 1 funding is on a downward path right now,
it was cut by Congress in fiscal year 2006, and the
current school year, 62 percent of all school
districts have less Title 1 money than they had the
previous year, 15 percent out of a smaller amount
clearly is taking classroom services away from students who need them, so we propose that Congress provide a separate funding stream to provide more funds for supplemental services.

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

In addition, the Department has said that a religious entity providing an SES service may limit employment to persons of a particular religion. We simply do not understand why an after-school tutoring program would need to only employ someone of a
particular religion to help students improve their
math and reading skills. We propose that the
Department of Education revise its regulations to
require all SES providers be covered by all applicable
federal civil rights laws, and that faith-based
providers not be permitted to limit employment to
persons of a particular religion.

Third, SES providers should be required to
serve all students with disabilities and English
language learners. The Department of Education also
in its regulations determined that no individual
private SES provider had to serve eligible students
with disabilities, or English language learners. If
no providers within a school district's geographic
area were willing to serve such students, then the
school district was responsible for providing such
services. However, many school districts, based on a
different Department of Education regulation, are
barred from being supplemental service providers.
This results in a situation where some school
districts have been deemed unqualified to provide
after-school tutoring to students, in general, but
must provide such services just to students with
disabilities and English language learner students.
We find that an unconscionable, and perhaps illegal
double standard. Again, the Department can correct these problems through a simple change to its own regulations.

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

Fifth, we think that we need to strengthen the quality control mechanisms to ensure SES programs are providing quality services. We heard a lot of talk about lack of quality, or problems with quality in public schools, but we haven't heard anything about -- Mr. Hickok mentioned briefly, the need to ensure quality in the provision of supplemental services. The Government Accountability Office recently issued a report that found that three-fourths of states found that they were experiencing challenges evaluating SES.
The result is there's virtually no data to gauge the effectiveness of SES programs, or to ascertain whether they are actually meeting their purpose of improving student achievement. We propose that school districts be given greater authority to look at the quality of providers, as opposed to the current rules, which only allow states to do so.

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

Seventh, we believe that school districts that have been identified as in need of improvement should be allowed to serve as SES providers. The Department of Education in another regulation generally prohibited school districts that failed to make AYP to serve as an SES provider. We think that actually works to limit parental options in terms of
their provider. Many school districts were kicked out of being providers. And while the Secretary has allowed on a targeted basis a handful of school districts to have a waiver, we think that that prohibition should be eliminated. And as long as the school district meets the other criteria, and is providing quality services, should be a provider.

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

Taken together, I believe that NEA's recommendations will improve the quality of supplemental services, ensure protection of civil rights for both students and employees, provide more resource overall for improving student achievement, and closing achievement gaps. Coupled with our broader recommendations for changes to ESEA, and our positive agenda, we think they will result in great public schools for every child. Thank you.
CHAIRMAN REYNOLDS: Thank you. Okay. Time for questions. Vice Chairman, Chair Thernstrom.

QUESTIONS BY COMMISSIONER AND STAFF DIRECTOR FOR PANEL 2

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

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

I mean, Roy Romer was a very talented man. He hit Los Angeles, and he fell on his face. And you call for an educational revolution, so the question is, what does such a revolution really look like?
Let's put some meat on those bones. And then I have a completely separate question, which is NCLB up for re-authorization. Is anything good going to come out of that? The good suggestions look pretty dead on arrival to me, but let's take -- the more important question is that of putting some meat on the bones of what you call the revolution, that will really begin to turn these urban, or have some chance of turning these urban districts around, which are wall-to-wall from sea to shining sea in terrible condition.

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

A couple of observations. The first one would be that we still confuse education and schooling. Schooling is about infrastructure, and buildings, and education is about knowledge and ideas. Education takes place long before a child enters a
school building, and in this day and age, it's got to go on for a lifetime, I hope. And so the first thing we might try to do is get away from that silly confusion of the two.

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

I think the other thing we need to do is, there are two ingredients where I've seen success, even where success isn't supposed to happen. One is a sense of ownership, as I said earlier, where people feel they have ownership, they feel they have a stake
in what happens, they make sure good things happen, and they don't put up with anything less than that. And I can take you to some schools where good things aren't supposed to happen, and because the parents, because the community, because the teachers, because the leadership has a sense of ownership together, they make things happen.

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

CHAIRMAN REYNOLDS: Mr. Packer.

MR. PACKER: I want to agree with part of what Gene just said. I think the comment about
ownership is exactly right. And I think part of the
problem with No Child Left Behind, which we agree that
it's helped raised the debate, and focus attention on
education, but the problem is, it starts off with a
distrust of schools and educators. It starts off with
a premise that they have to be forced to do things,
that unless the federal government puts in place all
these rules and regulations, they're not really
interested in educating children. And it really
imposes top-down solutions, so I agree that ownership
-- if you don't involve teachers and other educators
in developing the solutions at the local level,
working together with parents in the community, it's
not going to work. If teachers feel that solutions
are being imposed without their input, if they don't
they're educationally sound, the programs are just not
going to work, so I agree that ownership, working
together at the local level is a key aspect of this.

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

MR. PACKER: You did need the --

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

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

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

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

CHAIRMAN REYNOLDS: Yes. I mean, looking at the billions of dollars that are spent annually in
urban school districts, when we look at the money that goes in, and we look at the results, it is clear that no school district has any idea how to consistently raise test scores.

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

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

Commissioner Yaki.

COMMISSIONER YAKI: Thank you very much, Mr. Chair. As we start getting into these meta issues, you know, I start thinking to myself well, we can talk about how the education system needs a revolution. Well, I would submit that -- I'm sure, I would hope that people would agree that it's more than just the education system alone, that what has happened to the American family over the years, the great disparity between rich and poor, the kinds of jobs that are out there, and the fact that there's so
many two-parent, two-job families out there trying to make it, and what that does to the home environment in terms of providing supportive education, and after-school activities. We can go through a whole list of where we think things need to be improved, and if one wants to call it, and I actually in my law school days, we talked about what we defined as prerequisite rights, rights that were assumed to be part of what you needed to be a fulfilled citizen of this country, to enjoy all of the other rights that the Constitution affords you, education being one, housing being another, employment being another. I mean, you can see that it's all connected here, and we could certainly have a whole other convocation, and talk about how we can talk about solving everything, but here we are talking about just one component, and that is education.

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

I just have some specific questions for some of the panelists. It's very, very specific, and so if you just want to have yes or no, or whatever, just keep it brief, because we have to get moving on.

Mr. Bradford, E3 -- your organization on its website advocates for public funds for private schools, among other things. It talks about tax credits, talks about vouchers, so you're an organization that does endorse the use of public funds for private institutions.

MR. BRADFORD: Yes.

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

MS. ARCE: Arce.

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

MS. ARCE: We believe parents should have all the options possible, because we believe competition is what is going to really make a change at a faster level. We really think that -- we support No Child Left Behind and the provisions for parents. We believe that it can definitely -- it has major
problems in implementation, but if parents have the right to choose and that money follows the children to the school that their parents feel is going to meet the needs of that child, that's going to mean the money is following the child, and it's going to create the opportunity for new schools, whether it's charter schools, private schools. And it's going to reward the public schools who are doing a good job, and the districts who are doing a good job. And that's really what's going to help us to deal with real change. Competition, and if we're talking about money, those who are doing a great job are going to succeed. Those who are not, are going to fail, and close down, and that's good.

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

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

COMMISSIONER YAKI: Okay. Mr. Blackmond, you would -- and your organization also supported Proposition 2 in the Michigan ballot, didn't it?

Proposition 2 on the Michigan ballot, the one that
involved -- the one that abolished affirmative action in the Michigan colleges and universities.

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

COMMISSIONER YAKI: You didn't?

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

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

MR. BLACKMOND: I'm not sure I see the
distinction there, but yes, the -- wherever that quality education is, they have the opportunity to put their kid there.

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

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

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

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

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

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

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

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

COMMISSIONER YAKI: The clients of the firm.
MR. HICKOK: I think in Florida, primarily.

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

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

COMMISSIONER YAKI: Thank you. That ends my questions.

CHAIRMAN REYNOLDS: Okay.

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

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

CHAIRMAN REYNOLDS: But, Mr. Packer, in light of this grand failure that is urban school districts, we're not -- well, are we in a position --
are we doing so well that we could just ignore
options, even strange options that we've never tried
before? It seems to me that you say that we should
have -- or Mr. Blackmond says that we should have a
sense of urgency. I think that it's time for a little
bit of desperation looking at the test scores, and
looking at the fact that these children would not be
able to improve their lives, so the idea of taking
options off the table seems crazy.

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

MR. PACKER: Well, first of all, I think
probably worth the Commission having, Mr. Yaki said a
broader hearing on whole other array of issues about
urban education. We could talk about the problems in
rural education, as well, but I think in terms of NEA
absolutely totally agrees there is a crisis in achievement gaps in this country, there's a crisis in graduation rates in this country. We just released our own 12 point plan on our proposals to improve graduation and reduce dropout rates. We don't believe private school vouchers where they've been in place have been shown to have had any measurable effect on improving student achievement. We think we should concentrate our efforts where 90 to 95 percent of students go, which is in the public school system.

I fully agree with Mr. Yaki that it's a somewhat unreasonable expectation to say without addressing poverty, housing, homelessness, employment, nutrition, healthcare, other factors, the fact that poor children tend to have higher rates of asthma. They miss more school. If you're out of school, you're not going to be learning as much. Maybe we should be putting more attention into children's healthcare to make sure they get their asthma taken care of. A child doesn't have dental coverage and has a toothache, it's going to affect their ability to concentrate in the classroom. We can go through a whole range of healthcare issues alone, so that's one aspect I think we have to look at in a holistic area. And we absolutely fully agree, there're significant
problems in urban schools and other kinds of schools. We think the solutions range from early childhood education, quality professional development, mentoring programs for new teachers, improving working conditions in the schools. I agree that there are some schools that are --

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

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

COMMISSIONER YAKI: It's Yaki.

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

COMMISSIONER YAKI: I'm sorry, too.

(Simultaneous speech.)

MR. BRADFORD: You should everybody on the second panel the question in reverse, I mean, because it's relevant, and it's pertinent. And the fact -- you know, I am so tired of hearing this argument about how we have to fix every other problem so that we can fix what's going on for poor kids in the schools. I mean, we have two education systems in this country.
We have one for white kids, largely, and it's okay. It's not fantastic, but it's okay. And then we have one that African American and Hispanic kids largely people, and it's not so good. And in New Jersey, where we have early childhood, where we have myriad programs, that's why we spend so much money. And I should say this -- our organization supports $18,000 $20,000 like they spend in Englewood, 22 maybe in some other places, if that's what it takes to ensure that the high risk kid gets the access and the supports that we're talking about. But what my life is here, what's going on here, is that we've done all that stuff, and we're still not getting -- these kids are still not getting a fair shake.

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

MR. BRADFORD: How do you define the result? Is it that we put all the money on the table necessary to fuel all the programmatic inputs, or that we're actually getting kids educated? And I have a small personal anecdote I want to relay, because I'm from Baltimore. And I went to public school until I
was in sixth grade, and I was really dying on the vine, and I got very lucky, and I got a scholarship to go to a private school, and I graduated from there. And the high school I was supposed to go to, Frederick Douglas High School, 14 years after I graduated from high school, in 2006, only 10 percent of the seniors at that school can pass the Maryland Assessment in Language Arts, which I'm also sure isn't a very difficult test. Now I just want to submit to you that it's like this school is named after a man who would have gotten killed if people knew that he was teaching himself to read. Okay? And 14 years later, 14 years worth of students like me went through that school and were shortchanged. What kind of America are we building for these students if we don't give them something else? I mean, this school is so clearly and demonstrably failing children of color, how can we continue to put that on the table, and not try to put something else there?

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

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

COMMISSIONER YAKI: I mean, let's talk about the fact that during that same time period what was going on in terms of government assistance to the
inner cities. Let's talk about -- I don't know what year you -- you certainly look a lot younger than I do.

MR. BRADFORD: You have more hair.

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


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

(Simultaneous speech.)

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

MR. BRADFORD: The federal government is not --

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

CHAIRMAN REYNOLDS: Can we agree on that point?
COMMISSIONER YAKI: Pardon?

CHAIRMAN REYNOLDS: Can we agree on that point?

COMMISSIONER YAKI: What point?

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

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

CHAIRMAN REYNOLDS: So the answer is money.

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

(Simultaneous speech.)

COMMISSIONER YAKI: When Prop -- well, come to California and look at what Prop 13 did to our schools. Okay? Should we talk about that? Let's
talk about Prop 209 --

(Simultaneous speech.)

COMMISSIONER YAKI: Let's talk about --

CHAIRMAN REYNOLDS: Is the answer money?

COMMISSIONER YAKI: Pardon?

CHAIRMAN REYNOLDS: Great question, is the answer money?

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

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

MR. HICKOK: Could I just say just two things. Some of this is well, it's kind of irrelevant, because we can go back and say who did what, or didn't do what, or spent this, or didn't spend this. This is the world in which we exist, and the promise of public education has always been we take your children no matter what world they come
from, and educate them. And the problem is that we've
got a public education system that hasn't changed with
the world as it has changed.

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

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

MS. ARCE: And the families who are
struggling with issues, as Commissioner Yaki - there
are a lot of family issues that exist, we all know
that. But it's an excuse, because we have seen it
work in urban communities. We have seen the KIP
schools do an incredible job, because they're
providing those children who are in really at high-
risk situations, with a quality education. We've seen
that, and Crystal Ray schools do the same thing, so
why cannot the same public schools in those same
districts where those schools exist do the same thing? It's not because of drugs, it's not because of family situations. The kids are the same in both schools. Why is one graduating college-bound kids, and the other one not graduating them at all?

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

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

CHAIRMAN REYNOLDS: Okay, three more
questions. First, Commissioners Melendez, then Kirsanow, than Vice Chair Thernstrom.

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

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

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

CHAIRMAN REYNOLDS: Okay. Commissioner Kirsanow.

COMMISSIONER KIRSANOW: I have a question for Mr. Bradford, actually two, and they are more
specific. My understanding is there are currently 71 schools in New Jersey that are in the fifth year --

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

COMMISSIONER KIRSANOW: New Jersey.

MR. BRADFORD: Yes.

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

MR. BRADFORD: The challenge is that like the school districts, like Newark has 15 schools in year five or six, but there are essentially six options that play out as restructuring, and the individual districts get to decide which ones they want to do. And I would argue that the more assertive ones, like utter reconstitution of the schools, are not things that school districts want to do. So to my knowledge, the answer is no. I definitely haven't seen someone choose the top option, and I definitely haven't seen an option that I would like; although, there was -- I can't remember what the district was. It's a northern New Jersey district, and it was very telling, because one of the superintendents there was
asked about restructuring, and he was just like, I
don't know how we're going to do this, because we
can't do anything about the teacher contract at the
schools that we have to restructure, which means
fundamentally we still get the same school with a
different school structure.

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

MR. BRADFORD: Not that I know of.

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

MR. BRADFORD: Urban schools.

COMMISSIONER KIRSANOW: Urban schools.

MR. BRADFORD: Yes, urban schools.

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

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

COMMISSIONER KIRSANOW: Right. Okay.

Kids are bad.

MR. BRADFORD: I did say suck, yes.

COMMISSIONER KIRSANOW: Right, you said
suck. Can you give me three reasons, or three what you believe to be the chief obstacles to reform?

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

The second thing is that you have to deal with the adults in a completely different way. I don't know whether or not anyone has seen Heather Peske's study on teaching and equality from the Education Trust where they analyze three states, and they found that largely, high poverty, or high minority school districts get teachers that just aren't as good. And even in individual school districts, what you have, because of seniority assignment, and more ability to track your own placement, is clusters are very high performing teachers in individual schools, which also like drive
up -- which also sort of lead to this huge inequity in how much spending is going on from school to school in different districts. So I would say you can't ever have the talented workers figuring out where they want to go on their own. I mean, it's bad, but you've got to put the best people in the worst place. You've just got to do it.

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

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

MR. BRADFORD: Yes.

COMMISSIONER KIRSANOW: And my
understanding, as I think I read a newspaper article a while ago, that those were a couple of schools, elementary schools, I think Wilson, Wiggins.

MR. BRADFORD: Yes, in Camden. Yes.

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

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

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

MR. BRADFORD: Well, yes. The DOE that investigated it said they thought that there was adult interference essentially at almost -- I think it was five other schools that were included in the list. There was a high school there, Brim Medical Arts, where the principal, who's sort of a whistle blower, he reported that he was allegedly told by his boss, an Assistant Superintendent, how to rig the scores on the high school proficiency assessment, and he was fired for outing this. And the following year, that school experienced the largest decrease in standardized test scores of any high school in the state. And I want to that was released last week exactly on this. And the
investigator hired by the school board, the Camden School Board, found -- he asserts this, and it's important for this hearing. "Federal and state education officials are hardly blameless in this series of events. They have concocted a system under which enormous benefits flow to schools that satisfy arbitrary test score cutoffs, and severe consequences flow to those that do not. They then expressed stern disdain when the districts crossed the line in achieving those scores. The NCLB structure places an absurd amount of emphasis on the results of a single test. While the district administrator's actions are inexcusable, it is ultimately not surprising that investigations of test score manipulation are almost commonplace around the country." This is the NCLB made me do it strategy. This is a brand new one. I don't know if you've seen it yet, but for me, if you can't pass the HPSA, the eighth grade competency test, you didn't just fail one test, you probably failed 100 on the way there. This is not about one individual benchmark. This about a huge series of things that add up, and these are the individual published instances you get to look at.

COMMISSIONER KIRSANOW: Thank you, Mr. Chairman.
CHAIRMAN REYNOLDS: Vice Chair Thernstrom.

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

COMMISSIONER YAKI: Am I saying that? No.

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

COMMISSIONER YAKI: But if you're asking me.

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

COMMISSIONER YAKI: What I am saying is that it is, I think, foolish to think that we live in the same kind of world that we did 20 or 30 years ago, and that the challenges that schools have, that the public schools have are infinitely greater than they were before. And when people say well, per capita student spending is blankety-blank, blankety-blank, my answer is, there are other challenges that must be accommodated, as well. And so, I don't necessarily
subscribe to the idea of pulling money out of the public school system through vouchers or other kinds of programs. I think the KIP schools are fine, I think charter schools are great, I think Magnet schools are wonderful. I've seen where in San Francisco, we created two or three more Magnet schools for kids there. But I think we have to understand that the world in which kids grow up nowadays is a lot different than what we did, and it's more challenging.

It doesn't excuse them, it doesn't excuse us. It doesn't excuse anybody, but we've got to understand what it is that's out there.

MS. ARCE: Commissioner Yaki.

COMMISSIONER YAKI: Ms. Arce.

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

COMMISSIONER YAKI: Well, I would say the public school system has changed. I think that when you -- the whole idea of charter schools are becoming much more prevalent. KIP Schools have become more prevalent. I think that No Child Left Behind is a means of change, and why Democrats and Republicans joined the President in passing it. And it's funny, because it's like almost the last thing we've been
discussing today has been the No Child Left Behind and
the SES because it brings up, as the Chair said, just
the fundamental issue of an achievement gap, and a
system that right now perpetuates great disparity for
minorities in this country. And that, I agree with
you, Mr. Chairman, and yes, I agree with reform. We
may not agree with how to reform, but I think --

CHAIRMAN REYNOLDS: That's true. Okay.

Yes, Mr. Packer.

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

VICE CHAIR THERNSTROM: And I would say --

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

(Simultaneous speech.)

VICE CHAIR THERNSTROM: Say the research
shows exactly the opposite.
MR. PACKER: I would like to see the research that shows that SES -- what it has done to close the achievement gap, compared to quality early childhood --

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

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

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

CHAIRMAN REYNOLDS: No, we're not.

MR. PACKER: Yes, you are.

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

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

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

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

COMMISSIONER TAYLOR: I heard something
from Mr. Bradford that I want to see if you agree
with, Mr. Packer.

MR. BRADFORD: Derrell.

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

MR. PACKER: Yes.

COMMISSIONER TAYLOR: Period.

MR. PACKER: Yes.

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

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

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

MR. BRADFORD: Yes.

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

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

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

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

COMMISSIONER TAYLOR: Yes, I'm putting all
the issues on the table. I don't have any single one
in mind at all.

MR. PACKER: Yes.

COMMISSIONER TAYLOR: Let me -- because I
don't want to leave here -- frankly, I usually leave
these meetings inspired, but I'm afraid I'm going to
leave this meeting with a very sad heart, because my
sense is that we're having a discussion very similar
to the Katrina discussion. The argument from a lot of
folks from my community was that if white folks had
been in that area, that wouldn't happen. I make the
same argument in this case. We're talking about white
people instead of black folks and brown folks, we
would be talking about, respectfully, Mr. Packer,
radical change, is my submission. Not tinkering, not
supporting government programs, that would be my
submission. But in an effort, so I don't leave here
with a sad heart, can I offer a proposal. If we were
to find an urban school district, make it a moderately
sized school district so it's manageable, and I were
to say to you going back to Mr. Bradford's suggestion
of paying $200,000, I will give you all the support
you list relative to the community efforts, education,
we'll take care of the dental care, let's pick a 50 or
100,000 populated area in terms of overall census
where it's manageable, and give you every support. And in exchange, put on the table all those radical solutions of school choice, vouchers -- is that a bargain that from your perspective would make sense? Is that something you could buy into? I'll give you all the things you say a community needs, and Commissioner Yaki can list them all. And God knows, I don't like taxes, but I'll support them if it allows us all to agree that we put radical solutions on the table. To me, that's the only way you can credibly say that you oppose the radical solutions. If I offer to fund everything, then I think I'm calling your bet.

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

CHAIRMAN REYNOLDS: You can say yes or no.

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

COMMISSIONER YAKI: Just one second, Mr. Secretary. What you're talking about, though, to really do it correctly, you'd have to set it up in two different communities, because the one thing you don't want to have happen is one of the -- to me, at least,
you would want to have it controlled. You would have one where the public school gets its funding per capita, and one where the funding for whatever gets affected by kids going out, or what have you, and then sort of compare and see what happens from there.

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

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

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

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

CHAIRMAN REYNOLDS: Yes.

MR. HICKOK: Which is not hypothetical. I mean, this is a real basic issue. In the re-
authorization proposals by this administration that
have been announced this week on No Child Left Behind,
one of them is still just being fleshed out. One of
them, as I understand it, is to make it easier for
superintendents to make sure the most qualified
teachers get where the need is greatest, getting to
your point. Have lots of problems with that, I think,
because a qualified teacher issue has lots of problems
because those are local decisions often in contracts.
But here's a proposal that would make it easier for
superintendents to make sure the most qualified get
where the need is greatest. Would you support
something like that?

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

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

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

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

MR. PACKER: That's not what the outcome
is, would be.
CHAIRMAN REYNOLDS: Okay. At this point, I'd like to thank the panelists. This has been a spirited exchange, but we walk away here, I hope, respecting the views that have been offered by ideological opponents.

COMMISSIONER YAKI: Not ourselves, but certainly them.

(Laughter.)

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

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

PANEL 3 -- GOVERNMENT REPRESENTATIVES

CHAIRMAN REYNOLDS: Okay, let's get started. The next panel is government officials and representatives who will discuss their experiences with providing supplemental educations services. The speakers will include Marion Bolden, the Superintendent of the Newark Public Schools; Reginald Felton Director of Federal Relations of the National School Board Association; Leonard Fitts, Superintendent of Public Schools; Kimberly Hood, Executive Director of the LEA Grant Programs from the District of Columbia Public Schools and finally
Christine Krenicki --

MS. KRENICKI: Yes, it is.

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

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

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

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

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

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

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

Next would be Dr. Leonard Fitts, who is the Superintendent of the Camden School District. A native of Alabama, Dr. Fitts holds a degree, a BS in mathematics and science and an education degree, a
Masters of Education in counseling and guidance from Tuskegee University and a Doctorate in Educational Psychology from the University of Pennsylvania, and finally a Post-Doctorate Masters of Business Administration degree from Drexel University.

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

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

SES, I think SES, again, in concept has been a very effective way to help close the achievement gap, but it has to be implemented in ways that are sensible, it has to be implemented in ways where there is a way to deal with assessing the effectiveness of providers versus schools or the other. In the statement that I've prepared, we talked about how we entered into our SES services from year one, from year two to year three. In the first year we were able to service 1500 youngsters, the second year 2800, the third and fourth year 4400 youngsters we've been able to serve. And one of the reasons I think that we were invited here is because we were visited by the GOA and they said that Newark was one of the districts in terms of its implementation of SES
had done a fairly good job, even in terms of its outreach to parents.

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

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

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

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

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

And E-3 has been in our district and I guess what bothers me as a superintendent is that the attack mode. I've been in the district since kindergarten. In fact, I was born in Newark. I would not choose to be superintendent any place other than Newark. And some of the comments suggesting that administrators and school districts don't have kids as the first priority is just absolutely so unfair. Chasing money, if I chase money and I'd gone to court,
and I'm that state-appointed superintendent, to get funds for my kids, it's not chasing money for the purpose of chasing money; it's chasing money for the purpose of providing those supports that we know our children need.

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

There was another question that you asked. Has any of the school districts in New Jersey decided to reconstitute a school completely? In Newark, yes, we have. And to suggest that there hasn't been any progress is also very misleading because well, maybe 10 years ago, the graduation rate was 40 percent.
When I started, it was 50 percent, and this last school year it was 74. Now, people like to say, "Well, did they all pass the HSPA"? Well, more than half of them did. But the issue for me is I have them now, and they're there, not to say that we're not struggling. My kids stay with us because they think we care about them. That has as much to do with closing that achievement gap as anything else.

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

And to say that nothing has worked is not even a fair assessment in terms of seven years ago is when Abbott was actually implemented in New Jersey. For three years, the state mandated that we take whole school reform models. We almost wasted three years
because it absolutely is not the issue. And so there's no silver bullet. You can't tell me to take success for all and think that that's going to be the answer for what goes on. It is hard work. It is having teachers who care, teachers who have high expectations, and I think many of us have said the same thing. And I have gone to every single in-service or workshop to make myself smarter about what it takes.

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

My last thing I'm going to say, I hope I have enough time, we have 13 charter schools in our district. This superintendent has never said anything negative about charter schools and neither has any of my board. Those charter schools that want to partner
with the district do. Most of our charter schools want nothing to do with the public school system. When it comes to vouchers, I could care less about vouchers, with the exception that you can take vouchers -- I agree with the parent that said it's a band aid because at the end of the day, whether kids go to charters or whether kids take advantage of a voucher, I will have 40,000 kids, I will have the most disadvantaged and my issue is, help me deal with those youngsters who are going to reside with so that they have the same opportunities as anybody else.

That's my 10 minutes of frustration.

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

MR. FELTON: Yes, thank you again for the opportunity to participate today. Within the National School Boards Association, of course, we believe that student achievement is first and certainly for the last decade, we have emphasized that school boards need to focus on student achievement as their primary mission. But in reality, of course, we also say that when we're talking about education, there's the academics of education, the business of education and the politics of education. And for us to believe that we can resolve this issue without approaching the
three components of that problem, I think that we are simply misleading the American people.

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

So five years later now as we approach reauthorization, and we certainly do support the reauthorization of the bill, our organization has identified 42 specific recommendations and offered that in the form of legislation that we believe could make the law doable and workable as Secretary Spellings has said she'd like to see. More specifically as we deal with supplemental educational services there are concerns that school districts have. Number one is that we believe that competing
successfully in the global market requires a system of
rewards and sanctions that are researched based and
provide positive incentives for students, school, and
school district performance. We are concerned that on
its face it appears that school choice and
supplemental services are in fact, incentives. The
question is do they really reflect positive incentives
given the reality of what urban schools find
themselves in?

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

Now, we can argue whether it's - whose
responsibility is that. We certainly are aware that
on average the Federal Government only provides seven
percent of what we currently spend, the rest coming from local and state funding, but the real question is, what does it take to actually educate our children in today's world and how does that relate to the deficit.

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

We agree with some of the earlier comments that were made that the research is inconclusive with respect to supplemental services. It was laid on the table, as many of you know, as a compromise to vouchers and yet we now are beginning to face the possibility of a voucher provision in the
reauthorization. So I think we have to say first of all, do we believe that supplemental services themselves as an approach, does it really significantly improve a student achievement and certainly for us that is a question and, in fact, in Hillsboro County School District in Florida, their report suggests that the percent of students making adequate progress in both reading and math remain greater for non-participatory students even when their economic status was comparable. So that certainly raises a question in terms of its value.

We're also concerned that the current law restricts many school districts from offering supplemental services with, again, the thinking that if a school was -- a school district was in need of improvement, that it certainly couldn't provide supplemental services, and yet, the data available to us suggests that that same school that may have offered those services at one price, now finds itself taking their very limited resources because they're forced to go through a contractor. The contractor then hires the teachers, rents our facilities at a much higher rate, therefore, really limiting the extent of the dollars available to local school districts.
The current law does not require the states to consult with local school districts and yet, we know that local school districts have invaluable information regarding certain prospective providers. This can be fixed by simply again, make an amendment to the law that would at least require consultation. States certainly can make the difference but as I referred to you earlier, the politics of education is such that many of the providers have simply lobbied their states to be placed on the list and again, they hire personnel not as qualified as teachers within the school system, charge higher rates and then we say to local school districts, "What have you done with those dollars"?

Another issue; the current law requires 20 percent set-asides for again, supplemental services but does not permit the school to release the funds to be reallocated to other Title I programs even when it's clear that those resources will not be used. Therefore, school districts that they've used it, that's fine, but certainly, there are many school districts out there fully notified parents, parents have elected not to participate. There's funding available from the very limited base for Title I in the beginning and yet, now, that school district is
restricted from using those resources to support other
Title I programs. This isn't additional money for
supplemental services. This is the same Title I fund
that, again, we believe is certainly less than 50
percent of what is delivered.

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

We also are concerned and are willing to
seek support from the local media. We've heard
parents say this morning, they don't even hear
necessarily on their local radio and TV stations.
Well, TV and radio ads cost money. And that doesn't mean that local school districts could not negotiate public service announcements but if we believe that we're going to reach communities simply because of the business of radio and TV stations and permitting public service announcements, again that's no realistic. So when we really talk about reaching out to certain targeted communities, not only does it have to be a plan, but is has to be a plan that is affordable.

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

School districts are also engaging other parent groups that have, perhaps organized for a different reason, because they see the value, if we can reach a family, that's going to make a difference. Historically, we use churches. We know that even less than 50 percent of our NAACP are no longer affiliated
with organized churches, so there has to be a difference. But anyway, bottom line is, school boards do understand the need to communicate. They do understand the need to insure the programs operate fully but there are challenges and I look forward to discussing with you in the Q and A period.

CHAIRMAN REYNOLDS: Thank you. Dr. Fitts?

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

I would also invite you to view 20/20 tonight on ABC because it will give you the opportunity to get a first-hand experience of the challenges that's found in an urban school district like Camden for something that has taken place over time. So as an interim superintendent, who is dealing with No Child Left Behind, I come to a challenged school district, all kinds of challenges, social challenges, economic challenges, educational challenges, low achievements and all the other things
that you read in the newspaper and that you do not read in the newspaper.

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

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

We've improved our communication, communication with parents, with all of the stakeholders out there, communication with the providers. So we have an ongoing system of
communication drawing off the best practices. We have people that go out there and what are the systems for communications? Bring them to us, put them in place. I won't go over them because many of them have already been cited. We develop a strict system of accountability. We have a booklet here that I can literally track from Day One all the way through the process; the parents, the students and the providers.

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

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

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

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

Supplemental educational services also pointed out something for me, that there is low magnetism in regular classes. Something is not holding those kids. Something is not pulling them in, drawing them in, keeping them and so we'd have to say, how do we increase the magnetism in this classroom to hold more kids, to keep them excited, to get them involved, so we're looking at activities, things we can do, not so much materials and supplies. What can the teacher do? How can you get those kids excited? How can you challenge those kids? How can you set high expectations and make them reach for the stars?

We spend some time in our schools staffing for success. We allow too much mediocrity to come and to knock at our door and we hire them. We have to be able to say to them, "You're good for some team but you're not good enough for this team, this is a high performance team." So let's staff our schools for success and we make sure that we select the best, the finest and the brightest to come to our schools. We're doing that.

There's nothing wrong to get some name brands in your schools. You know what I'm talking about, get the Harvards, get the Yales, get the MITs,
get the Stanfords, get the Dartmouth, get them in, because it's going to help you to drive out some of that mediocrity. Go out and recruit them, they'll come. I talked a little bit about high expectations. One of the things that I think that No Child Left Behind can do, one of the things that I think that supplemental educational services can do, I think that you need to expand your role and the services that you would like to provide school districts with. I think you need to enlarge those services, expand and enlarge them.

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

CHARIMAN REYNOLDS: Thank you, Dr. Fitts.

Ms. Hood?

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

One of the things that we have found in implementing the SES provisions over the past three
years was the need to better coordinate service and track student performance and student data. So the district had invested in a web based management system called "Webstars" that we use to just support the data, the operations of SES, to track the service delivery, to ensure that each of our providers are working individually with students in developing individual student service plans and it makes it easier for us at the district to monitor the implementation of those plans in the schools.

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

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

And in examining the report, what we found was that among the schools that were receiving SES, that we noticed that the gains of our NCEs were more
significant than those where SES -- in schools where SES was not implemented. But when we drilled down a little further and started looking at individual school performance, what we found was large disparities. And so at the district level, we made the conclusion that SES as a part of an overall improvement strategy, as the schools are developing and implementing school improvement plans, was correlated to the improvement in those areas but we could not isolate to say that it was the only factor that led to such improvements overall.

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

And so in the District of Columbia we have a lot of new things going on but all of it is based on what we consider to be research best practices in education and models for improvement that eventually we hope to see the gains that we seek. And so in
conclusion, what we're reporting from our district is that SES as an extension of our parental involvement program, as a partnership of building the relationship between family, the school, communities and the provider is paramount to the programs that we're putting forth and paramount to our overall district improvement model.

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

CHAIRMAN REYNOLDS: Thank you, Ms. Hood.

Dr. Krenicki.

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

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

Every time we get to that bar, that bar
changes. We are doing the right things and what are
the right things we're doing? It's something called
best practices. Yes, we do differentiated
instruction. Thank you for the Reading First Grant.
We do intensive early literacy and that has been very
effective but that's been over a period of years. We talk about urban bureaucracy maybe not educating -- the impediment to educating our students, but maybe we need to look at the federal bureaucracy, that's the impediment for us to have that sustainability.

We're not going to make it happen overnight and it doesn't happen overnight. It takes time. Every initiative takes time. It takes years. We don't have those years. That bar keeps going up and just as we think we reach it with our intensive early literacy, and our every child is going to be reading at third grade, we're working hard. I started the preschool program in my town. Yes, it does make a difference but every child doesn't read at the same grade level and every child coming into the school district isn't ready at the same level, but that's what early childhood do, that's what pre-K do. Does SES work? It works in our town. We made it work, well, because we put over one million dollars into that program. Well, if we put one million dollars into that program, we expect something back. We're not going to give it to these private vendors coming, in. They're making a lot of money, folks, a great deal of money. And their programs are so so. You have to monitor them. You have to put their feet to
the fire and you have to say, "If you're here educating our children, then we expect this from you and if we don't get it, you're out".

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

But you have -- it's another layer of things that you have to do. You know, I have many things attached to my title. We're learned to do more with less. That's the famous expression. We are not swimming in money. We are flat funded in New Jersey. We are not going to be on par with our suburban districts. Our kids have a lot of other issues and you have to acknowledge them. No, we're not letting public schools off the hook. I'll tell you, we are moving in some great directions.
Yes, the Title I PB monies have done wonderful things. We're making our staff highly qualified. We can't find good reading specialists. So guess what, we trained our teachers to be reading specialists. Folks don't want to come to urban centers. We are taking our teachers and making them certified. We do have a year five school restructuring. Yes, no, we didn't do a band aid. We moved the principal. Because it's a middle school, it's a very difficult middle school. You have posses, it's a very difficult age. We have a two-grade school and what we did was we took the math teachers out. Language Arts, literacy and math were our deficiencies. We took those math -- quote "math teachers" that didn't have to be certified because they're elementary, and we moved them into the elementary school and we've pulled out certified people in the middle school. We have a double period of language arts. Are you going to see those results next year? No, you're not. Change takes time and unfortunately we don't have that time. The initiative moves faster than we have time to catch up.

And with the children, with our special ed population, with our LEP population, it's working. We have a bilingual policy, but all of this is not going
to be a quick fix. SES works. Why does it work, because we monitor it, we require these vendors, knowing that our LEP population, special ed populations have to be addressed to be dealt with. We make them provide those services to those students. We make them provide bilingual teachers. We make them abide by the IAP accommodations. We do all that and then on the other hand, too, we offered intra-district choice. Well, in a district that the five schools that are not in Schools in need of improvement, have 30 plus students in the classroom.

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

"Well, you know, you should bring another teacher in and you can split the class up." Well, we don't have that funding to bring another teacher in and under Title I we don't have the money because we've taken $1 million to give to the SES providers so now what do we do? So when the parents find out that there are 30 plus children in the classroom, they rethink that one. Our superintendent was very
proactive when we came up with -- when this law was first instituted and we went to other districts. And we said, "Will you take our students, do you have room, can you take them"? And they all replied, "No, we don't want them. We don't want your kids".

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

Well, we go back and we say to the parents, "Look, dig your heels in. We believe we're going to turn our schools around and we can't do it without you. You are our partners. You have to help us make it work". And we put them on our teams. We put them on our planning teams. Do we reach the parent that we really want to reach, the one with the child who is experiencing problems, who is probably the most disruptive? No, we don't but that's why we have Ernestine. Ernestine and I are a team. And then we bring those parents in and we talk to those
parents. We try to reach out to them. But you're not
going to get all of them. You have to work with the
parents that are proactive and that are going to make
it happen. I feel sorry -- I feel badly for the
parents this morning who said SES didn't work, because
we truly make it work.

We go out there. We get the parents. We
provide them with child care so that they can come and
meet the vendors and talk to the vendors. And they're
at a loss, quite frankly, folks. We hit them with all
of these vendors and they look at us and they go,
"Whoa, help us out, who are these folks"? You know,
everybody is in their face. You know, we don't allow
that. We don't allow soliciting at the schools. I
disagree. We don't allow them to go in there.
They're like vultures on parents that are -- that don't
have the wherewithal nor the knowledge, and they're
taken back by high powered vendors who go in there and
offer them not only the tee shirts and the mugs and
the food and the this and the that, that's not what
we're about. We're about offering quality programs to
children and not making it such a monumental thing for
a parent to choose a vendor. You don't realize how
difficult that is for a parent to meet all these
vendors who are there.
And we monitor them. We don't allow that to happen but that's a full -- you've created -- it's been created a full time job. But the bottom line is here, there's another issue that needs to be addressed and that's in the federal law, the NCLB law. It's a little, little one. It's called proportionality. The only students that are eligible for SES services are students that qualify for free or reduced lunch. We have schools that are 80 percent, 90 percent, 70 percent that qualify. However, there's a portion of kids that don't get the service because they just are a couple of dollars above. And what we had was, our superintendent was approached by an elected official who said, "We want proportionality used for the schools in a certain school district, in certain attendance areas that do not want to fill out the income eligibility survey, but they're eligible for -- they feel that they're eligible for services." I ask you to look into that law because if that proportionality can apply for regular Title I services for non-public students, then it surely should apply for children in schools in need of improvement who should not be denied SES services because they make a few more dollars more than what this income survey asks for. Thank you very much.
CHAIRMAN REYNOLDS: Okay, this is going to be difficult and it's difficult because I'm trying to square what I heard from the other panels and what I heard from you here today. Well, before I offer my own comments, I'll ask are there any questions from the Commissioners? Okay, good. We have a grand mess on our hands and I have said -- I have described the problems in stark terms but I want to be clear that I am not stating that superintendents or other professionals aren't trying. I mean, this is a monumental task and quite frankly, I don't have any solutions. If there is a magic bullet, we wouldn't be here. But there are some shortcomings, there are some things that we all need to do a better job at our jobs.

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

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

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

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

QUESTIONS BY COMMISSIONER AND STAFF DIRECTOR

FOR PANEL 3

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

DR. KRENICKI: Well, we established our rules.

COMMISSIONER MELENDEZ: Oh, you did.

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

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

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

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

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

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

So any thoughts?

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

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

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

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

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

CHARIMAN REYNOLDS: Dr. Krenicki?

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

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

CHARIMAN REYNOLDS: Okay, I'd like to
thank this panel and the other panelists. This has been an informative exchange. Thank you very much.

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