

U.S. COMMISSION ON CIVIL RIGHTS

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COMMISSION BRIEFING **EDITED**

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FRIDAY, MAY 20, 2016

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

PRESENT:

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

MAURO MORALES, Staff Director
MAUREEN RUDOLPH, General Counsel

* *Present via telephone*

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STAFF PRESENT:

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

COMMISSIONER ASSISTANTS PRESENT:

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

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

9:02 a.m.

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

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

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

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

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

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

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1 COMMISSIONER ACHTENBERG: This is
2 Commissioner Achtenberg.

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

6 COMMISSIONER ACHTENBERG: Good morning.

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

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

13 I. INTRODUCTORY REMARKS

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

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1 achieved.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (Panelists sworn.)

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

9 MR. ROGERS: Good morning.

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

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

13 VICE CHAIR TIMMONS-GOODSON: Okay.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 MS. FARRIE: Good morning.

5 VICE CHAIR TIMMONS-GOODSON: Good morning.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 and Texas.

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

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

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

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

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

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

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

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

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

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

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

16 MR. VOLKMAN: Thank you and good morning.

17 VICE CHAIR TIMMONS-GOODSON: Good morning.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 VICE CHAIR TIMMONS-GOODSON: Proceed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 VICE CHAIR TIMMONS-GOODSON: Mr. Rogers?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 VICE CHAIR TIMMONS-GOODSON: Yes.

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

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

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

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

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

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

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

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

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

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1 Volkman?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 these critical areas will make a huge difference.

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

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

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

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

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

25 A 20 percent increase wouldn't necessarily be

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

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

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

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

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

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

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

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

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

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

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

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

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

11 COMMISSIONER YAKI: Yes.

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

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

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

25 Is there -- is the proper amount of money

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 COMMISSIONER KLADNEY: Yes.

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

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

25 Ms. Farrie, the report that you all had

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 or their productivity into the educational system.

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

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

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

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

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

25 COMMISSIONER KLADNEY: It may not be in

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1 the report, but somebody must have an idea.

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

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

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

18 MR. ROGERS: Yes.

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

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

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

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

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

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

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

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

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

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

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

17 MR. ROGERS: Okay.

18 VICE CHAIR TIMMONS-GOODSON: Yes.

19 COMMISSIONER KLADNEY: So that would be
20 wonderful.

21 MR. ROGERS: Next week.

22 VICE CHAIR TIMMONS-GOODSON: All right.

23 MR. ROGERS: Thank you.

24 VICE CHAIR TIMMONS-GOODSON: Yes.

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

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

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

8 MS. FARRIE: Of course.

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

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

15 MS. FARRIE: I'm sorry?

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

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

21 COMMISSIONER KLADNEY: Okay.

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

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

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

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

3 COMMISSIONER KLADNEY: Thank you very
4 much.

5 MS. FARRIE: You're welcome.

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

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

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

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

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

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

25 VICE CHAIR TIMMONS-GOODSON: Let me

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

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

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

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

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

16 And our fifth panelist is Ary Amerikaner.

17 MS. AMERIKANER: Amerikaner. Close.

18 VICE CHAIR TIMMONS-GOODSON: Amerikaner.
19 And I practiced that. Deputy Assistant Secretary for
20 Policy and Strategic Initiatives of the Office of
21 Elementary and Secondary Education in the Department
22 of Education.

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

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1 belief. If so, say I do.

2 ALL: I do.

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

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

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

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

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

25 The civil and human rights community has

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

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

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

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

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

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1 the Civil Rights Act of 1957.

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

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

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

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

25 I would also like to call the attention of

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 At the Leadership Conference we seek to

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 These resource disparities contribute to

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 day.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 And finally, NEA understands that the

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

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

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

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

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

25 Ms. Monroe?

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

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

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

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

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

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

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

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

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

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

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

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

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1 action.

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

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

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

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

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

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

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

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

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

25 Further, the district will review its

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

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

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

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

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

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

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

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

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

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

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

25 We recognize that whether it is in the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 VICE CHAIR TIMMONS-GOODSON: Somebody.

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

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

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

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

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

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

20 VICE CHAIR TIMMONS-GOODSON: Thank you.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 Certainly, Philadelphia, Chicago, and

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

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

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

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

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

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

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

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

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

5 COMMISSIONER YAKI: Yes.

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

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

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

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

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

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

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

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

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

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

6 COMMISSIONER ACHTENBERG: Yes.

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

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

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

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

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

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

15 COMMISSIONER ACHTENBERG: That would be
16 great.

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

18 COMMISSIONER ACHTENBERG: Please.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 COMMISSIONER KLADNEY: I understand.

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

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

24 So we --

25 COMMISSIONER KLADNEY: You mean in the

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1 past.

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

8 COMMISSIONER KLADNEY: Right, right.

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

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

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

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

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

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

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

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

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

25 Let me pause here just one second. What

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

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

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

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

11 COMMISSIONER KLADNEY: Is that you
12 Commissioner Yaki?

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

15 COMMISSIONER KLADNEY: Oh, okay.

16 IV. PANEL THREE:

17 THE ROLE AND EFFECT OF MONEY ON OUTCOMES

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

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

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

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

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

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

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

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

23 (Panelists sworn.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 Scholars studying equity reforms have

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

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

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

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

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

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

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

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1 deviations by 2011.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 share of poor children.

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

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

12 The first is local to the panel here. It's
13 the IMPACT teacher and principal evaluation program,
14 which is a comprehensive evaluation system adopted in
15 Washington, D.C., in which teachers and principals are
16 rated on the basis of a number of measures including
17 their effects on achievement growth and classroom or
18 school observations of both the performance of the
19 teacher and the school leader.

20 The evaluations provide the basis for
21 teachers and school leaders to improve. And
22 additionally, a high rating is rewarded by bonuses or
23 base salary increases that make it much more appealing
24 to continue to teach in the District.

25 And crucially, extra compensation is given

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1 for highly rated teachers and principals who work in
2 high-poverty schools.

3 So the District becomes more attractive to
4 effective educators, and importantly so do those schools
5 that teach the most disadvantaged children.

6 Now the evidence on IMPACT effects.
7 Reading and especially mathematics achievement in
8 high-poverty schools increased substantially following
9 the replacement of teachers classified as low performers
10 who were induced or required to leave the schools. And
11 the improvement in the 2015 National Assessment of
12 Education Progress scores exceeds all of the other large
13 urban districts that participate in that special NAEP
14 program.

15 How do these results inform potential
16 policies related to the structure of teacher
17 compensation? One possible approach is
18 across-the-board salary increases or retention bonuses
19 for teachers or school leaders in districts that might
20 currently have lower salaries. These are likely to be
21 far less effective than alternatives. They don't
22 distinguish among teachers on the basis of performance
23 and effectiveness.

24 In contrast, a well-structured personnel
25 policy would support the professional growth of teachers

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1 and principals, use pay increases to attract and retain
2 effective personnel, particularly those serving many
3 disadvantaged students, and induce persistent
4 low-performing teachers and principals to exit a
5 district. And the IMPACT program shares a lot of those
6 characteristics.

7 A second policy that I think is potentially
8 quite promising is the expansion of charter schools.

9 Charter schools strengthen parental
10 choice, and expanded parental choice can push for
11 high-quality charter schools and potentially also
12 higher-quality traditional public schools through
13 competition.

14 The evidence on charter school
15 effectiveness has been decidedly mixed.
16 Over-subscribed charter schools with a long wait list
17 significantly outperform traditional public schools in
18 many studies.

19 Charter schools on average, however, have
20 not outperformed traditional public schools. However,
21 I think one thing that's very important in considering
22 a large reform like charter schools is to consider the
23 dynamics or how the program is evolving over time.

24 The introduction of the charter sector in
25 many states opened public schooling to those with little

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1 experience at operating schools, and the evidence
2 confirms large differences in the quality of charter
3 schools in the early years of programs.

4 The key is whether the market forces work
5 to push low performers out and generate improvements.
6 And the evidence based on the large charter school sector
7 in Texas is very promising. It is important to recognize
8 that the charter schools disproportionately serve
9 low-income children and African American children.

10 I want to just show you some diagrams, and
11 the dotted line is a distribution of school quality in
12 traditional public schools, and the solid line is in
13 charter schools.

14 What you can see is in Texas in 2001, the
15 dotted line is to the right of the solid line. And so
16 charter schools were underperforming traditional public
17 schools during that period.

18 And this is accounting for differences in
19 the children that they teach. But if you look along as
20 time passed, the solid line begins to move to the right
21 relative to the dotted line.

22 And by 2011, the distribution of charter
23 school quality actually is almost identical and slightly
24 exceeds that of traditional public schools.

25 The improvement has come through several

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1 channels: the closure of ineffective schools, the
2 expansion by more effective charter management
3 organizations including KIPP, improvement of schools
4 that remained in the marketplace the whole time, the
5 proliferation of the No Excuses model of education which
6 seems to be particularly effective.

7 And I think perhaps most important for
8 thinking about policy evaluation is the maturing of the
9 sector. In the beginning there was extensive student
10 turnover and many kids entering the new charter schools
11 and it's very hard to educate children in that
12 environment. It really takes time for this kind of
13 large reform to work, and premature evaluation may
14 generate an incorrect finding.

15 Finally, I want to highlight a few
16 potentially high return areas for investments in
17 low-income children.

18 I think one of them is highly enriching
19 preschool and early education, not only in raising
20 achievement, but more importantly in improving longer
21 term outcomes, including high school graduation,
22 college enrollment, employment and earnings and not
23 getting involved in the criminal justice system.
24 Another is class size reduction in early grades, which
25 is targeted at high-poverty schools. Such targeting

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1 avoids teacher departures to other schools.

2 When California reduced the size of all of
3 the early classes by a lot, many teachers moved from
4 schools serving disadvantaged children to schools in
5 more middle-class areas as those jobs opened up.

6 I think the returns on these investments are
7 likely to be higher if structures are in place that
8 reward higher achievement and the development of other
9 skills related to better future educational, economic
10 and social outcomes. Thank you.

11 VICE CHAIR TIMMONS-GOODSON: Thank you
12 very much, Professor Rivkin. Mr. Mesezar, we'll hear
13 from you, sir.

14 MR. MESECAR: Great. Well, good
15 afternoon, and I really appreciate you having me here,
16 the invitation to testify before you.

17 So Commissioners, distinguished guests,
18 I'm actually here as adjunct scholar for the Lexington
19 Institute, which is an Arlington, Virginia-based think
20 tank. And what follows are some highlights from my
21 submitted written testimony. And I want to pick up
22 actually on Commissioner Kladney's last questions
23 before we had a break.

24 And I'll dive into this more, but I think
25 addressing inequality requires innovation. I'd like to

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1 talk about two today. One in educational practice, and
2 the other in funding. But first, I do want to address
3 underlying issues to innovation, and one of the topics
4 that was discussed at length this morning around funding
5 levels and distribution.

6 In my look at research, court cases,
7 anecdotal evidence, the question seems to be as much
8 about whether the amount and distribution of funding
9 provided for public education is the key to equality of
10 opportunity or is it how the given amount of funding is
11 actually utilized.

12 Denial of opportunity in my opinion has as
13 much to do with what can be achieved, the outcome, as
14 it does with not providing the simple offer of the
15 opportunity in the first place.

16 It is possible to address the conditions
17 necessary to the exercise of opportunity to achieve
18 positive outcomes and therefore fulfill the promise of
19 equality of opportunity.

20 It is the action taken with funding that in
21 my opinion is the critical measure, not necessarily the
22 amount or distribution of funding divorced from the
23 action taken.

24 The U.S. Supreme Court case *Horne v. Flores*
25 provides some guidance on this matter. The *Horne* case

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1 addressed the, quote-unquote, appropriate actions
2 required to overcome language barriers and to provide
3 instruction for English language learners in the Nogales
4 Unified School District in Arizona under the federal
5 Equal Educational Opportunities Act.

6 A district court had found that funding was
7 inadequate, but in its ruling, the Supreme Court held
8 that the state should not be evaluated on the narrow
9 basis of additional spending, but instead should focus
10 on outcomes in the context of equal opportunity.

11 Funding truly is a necessary precondition
12 to equality of opportunity, but it isn't sufficient in
13 and of itself to produce transformative results.

14 If not used well, all the money in the world
15 will not produce the kinds of outcomes we so desperately
16 need for all of our nation's students or solve
17 longstanding educational inequalities.

18 So post-No Child Left Behind, there is a
19 greater return to state and local decisionmaking under
20 the Every Student Succeeds Act, ESSA. The latest
21 iteration of the 1965 Elementary and Secondary Education
22 Act is a key pillar of the federal civil rights efforts.

23 This federal change, combined with
24 increasing global competition and greater technology
25 access and effectiveness is enabling districts across

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1 the country to pursue more transformative innovation to
2 close achievement gaps and other performance measures
3 that clearly indicate important outcomes and therefore
4 opportunity.

5 So one I'd like to talk about briefly is
6 personalized learning. What does that mean?

7 Well, there are varying definitions, but
8 the one that appeals to me and that I've seen produce
9 results defines personalized learning as taking place
10 in flexible learning environments, where learning is
11 based on personal learner profiles and paths, and where
12 students move on when they demonstrate mastery.

13 It's truly meeting students where they're
14 at. And blended learning, using high-quality digital
15 tools with effective in-person teaching, is a key way
16 to personalize learning. Rather than being constrained
17 by a wait to fail model where students only get more
18 attention and personalization as they fail to succeed,
19 personalized learning can cut through the lost time and
20 angst of students failing before they get the
21 opportunity for success.

22 When implemented comprehensively and with
23 fidelity, personalized learning can really produce
24 results, and has been shown to produce significant
25 learning gains for all learners, especially at-risk

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1 students in poverty and/or learning English, and
2 research by SRI International, the RAND Corporation, the
3 Dell Foundation and others have found promising early
4 results.

5 And in fact I highlighted in my testimony,
6 Middletown, New York, which has implemented
7 personalized learning over the last four years. It's
8 a district where 70-plus percent of their students are
9 low-income, and they're having dramatic positive
10 outcomes.

11 The four-year graduation rate in Middletown
12 has increased from 51 to 80 percent over the last eight
13 to nine years, and three-fourths of the students in
14 Middletown's personalized learning program outperform
15 their peers in non-personalized classrooms in reading
16 and math.

17 There are others, other school districts,
18 including traditional public schools and charter school
19 networks like KIPP as was mentioned before, Aspire and
20 others, that are using personalized learning very
21 effectively with high-poverty and minority students.

22 There's one last reform I'd like to talk to
23 in my remaining time, and that has to do with
24 performance-based funding, and that is the notion that
25 we use performance as a method of distributing some

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1 funding when schools, districts or other organizations
2 are producing transformative results better than the
3 status quo.

4 Government budgets are almost exclusively
5 designed to pay for inputs rather than producing
6 results. Performance-based funding can provide a new
7 approach to improving educational funding while
8 addressing systemic inefficiencies.

9 There is emerging bipartisan consensus that
10 it's not just acceptable to continue to just fund the
11 same old same old because that's what we've always done.

12 There is actually some elements of
13 performance-based funding in the new federal law, as
14 well as in the states, and Arizona, Michigan,
15 Pennsylvania and Florida have all incorporated some
16 version of performance-based funding.

17 As regards ESSA and the federal law, they
18 missed a major opportunity to make systematic changes
19 to how the Title I formulas work, which by any analysis
20 don't work particularly well for low-income students.

21 Now we heard talk this morning about
22 supplement, not supplant, and how that's being looked
23 at by the Department.

24 I think it's an incredibly important debate
25 as we look forward to how federal dollars are distributed

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1 across the states, and I'd be happy to talk more about
2 that.

3 Finally, the problem of misaligned
4 incentives is a well-researched topic in other fields
5 but it has not been a topic of deep research and
6 reflection in education, where the misalignment between
7 funding and performance is at best a drag on the system
8 and student performance, and at worst is a fundamental
9 flaw that ensures our schools will never improve
10 sufficiently for the nation to live up to its founding
11 ideals of equality and opportunity.

12 So as my fellow panelist said, money does
13 matter, but perhaps how money is used may matter more.
14 And with that I'd be happy to take questions, and thank
15 you.

16 VICE CHAIR TIMMONS-GOODSON: Thank you so
17 much, Mr. Mesecar. That brings us to you, Mr. Robinson.
18 Let us hear from you, sir.

19 MR. ROBINSON: Thank you so much. First of
20 all, thank you for extending to me an invitation to speak
21 to you about an important subject of school funding and
22 outcome.

23 I've been involved since 1991 in this issue
24 wearing different hats, either as an advocate, president
25 of a nonprofit organization, state executive in Florida

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1 and Virginia, as well as a researcher.

2 And I'm glad to be here to have the
3 discussion. One thing I know for sure is we have money
4 within our education system.

5 According to the National Association of
6 School Budget Officers, in 2014 we spent \$344 billion
7 at the state level on education.

8 Now while states may have spent \$445 billion
9 actually on Medicaid which the federal government picks
10 up about 58 percent of that, pound for pound, state and
11 local government are the ones that are funding schools.

12 And if you take a look at the percentage,
13 we identify that 45.6 percent of funds for schools come
14 from states, 45.3 percent will come from local
15 government, and 9.1 percent will come from the federal
16 government.

17 While the 9.1 percent may sound like a small
18 percentage, in fact it's still a large amount.
19 President Obama for his 2016 request for funding asked
20 for \$70.7 billion increase from what he requested
21 before, because we believe that money has a role to play.

22 When we talk about school reform and
23 funding, a number of questions come to mind. We ask the
24 question, does money matter. We raise the question of
25 what impact does poverty have on learning. How does race,

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1 ethnicity and the history of segregation actually
2 influence academic outcomes? What role can the federal
3 government play? Too big, too small, and what role
4 should the court play in the process? And did the
5 landmark Supreme Court decision in Rodriguez make it too
6 difficult for advocates and families to insist for
7 equitable funding.

8 I tell you that I believe that money
9 matters, and it matters a lot when we spend it wisely.
10 And in order for me to get my hands around what works,
11 I like to look at different schools of thought.

12 And so for my testimony I'm going to take
13 three different schools of thought on how we should think
14 about money and outcomes.

15 The first thought is money matters little
16 to student outcomes. Neal McCluskey at the Cato
17 Institute published research where he identified NAEP
18 scores in science, in math and in reading.

19 From 1970 to 2010, we saw a flat line, and
20 a few blips here and there, for NAEP scores, while the
21 amount of funding actually rose dramatically, showing
22 that there was no strong correlation between the amount
23 of money invested and return on results as it related
24 to NAEP. One school of thought.

25 Second school of thought is resource

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1 allocation matters to student outcomes. Bruce Baker at
2 Rutgers University, David Sciarra and Danielle Farrie
3 at the Education Law Center, looked at 20 years' worth
4 of research and identified three things.

5 Number one, they said if you pay teachers
6 a competitive wage, if you actually reduce class size
7 and if you focus staff ratios in the right place at
8 high-poverty underperforming schools, two things will
9 happen. Number one, we see an increase in NAEP scores,
10 and number two, we see a smaller gap between NAEP results
11 from low-income and non-low-income students.

12 Third, effective oversight of state funding
13 matters a lot to student outcomes. Ulrich Boser at the
14 Center for American Progress, looked at its funding data
15 for 7,000 school systems. He used a three-step, well,
16 I would call it three-prong model to identify exactly
17 how we fund schools. He had one metric where he tried
18 to figure out how much money are we spending for results.
19 The second thing he decided to do was try to control as
20 much for SES, English language learners and others, and
21 his third metric took a look at exactly what we were
22 putting in place.

23 There were two interesting findings from
24 his study that I'd like to share with you. The first
25 is he found that even in school systems where they were

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1 high spenders, there was no correlation between the
2 amount of money they spent in high-funding districts and
3 student achievement.

4 In fact, he identified that only 37 percent
5 of the 2,397 districts with high per-pupil spending were
6 actually in the top third for achievement.

7 And that's something to mention because we
8 often believe that it's only low-income school systems
9 where we're having a gap in achievement.

10 And secondly, he identified that students
11 -- states have a pretty weak tracking system on how to
12 link money to results.

13 So I'm going to close with three
14 recommendations for the Commission. I believe you are
15 in a position to do some great things.

16 Number one is I'd recommend the Commission
17 study high-performing public high schools. U.S. News
18 and World Report in their 2016 evaluation identified 58
19 gold-medal-winning public high schools where the
20 students who attended, at least 75 percent of them were
21 in poverty.

22 They identified 142 high schools that were
23 Title I, also gold medal winners. And identified 76
24 public high schools where the student population was at
25 least or above 75 percent of poverty and they were doing

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1 well.

2 The reason I bring this up is because we need
3 to study and identify how and where they spent money,
4 and what can we do to replicate this in other schools.

5 I'm a guy who supports charter schools.
6 I'm a charter school founder and former authorizer. But
7 it would be great to have conversations about non-public
8 charter schools that are getting great results for our
9 kids, because that's where the majority of our students
10 are going to be for a long time.

11 Number two, utilize human capital. I wish
12 I could tell you that states and local school boards were
13 going to flush our schools with more money. That won't
14 happen.

15 So I think we need to create strategic
16 partnerships with groups like AmeriCorps, City Year,
17 VISTA, the National Urban League and others who have
18 programs in place to provide what I would call a
19 wraparound service where they already have money from
20 the philanthropic community, state and local
21 government, and it won't cost school systems a great
22 deal.

23 Lastly I would say innovate to educate but
24 not just litigate. School funding and desegregation
25 cases should emphasize innovation alongside the use of

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1 technology to deliver education services to students.
2 Otherwise court orders and additional funds risk
3 supporting the established mechanisms that have failed
4 to improve student achievement. Thank you for your time
5 and I look forward to the Q&A.

6 VICE CHAIR TIMMONS-GOODSON: Thank you
7 very much, Mr. Robinson. At this time we will proceed
8 with questions from our commissioners. Commissioner
9 Narasaki, do you?

10 COMMISSIONER NARASAKI: I defer to
11 Commissioner Kladney.

12 COMMISSIONER KLADNEY: Thank you,
13 Commissioner. Glad she put me on the spot. Let me see,
14 I had something here.

15 Mr. Rivkin, I'm sorry. For those of us who
16 are not economists, what is a standard deviation?

17 PROFESSOR RIVKIN: I think if you line all
18 the children up from the lowest test score to the highest
19 one, and then you take someone who's exactly in the
20 middle, and you move, you compare their test result to
21 someone who is at the 33rd percentile, so where one-third
22 of the children scored less and two-thirds scored more,
23 the difference between the child in the middle and the
24 child at the 33rd percentile is a good approximation of
25 what a standard deviation is. So it's a kind of measure

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1 of the difference, okay?

2 COMMISSIONER KLADNEY: Thank you. So my
3 next question is for you as well. When you had your
4 chart up there from Texas schools and charter schools,
5 public schools from 2001 to 2011, you made the point that
6 the charter schools came up in quality to public schools.

7 The point is, is that where we want both sets
8 of schools, is where the public schools are?

9 PROFESSOR RIVKIN: So it's important to
10 recognize, I think, that in doing this research, the
11 data, the tests are given every year and they don't say
12 anything to you about whether the schools are improving
13 in an absolute sense.

14 Now what has happened during this period in
15 Texas, however, is that children in the state of Texas
16 were improving on the National Assessment for Education
17 Progress.

18 So the children in Texas traditional public
19 schools were actually improving from 2001 to 2011, and
20 charter schools were improving more in large part
21 because of the fact that many of the really poorly
22 performing charter schools closed.

23 I think that what we desire is that the
24 schools continue to improve, that reforms like charter
25 school reforms continue to improve schools.

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1 I think it's less important whether the
2 charter schools become much better relative to the
3 traditional public schools.

4 For this kind of large reform it's that
5 you're bringing up all of the schools. And I think one
6 of the key things about charter schools is, when a school
7 is very low-performing and the parents leave, the school
8 closes.

9 And with a traditional public school system
10 in a large urban district, the school can be persistently
11 low-performing for a long time and there's not that same
12 pressure on the school.

13 COMMISSIONER KLADNEY: So my next
14 question is is as an economist, are charter schools run
15 at the same cost as public schools?

16 I believe some are run at a more expensive
17 cost and I think some are run at less of a cost, and I
18 think that deals with quality as well, does it not?

19 PROFESSOR RIVKIN: I think there's a lot
20 that's stated publicly about this, I think often based
21 on not a lot of information. And I do not have detailed
22 information on all of the charter schools. There are
23 a few charter school networks that are well funded and
24 provide a lot of support to their schools.

25 There are many, many other charter schools,

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1 however, that do not enjoy that kind of funding
2 advantage, and in fact in many ways, because they have
3 to take care of facilities and other things, enjoy less
4 funding than traditional public schools.

5 COMMISSIONER KLADNEY: So is anybody
6 doing a study on this that you know? And anybody on the
7 panel, actually, because I know you were both, both
8 gentlemen, all three gentlemen here were talking about
9 charter schools. I think you stayed away from that, Mr.
10 Rothstein.

11 PROFESSOR RIVKIN: I don't know. That's
12 very difficult to do, but I think it would be a valuable
13 study to see in the Texas context if we were looking at
14 the improvement of the schools, how much of that can be
15 explained by the resources available to the different
16 types of charter schools.

17 MR. MESECAR: Just to jump in, I think part
18 of your question gets at the notion of, to borrow a
19 business term, kind of what's a return on a given
20 investment relative to a governance model, right, in a
21 traditional public, a charter, a magnet, and then
22 there's subcategories even within that. And I think it
23 hinges --

24 COMMISSIONER KLADNEY: Within charter
25 schools as well.

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1 MR. MESECAR: I'm sorry?

2 COMMISSIONER KLADNEY: Within charter
3 schools as well.

4 MR. MESECAR: Within charters. Actually
5 there's virtual charters, there's different models of
6 charters, you're absolutely right.

7 And I think the other question is, is
8 relative to what. And as you were asking the question
9 of Dr. Rivkin around what is our standard unit of
10 measure?

11 Is it one to the other? Is it to some other
12 standard of measure, like NAEP, as was mentioned before?
13 Is it an international measurement?

14 So how do we define what is the unit that
15 we're going to measure a given investment having an
16 impact on is critically important to any study of that
17 question.

18 And I don't know that there's a lot of
19 agreement around what that should be. I think there's
20 a lot of -- and it will be interesting, frankly, to bridge
21 to ESSA where you see a lot of change at the state level
22 with assessments, what's in accountability systems.

23 So how are we going to measure, even within
24 Texas charter schools to traditional public schools, and
25 then did those measurements have any implication for any

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1 schools outside of Texas?

2 Because the systems in an interesting way
3 in an era of Common Core, while the standards, there's
4 a lot of similarity, you're seeing a lot of divergence
5 at the state level for what do we do to actually get kids
6 to understand those standards. What level of
7 expectation. What other factors are we going to
8 include? So what's our measure of what is a given unit
9 of dollar going to achieve.

10 MR. ROBINSON: So the National Alliance for
11 Public Charter Schools have identified that every
12 charter school will receive 75 percent on every dollar;
13 the additional 25 percent they don't receive. That's
14 a national approach.

15 COMMISSIONER KLADNEY: Depending on
16 whether they receive outside funds, right?

17 MR. ROBINSON: This is strictly state,
18 local, federal funding.

19 COMMISSIONER KLADNEY: State funding,
20 right. They don't get money for facilities. That I
21 understand.

22 MR. ROBINSON: That varies by state
23 actually.

24 COMMISSIONER KLADNEY: But when you're
25 talking about a KIPP school or a Pritzker school, or a

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1 school like that, you're talking about a well-funded
2 school, are you not?

3 MR. ROBINSON: Well, it depends on where
4 you are. KIPP in the Delta is funded very differently
5 than KIPP in Atlanta.

6 I helped found a KIPP school in Atlanta. We
7 are the 2016 charter school of the year. We don't
8 receive the same amount of funding as Atlanta Public
9 Schools.

10 We make up the additional money through
11 philanthropy. So the social network part definitely
12 works well.

13 Secondly, Nat Malkus, one of my colleagues
14 at AEI, and Mike McShane, another colleague, have
15 written on charter schools and there's also some funding
16 aspects there.

17 As a former charter school authorizer in
18 Georgia, when we approved charter schools in the state,
19 they received some funding, but not the exact same
20 funding as the neighboring school. So it varies.

21 COMMISSIONER KLADNEY: Right, and that's
22 also true with public schools. I mean if you have a PTO
23 that raises \$150,000 year over year in an elementary
24 school in an upper-middle, middle, whatever kind of
25 class you want to choose other than low income, and then

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1 in low income they raise \$2,000 to \$2500 a year, year
2 over year, that too makes a tremendous difference, does
3 it not?

4 MR. ROBINSON: It makes a difference
5 because \$2,000 won't per se pay for a calculus class.
6 That money will primarily be used for auxiliary
7 opportunities. But at the end of the day, 44.6 percent,
8 44.3 percent is what's driving it. The outside part is
9 supportive but it's not driving the big part.

10 COMMISSIONER KLADNEY: That's all I have,
11 Madam Vice Chair.

12 VICE CHAIR TIMMONS-GOODSON: All right.
13 Commissioner Narasaki.

14 COMMISSIONER NARASAKI: Thank you, Madam
15 Vice Chair. So I have a couple of questions. One is
16 that, Mr. Mesecar, you were talking about personalized
17 learning, and also talking about that it's not just how
18 much money but how the money is spent.

19 So my question is it seems to me that
20 personalized learning probably requires training of
21 teachers, sufficient training of teachers, as well as
22 sufficient number of teachers to be able to have
23 personalized level of attention to kids. Is that
24 correct?

25 MR. MESECAR: Great question. So it does

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1 require training of teachers, and there are different
2 models on how many teachers are going to either be needed
3 or in some cases not needed, depending on the model.

4 In some examples of personalized learning
5 that are producing results, Carpe Diem is an example
6 where they've gone to a different model where they use
7 small groups of students with teachers, and they change
8 the schedule so that it doesn't necessarily result in
9 an increased number of teachers.

10 So it can be looked at differently. And the
11 idea of personalized learning is it gets you away from
12 a strictly structured grade and age system.

13 Where if you've got a group of students who
14 are struggling with reading and it could be third, fourth
15 and fifth grade students, and they're roughly at the same
16 level, then you can group those students differently
17 rather than having to say well I need one teacher to do
18 one grade, another teacher to another grade.

19 So you look at what their needs are, and then
20 organize around that. And that has different
21 implications.

22 And then just real quick on the teacher
23 professional development. There is a lot of money that
24 currently is being spent on teacher professional
25 development, and not being spent well.

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1 I would point you toward to the New Teacher
2 Project released a report about how those dollars are
3 used and what they're used for and the results achieved.

4 So I think there's a lot of opportunity to
5 repurpose the dollars that are already being spent on
6 professional development to orient toward a more
7 productive use.

8 COMMISSIONER NARASAKI: So my second
9 question all of you might be interested in answering,
10 I'm not sure, and that is so there's this debate about
11 whether money matters or not.

12 And in the reading that I've done it seems
13 clear that money matters but also obviously you have to
14 spend the money in the right way.

15 And I feel like the voices who are saying
16 money doesn't matter at all are maybe being
17 misunderstood in the debate to say that therefore we
18 don't need to spend more money to fix any of these
19 educational issues.

20 So my question is, isn't there a certain
21 level of money that you have to have before, you know,
22 you could do all these other bells and whistles, but
23 isn't there some amount of money that is required to
24 ensure that kids get a quality education for what we need
25 them to be able to do: to be able to get jobs and compete

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1 in the global economy? Or not?

2 Because I, it can't be that money doesn't
3 matter at all which is what I think some reporters take
4 those reports as saying. Because clearly people spend
5 a lot of money on private schools because they think
6 money matters, so.

7 PROFESSOR ROTHSTEIN: So I think this
8 question of is there a level at which you would need to
9 achieve a certain desired outcome, this is exactly what
10 adequacy suits are about.

11 They're about saying that we're not
12 providing adequate funding to achieve certain outcomes.

13 And I think nobody would deny that, for a
14 given level of funding, if you spend it badly you will
15 achieve worse outcomes than if you spend it well,
16 everybody agrees to that.

17 I think to the extent there is dispute, it's
18 about whether -- if we just tell the state send more money
19 to low-income districts, whether that will result in it
20 being spent well or badly.

21 And I think the evidence suggests that it
22 results in it being spent well enough that we do see
23 substantial achievement gains from that.

24 And so I think a lot of the concerns about
25 it being spent badly, well, certainly we would always

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1 prefer it be spent better, and I'm sure there are always
2 ways to improve on what we're doing.

3 I think the evidence doesn't support the
4 contention that we should stop trying until we can fix
5 the ways that we're allocating the funds.

6 PROFESSOR RIVKIN: I share the view. I
7 mean you must, to run a school system, have a minimum
8 level of spending, and I think that Dr. Rothstein has
9 said it very well, that the debate is really about if
10 we redistribute money under the current traditional
11 public school system, are we likely to improve the
12 quality of education?

13 I guess I would be a little bit more
14 skeptical. I think in the desegregation case involving
15 Kansas City, where a lot of money was then redistributed
16 to Kansas City, I think the results were not very good.

17 I think there are arguments about how well
18 that has worked in the state of New Jersey. I think on
19 average, there is a positive relationship between how
20 much you spend and quality, but I think it's weak and
21 doesn't hold in many places.

22 And therefore I think it's very important
23 to move to a model where we combine additional spending
24 with the measurement of outcomes and provide more
25 incentives for schools to do a better job.

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1 MR. MESECAR: To pick up on that thought
2 briefly, I think it presumes an agreement about the
3 outcomes that we all want to achieve.

4 And given our system of education, as was
5 so well described, there are multiple actors, federal
6 level, state level, local level, community, you know,
7 within the local-level communities, and I don't know
8 that we have an agreed-upon outcome that we all want to
9 achieve.

10 And in fact back to my earlier point, I think
11 there was an attempt with federal legislation prior to
12 ESSA, with No Child Left Behind, to establish some common
13 measurements of what do we expect these outcomes to be.

14 And that law is not only gone but has been
15 vilified from, you know, everybody pretty much in the
16 system, rightly or wrongly.

17 So I think the question has as much to do
18 around what do we expect the educational system to
19 produce, and then how do we best go about achieving those
20 results.

21 I think a lot of spending can achieve
22 results. I think less spending but spent very wisely
23 could perhaps achieve even better results in some cases.
24 And I think you have examples of that a lot. There are
25 so many counterfactuals of well what about this case that

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1 did it the exact opposite of what the prevailing idea
2 was.

3 COMMISSIONER NARASAKI: So I just want to
4 get clear. So is it your feeling that we're spending
5 too much money on education and that's, and the problem
6 is just how we're spending it?

7 Because that's kind of what I heard you just
8 say, and I'm not sure if that's what you meant.

9 MR. MESECAR: That's not what I said. I
10 said it's how we spend it. I think that as Gerard
11 pointed out, you know, all in at \$600 billion annually
12 roughly K-12 that is spent, I think that there is a lot
13 of money and it needs to be spent more wisely.

14 But that does not mean that there should not
15 be additional investment in education. So just to be
16 clear, I do think there should be additional investment,
17 but I think the pressing issue we have is are there
18 agreements on outcomes, how do we achieve those
19 outcomes, and what kind of innovations can we bring to
20 bear on achieving those.

21 COMMISSIONER NARASAKI: So, and if I could
22 just ask, is there research or is anyone doing research
23 to try to figure out, and I realize it's different from
24 place to place what might be required, but is there
25 anyone trying to do research to figure out what that

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1 looks like?

2 What does adequacy look like? Because we
3 had people testifying this morning saying the problem
4 with school funding on a state and local level is they're
5 basically setting budgets based on how much they think
6 they can spend, as opposed to reengineering and saying
7 how much do we need to spend, what I feel is one of the
8 most core functions of government in terms of providing,
9 making sure that people are being educated.

10 PROFESSOR ROTHSTEIN: So one of the
11 gentlemen I mentioned, David Sciarra, he was like my
12 second school of thought, resource allocation matters
13 to student outcomes, there's a new book called The Legacy
14 of Rodriguez, coauthored by Professor Charles Ogletree
15 and Professor Kimberly Robinson, who's at the University
16 of Richmond.

17 And they've gathered some of the best
18 thinkers, policymakers, advocates, and they're doing
19 exactly the kind of research to link, if we have an
20 adequacy suit, how much would it cost to educate a kid
21 in Newark or a kid in Jersey City, because he happens
22 to be in New Jersey. So I would say that's a great place
23 to look.

24 Number two, Boser, he is my third school of
25 thought, he was pretty clear. States still cannot tell

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1 you exactly to the penny how much it costs to educate
2 children.

3 We could tell you how much we spend, but
4 that's not the same as saying that's how much it costs
5 to educate children.

6 And lastly, when I was commissioner in
7 Florida, our governor, our legislature and our board
8 approved a billion-dollar increase in spending in K-12.
9 Did we rely on research? Absolutely. But can I tell
10 you that our NAEP scores have increased 15 percent? I
11 couldn't tell you that. But I know that the absence of
12 it, it wouldn't have moved, so.

13 COMMISSIONER NARASAKI: Thank you.

14 PROFESSOR ROTHSTEIN: May I add a little
15 bit?

16 COMMISSIONER NARASAKI: It's up to the Vice
17 Chair.

18 VICE CHAIR TIMMONS-GOODSON: Yes.

19 COMMISSIONER NARASAKI: At this point.

20 PROFESSOR ROTHSTEIN: Okay. So there's a
21 substantial body of research trying to work out what
22 adequacy is.

23 And it's, as you say, it's going to vary a
24 lot from place to place. The amount of money you're
25 going to need to achieve desirable outcomes is going to

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1 be higher when kids are coming from more disadvantaged
2 backgrounds.

3 It's also going to be higher when we're
4 doing less to offset the other aspects of student
5 disadvantage.

6 If students aren't getting enough to eat,
7 if they aren't getting medical care, if they're not
8 getting glasses when they need them, no amount of money
9 spent on schools and teachers is going to solve that
10 problem completely.

11 You can help, but you won't be able to solve
12 it. You're going to need to combine adequate school
13 spending with adequate spending on other aspects of
14 people's lives.

15 VICE CHAIR TIMMONS-GOODSON: And that
16 brings me to the question that I have, or that I seek
17 some comment on.

18 One of our earlier panelists said that we
19 don't have an education crisis but a child-poverty
20 crisis which impacts education.

21 I'd not thought about it in just those terms
22 but I think that that's profound, and so poverty is then
23 the most relevant factor in determining the outcome of
24 a person's educational journey, is what he continued to
25 tell us.

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1 And so that says to me that indeed money does
2 matter. And so I wanted a response to the statement that
3 we don't have an education crisis but a poverty crisis.

4 PROFESSOR ROTHSTEIN: I guess I would say
5 we have both. That it's a crisis that children are
6 growing up in inadequate circumstances, and that's
7 absolutely a crisis, but that plays through in lots of
8 ways, including in the schools. When poor children are
9 going to schools with rat droppings in the classroom,
10 with water leaking, that's a poverty crisis but it's also
11 an educational crisis.

12 And again we're going to need a full suite
13 of responses, including but not limited to adequate
14 school spending in order to address that.

15 VICE CHAIR TIMMONS-GOODSON: Anyone else
16 want to chime in?

17 PROFESSOR RIVKIN: Sure. I mean I agree in
18 general and I think there's a long history of research
19 that says that the things outside of the school,
20 beginning with the family, have a larger effect on your
21 progress through life than the schools. But the schools
22 can do a great deal.

23 And I think when we think about allocating
24 dollars for children, we can't just think about the
25 schools, but I think as has been already stated, we have

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1 to think about it with regard to healthcare. We have
2 to think about it with regard to preschool. We have to
3 think about it with regard to criminal justice, which
4 living in Chicago is clearly a problem and I don't see
5 that there are many good ideas there for how you create
6 a safe environment for children to grow up.

7 The fact that we have so many needs almost
8 certainly elevates the need to spend dollars on
9 education more wisely.

10 I think by empowering families and by
11 measuring performance, we can put the foundation in
12 place for school improvement.

13 And as was discussed this morning, another
14 issue is that much of the within-district spending
15 differences are due to the fact that teachers who are
16 more experienced and earn higher salaries choose to work
17 in the less-poor schools.

18 And I do think that justifies higher pay in
19 schools serving more disadvantaged children,
20 particularly if the teacher is effective.

21 I think we should be open about that, that
22 a lot of this is driven by choices.

23 VICE CHAIR TIMMONS-GOODSON: To our
24 commissioners that are with us by phone, Commissioner
25 Achtenberg, do you wish to ask a question at this time?

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1 COMMISSIONER ACHTENBERG: Thank you, Madam
2 Chairman. For Professor Rothstein, is it the case that
3 it's more expensive to educate students to a level of
4 competency if they come from lower-income families than
5 from higher-income families? Is that the case?

6 PROFESSOR ROTHSTEIN: I would say there
7 are no universals in this world, but that on average
8 there are sorts of things that are going to lead to it
9 being more expensive to achieve adequate outcomes that
10 are more common among low-income students than from
11 high-income students. So they're more likely to --

12 COMMISSIONER ACHTENBERG: Could you talk a
13 little bit about what those deficits are, or those things
14 that have to be compensated for by investment?

15 PROFESSOR ROTHSTEIN: Sure, there's, let
16 me, I can't claim to be exhaustive but I'll give you a
17 few examples.

18 So students' needs for individual education
19 plans are more common among low-income children than
20 among high income children. This could be dyslexia or
21 ADHD or other learning disabilities that may require
22 additional resources.

23 Students may need the schools to be
24 providing the sorts of things that we don't
25 traditionally think of as school responsibilities. In

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1 a low-income community you're going to have more demands
2 on the school lunch program and breakfast program
3 because students aren't getting enough nutrition at
4 home. You may need counselors to help students who are
5 facing violence at home or violence in their communities
6 that is creating impediments to learning.

7 You may need -- you can't rely as much on
8 average, again, there's lots of variation, but you
9 can't rely as much on parents to be able to spend time
10 helping their children with their homework in a
11 disadvantaged community as you can in a wealthier
12 community, and so you're going to need to provide extra
13 supports to compensate for that.

14 The list could go on all day, and I know the
15 Commission doesn't want to spend that much time on this,
16 but there's any number of ways in which high-income
17 families are able to provide for their children in ways
18 that help make it easier to educate them in school, and
19 that if they're not getting that at home, children are
20 going to need that, need to get it at school.

21 COMMISSIONER ACHTENBERG: And that goes
22 into the calculus of adequacy? Meaning that it's what's
23 adequacy for the education of one child is not
24 necessarily what's needed for the education of another.
25 Is that a fair statement?

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1 PROFESSOR ROTHSTEIN: I would say that
2 different state courts have adopted different
3 definitions of what they mean by adequacy, but I think
4 that any reasonable calculation would have to take into
5 account that children come with different needs and have
6 different costs associated with that.

7 VICE CHAIR TIMMONS-GOODSON:
8 Commissioner Achtenberg, --

9 COMMISSIONER ACHTENBERG: And that it's
10 the responsibility of the public school to address at
11 least a basic number of those, or?

12 PROFESSOR ROTHSTEIN: I would say it's the
13 responsibility of our society to address them. We don't
14 always live up to that but we need to, and it's, the
15 schools are kind of who's stuck holding the bag if nobody
16 else does.

17 VICE CHAIR TIMMONS-GOODSON:
18 Commissioner Achtenberg, one of our other panelists, Mr.
19 Rivkin, also has indicated a desire to respond to your
20 initial question.

21 COMMISSIONER ACHTENBERG: That would be
22 terrific, thanks, Madam Chair.

23 PROFESSOR RIVKIN: Thank you. I share the
24 view that you just can't say that the same amount spent
25 in a very high-poverty school is providing an equal level

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1 of education as similar amount in an upper middle-class
2 suburb.

3 It's not the case for many of the reasons
4 Dr. Rothstein mentioned. But I think another one that's
5 important is it appears to be more expensive to induce
6 teachers and administrators to come to work in
7 high-poverty rural areas or high-poverty urban areas,
8 and that's another cost that has to be taken into
9 account.

10 COMMISSIONER ACHTENBERG: Are either of
11 you aware of any effective teacher, you know,
12 differential teacher compensation systems that have
13 demonstrated if you, that you compensate teachers more
14 highly who work in more distressed situations and that
15 allows you bring forward a better, more experienced
16 teacher, or are there examples of where that's been
17 proven to be the case?

18 PROFESSOR RIVKIN: I think that
19 Washington, D.C., the IMPACT program where there is
20 additional compensation for teachers who are effective
21 in high-poverty schools, it appears to be a very
22 promising policy, because what looks like is happening
23 is that the teachers in high-poverty schools who are
24 leaving because they received low performance
25 evaluation are being replaced by much more effective

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1 teachers.

2 And I am sure that the additional pay is an
3 important compensation for having more difficult
4 working conditions, but also for having a more risky job
5 in the sense that your pay is now connected with how well
6 you're doing.

7 And I think both of those things are
8 important. And it's certainly the case that many
9 educators wouldn't require additional compensation to
10 work, that they would do so quite willingly.

11 But on average, we have to deal with
12 differences in the willingness of people to supply their
13 services in different places, and I think that kind of
14 compensating differential is vital to getting better
15 teachers in high poverty areas.

16 VICE CHAIR TIMMONS-GOODSON: Okay.
17 Commissioner Yaki, do you wish to ask a question at this
18 time? Commissioner Kladney?

19 COMMISSIONER KLADNEY: Thank you Madame
20 Vice Chair. Mr. Mesecar, did I say that right?

21 MR. MESECAR: Sure.

22 COMMISSIONER KLADNEY: Close?

23 MR. MESECAR: Close.

24 COMMISSIONER KLADNEY: And I'd like
25 everybody to respond to this. Because this is the

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1 feeling I get from this panel, and I may be wrong.
2 Because I've been wrong before in my life, only once or
3 twice.

4 You said early on in your testimony that,
5 was it money or structure that really needs to be changed
6 in the educational system? And what I take it from
7 everybody's testimony is you're saying both. Is that
8 correct? That we should be looking to structure and
9 looking to finance at the same time to give equality to
10 low income schools. Am I taking that as right or wrong?
11 Or am I not phrasing it right?

12 MR. MESECAR: I think it's nuanced. But on
13 the whole, I think there are needs. And I agree with
14 Professor Rothstein that we have multiple issues going
15 on. I think the amount and distribution of funding
16 needs to be looking at as well as the use of that funding.

17 COMMISSIONER KLADNEY: Mr. Robinson?

18 MR. ROBINSON: School of thought 3 from Mr.
19 Boser would definitely say we need to make sure that
20 states have a system in place to know return on
21 investment for every dollar spent. When we hold
22 constant race and other factors, what impact would that
23 make? And lastly he's got a performance index. So that
24 answer is yes.

25 At the same time, I would also like us to

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1 remember that there are kids in poverty who share the
2 same characteristics as the kids in public schools who
3 go to private schools. Whether they're Catholic,
4 non-denominational, Protestant who are able to do well
5 on NAEP and other things as well.

6 So I don't want to make us think, not saying
7 that you are, that poverty is a proxy for destiny.
8 Because it's not. I know you're not, for sure.

9 COMMISSIONER KLADNEY: I'm not. What I'm
10 trying to do is, in a subject with so many different
11 points of light or areas or directions, I'm trying to
12 make a generalization. That's all I'm trying to do. I
13 mean, we can do anecdotal stuff all day long, I'm sure.

14 MR. ROBINSON: I think the conjunction
15 "and" is best. Money matters and how you spend it and
16 where.

17 COMMISSIONER KLADNEY: Thank you.

18 PROFESSOR RIVKIN: What you said is that
19 money and structure both matter. And that would
20 characterize my view.

21 COMMISSIONER KLADNEY: Thank you Dr.
22 Rivkin.

23 PROFESSOR ROTHSTEIN: I agree, both money
24 and structure matter. I think we ought to be pursuing
25 both of them. I don't think we ought to hold up one.

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1 If we can make progress on one and not the other, then
2 we should be making that progress. It's not the case
3 that you must move ahead on both of them at the same rate.
4 Although obviously, we can always improve structure and
5 we can always improve funding.

6 COMMISSIONER KLADNEY: And if I have time
7 for one more, Madame Vice Chair?

8 VICE CHAIR TIMMONS-GOODSON: Yes, one
9 more.

10 COMMISSIONER KLADNEY: Thank you. Mr.
11 Robinson, you said you were associated with the KIPP
12 schools? It was always my understanding that they
13 created an alternative environment, the situation where
14 the child can show up at 6:00 in the morning, stay until
15 6:00 at night.

16 I think I even read about it where some of
17 the schools would give the kids cell phones to take home
18 at night to be able to call someone if something went
19 on. Am I on the right track?

20 MR. ROBINSON: You're definitely in the
21 ballpark. So several years ago --

22 COMMISSIONER KLADNEY: Oh that's good.
23 Not left field, I hope.

24 MR. ROBINSON: I don't think you're left or
25 right. So several years ago when we were trying to get

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1 families interested, we visited 221 homes in an Atlanta
2 area that would have fed into our school. From one to
3 two hours per home, we had a conversation about what we
4 would offer.

5 One of the things we said, we start early
6 in the morning, around 7:00 to 7:30. It could be 8:00
7 depending on the schedule. We require students to
8 attend school twice a weekend, two weekends a month. We
9 also have a two week summer school.

10 For some parents, they cheered. For other
11 parents, that's just too early. But that's why we went
12 door to door. So the model works for some, not all. And
13 for the ones who decided to come, they're glad they did.

14 COMMISSIONER KLADNEY: So I ask that
15 question only in the sense that I'm wondering whether
16 some demonstration project should be held in the public
17 schools like that. And provide funding for it to see
18 what kind of outcomes there can be. Because obviously
19 there's been fairly decent outcomes with that school,
20 with that program.

21 MR. ROBINSON: I don't know if it's Texas
22 or New York, they actually experimented with an extended
23 day. Because I remind people, charter schools aren't
24 magical because we call them charters. What we can do
25 is give public schools the same regulatory relief that

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1 we give to charter schools.

2 So extended day, that should be a project
3 that people can support. There's definitely research
4 to show that it makes a difference. And the question
5 is, do you have the same educator between 8:00 to 5:00
6 and then 5:00 to 8:00. That's another question. But
7 I think it's either New York or Texas who experimented.

8 COMMISSIONER KLADNEY: I believe Houston
9 was going to try to adopt. And it was two years ago,
10 two and a half years ago. And I never heard what the
11 outcome was. Maybe, do you any of you gentlemen know?
12 Okay. I'm done. VICE CHAIR TIMMONS-GOODSON:
13 Commissioner Narasaki?

14 COMMISSIONER NARASAKI: I have one
15 question. So I have two. One is to Professor Rivkin
16 and it might be of interest of others. So there's some
17 discussion about the need to give parents more choice.
18 Obviously charter schools is one direction.

19 The other is what HUD recently announced
20 this year in terms of trying to really use its
21 programming on fair housing to give poor families more
22 of a choice of where they can live. And hopefully open
23 up more opportunities for them to live in better school
24 districts and more integrated situations which some
25 researchers say help to contribute to better educational

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1 outcomes.

2 So is that something that you would be
3 supportive of? I'm not sure if you're familiar with it
4 or not. We have someone from HUD coming later, so

5 PROFESSOR RIVKIN: I am certainly not an
6 expert. I think there's been a lot of research about
7 moving to opportunity and other experiments that took
8 place. And I think there's now additional evidence that
9 kids who moved when they were younger had better longer
10 term outcomes.

11 And so, this can be helpful for families
12 that can make it work; it can be beneficial. I think
13 in a larger sense, this is likely to be a drop in the
14 bucket of trying to address the bigger problem of
15 ineffective schooling for many children.

16 I think always providing people with
17 greater opportunities, particularly people whose
18 choices are constrained by income, and if you have a
19 housing voucher and there aren't very many places to go,
20 I think it is very good policy. I don't think it's
21 likely to be as potentially important as something like
22 charter schooling which can really push the system --
23 and we don't know for sure yet. I don't think the jury
24 is out on charter schools by any means. But I think it's
25 got more potential to really move the quality of

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1 education in densely populated, high poverty areas.

2 COMMISSIONER NARASAKI: Mr. Robinson, you
3 looked like you were ready to jump in but may have decided
4 otherwise.

5 MR. ROBINSON: No, I actually agree.
6 There was an experiment many years ago in Yonkers
7 experimental, so in Illinois outside of Chicago with
8 mixed results. It makes sense. We know that this year
9 is the 50th anniversary of Coleman's report where we look
10 at family's poverty and achievement.

11 We also understood that the socioeconomic
12 makeup of your peers also have an influence. So there's
13 some benefits of doing that. If people really want to
14 get innovative, take a look at some of our school systems
15 in cities where they've lost a population. They have
16 dorm rooms that are open. Why not move some of those
17 families into some of those dorm rooms or buildings to
18 actually give families a chance to really get a college
19 education by being in line. But that's just how I think.

20 COMMISSIONER NARASAKI: Okay. My second
21 question is really a broader one and I was going to
22 address it to Mr. Rothstein. So you mentioned, you
23 talked about school finance reform. It seems to me that
24 a lot of the school finance reform has been pretty much
25 driven by being sued by someone to force the question.

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1 Are there places where it's not requiring
2 litigation? And if not, what should the federal
3 government be doing to try to help encourage more reform?

4 PROFESSOR ROTHSTEIN: So I think your
5 impression is correct, that in many, many places it's
6 been driven by litigation. There are places that have
7 implemented finance reforms, major finance reforms that
8 were not driven by, that were not ordered by courts. In
9 some of those cases, it was because the legislature knew
10 they were about to get sued and wanted to stave that off.

11 But again, there are places that have done
12 it with neither of those motivations. So California's
13 local control finance formula that was mentioned earlier
14 is not being driven by litigation. It's still a major
15 move to try to direct resources to where they're most
16 needed. And so it can be done.

17 What the federal government can do to
18 promote it is a harder question. I think part of the
19 reason that the judicial system has been required in this
20 area is that state legislatures may not always pay as
21 much attention to low income communities as we might hope
22 that they would. In part because of low voting rates
23 or low citizenship rates in those communities.

24 And so, effort to ensure that state
25 governments pay equal attention or equitable attention

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1 to all of their communities I think would be helpful.
2 That's obviously a long history and a challenging thing.
3 But I think it's important.

4 COMMISSIONER NARASAKI: I think California
5 may be helped that it's a majority minority state in
6 which there's been a decade spent organization minority
7 and immigrant parents around education and what they
8 should be pushing for. So thank you.

9 PROFESSOR ROTHSTEIN: That's right.

10 VICE CHAIR TIMMONS-GOODSON: Mr. Mesecar,
11 I'm a bit reticent about performance based funding and
12 wondered if you could talk to us a bit more about it.
13 It's not clear to me whether performance based funding
14 is over and above the existing funding or exactly how
15 it works.

16 And so, I'm led to ask whether it's possible
17 that that performance based funding could somehow
18 inadvertently reduce funding to low achieving schools.

19 MR. MESECAR: That's a great question.
20 And the models are still developing. In the states I've
21 cited, Arizona, Michigan in particular, the funding is
22 over and above. You may be able to speak to Florida
23 better than I.

24 In Pennsylvania, they took a completely
25 different approach, which I still put in the performance

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1 based funding category, where the better schools
2 performed, the more regulatory flexibility, back to the
3 earlier point, they earned. So in effect, they got more
4 control over the existing funding streams the better
5 they performed. Sort of an earned approach.

6 So Arizona and Michigan, they have
7 different ways that they've looked at. Whether it's
8 existing dollars, so there could be a ratable reduction
9 of everyone. Or is it an additional amount over and
10 above what's already given.

11 So there's different models. And I would
12 certainly never suggest that you can make all dollars
13 to that point. But I think it's an interesting
14 conversation to talk about.

15 A great example, if you haven't looked at
16 the outcome results from school improvement funding
17 under NCLB where you sort of had the opposite approach.
18 Where there was greater difficulty and so more funding
19 came along. And sort of systematically those dollars
20 did not produce results. And in lots of cases, were not
21 used well at all.

22 And so the idea is, is can we change the
23 conversation? And this is actually what Arizona is now
24 trying to really push toward is, those schools, those
25 districts, whether they are charter, traditional,

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1 public, they can, as they perform better, get additional
2 dollars with the requirement that they use those dollars
3 in part to disseminate and communicate what they are
4 doing so that they become, as some have called, a
5 lighthouse where others can look and say, wow they're
6 very similar to me, they found a solution. Let's go look
7 and have that conversation.

8 And so, I think that, to the extent that I
9 believe, and I believe this strongly, that dollars can
10 be used better than are already being received. I think
11 that this could stand to benefit a number of low income
12 communities who, once there is some level of
13 understanding -- and this has to be locally driven, in
14 my opinion, around what are we trying to achieve, the
15 better we are at achieving that. We can be rewarded for
16 that.

17 And I think that some of the, what Professor
18 Rivkin was talking about on the teacher level around do
19 we provide incentives to teachers who are producing
20 results, has some really interesting findings. To me,
21 applying that notion at a system level is something we
22 ought to look at and study more. It's early days on
23 that.

24 But I don't think we should be afraid to look
25 at that in terms of what it may or may not do. But let's

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1 try it, let's study it. And if it works, let's do more
2 of it.

3 VICE CHAIR TIMMONS-GOODSON: Thank you.
4 Mr. Robinson, did you want to add anything sir?

5 MR. ROBINSON: When states accept their
6 Race to the Top money and adopted common core, part of
7 the application process stated if you're going to create
8 a pay for performance model, you had to have a formula
9 in place along with the pots of money you were going to
10 use. So we were finding --

11 VICE CHAIR TIMMONS-GOODSON: Okay. Thank
12 you. I believe that this concludes our third panel.
13 Again, the U.S. Commission on Civil Rights thanks each
14 of you for taking your time to help inform us. And safe
15 travels. We'll now proceed to the fourth panel.

16 V. PANEL 4: SEGREGATION: THE NEXUS BETWEEN SCHOOL
17 FUNDING AND HOUSING

18 VICE CHAIR TIMMONS-GOODSON: Let me
19 briefly introduce the panelists as they come forward.
20 Our first panelist is Jacob Vigdor, Professor of Public
21 Policy and Governance from the University of Washington.

22 Second, Phil Tegeler, Executive Director of
23 the Poverty and Race Research Action Council. Third
24 panelist, Catherine Brown, Vice President of the Center
25 for American Progress. And our fourth panelist,

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1 Monique Lin-Luse, Special Counsel for the NAACP Legal
2 Defense Fund. Our fifth panelist, Katherine O'Regan,
3 Assistant Secretary for Policy Development and Research
4 for the Department of Housing and Urban Development.

5 Okay. I ask that the panelists indicate
6 whether or not they swear or affirm that the information
7 you're about to provide is true and accurate to the best
8 of your knowledge and belief. If so, say I do.

9 (Panelists sworn.)

10 VICE CHAIR TIMMONS-GOODSON: All right.
11 Let us proceed. Professor Vigdor, please proceed.

12 PROFESSOR VIGDOR: Thank you. Good
13 afternoon Madame Vice Chair, Commissioners. It's an
14 honor to be here this afternoon. I hope to add three
15 things, focus on three areas in my oral remarks today
16 stemming from my report and hopefully tying some things
17 together that we've already talked about today.

18 I want to tell you a little bit about what's
19 going with segregation. I want to talk a little bit
20 about why segregation matters. And then I want to talk
21 about what policy options are there to address the
22 challenges introduced by segregation.

23 So in terms of segregation, I'll talk at two
24 levels and along two dimensions. There is segregation
25 in housing and there's segregation in schools. And

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1 there's segregation by race and there's segregation by
2 income. And these are four stories that actually have
3 some important differences among them. And that's why
4 I'm going to try to tell you a little bit about each one
5 of them in succession.

6 So start with the story of racial
7 segregation in the housing markets. Now that is a story
8 where, over the past 50 years starting right around the
9 time of the passage of the Fair Housing Act, there has
10 been integration. The level of racial residential
11 segregation today is lower than it was 50 years ago.

12 We can attribute some of that to other
13 things that have been going on besides fair housing.
14 Some of that is attributable to immigration. Some of
15 it is attributable to gentrification.

16 But what we see going on across the country
17 is there is a pattern whereby the Fair Housing Act has
18 opened up suburban areas and residential locations that
19 might have once been off limits to families of all races.
20 Now there are some asterisks associated with that and
21 we'll get to those very soon.

22 When we talk about residential segregation
23 by income, it is a different story. At the same time
24 that residential segregation by race has been
25 decreasing, residential segregation by income has been

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1 increasing in the United States. And this is actually
2 a phenomenon that is most pronounced within the African
3 American population.

4 So I told you a moment ago that the Fair
5 Housing Act appears to have opened up residential
6 choices for families that had been denied them on the
7 basis of race. Well here's where we get to the asterisk.
8 The asterisk is that you have to have the money to afford
9 those residential choices.

10 And so, what appears to have happened is we
11 have a situation whereby neighborhoods that had once
12 been racially segregated but somewhat economically
13 integrated have now had this dissembling whereby
14 suburbanization has occurred selectively.

15 And what had historically been segregated
16 neighborhoods by race, but not necessarily by income,
17 are now doubly segregated. And that is potentially
18 problematic for reasons that I'll talk about in a moment.

19 When we talk about schools, so segregation
20 in schools starts with segregation in neighborhoods.
21 Now from a period from the late 1960's to a few years
22 ago, there were policies in place in school districts
23 to offset some of the effects of neighborhood
24 segregation through bussing.

25 Now you all know that we've sort of moved

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1 away from that policy because of changes in
2 jurisprudence and that sort of thing. So what's
3 interesting to see is that as residential segregation
4 by race has declined, racial segregation in schools has
5 not. Because whatever declines we would have expected
6 because of neighborhoods have been offset by the decline
7 in bussing.

8 So schools today are, the level of racial
9 segregation and the level of income segregation is still
10 relatively high. It has not enjoyed that same kind of
11 decrease. Those are the basic trends.

12 Now let me tell you a little bit about why
13 it matters. And this relates to a couple of things that
14 we've talked about already today. I'm going to focus
15 on a couple things, teacher labor markets and school
16 discipline.

17 There is a lot of evidence suggesting that
18 teachers favor jobs that are in lower poverty settings.
19 Teachers will often take a pay cut in order to move from
20 a job in a high poverty school to a job in a low poverty
21 school.

22 We've seen lots of evidence, I've done some
23 work on this in North Carolina. There's been work in
24 other states sort of documenting that in order to have
25 an equally qualified teaching staff in schools with

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1 different poverty levels, you can't offer the same
2 salaries. You won't ensure equality of resources with
3 equality of funding.

4 Another thing that I'll tell you about is
5 discipline. It is a pattern that schools serving higher
6 poverty, intense poverty student bodies adopt stricter
7 disciplinary practices. And the work of my former
8 student, Joshua Kinsler, now at the University of
9 Georgia, demonstrates exactly why this is the case.

10 These schools are serving a high risk
11 population. They react to this high risk population by
12 imposing strict standards. Professor Kinsler showed
13 with this research that a program of integration, in
14 addition to addressing the test score gap, would also
15 address the discipline gap.

16 So the fact that we have this school
17 segregation by race has contributed not just to
18 disparities in performance but also the disparities that
19 we're very worried about in terms of school discipline,
20 out of school suspension, and the like.

21 Now what do we do about it? There are a
22 range of things that we could imagine doing about it.
23 One of them would be to try to address segregation
24 itself. And we've seen policies to try to do this in
25 the past. And in the housing market and in schools,

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1 there are still things that are potentially options.

2 It's important to understand the
3 limitations of these options. If we were to go back to
4 a regime where bussing were supported and we managed to
5 do bussing the way that it used to be done within school
6 districts, and we managed to create a situation where
7 every school district was perfectly integrated, we would
8 eliminate approximately 25 percent of all the racial
9 segregation that exists across public schools in America
10 today.

11 The problem is that segregation goes beyond
12 school district boundaries and it goes beyond state
13 boundaries. Mississippi does not look like New
14 Hampshire. And there's no bussing program that's ever
15 going to address that.

16 When it comes to housing, there have been
17 efforts to try to help lower-income families move into
18 more suburban locations. Those efforts have shown some
19 promise, some real promise.

20 But they have also shown limitations in the
21 sense that, when you give a family a voucher and tell
22 them that they have to use that voucher to move to a low
23 income neighborhood, only about half of them actually
24 get it done. So we can't imagine a policy that tries
25 to move people around and successfully gives the same

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1 opportunity to everyone.

2 So what's our other policy option? The
3 other policy option relates to funding. I can tell you
4 that the work that I've done in North Carolina suggests
5 that in order to equalize opportunity, you can't just
6 equalize funding. That equal funding does not lead to
7 equal resources because of the pattern that I told you
8 about before.

9 In order to get highly qualified teachers
10 into high poverty schools, you actually have to offer
11 higher salaries. The estimates that I produced suggest
12 that these premiums in funding would be on the order of
13 50 to 60 percent. So that's the amount that you would
14 need in terms of higher teacher salaries if you really
15 wanted to level the playing field.

16 So I heard stories about -- say we had the
17 example of Cleveland where the funding is maybe 50
18 percent higher than some of the surrounding area. And
19 I think to myself, that is about what you need in terms
20 of a funding advantage in the central city in order to
21 get something close to equal opportunity. And I'm not
22 even sure that that's enough.

23 I will end my comments there. Thank you for
24 the opportunity and I look forward to your questions.

25 VICE CHAIR TIMMONS-GOODSON: Professor

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1 Vigdor, thank you very much. And I understand that you
2 may need to leave before the panel is over. If that is
3 the case, please feel free to do that and accept our
4 thanks.

5 PROFESSOR VIGDOR? All right. I'll be
6 here until about 2:55.

7 VICE CHAIR TIMMONS-GOODSON: Okay.
8 That's just fine sir. Thank you. All right. Mr.
9 Tegeler?

10 MR. TEGELER: Yes, thank you. Well thanks
11 for the opportunity to address this important issue of
12 school funding and segregation. For too many years
13 these issues have been treated as separate and
14 unrelated.

15 We find that opponents of school
16 integration sometimes point to school funding as the
17 sole solution to disparities in resources and
18 achievement for children in high poverty, racially
19 isolated schools. And likewise, we often hear housing
20 segregation used as an excuse for not taking stronger
21 steps on school integration, as if these policies were
22 not related and mutually reinforcing.

23 My organization, the Poverty and Race
24 Research Action Council works on both housing and school
25 integration policy. Our education policy work supports

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1 the research and advocacy of the National Coalition on
2 School Diversity which is a growing coalition of civil
3 rights advocates, educators, organizers, and
4 researchers based here in D.C.

5 Our housing policy work focuses on the
6 continuing role of the federal government, both HUD and
7 the Department of Treasury, in perpetuating and even
8 today increasing levels of metropolitan segregation by
9 raising income.

10 These housing policies are often overlaid
11 on a fragmented governmental landscape at the
12 metropolitan level with multiple jurisdictions that
13 have separate school districts, separate land use
14 zoning, police, and property tax authority.

15 The one thing we have learned in this work
16 is that you have to address housing and school policy
17 at the same time if you want to make meaningful progress
18 on educational equity.

19 Consistent with Professor Vigdor, I want
20 to point out that at the same time as overall racial and
21 ethnic diversity has increased in the U.S., the
22 proportion of black and Latino children in racially and
23 economically concentrated schools has increased.

24 And this trend parallels a dramatic
25 increase in the number and proportion of black and Latino

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1 families living in concentrated poverty neighborhoods.
2 And in my written testimony I have citations to the
3 recent GAO report from this week, Paul Jargowsky's
4 report "Architecture of Segregation" from last year, and
5 several reports of the UCLA Civil Rights Project
6 documenting these trends.

7 Simply put, school and housing segregation
8 are both increasing for America's most disadvantaged
9 families. It will not suffice to put more resources
10 into our segregated schools and neighborhoods without
11 also doing something about this underlying pattern and
12 trend of increased segregation.

13 We need to work at the same time to reverse
14 the policies that continue to drive these patterns of
15 segregation. There's ample evidence, you probably
16 heard today, about the harms of school segregation and
17 the benefits of school integration. We've summarized
18 that in our written testimony.

19 I want to use the time remaining to talk
20 about a little bit about coordinating housing and school
21 policy in support of integration. In spite of the
22 reciprocal relationship between housing and school
23 policy which has been recognized by researchers and by
24 the federal courts, government housing and education
25 agencies have rarely collaborated to address racial and

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1 economic integration.

2 This problem starts at the federal
3 government level where separate executives agencies and
4 separate Congressional committees govern housing and
5 school policy. And the disconnect is mirrored at the
6 state and local level with separate housing and
7 education department in every state. And school
8 districts that are functionally separate from local
9 housing agencies and local planning and zoning boards.

10 We do not routinely ask questions like "how
11 will a new low-income housing development affect the
12 racial and economic balance of a neighborhood school?"
13 Or "what is the optimal location of a new elementary
14 school to ensure an integrated student body?" Or "how
15 can we work together across school district lines to
16 ensure that our communities remain successfully
17 integrated?"

18 The federal government, as you'll hear in
19 a few minutes I think, is starting to move in this
20 direction with the Department of Housing and Urban
21 Development's Affirmatively Furthering Fair Housing
22 Rule just published last year. The rule asks local
23 jurisdictions to consider the impact of housing
24 decisions on local schools as part of the consolidated
25 planning process.

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1 Similarly the growing use of opportunity
2 mapping, which has been encouraged by HUD and which ranks
3 neighborhoods across metropolitan areas by poverty,
4 school quality, and other factors, is expanding in a
5 growing number of states. Using for example, the siting
6 of Low Income Housing Tax Credit developments and the
7 placement of families with federal Housing Choice
8 Vouchers, with these metrics from opportunity mapping.

9 Our experience in places like Baltimore,
10 Dallas, and Chicago is, as Professor Vigdor indicated,
11 a very large number of families are eager to use these
12 vouchers in low poverty neighborhoods once they're given
13 the opportunity.

14 These type of connections between housing
15 and school policy need to be expanded at all levels of
16 government. And we need to develop a set of routine
17 metrics to assess the impacts of each housing and school
18 decision made by government from the perspective of
19 racial and economic segregation.

20 We need to ask at every policy juncture,
21 will this policy choice lead to an increase or decrease
22 in racial and economic segregation in our communities
23 and schools? Will we continue down the path of
24 increased poverty concentration? Or can we start to
25 reverse that trend? Thank you.

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1 VICE CHAIR TIMMONS-GOODSON: Thank you Mr.
2 Tegeler. Ms. Brown, we'll now hear from you.

3 MS. BROWN: Terrific, thank you so much to
4 the Commissioner and all of the Commissioners for having
5 me today to speak on this important topic of public
6 education funding inequality in an era of increasing
7 concentration of poverty and resegregation.

8 My name is Catherine Brown and I'm the Vice
9 President of Education at the Center for American
10 Progress, a left leaning think tank right around the
11 corner.

12 The timing for this discussion could not be
13 greater. We are asking our education system to prepare
14 all students to successfully navigate a world that is
15 rapidly changing and increasingly reliant on
16 technology.

17 How and how well we fund our schools and
18 expose our students to the diversity of this nation are
19 critical factors in preparing all of our students to
20 succeed.

21 Today's panel has emphasized that school
22 finance is a complicated web of federal, state, and local
23 formulas often not based on student needs. When
24 formulas are based on factors like property taxes,
25 schools in wealthier communities receive more funds than

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1 those in poorer communities and can afford to provide
2 advanced coursework in the arts, critical supports for
3 well-rounded education, all too often considered
4 enrichments rather than a basic education.

5 In A Strategy for Equity and Excellence, a
6 report by the Equity and Excellence Commission, students
7 attending schools in wealthier communities performed
8 better educationally, and along a host of other measures
9 like health and income, over their lifetimes than poorer
10 students creating a system of broad and deep inequity.

11 If we cannot completely address this
12 inequity today, let us take a step forward by discussing
13 return on investment for education funding. And
14 efforts we can take now to mitigate the negative
15 consequences of concentrated poverty.

16 The question of whether education spending
17 makes a difference for outcomes is a decades long debate.
18 Recently, George Mason University economics professor
19 Walter Williams argued that additional education
20 funding would not increase student achievement. More
21 school resources will produce disappointing results as
22 they have in the past, Williams wrote.

23 How money is used is important. But two
24 important studies that have come out in the past two
25 years provide conclusive evidence that simply injecting

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1 additional resources into poor schools does make an
2 important and enduring difference for students in
3 low-income schools.

4 Both the effects of school spending on
5 educational and -- sorry. Both the Effects of School
6 Spending on Educational and Economic Outcomes: Evidence
7 from School Finance Reforms by Kirabo Jackson, Rucker
8 Johnson, and Claudia Persico and a new National Bureau
9 of Economic Research working paper by Julien Lafortune,
10 Jesse Rothstein who was on the last panel, and Diane
11 Whitmore Schanzenbach examine the impact of when
12 districts receive financial windfalls because of court
13 mandated school finance reforms or legislative reforms
14 that directed more money to poor schools.

15 Both analyses found significant school
16 funding increases resulted in improved academic
17 outcomes for low-income students. According to the
18 paper by Kirabo Jackson and colleagues, when school
19 spending increased by 10 percent, low-income students
20 earned about 13 percent more at age 40 on average. They
21 were also more likely to stay out of poverty and to
22 graduate.

23 In the NBER report researchers showed that
24 state spending on low-income students predicted a
25 significant increase in a student's future earnings.

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1 Economists also showed that as a result of increasing
2 in spending, student learning in reading and math
3 increased with gains driven largely by low-income
4 students.

5 That students with greater needs may need
6 more resources to support their education is a long held
7 belief and codified in federal law by the Elementary and
8 Secondary Education Act from 1965 which provides
9 supplemental funds to a basic education to students who
10 are economically disadvantaged and at risk for not
11 meeting state academic standards.

12 The recent reauthorization of that law, the
13 Every Student Succeeds Act, reinforces this idea. And
14 goes a step further by authorizing a pilot of weighted
15 student funding formula where students with additional
16 needs may receive additional funds.

17 The idea of weighted student formula caught
18 greater focus when California passed its law which
19 replaces the state funding system comprised of multiple
20 funding streams with a per student base grant that varies
21 by grade span. Recent federal efforts to support school
22 turnaround also continue this belief of funding by
23 student need.

24 However, how money is spent also matters.
25 A recent report by the U.S. Department of Education shows

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1 that approximately one third of schools receiving up to
2 \$2 million per year to support turnaround efforts made
3 few student achievement gains.

4 What we've learned is that influxes of money
5 need to be followed by sufficient planning time to use
6 resources effectively. In addition to investing more
7 money in schools serving disadvantaged students and
8 planning time to use those resources effectively,
9 important efforts can and should be taken to desegregate
10 schools.

11 In conjunction with increasing income
12 segregation between neighborhoods, schools have seen a
13 sharp rise in economic segregation over the past few
14 decades. A recent study by Ann Owens, Sean Reardon, and
15 Christopher Jencks found that across school districts
16 segregation by family income is at the highest point
17 since 1970. Between 1990 and 2010 alone, segregation
18 by income has increased by almost 20 percent.

19 Yet research reveals that placing students
20 in integrated environments is one of the most important
21 ways to improve academic outcomes. Integrated schools
22 improve academic performance of low-income students by
23 decreasing stress levels, increasing academic
24 expectations, and promoting the adoption of pro-social
25 attitudes and behaviors.

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1 Such schools benefit from accessing more
2 material resources, having greater parental
3 stewardship, and attracting and retaining better
4 prepared teachers and administrators.

5 In a case study of Montgomery County's
6 economic integration efforts, Heather Schwartz of the
7 Century Foundation showed that the large achievement gap
8 between children in public housing who attended
9 integrated schools and their non-poor peers was cut in
10 half for math and by a third for reading by the end of
11 elementary school.

12 Integration takes time as wealthier parents
13 will need to see the school as a viable option before
14 enrolling their children in it. Integration efforts
15 are also more likely to be accepted when the school
16 models are appealing to parents from a wide range of
17 backgrounds.

18 Plans to address socioeconomic segregation
19 in schools will have to account for these factors and
20 more. But must be generated and implemented
21 effectively if they want to avoid sending children to
22 schools that only further perpetuate the very economic
23 and educational inequalities that our public school
24 system is meant to counter.

25 We at the Center for American Progress

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1 believe these efforts are integral to combat
2 intergenerational poverty and disadvantage, laud the
3 Commission for undertaking this important work, and are
4 eager to provide any needed support in furthering this
5 goal. Thank you so much.

6 VICE CHAIR TIMMONS-GOODSON: Thank you
7 very much Ms. Brown. Ms. Lin-Luse, we'll now hear from
8 you. Please proceed.

9 MS. LIN-LUSE: Good afternoon. Thank you
10 for inviting me to participate in today's briefing on
11 this critically important topic. It's especially
12 important, this week is the anniversary of Brown versus
13 Board of Education decision was just this past May 17th.

14 That decision is of special significant to
15 the NAACP Legal Defense and Education Fund where I work
16 as a civil rights attorney. LDF will be providing
17 supplemental comments after the briefing today to
18 supplement my written statements with you today.

19 The Legal Defense Fund lawyers were the
20 architects of the litigation that led to the Brown v
21 Board of Education decision and the end of legal
22 apartheid in the United States. And we continue to
23 advocate for the full realization for all people of the
24 equality the U.S. Constitution guarantees.

25 We have just under 100 open desegregation

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1 cases that under federal court orders, many of which I
2 litigate and which will inform my comments today.

3 Brown provides an important framework to
4 examine the question of segregation inequity in schools
5 today. Brown gave us three major points. One, that
6 segregation is an insidious form of racial
7 subordination. Two, it identified education as perhaps
8 the most important function of state government. And
9 three, it unequivocally affirmed the rights of black
10 children to the dignity inherent in full citizenship.

11 It's important to remember that framework
12 as we consider this question of public funding inequity
13 in school funding. Fulfilling the mandate that Brown
14 gave us to ensure that there is equitable and integrated
15 education requires us to look both at housing policy and
16 at school policy. In fact, many would say housing
17 policy is school policy.

18 It also requires that, while some would say
19 we should not begin the question of school funding by
20 assuming that segregation is inevitable. It's
21 particularly important to remember that housing
22 segregation and school segregation are not natural, that
23 they are the product of state supported segregation, and
24 in fact, it will take state supported efforts to
25 dismantle that system.

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1 The legacy of the continued racial, legacy
2 and continued racial housing discrimination combined
3 with a property based school funding system perpetually
4 reinforces inequality in education opportunities and
5 suppresses life outcomes.

6 This cycle of segregation and inequality is
7 incongruent with the Constitutional promise of Brown.
8 I would like to give two examples of cases where it kind
9 of describes what the prior panelists have illustrated
10 about the connection between housing and school
11 segregation.

12 I have two cases currently in the Greater
13 Birmingham area, Jefferson County. Jefferson County,
14 the metropolitan area, is one of the most segregated
15 metropolitan areas in the United States. And
16 currently, Jefferson County has the ability to further
17 address the school segregation because it's still under
18 a county-wide school system.

19 However, there's currently a challenge by
20 a municipality to form its own separate school system
21 that would take with it both additional county funding
22 that could be used and distributed throughout the
23 county. But also will further segregate students by
24 sending students who would not be allowed to go to that
25 school because they don't live in that particular city

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1 to more racial identifiable schools.

2 That challenge that we face today in trying
3 to address not just personal and individual choices but
4 the choices of a city to further entrench segregation
5 that has been historically evident in that area.

6 Another example in the same metropolitan
7 area is Hoover. Hoover is a suburb that is an example
8 of, sort of, the shifting movements that one of the prior
9 commenters noted of individuals who have the ability to
10 not just be stagnant in their particular segregated
11 areas.

12 In Hoover there's a large number of
13 multi-family dwellings that has changed dramatically
14 the demographics of that area over the past 20 years.
15 It went from having less than 5 percent African American
16 to being 25 percent African American in its student
17 population over just the course of the past 15 years.

18 During that timeframe, the school district
19 has struggled with how to both address the changing
20 demographics in their schools and also as their housing
21 policy has changed that built many of these multi-family
22 dwellings.

23 They are, today we're waiting pending
24 approval from federal court, a new student assignment
25 plan that would actually bring greater integration of

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1 that school system. It's a school system that's decided
2 to meet head on its changing demographics and not rely
3 on just sort of saying oh, these are just individual
4 choices made by folks. But actually take policy steps
5 to address the entrenched segregation and not to
6 resegregate a new community.

7 Finally in my time remaining, I want to
8 focus on some of the recommendations that we would make.
9 One, I think it's particularly important to note that
10 policy must incentivize equity and create opportunity.
11 And this could be done through regional planning and
12 cooperation.

13 One thing that is important to note when
14 talking about housing is also to think about
15 transportation infrastructure and infrastructure
16 equity. Transportation allows for the movement that
17 can further lead to more integration of schools and
18 housing.

19 Next, it's also important, as was noted by,
20 I'm sure, many today, that the policy of supplement not
21 supplant and the Every Student Succeeds Act, that that
22 continues to happen. The ESEA, its predecessor, was
23 created as a civil rights bill and it was meant to ensure
24 equity. And it's particularly important that the
25 federal government continues that legacy.

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1 Finally, the work that we do at LDF is both
2 policy and litigation. It's also extremely important
3 that continued funding be placed to support not just
4 policies, but also accountability. And that is done
5 many of the cases that we litigate, the desegregation
6 cases that we litigate, are also litigated by the U.S.
7 Department of Justice which needs continued funding and
8 support to be able to address all of the open
9 desegregation cases that exist.

10 And finally, one of the great things that
11 has occurred this week in response to the GAO report was
12 a new litigation to provide what many refer to as a
13 Sandoval fix, giving back the right of individuals to
14 litigate Title VI cases to ensure equity. And that
15 would be an important thing to see move forward. Thank
16 you.

17 VICE CHAIR TIMMONS-GOODSON: Thank you Ms.
18 Lin-Luse. Dr. O'Regan, we'll hear from you now.

19 DR. O'REGAN: Yes, thank you. Good
20 afternoon and thank you Commissioners for the invitation
21 to join you today. I appreciate the chance to speak to
22 you on behalf of the Department of Housing and Urban
23 Development, specifically on the housing side of
24 education inequality.

25 I'm going to focus my remarks on one way in

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1 which housing matters for educational outcomes and
2 inequality. And that's through place. I will make
3 three main points, all of which have been already been
4 well-documented by the panels, followed by a discussion
5 of what this means for both housing and education policy.

6 The first is that residential segregation
7 and school segregation are inherently linked. Where a
8 family lives largely determines where their child goes
9 to school. And it also means that where families of
10 different races, ethnicities, and income live primarily
11 determine the composition of the schools.

12 So residential segregation actually
13 contributes to both between and within district
14 segregation. To echo a point made earlier, districts
15 with high shares of low-income and minority students
16 have lower income levels in the entire district, via
17 lower property values contributing to funding
18 disparities at the district level.

19 And there are also significant within
20 district disparities in funding and performance for high
21 minority, high poverty schools.

22 This results in the pattern we see of
23 low-income and minority students systematically
24 attending poorer-performing and less-resourced
25 schools.

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1 So the second point is that residential
2 segregation and its effect on inequality in schools is
3 impeding upward mobility of minority and low-income
4 children.

5 So the recent work of Raj Chetty and Nathan
6 Hendren that has gotten considerable national attention
7 examined adult outcomes of children based on where they
8 were raised in the U.S.

9 They found remarkably large differences in
10 upward mobility. And that upward mobility is lower in
11 counties that have lower quality schools and in places
12 that are more segregated.

13 So residential segregation across
14 districts and the resulting funding disparities
15 contributes to the first of these factors which is lower
16 quality schools. Residential segregation within
17 cities that creates larger racial disparities of nearby
18 schools may explain the second factor.

19 So my third point is that residential
20 segregation by race and ethnicity remain high. And
21 income segregation and poverty concentration are
22 increasing.

23 So while White/non-White segregation has
24 been declining in this country since 1970, that is
25 primarily driven by a decline in Black/White

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1 segregation. And Black/White segregation still
2 remains intolerably high. Paul Jargowsky has actually
3 estimated that it would take nearly 150 years to reduce
4 Black/White segregation to a relatively low level.

5 But meanwhile, Hispanic/White and
6 Asian/White segregation has not been declining. And
7 over the last decade, may well have been increasing.
8 And so these are the two minority populations that are
9 growing the most.

10 So the main point is that we are not working
11 our way out of the residential segregation problem. And
12 on incomes, as already noted, with the exception of the
13 1990's, economic segregation and poverty concentration
14 has been steadily increasing.

15 So that combination, the close connection
16 between residential segregation and school segregation,
17 and the resulting funding and performance differences
18 in schools attended by minority and low-income students,
19 means we can't provide equality of opportunity in this
20 country without addressing both housing segregation and
21 education policy.

22 So let me touch on two approaches that HUD
23 is taking to address this which have parallels for the
24 field of education. First, addressing segregation
25 directly.

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1 So as already noted twice, HUD issued a
2 final rule on Affirmatively Furthering Fair Housing last
3 July. And it requires that those receiving HUD funding
4 conduct an analysis of their fair housing issues and set
5 forth goals to address them.

6 It's a large rule with a complicated
7 apparatus for implementing. But there are two main
8 components that I want to lay out now. And the first
9 is that grantees must assess the opportunities available
10 to minority households via their neighborhoods, hence
11 their schools. And so they need to do an assessment of
12 what this means for access to quality schools.

13 Grantees must also have a meaningful public
14 engagement component in assessing their issues, which
15 feeds into setting forth their communities' priorities
16 going forth, like the Consolidated Plan that Phil
17 Tegeler mentioned.

18 This is a way for all stakeholders and
19 sectors to shape key priorities that affect segregation,
20 including non-housing decisions to address
21 inequalities. And I see an opportunity here for those
22 in education to engage in that process.

23 Of course, similar to HUD's charge to
24 address residential segregation, the field of education
25 needs to address segregation in schools. Reform

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1 efforts should not be limited to funding. Those efforts
2 face far too uphill a challenge without addressing the
3 segregation of low-income students and students of
4 color.

5 But resource and performance disparities
6 need to be addressed head on. Our second approach is
7 investing resources where low-income people live to
8 reduce disparities.

9 HUD's Choice Neighborhood Program, our
10 flagship approach to a comprehensive community
11 development, specifically calls out improving
12 educational outcomes for residents as one of its core
13 goals. We understand that our communities cannot
14 support upward mobility if the associated schools are
15 failing.

16 While HUD has broadened its scope to
17 recognize this, we need educational policies that ensure
18 adequate resources so that low-income and minority
19 students have equal access to quality education.

20 This means sufficient resources so that our
21 schools can play an equalizing role rather than continue
22 to perpetuate disparities. And with that, I thank you
23 and look forward to your questions.

24 VICE CHAIR TIMMONS-GOODSON: Thank you
25 very much Dr. O'Regan. We have now come to the point

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1 that the Commissioners will have an opportunity to ask
2 questions. I'll begin with Commissioner Narasaki.

3 COMMISSIONER NARASAKI: Thank you Madame
4 Vice Chair. And I will begin with Mr. Vigdor since he
5 has to rush out of the building pretty soon. I have two
6 related questions. One is, my understanding in your
7 written testimony, you noted that the supplement not
8 supplant regulations limit the use of Title I funds to
9 increase teacher spending, if I understood that
10 correctly. So how would you modify the Title I formulas
11 to address that issue?

12 And the second is, you focused your
13 testimony on teacher salaries. We heard this morning
14 that some schools don't even have walls, insulation on
15 their walls nor do they have books and libraries. So
16 I'm wondering what your thinking is on the other kinds
17 of resources that schools may need.

18 PROFESSOR VIGDOR: Thank you for those
19 questions. So first one first. The supplement not
20 supplant regulation, as it's been implemented before
21 ESSA, was really what I was targeting in my commentary.
22 To say, well look, by saying you can't use this money
23 for some of the core functions of education, it means
24 you can't use it to offer higher teacher salaries.
25 Because the teacher salaries are supposed to be

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1 something that state and local funds are taking care of.

2 And I what I wrote in my written testimony
3 is I feel like a lot of the funding, a lot of the
4 adjustments to funding that you would want to implement
5 in order to achieve equality of opportunity across the
6 entire United States, you would have to achieve with
7 federal funding because of the disparities across
8 states.

9 So the sorts of reforms that I would have
10 in mind would be reforms that would say you can use the
11 federal dollars to top up teacher salaries or to offer
12 differential salaries in Title I schools relative to
13 other schools. Or offset what we know to be the higher
14 turnover rates in high poverty public schools relative
15 to other schools.

16 Now in terms of teacher salaries in relation
17 to some of these other potential structural or, you know,
18 just sort of capital deficiencies in certain public
19 schools. I focused on teacher salaries because I have
20 a lot of data on teacher salaries.

21 And so, I'm telling you about the
22 disparities about things that I can measure. The data
23 sets that I've used have not really gone into some of
24 these structural questions about are there deficiencies
25 in the learning environment, how many books are in the

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1 library.

2 To the extent that those disparities exist,
3 and I have no reason to think that they don't, that you
4 would want to adjust this funding formula as well to
5 account for those. The important point to take away is
6 that if your goal is equality of resources and equality
7 of opportunity, equality of funding does not get you
8 there.

9 And in fact, if your goal were equality of
10 opportunity, you would need to compensate for the fact
11 that in some of these high poverty schools, you have to
12 build them up further just to get to the starting line.
13 And that could mean deficiencies in the physical plant,
14 teacher salaries, a wide variety of different things.

15 COMMISSIONER NAGASAKI: Thank you.

16 VICE CHAIR TIMMONS-GOODSON: Specifically
17 if you have one that Professor Vigdor would need to --
18 okay. If you have an additional question, you may
19 proceed. Go ahead.

20 COMMISSIONER KLADNEY: Thank you very much
21 Madame Vice Chair. Ms. O'Regan, can you tell me, you
22 mentioned two programs that HUD has, right? And how the
23 AFFH rule is not in force yet, is it?

24 DR. O'REGAN: The final rule was passed
25 last summer. We are in the implementation stage. The

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1 way that this requirement works is it's tied to the
2 timing of your follow-on long term planning, when your
3 Consolidated Plan or your PHA plan are required.

4 So during this year we have between 22 and
5 23 entitlement jurisdictions will be in the process of
6 doing their AFH which is the first step in the plan.

7 COMMISSIONER KLADNEY: As I understand,
8 there's some opposition to that in Congress.

9 DR. O'REGAN: Yes, there is. There was an
10 amendment passed on the Senate budget floor yesterday.
11 Yes.

12 COMMISSIONER KLADNEY: Okay. And that
13 would stop that rule from being --

14 DR. O'REGAN: The amendment that actually
15 got passed would not stop the rule. It would limit one
16 component that was never part of the rule: it would
17 restrict HUD from specifying particular zoning changes
18 that would be required as part of the rule.

19 But the rule is actually meant to join with
20 localities as they set their local priorities for
21 addressing. So that should not be impacted.

22 COMMISSIONER KLADNEY: Okay. So I still
23 have more. Don't go away.

24 DR. O'REGAN: I'm not going anywhere.

25 COMMISSIONER KLADNEY: Section 8 voucher

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1 housing, in my community it's interesting, they've
2 started taking apartment complexes all over town. And
3 vouchers go there for disabled or low-income people like
4 that. So there is integration into the community.

5 But yet there are still a lot of Section 8
6 housing projects that are housing projects. Does HUD
7 have a plan to try and allow those people to move out
8 and integrate into the community? Or are they still
9 going to keep these housing projects?

10 DR. O'REGAN: So HUD's Section 8 contracts
11 that are basically rental assistance for an actual
12 development are time-limited. And so decisions that
13 have been made in the past get revisited as you come up
14 to the end of the contract.

15 And where you want to place that contract
16 depends on a variety of circumstances. These can be an
17 incredibly powerful tool to anchor-in in an area of
18 opportunity. So there are benefits of having
19 unit-based assistance specifically for getting in to
20 high opportunity areas.

21 A locality going through its planning
22 process in AFFH, for example, could look at that stock
23 of housing and think about decisions it wants to make
24 as contracts come up with this in mind.

25 So you could roll forward and expect

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1 potentially a different pattern going forward. So
2 there is an opportunity for that to change.

3 COMMISSIONER KLADNEY: But that's in this
4 rule?

5 DR. O'REGAN: This rule --

6 COMMISSIONER KLADNEY: This new rule will
7 help implement it.

8 DR. O'REGAN: I describe this rule as an
9 enabling policy environment through which many policy
10 levers could shift a bit as you take a look at the maps
11 and your requirements. So that you could use these
12 resources in a way that aligned better with meeting your
13 fair housing goals.

14 COMMISSIONER KLADNEY: Is there anything
15 HUD can do -- I know there are some communities now that,
16 when they're building new multi-unit apartment
17 complexes, they incentivize the developer to set aside
18 3 percent or 5 percent or 2 percent or some percentage
19 of the housing for the voucher program which would help
20 integrate into the community. This is besides the poor
21 door in Manhattan. I'm talking about that.

22 And I was wondering if you're able to have
23 -- because each community has its own local housing. I
24 mean, you deal with thousands of communities. And
25 everybody has their own opinion. Just like some allow

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1 former convicted drug people in the housing, some don't.

2 Are there rules that you can make to help
3 set forth this integration so that more communities
4 accept a rule, let's say 3 percent of new housing
5 projects, and incentivize that?

6 DR. O'REGAN: So let me talk about a couple
7 of things in this. One grant program that was in the
8 administration's '16 and '17 budget was called Local
9 Policy Grants. And the idea behind this is a
10 recognition of something that you point out.

11 There are lots of localities. They have
12 their own rules and laws. And so, one lever that you
13 look for is how do you incentivize adoption of policies
14 that may be useful in fair housing and opening up areas?

15 The local policy grants were designed
16 around -- it was almost a light version of Race to the
17 Top. Could we have some incentive grants for localities
18 to adopt policies that could be particularly useful for
19 increasing affordable housing and affordable housing in
20 areas of opportunity?

21 That has not actually passed yet in a
22 budget. But that's how it would it be used. A way in
23 which you could imagine it being used that could be quite
24 effective would be an area that would adopt source of
25 income protection.

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1 It is currently legal in this country to
2 discriminate on the basis of whether somebody has a
3 housing voucher. In fact, perfectly legal in a large
4 majority of states. As you know, a first step for
5 getting voucher households into a broader array of
6 choices would be imagining prohibiting that
7 discrimination.

8 Just in April, our FHA included a mortgage
9 interest deduction for three types of multifamily rental
10 housing. And two of them were increasing affordable
11 housing so that you would get a basis boost reduction
12 for putting in rental housing, a portion of which was
13 affordable or that was mixed income.

14 That's an example of a way that we could
15 lower the cost of getting rental housing, affordable
16 rental housing in a mixed income way into broader areas.
17 And that has just been rolling out now.

18 COMMISSIONER KLADNEY: So outside of us
19 making those recommendations in this report or a
20 recommendation that more communities adopt or apply for
21 these kinds of things, this is a slow process.

22 DR. O'REGAN: Well there's one type of
23 affordable housing that is prohibited from
24 discriminating against voucher households and which is
25 broadly affordable to those up to 60 percent of area

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1 median, the low income housing tax credit.

2 There is a proposal being put forward to
3 expand that greatly over the next five to ten years. And
4 getting that housing which is not HUD housing but is
5 funded through the tax system, getting that housing into
6 areas of opportunity would be a great way. And there
7 actually is bipartisan support for an increase of the
8 LIHTC program.

9 COMMISSIONER KLADNEY: So we're basically
10 starting on this process? I'm trying to get a point to
11 where we are here. I'm not trying to be critical or
12 anything. I'm trying to get a feel --

13 DR. O'REGAN: I actually think we want to
14 take the long view on this. We've been fighting this
15 in this country for 50 years or more. It's not going
16 to be a quick turnaround. You need to be doing all of
17 the levers that you have. But yes, we would want to be
18 looking forward five years and picturing where we are
19 versus where we're going to be in a year.

20 COMMISSIONER KLADNEY: Thank you very
21 much. Thank you Madame Chair, Vice Chair.

22 VICE CHAIR TIMMONS-GOODSON: Yes,
23 Commissioner Achtenberg, do you have a question that you
24 wish to ask at this time?

25 COMMISSIONER ACHTENBERG: Thank you, Madam

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1 Chair.

2 I want to concur in the woman from PD&R, I
3 believe that's who just spoke, that indeed this is a
4 long-term exercise we're talking about here. As Mr.
5 Tegeler will attest, it's been 25 years since the old
6 days at HUD when we tried to do a number of things that
7 now are actually, some of the things are actually coming
8 to fruition, like the affirmatively furthering rule
9 that's actually been promulgated and now adopted.

10 And, of course, there's congressional
11 opposition. It wouldn't be at all the worthy rule if
12 there weren't. So I'm glad to hear all of it but I'm
13 glad also to hear that the threat to the rule is not as
14 dramatic as it might have been.

15 Could you talk a little bit more, Mr.
16 Tegeler and the woman from PD&R -- sorry, I missed your
17 name; I apologize for that -- about constructive ways
18 for fair housing advocates and school policy advocates
19 to combine resources, if you will, to move the process
20 further and faster. Our Commission will be in a
21 position to make findings and recommendations.

22 And so with an eye toward that, are there
23 new approaches, constructive approaches that we can
24 surface and underscore that might move the dialog
25 forward more quickly?

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1 MR. TEGELER: Sure. Thanks, Roberta. I can.
2 Fundamentally, we were talking about the Affirmatively
3 Furthering Fair Housing Rule. And we have a lot of hope
4 for that rule. And I think we're talking about two
5 different sets of policies at HUD: one, represented by
6 the AFFH rule, is HUD telling jurisdictions around the
7 country to do better, and asking them to go through a
8 planning process at the local level.

9 There's another set of policies which have
10 to do with HUD's administration of its own programs and
11 the Treasury Department's administration of its housing
12 programs. So these are both two different spheres of
13 activity at the local level and at the federal level.
14 So it's important to keep that distinction in mind.

15 In the AFFH rule I think what Ms. O'Regan
16 said in her presentation is very important: HUD needs
17 to encourage stakeholders in the education field to join
18 in this process at the state and local level of fair
19 housing planning. Right now the rule, as drafted,
20 doesn't really require that.

21 And I think it's important that HUD take a
22 leadership role and this Commission recommend that HUD
23 really insist on that kind of stakeholder involvement
24 of people working not just in education but also
25 environment, transportation and other sectors so we can

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1 have a really fulsome process at the local level.

2 I think there's a lot of things the federal
3 government can do in its administration of its two
4 largest housing programs, both with over 2 million
5 families housed: the Section 8 Housing Choice Voucher
6 program, and the Low Income Housing Tax Credit program.
7 Both of these programs, as we have documented, continue
8 to steer families into the lowest-performing schools in
9 their metro areas and into the highest poverty schools
10 in their areas.

11 These are programs that are reaching maybe
12 25 percent of the eligible families that need housing
13 assistance. And instead of helping these families with
14 children get into really good schools areas, we continue
15 to steer them into segregated high-poverty
16 neighborhoods. This is a function of HUD and Treasury
17 policy, and state and local policy.

18 But there's a series of rules which we've
19 recommended to HUD and Treasury that need to be fixed
20 to incentivize moves to opportunity in these programs.
21 And it's about targeting high performing schools in both
22 the tax credit program and where developments are sited
23 for families with children.

24 If you look around the country in many metro
25 areas, many of the projects that are sited in good school

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1 districts are elderly Low Income Housing Tax Credit
2 projects because those are the easiest to get through
3 politically. And likewise with the voucher program,
4 you see intense concentrations in many metro areas in
5 the lowest performing school districts.

6 So having, bringing the school
7 consciousness into these housing programs and the
8 targeting of benefits I think is really important.

9 One other thing I'd probably recommend that
10 the Commission look at is this new program at HUD, a
11 growing program which speaks to Commissioner Kladney's
12 point, the Rental Assistance Demonstration, which is a
13 new funding stream at HUD which is replacing some of
14 these old funding streams of these old Section 8 projects
15 and such, and also older public housing developments.

16 One of the really important things about
17 this new and expanding program is that once a property
18 is transferred to this new funding stream, families who
19 have been living in the property now have a right to move
20 with a portable voucher if they so choose. So if you
21 have a development in a high poverty neighborhood that
22 converts to this form of assistance, families now for
23 the first time will have an opportunity, if they want
24 to, to take a portable voucher and move to another
25 location, another school district for that voucher.

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1 And I think there's a lot of potential there
2 if HUD takes a really strong position in the next
3 administration with respect to that program.

4 DR. O'REGAN: Let me --

5 COMMISSIONER ACHTENBERG: I would just point
6 out that we are, our record will remain open for 30 days.
7 And to the extent that you care to memorialize the three
8 points that you just made for the benefit of the
9 Commission's consideration, I certainly would welcome
10 that.

11 DR. O'REGAN: And this is Kathy O'Regan from
12 PD&R. Love to hear the HUD acronym said so fluently in
13 this education arena.

14 And let me use the construct that Phil did
15 of thinking about two things, which is the AFFH
16 environment and then the HUD policies.

17 On the AFFH environment I'd add one layer
18 of something to think about encouraging, and it goes back
19 to a point made by Jake. And I'm sorry, I know too many
20 people on the panel to use Dr. and Mr. I'm going with
21 first names. Which is that much of the segregation and
22 issues are across jurisdictions, and so HUD is strongly
23 encouraging our grantees to do joint and regional plans
24 as part of AFFH.

25 I think that's one of the places of great

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1 promise. If you really want to break down barriers --
2 if you want to get the right stakeholders engaged in the
3 conversation, looking at the data and maps and really
4 thinking about long-term solutions you want to engage
5 broader than the jurisdiction.

6 As a parallel policy, really think of it as
7 a light initiative Secretary Castro has undergone this
8 year, we're doing something called Prosperity Playbook
9 which is -- has a couple of components to it. And one
10 is joining with local areas that are interested in a
11 regional approach to addressing the problems of
12 affordable housing and inclusive communities.

13 We have gone and had convenings in five
14 different places around the country with leaders on this
15 to elevate the work they're doing, help them in what are
16 really hard conversations and difficult trade-off
17 questions that they are asking and try to support their
18 work.

19 But one of the ways that we want to learn
20 is by sharing -- in the previous conversation there was
21 a bit of discussion about peer learning, and there is
22 a peer learning component, the idea that you would take
23 some cases and best practices, codify them in a toolkit
24 that sits on our website so that others, as they are
25 coming up on their planning decisions or any other piece

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1 can say, "how would a city like ours, how would a
2 jurisdiction as ours, X?" So a high cost city trying
3 to figure out how to break into the suburbs could ask:
4 what are the kind of things that other places have tried?

5 And so in doing this, several of these
6 places have signed on for doing a regional AFFH, which
7 is very promising. So that we would start out with some
8 examples where this is a way that you could address
9 issues.

10 On the policy side, another piece, and I'm
11 thinking specifically about the voucher side, which
12 ought to be the area in which you might expect our
13 greatest success of getting families into areas of high
14 opportunity. I would say I think the most recent
15 numbers suggest about 20 percent of the families are
16 getting into low poverty neighborhoods, which is lower
17 than we would like. And we have many areas where it's
18 much lower than that.

19 On one of our pushes, last summer we put out
20 an advanced notice of proposed rulemaking for those
21 areas where voucher households are most concentrated,
22 in high poverty neighborhoods, to move from
23 metropolitan-wide fair market rents, which is the basis
24 on which you set payment standards for paying landlords,
25 to move from metropolitan-wide which pays the same, no

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1 matter what neighborhood you're in, to ZIP Code level.
2 So that you as a landlord would be paid more if you're
3 in a higher opportunity high rent neighborhood.

4 We're in the process of reviewing those
5 comments. But that could be one of the barriers in the
6 voucher program for succeeding, for getting into areas
7 of opportunity.

8 There are more. To make the housing
9 program work very well there are a number of other things
10 we're interested in testing and addressing. In the
11 '17 budget we put forward a mobility pilot exactly on
12 that basis.

13 As Jake Vigdor noted, while there's a lot
14 of promise in the voucher programs, the MTO experiments
15 also experienced a number of things such as half of
16 households not taking up those vouchers. That means
17 households that waited to get a voucher did not receive
18 housing assistance. Housing assistance itself matters
19 tremendously for outcomes for these families and kids.
20 We are looking for ways that you don't throw out that
21 aspect, and yet you manage to move and support greater
22 opportunity.

23 VICE CHAIR TIMMONS-GOODSON: Ms. Lin-Luse,
24 I've seen you and Ms. Brown nodding your head
25 periodically, and so offer you the opportunity to

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1 comment on questions that, or statements that have been
2 made.

3 MS. BROWN: Well, one thing that came to mind
4 is that I agree with everything. I'm actually learning
5 a lot. I do education policy, not housing policy, so
6 the intersection here is fascinating. But there are
7 efforts to break the connection between where you live
8 and where you go to school. And I think those might be
9 worth thinking about.

10 For example, there are a lot of districts
11 in the country now that have portfolio approaches where
12 they have some combination or some percentage of the
13 students are enrolled in schools of choice that have
14 district-wide boundaries. Actually, where we're
15 living here in Washington is one example that's used this
16 strategy pretty aggressively. About 50 percent of
17 students in Washington, D.C. attend charter schools that
18 have boundaries where any -- if you live in Washington,
19 D.C. you can apply through a common lottery, you rank
20 your preferences, and you're randomly assigned to a
21 school that is the highest possible preference that you
22 get. And they have performance data and you can decide.

23 So I actually have a son who is in pre-K who
24 attends a wonderful charter school that's all the way
25 across town that we would never be able to get into but

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1 for this bus that shows up on our block every morning.
2 And, you know, this is a way for -- and there are students
3 from all over Washington, D.C. that go to that school.
4 And this is true of many other schools, students who live
5 on Capitol Hill, who live in Northwest, who live in
6 Southwest.

7 And so and this is charter schools are just
8 one example. There are also district portfolio
9 approaches that are allowing for more choice. There are
10 also another thing that D.C. uses, and many other schools
11 use it, out of boundary lotteries for pre-school and
12 pre-K. And this is typically it happens when schools
13 don't have enough slots to serve every child in
14 pre-school or pre-K, but what ends up happening is that
15 students may end up enrolling in a pre-school or pre-K
16 program that's not in the school that's in their
17 neighborhood, and that allows for more integration
18 across the schools around the district.

19 So, in fact, actually just incentivizing
20 greater use of pre-school and pre-K might be an avenue
21 to create more integrated schools. In fact, pre-school
22 and pre-K programs themselves when located in public
23 schools tend to be more integrated than K through 12
24 schools.

25 I also just, again, wanted to underscore the

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1 need for more funding generally. This concept of
2 weighted student funding was brought up again, and also
3 the move towards the supplement, not supplant regulation
4 that the Department has just submitted to OMB, the U.S.
5 Department of Education, that is.

6 I do think that everything the former
7 panelists were saying about having federal funds
8 actually integrated into a school budget so that they
9 can be used to pay teachers higher salaries, the way it
10 worked prior to this change that they've made through
11 ESSA is that every additional dollar that you've spent,
12 every additional Title I dollar you had to account for
13 and it had to be supplemental. So, for example, if you
14 purchased a, you know, additional text book or set of
15 text books or, you know, a tutor, but it was always very
16 peripheral to the core mission of educating students.

17 So there's been a very positive change
18 through the supplement, not supplant and Every Student
19 Succeeds Act. And the Department of Education is now
20 trying to figure out how exactly you define that. And
21 I think those are incredibly important questions to
22 wrestle with, but I think we are moving towards providing
23 more funding to low income schools.

24 And I think we can't do enough in that space
25 because equity is not equity in this case, we need to

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1 get to somewhere. I mean I don't know exactly what the
2 number is, I don't know if anyone does, but it's probably
3 on the order of 150 or 200 percent even of funds going
4 to low income students.

5 Those are some thoughts. I have so many
6 comments rolling in my head but I will stop talking.

7 VICE CHAIR TIMMONS-GOODSON: Thank you.

8 Ms. Lin-Luse.

9 MS. LIN-LUSE: Thank you. Two things that
10 I wanted to underscore. One was the idea of regional
11 planning. And it was sort of discussed in the context
12 of housing but it's also there's a lot of opportunities
13 to do it in the context of education, particularly given
14 the limited funds available, given by the states and
15 local, that are raised locally for school districts.

16 There are a lot of opportunities,
17 particularly around things like career and technical
18 education, which is really based on a sort of a workforce
19 view that is larger than the smallest of school districts
20 but is looking at a metropolitan area and a regional area
21 where ways in which small school districts often that
22 I work with each have their own career and technical
23 programs that are not nearly as robust as they could be
24 if they were more regionally planned and coordinated.

25 And so ways to incentivize school districts

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1 to, with limited resources that they may have, to
2 consider ways to coordinate more with each other as well
3 as with housing and with also underscoring
4 transportation. Many of the reasons why what Ms. Brown
5 described is possible in D.C. has a lot to do with some
6 of the transportation infrastructure that's available.
7 Many places don't have that same level that would allow
8 for the ability to have those kinds of integrated
9 programs.

10 And then the second point I wanted to make
11 was, you know, many of the things that have been
12 discussed today talk about choice and the benefits of
13 choice. And there is a lot of benefit to choice. But
14 I think with choice also really needs to come a watchful
15 eye and enforcement, so this underscoring the need to
16 make sure that there is enough resources put in to make
17 sure that the civil rights protections that are
18 guaranteed are ensured when it comes to school choice
19 issues, housing choice issues, the placement and
20 location of policies that may have disparate impact on
21 minorities.

22 Thank you.

23 VICE CHAIR TIMMONS-GOODSON: Thank you. To
24 the other Commissioners on the line, if you have a
25 question you may proceed.

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1 COMMISSIONER YAKI: This is Commissioner
2 Yaki. I'm sorry that I'm not there. I have a quick
3 question, or a general comment, which is what other
4 supports and resources from federal and state government
5 do you think are necessary to address the whole, the
6 whole student and the whole family behind the student
7 to really address the choices that you're talking about?
8 There's housing, there's job training --

9 VICE CHAIR TIMMONS-GOODSON: Commissioner
10 Yaki, there is a lot of background noise and we're not
11 picking up all of your question. Do you think that you
12 could repeat it or do whatever you can to minimize the
13 background noise?

14 Are you able to hear me?

15 COMMISSIONER YAKI: I can hear you.

16 VICE CHAIR TIMMONS-GOODSON: Okay.

17 COMMISSIONER YAKI: Is that better?

18 VICE CHAIR TIMMONS-GOODSON: That is much
19 better, yes.

20 COMMISSIONER YAKI: I was just asking are
21 there other federal or state agency supports or
22 programs that have been talked about that are as
23 essential to supporting the whole student and his or her
24 family? While we haven't talked about some things, I
25 want to be sure we've covered the bases.

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1 DR. O'REGAN: I'm happy to jump in on behalf
2 of HUD. We've been talking about where housing is
3 placed as being important. But a point made by Phil
4 Tegeler is we only serve about a quarter of families
5 right now who qualify for housing, so there is a large
6 share of very low income families who could be
7 stabilized. And one of the things that you get from
8 affordable housing is you decrease mobility across
9 schools, which is not just a problem for the individual
10 family, it wreaks havoc on some of the schools,
11 particularly in areas where you've got a concentration
12 of high poverty households.

13 We actually have seen some partnerships
14 between local public housing authorities and school
15 systems exactly on the basis of realizing the alignment
16 between needing to think about how to do these things.
17 I think the quote that Jesse had in the last panel was
18 the full suite of responses; I would put affordable
19 housing in there. I would say one of the federal
20 agencies we also want at the table is HHS, to think about
21 their early education. The Home Visiting Nurse Program
22 is a way of starting particularly early in
23 evidence-based intervention that we could be targeting
24 at those most in need, many of whom live in our assisted
25 housing.

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1 28 percent of poor minority children in this
2 country are touched by HUD housing.

3 VICE CHAIR TIMMONS-GOODSON: Any other
4 panelists wish to weigh in?

5 MS. LIN-LUSE: Yes. I would say that one of
6 the earlier comments made had to do with the use of harsh
7 discipline and in schools that are high poverty. And
8 I think as a former teacher in a high poverty school
9 district, you know, one of the reasons why, and the
10 school district I worked with, often rely on law
11 enforcement or rely on very strict policies is because
12 they often don't have the resources to do other types
13 of interventions. They don't have the same resources
14 for counselors and for behavioral health supports that
15 are often had by much more affluent school districts.

16 And so there are many programs though HHS,
17 and whether it's SAMSA and other, other ways in which,
18 also Department of Ed funds can be used to not to support
19 sort of punitive or law enforcement but rather to support
20 counseling and other social, emotional supports.

21 VICE CHAIR TIMMONS-GOODSON: Thank you.

22 COMMISSIONER ACHTENBERG: Madam Chairman.

23 VICE CHAIR TIMMONS-GOODSON: Yes,
24 Commissioner Achtenberg, do you have a question?

25 COMMISSIONER ACHTENBERG: I just wanted to

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1 encourage the panel members to collaborate across
2 sectors, if you will, and perhaps give us some of their
3 best thinking on how, how these rules can be best
4 utilized to the end of promoting educational equality
5 and decreasing, you know, achievement gaps, et cetera.

6 And also, the best examples of cross-agency
7 collaboration that we might be in a position to portray
8 favorably in our report, and if there are examples of
9 things that have gone well, then if you could provide
10 us with those examples that might be very helpful to us
11 in making this report and our recommendations
12 meaningful.

13 I just wanted to say that. Thank you, Madam
14 Chairman.

15 VICE CHAIR TIMMONS-GOODSON: I believe Mr.
16 Tegeler is indicating that he wants to say something.

17 MR. TEGELER: Well I -- yes, thank you. I
18 guess this is a slightly critical comment but it's in
19 the spirit of your question.

20 We've had a good example of collaboration
21 between HUD and the Department of Education in the Choice
22 Neighborhoods and Promise Neighborhoods Programs.
23 Choice Neighborhoods is an effort to bring HUD resources
24 for public housing redevelopment into a
25 neighborhood-wide community development approach in I

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1 think about a dozen places around the country.

2 And that's been linked very intentionally
3 with the efforts by the Department of Education to bring
4 extra resources to the whole child/whole community
5 approach in the Promise Neighborhoods Program into those
6 same communities in some cases. That's a very positive
7 step.

8 One of the kind of slight critiques we've
9 had in the past is that it isn't really thinking about
10 integrating these kids into the larger mainstream of
11 society. You're basically rebuilding schools. And
12 this is also a critique we've had of the School
13 Improvement Grant or Turnaround School Program. You're
14 basically restructuring schools but leaving the exact
15 same student body in place.

16 We've seen in several parts of the country,
17 the Hartford example where you heard the superintendent
18 this morning was a great example. If you build really
19 high quality magnet schools in low income neighborhoods
20 in the central city, a lot of suburban families are going
21 to be attracted into that school in a geographic area
22 where that's possible. You know, a geographic area
23 that's compact enough to do that.

24 In some of the southern school, county-wide
25 school districts there are strong magnet programs in the

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1 poorer parts of the city that attract suburban people
2 in. If you did that approach in the Promise
3 Neighborhoods, Choice Neighborhoods context where we're
4 focusing resources on an inner-city neighborhood you can
5 have both school improvement and also school integration
6 at the same time.

7 And it would help, it would help with HUD's
8 goal in those neighborhoods, which is often not
9 realized, of having a more mixed income profile for the
10 neighborhood. Because it would basically give the
11 higher income families coming into the neighborhood a
12 school to call their own and to participate in along with
13 their lower-income neighbors.

14 So that's one set of examples I think. And
15 I think the experiment in Hartford has been profound.
16 Several of the most successful inter-district magnet
17 schools in Hartford, Connecticut, attracting 50 percent
18 of the students from the suburbs are located in public
19 housing redevelopment neighborhoods. There was no
20 concerted policy there, the schools just happened to be
21 in those neighborhoods. But it has, it's been a real
22 boon for both the kids in that former public housing and
23 the suburban peers.

24 VICE CHAIR TIMMONS-GOODSON: Thank you.

25 I'm going to allow Commissioner Narasaki to

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1 ask the last question.

2 COMMISSIONER NARASAKI: So, just to follow
3 up on what Mr. Tegeler just said, the Hartford testimony
4 she also expressed the concern that in building these
5 beautiful, wonderful, exciting magnet school programs
6 what happened was then there was no money for the
7 traditional neighborhood schools. And so I think the
8 challenges in a lot of cities where there's falling
9 budgets, you know, what works in terms of both
10 desegregation and improving schools for all kids?

11 And so I wanted to ask particularly our
12 representative from the LDF what your experience is in
13 terms of what are the best programs that you've seen
14 courts order that try to do both? Because we hear a lot
15 of testimony about even for some of the magnet schools,
16 for example, if your goal is desegregation then you might
17 end up turning down qualified talented minorities
18 because you're trying to make sure that you have enough
19 non-minorities in the school.

20 So I'm wondering where is the next
21 generation of thinking on that? And what are you
22 recommending?

23 MR. TEGELER: Before Monique, Commissioner,
24 I just want to as a point of order, the superintendent
25 this morning didn't say it exactly the way you said it.

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1 The magnets are not taking money away from the
2 neighborhood schools, she was speaking more like the
3 neighborhood schools remain underfunded, as they were
4 before, and are being left behind and in contrast with
5 the beautiful new schools. It's not a -- she did not
6 testify this morning that the funds are --

7 COMMISSIONER NARASAKI: Well, I would say
8 that could be true but the results are the same. The
9 analysis might be a little different but you wind up in
10 the same place which is the traditional neighborhood
11 schools are not getting the resources that are needed
12 to give not even an equitable but not even an equal
13 education. So that's --

14 MR. TEGELER: I agree. I certainly agree.

15 COMMISSIONER NARASAKI: So that's where I'm
16 going.

17 MR. TEGELER: Thank you. Sorry.

18 COMMISSIONER NARASAKI: So go ahead.

19 MS. LIN-LUSE: Thank you for your question.
20 You know, I was going to start off, I'll start with magnet
21 schools. There are a lot of limitations but there's
22 also a lot of opportunities that are provided by magnet
23 schools. One of the issues with any sort of choice
24 program, as I alluded to earlier, is the sort of what
25 kind of parameters do you place around it that don't end

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1 up undermining your original intent?

2 And so when it comes to magnet programs and
3 also gifted and talented programs and other sort of
4 programmatic things that are done to incentivize, you
5 know, families to choose to go to schools in areas where
6 they may not live or may be undesirable in some way or
7 less resourced, and one of the concerns you have is that
8 you find examples where you walk into the front door and
9 essentially you can see all of the white children turning
10 right to go down to the, you know, math and science magnet
11 program and then the rest of the students who are not
12 in the math and science magnet program but are still
13 attending that particular school, other students of
14 color going to the left.

15 And so it's particularly important that in
16 the, you know, the design of any sort of programmatic
17 tools that are court's order, one of the things that we
18 really push for is that it's not just sort of at the top
19 layer is there integration there, but really goes a step
20 deeper in sort of what is the, what's the class
21 assignment like? Who's taking what courses? And then
22 also sort of how are you building a pipe -- that's the
23 other piece, how are you building a pipeline to get
24 there?

25 So it's not enough just to have an

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1 International Baccalaureate school, an IB school, but
2 it's a high school which is going to, you know,
3 preference students who have had access to better
4 schools K through 8, and then now are in a better position
5 to, you know, be prepared to go to an IB school so that
6 perhaps when, something that's been considered in one
7 of the schools districts I am working with, is to have
8 a middle school IB program, to work in other places.

9 So you're sort of starting to build a
10 pipeline of opportunity so that opportunities aren't --
11 you're not sort of providing opportunities that give
12 sort of a facial level of integration but don't really
13 go to sort of the level of interaction that we, when we
14 think about the benefits of diversity, what we're really
15 talking about is not just people being in the same
16 building together but people being in the same classroom
17 with each other, people interacting with each other, and
18 so how to sort of facilitate that.

19 The other thing is controlled choice
20 programs in student assignment. They are, you know,
21 sometimes it takes the right sort of geographic
22 circumstances but to say that instead of saying, you
23 know, district-wide boundaries, sort of limiting it to
24 a set of schools that are relatively near each other but
25 sort of, you know, you get to have some preference in

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1 choice, but also looking at sort of what are the
2 balancing that you're doing of racial demographics and
3 also income, socioeconomic status. And so trying to
4 limit sort of the choice to a set of schools and then
5 looking to sort of create balance between those.

6 But that's been really effective. We just
7 implemented it in a jurisdiction in Tennessee. It's
8 been, it's been great actually. We were able to close
9 two of the schools that were very racially identifiable
10 and also really poorly resourced, crumbling walls, you
11 know, just sort of dilapidated that were predominantly
12 African American schools, and also closing one of the
13 older predominantly white schools, and then built a new
14 -- the other option was the other students that weren't
15 going to controlled choice also had the opportunity to
16 go to a new school. And the new school sort of had a
17 new identity and a new name, a new brand, so that it was
18 able to be sort of new integrated school built.

19 So I give that example because I think in
20 a lot of, in a lot of cities, small and large, or in school
21 districts small and large you have to have a combination
22 of things. You need to consider, you know, what you can
23 do programmatically and what you can do through student
24 assignment and boundaries, and also how you can deal with
25 whatever other geographic issues that may occur.

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1 Another one of the things about the
2 placement of sort of affordable housing and one of the
3 reasons why really comes to now I meet with planners when
4 I can in a city to sort of see what's on the horizon for
5 housing developments within the community, which is
6 something that school districts, you know, often have
7 no access to knowing where new housing is coming and how
8 many houses are going to go in and what type of housing
9 it will be.

10 One of the school districts where we really
11 struggled is to try to have increased diversity within
12 the schools and balancing the schools without putting
13 the burden on predominantly African American and Latino
14 students. It's been very challenging because a lot of
15 the multi-family dwellings those students live in,
16 students of color live in are on the sort of same major
17 highway. So it's a large, you know, city but they placed
18 all of the sort of apartment complexes along one area
19 and so it becomes difficult to how do you not end up with
20 a school there that then this, you know, higher poverty
21 or less diverse as the other schools could be if the
22 multi-family dwellings were sort of scattered more
23 throughout the city.

24 And so it's, again, there through the use
25 of GIS, which will be the last point I make, geographic

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1 information systems, it's a lot easier now to look at
2 ways to plan and do student assignment than it was 30
3 years ago when you really had to kind of, you know, drive
4 around and mark on a map where each kid lived. Now,
5 through this sort of data that's produced, doing work
6 with GIS specialists who are able to come up with plans
7 that are going to increase diversity opportunity and not
8 overburden particular students who have to drive, you
9 know, go on long bus rides or what have you.

10 COMMISSIONER NARASAKI: Ms. Brown.

11 MS. BROWN: I would just like to make two
12 quick points. One is that an additional model in
13 addition to rigorous college-bound high school that's
14 worked well for integrating schools is bilingual
15 schools. There's real appetite, particularly for more
16 affluent students. And these schools tend to work best
17 when you have about an equal representation of students
18 who are, for example, native Spanish speakers and then
19 native English speakers.

20 And so given the rising, given the increase
21 in the Hispanic population in the U.S., I think this is
22 a model that could be much more heavily utilized to
23 integrate schools and also to give students overall
24 world class education and the ability to be culturally
25 competent. There are so many benefits to these schools.

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1 And they are not very widespread.

2 And the second one, just to the point that
3 you mentioned, I think that's an incredibly important
4 point about getting the integrated school population is
5 not the goal, you actually also need to have integration
6 of classrooms. One of the policies that we've seen work
7 well is universal screening for gifted and talented
8 programs. So as opposed to relying on parent and
9 teacher recommendations, which are subject to inherent
10 bias, if you actually just screen every child in the
11 school you see dramatic increases in the percent of
12 minority students who get the opportunity to go into
13 those classrooms.

14 So that's all. Thank you.

15 COMMISSIONER NARASAKI: But what happens to
16 the kids who don't make it into the gifted programs? How
17 are you ensuring -- or part of the integration scheme,
18 how are you ensuring that they are still getting the kind
19 of education they need to be getting and deserve to be
20 getting?

21 MS. BROWN: Yes, so this is one of the, one
22 of the things that CAP has prioritized and advocated for
23 in the last few years is the Common Core. And we very
24 strongly believe that having really high standards for
25 all students in math and reading increase K through 12.

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1 It's essentially like gifted and talented for all.

2 And so I think the integrity to that set of
3 academic expectations and ensuring that formative
4 assessments in curriculum are aligned to them and that
5 all students are actually having that access.

6 COMMISSIONER NARASAKI: Yes, but I'm talking
7 about the financing so that they could get the education
8 they need to meet the Common Core standards.

9 MS. BROWN: Certainly more financing is
10 needed. Absolutely.

11 VICE CHAIR TIMMONS-GOODSON: All right.
12 Panel. Did you want to say something, Ms. Lin-Luse.

13 MS. LIN-LUSE: I did, if I could.

14 VICE CHAIR TIMMONS-GOODSON: Go right ahead.

15 MS. LIN-LUSE: Thank you. I just wanted to
16 say that on this issue of gifted and talented that one
17 of the things that we really advocate for and is very
18 successful is when schools, instead of having sort of
19 pull-out programs with just some students in
20 gifted/talented, really changing the themes and the
21 focus of the, overall, the school's curriculum. That's
22 another way actually that can be done to sort of
23 encourage parents who may have chosen to send their kids
24 to private school to instead consider their neighborhood
25 schools.

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1 So it's not necessarily about having to have
2 a lottery or a special admissions criteria, but really
3 looking to how to enrich the curriculum for all students.
4 And it can encourage parents who may not have children
5 to send their kids to the local public school to maybe
6 consider doing that without having some of the barriers
7 that we've discussed with regard to barriers of
8 selecting out certain students over others.

9 VICE CHAIR TIMMONS-GOODSON: Panel 4, Mr.
10 Tegeler, Ms. Brown, Ms. Lin-Luse, Dr. O'Regan, on behalf
11 of the Commission on Civil Rights I thank you for taking
12 your time to be with us. It's been excellent. Again,
13 thank you.

14 We'll now be in recess for a period of ten
15 minutes. We'll resume promptly at 4 -- excuse me, 3:36.
16 Thank you.

17 (Whereupon, the above-entitled matter went
18 off the record at 3:26 p.m. and resumed at 3:36 p.m.)

19 VICE CHAIR TIMMONS-GOODSON: Let's come
20 back.

21 We'll now proceed with our fifth and final
22 panel of the day. Briefly allow me to introduce the
23 panelists in the order in which they'll speak.

24 Our first panelist is Denise Forte, Staff
25 Director, Committee on Education and Workforce at the

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1 United States House of Representatives.

2 Our second panelist, Tanya Clay House,
3 Deputy Assistant Secretary for P-12 Education in the
4 Office of Planning, Evaluation and Policy Development
5 of the Department of Education.

6 And our third panelist, Jessie Brown,
7 Senior Counsel to the Assistant Secretary in the Office
8 for Civil Rights of the Department of Education.

9 I will ask if the panelists at this time will
10 swear or affirm that the information you are about to
11 provide is true and accurate to the best of your
12 knowledge and belief. If so say it is or I will or I
13 do.

14 (Panelists sworn.)

15 VI: PANEL FIVE:

16 FEDERAL GOVERNMENT ON EQUITABLE FUNDING

17 VICE CHAIR TIMMONS-GOODSON: Okay. Ms.
18 Forte, please proceed.

19 MS. FORTE: Thank you.

20 Vice Chair and Commissioners, good
21 afternoon. My name is Denise Forte. I am the
22 Democratic Staff Director for the House Committee on
23 Education in the Workforce. Thank you for the
24 invitation to speak to you this afternoon about the role
25 of Federal Government in achieving equitable funding for

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1 K-12 public education.

2 I also bring greetings from Congressman
3 Bobby Scott who could not attend today's discussion,
4 aptly titled Public Education Funding Inequality in an
5 Era of Increasing Concentration of Poverty and
6 Resegregation.

7 As has been noted a few times today already,
8 this is taking, this conversation is taking place in a
9 week when we just marked the 62nd anniversary of the
10 seminal Supreme Court decision in Brown v. Board of
11 Education. And it was that groundbreaking and
12 unanimous decision that altered the education landscape
13 of this country and moved the United States one step away
14 from state-sanctioned segregation of public education.

15 In that decision the Court announced that
16 education is perhaps the most important function of
17 state and local government. And it is, in these days
18 it is doubtful that any child may reasonably be expected
19 to succeed in life if he is denied the opportunity of
20 an education.

21 Such an opportunity, to go on, is a right
22 which must be made available to all on equal terms. And
23 it concluded with, in the field of public education, the
24 doctrine of separate but equal has no place.

25 And so with that decision began the modern

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1 federal role in elementary and secondary education.
2 But due largely to state inaction to serve all on equal
3 terms in the decade following Brown, Congress took much
4 necessary steps to address inequality by passing the
5 first Elementary and Secondary Education, ESEA, which
6 provided federal money through Title I to address the
7 special educational needs of children of low income
8 families and the impact that concentrations of low
9 income families have on the ability of local education
10 agencies to support adequate educational programs.

11 And with this law, Congress recognized
12 access to equal educational opportunity as a civil right
13 that transcends state boundaries and a right the federal
14 government has an obligation to protect.

15 Since the legal integration of public
16 elementary and secondary education and subsequent
17 federal involvement we've seen notable improvement in
18 this country in education. High school students are
19 graduating at the highest rate ever recorded. The high
20 school dropout rate is at a historic low. And there has
21 been great progress among students of color and low
22 income students. Namely, black and Latino 9-year-olds
23 are doing math at nearly the same level as their
24 13-year-old counterparts did in the '70s.

25 But all of us know that despite this

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1 progress there remains much pronounced achievement
2 gaps. And as we've also heard from several panelists
3 this week -- today, the GAO released its finding that
4 after examining racial and social economic isolation in
5 K-12 public schools and its resulting impact on
6 educational equity, and it confirmed that our nation's
7 schools are in fact largely segregated by race and class.
8 In some instances segregation in public K-12 schools has
9 worsened with more than 20 million students of colors
10 -- color attending racially and socioeconomically
11 isolated public schools that are indeed under resourced
12 and the students over disciplined in every region of this
13 country.

14 And the report is a very stark reminder that
15 despite supplemental federal investment, educational
16 inequities will persist when state and local districts
17 lack the political will or political capital to address
18 the lack of educational opportunity through more
19 equitable educational resources. And so while the
20 congressional intent of Title I is clear, it can only
21 be fulfilled when state and local school districts step
22 up to do their part.

23 With a system that is still largely reliant
24 on local property taxes, the questions remain if federal
25 dollars are used to fill or attempt to fill large gaps

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1 left by inequitable distribution of state and local
2 resources that underfund high poverty schools, is the
3 state and local obligation being sufficiently met? Are
4 they doing their part?

5 And if the answer is no, what is the level
6 of federal investment necessary to really level the
7 playing field?

8 As all of you know, there is no federal
9 constitutional right to an education. The Supreme
10 Court ruled in the San Antonio Independent School
11 District v. Rodriguez case in '73 that this inherently
12 unequal financing mechanism we see from state to state
13 and in local school districts to local school districts
14 is indeed legal. And as battles over education finance
15 have shifted to the states, where most constitutions
16 either through equal protection or provisions specific
17 to the state's duty to provide for education, allow for
18 legal challenges relating to finance inequities.

19 And as we've heard today, many of the
20 results of these legal challenges are mixed.

21 Given all of this context, the Federal
22 Government's ability to actually equalize state and
23 local funding has indeed been limited but it affords
24 leverage. And that leverage is what Congressman Bobby
25 Scott and congressional Democrats are working to use so

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1 that we can prompt more equitable, and we would also
2 argue more responsible, allocation of state and local
3 dollars to improve student outcomes and close persistent
4 achievement gaps.

5 December marked the enactment of the Every
6 Student Succeeds Act, which was the comprehensive
7 reauthorization of elementary and secondary education.
8 And Ranking Member Scott fought for and secured key
9 provisions in ESSA alongside Senator Patty Murray that,
10 if carried out as directed in the law, will lead to, one
11 would hope, more equitable resource allocation.

12 One of the first things I just want to note
13 is actual per pupil expenditure transparency. ESSA
14 requires for the very first time states and local school
15 districts to report actual per pupil expenditures that
16 include teacher salary and benefits.

17 Transparency on school climate. ESSA also
18 requires for the first time that states and school
19 districts must report on measures of school quality
20 closely correlated with equity of opportunity,
21 including access to early learning, dual enrollment and
22 the use of exclusionary discipline.

23 Weighted student funding pilot. Although
24 this hasn't garnered much attention, it includes a new
25 authority for the Department to work with school

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1 districts on weighted student funding.

2 And then accountability, both Title I and
3 state accountability, we know we have to focus on student
4 outcomes and increased access to educational
5 opportunity through responsible allocations of
6 resources.

7 We have also introduced 5260, the Equity and
8 Inclusion Enforcement Act. I can talk about that a
9 little bit more through questions. But this amends
10 Title VI of Civil Rights Act, restore the right to
11 individual civil actions in cases involving disparate
12 impact based on race, color or national origin.

13 Thank you.

14 VICE CHAIR TIMMONS-GOODSON: Thank you very
15 much, Ms. Forte.

16 Our second panelist, Tanya Clay House.

17 MS. CLAY HOUSE: Good afternoon.

18 COMMISSIONER ACHTENBERG: Madam Chair, I
19 just want to point out I joined the call. I wasn't able
20 to get back on. I apologize.

21 VICE CHAIR TIMMONS-GOODSON: Thank you very
22 much, Commissioner Achtenberg.

23 MS. CLAY HOUSE: Good afternoon and thank
24 you, Vice Chair Timmons-Goodson and Commissioner
25 Narasaki and all the rest of the Commissioners for

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1 allowing me to be here today and to testify on behalf
2 of the Department of Education.

3 We're committed to ensuring that all
4 students have access to excellent public education.
5 And we're pleased, as already indicated, that last year
6 this nation did achieve the highest graduation rate
7 we've ever seen.

8 Among other achievements, we're also
9 equally excited that tens of thousands of children now
10 have access to high quality preschool, and millions more
11 to higher education. However, students of color from
12 low income families still attend under resourced,
13 underfunded and understaffed and poorly staffed
14 schools. And, moreover, these schools tend to be
15 segregated by race and class. The result is that even
16 as we commemorate the 62nd anniversary of Brown v. Board,
17 far too many poor students and students of color are not
18 only segregated, but relegated to under performing
19 schools.

20 While we continue to make strides in public
21 education, we have much work to do to eliminate the
22 resource inequities and, ultimately, the achievement
23 gaps for racial, ethnic, other historically
24 disadvantaged students as well.

25 Diverse schools can play an essential role

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1 in closing these gaps and positioning all of America's
2 children in the nation for success. Schools that are
3 socioeconomically and racially diverse have immediate
4 and powerful benefits for every student, especially for
5 their most vulnerable students.

6 I would like to focus on the ongoing problem
7 of racial and socioeconomic segregation in our public
8 schools. The data is bleak. Over half of black
9 students attend schools where 75 percent or more of the
10 student body is comprised of minority students. In
11 contrast, overall less than one-quarter of all public
12 school students attend schools that are over 75 percent
13 minority.

14 We also know that 57 percent of all Hispanic
15 students attend majority Hispanic students -- Hispanic
16 schools. And over half of all Hispanic students attend
17 schools that are at least 75 percent minority.

18 At the same time, 9 out of every 10 white
19 public school students attend a school that is majority
20 white.

21 In short, our schools do not reflect the
22 diversity of America. Racial segregation in our
23 schools is doubly pernicious because it is often
24 intertwined with socioeconomic status and, in
25 particular concentrated poverty. Minority students

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1 are more likely to attend high poverty schools. More
2 than 75 percent of students are eligible for free and
3 reduced price lunch. And approximately half of all
4 black and Hispanic public school students, for example,
5 attend these high poverty schools, while only 7 percent
6 of white public school students attend such schools.

7 Part of the legacy of Brown is that it
8 highlighted not only the inequities of segregated
9 schools but also the inherent resource equities and
10 disparities that existed in segregated schools. Today
11 this is evidenced not only through differential funding
12 schemes but also the availability of advanced course
13 work and enrichment opportunities for all students.
14 Access to these programs correlates with higher
15 achievement levels. Thus, it is very disappointing
16 that in our most recent Civil Rights Data Collection it
17 demonstrates that high minority schools are less likely
18 to offer advanced course work in gifted and talented
19 programs than high majority white schools.

20 Beyond course work, as already indicated,
21 high quality teachers, support staff and leaders are
22 also fundamental to student learning and development.
23 Additionally, the physical spaces where students are
24 educated are also significant resources that influence
25 our students' learning and development. Still, many of

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1 our nation's schools have fallen into disrepair. And
2 too often school districts with high enrollments of
3 students of color invest thousands of dollars less per
4 student and their facilities than the districts of white
5 student enrollments.

6 The most recent data collected in 2012
7 revealed much of what the parents and community members
8 already knew, which is that students of color and low
9 income children are more likely to be educated in older
10 and temporary buildings with less updated systems.

11 This is not where we should be in 2016.
12 Today's truth is the same as what Thurgood Marshall knew
13 and articulated six decades ago, that separate is
14 inherently unequal. Even as we discuss the effect of
15 resource inequities upon low income and minority
16 students, we know that it is not purely a function of
17 inadequate funding. It is also a function of
18 inequitable state and local funding structures.

19 Inequitable school funding has been a
20 problem in the United States for years, particularly
21 because of its long history of local property taxes to
22 fund schools. According, and as already mentioned
23 earlier by my colleague Ary Amerikaner, in our school
24 district finance survey in 2011 and '12 school year, our
25 highest poverty districts spent 15.6 percent less per

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1 student than our lowest poverty districts.

2 The Federal Government, and the Department
3 of Education in particular, play an important role in
4 identifying and remedying these types of funding
5 inequities. And we know that the ESEA, the reauthorized
6 ESSA, is a civil rights law. And it's designed to ensure
7 that even the most marginalized and disadvantaged
8 students gain access to a high quality public education.

9 Our written testimony outlines the various
10 levers that we can use with the Federal Government to
11 address the problems described above. My colleague
12 earlier discussed our implementation within Title I of
13 ESSA. My colleague Jessie Brown will discuss the Office
14 for Civil Rights' enforcements of our laws.

15 I will focus on a few of the implementations
16 of some of the discretionary grant programs across the
17 Department. The Department is actively pursuing
18 innovative strategies to incentivize work to increase
19 diversity and combat inequality in our nation's schools.
20 The President's Fiscal Year 2017 budget request, for
21 example, includes a proposal entitled Stronger
22 Together. This \$120 million grant program is designed
23 to increase socioeconomic diversity in our schools and
24 school districts.

25 Research increasingly shows that such

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1 diversity does matter and it really can improve and lead
2 to improved outcomes for all students.

3 The court got it right in *Brown*, and we at
4 the Department firmly believe that this is the will --
5 that this will help schools and districts tear down the
6 barriers that prevent poor and minority students from
7 accessing the same high quality schools and teachers
8 that are available to many of their peers.

9 In addition to Stronger Together, the
10 Department is also leveraging other existing programs:
11 our Investing in Innovation program which now has a new
12 invitational priority in encouraging socioeconomic
13 diversity, our Magnet Schools Assistance Program which
14 also seeks proposals that will focus on the development
15 of evidence-based strategies for reducing racial and
16 socioeconomic isolation.

17 We have a blog in which we ask for comments
18 for our school improvement grants to help districts
19 improve and implement locally driven strategies to boost
20 socioeconomic diversity.

21 And, finally, our Equity Assistance Centers
22 authorized under Title IV, are also have been noticed
23 for rulemaking in order to provide technical assistance
24 on issues occasioned by desegregation.

25 The legacy of Brown v. Board is

1 fundamentally about whether we are going to create
2 equitable educational opportunities for all students.
3 And ESSA and the creation of the Department of Education
4 is a part of this legacy. It is both the Department's
5 responsibility and moral obligation to build on the
6 civil rights legacy. We take this responsibility very
7 seriously.

8 And we appreciate the opportunity to
9 testify before this Commission on the Federal
10 Government's ongoing efforts. Thank you.

11 VICE CHAIR TIMMONS-GOODSON: Thank you very
12 much.

13 Our third panelist is Jessie Brown.

14 MS. JESSIE BROWN: Hi.

15 VICE CHAIR TIMMONS-GOODSON: Hi.

16 MS. JESSIE BROWN: Good afternoon.

17 Thank you to the Commission for convening
18 this important hearing. And thank you for the
19 opportunity to speak with you today about federal
20 efforts to ensure resource equity in our nation's
21 schools. I'm Jessie Brown, Senior Counsel in the Office
22 for Civil Rights at the Department of Education. And
23 I will be addressing federal efforts to reduce
24 disparities in educational resources from the
25 perspective of the Department's Office for Civil Rights,

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1 looking at the issue of resource equity through a Title
2 VI lens.

3 As you know, OCR enforces federal civil
4 rights laws, including Title VI of the Civil Rights Act
5 of 1964 which prohibits recipients of federal financial
6 assistance from discriminating on the basis of race,
7 color or national origin in educational programs. The
8 law prohibits intentional discrimination but it also
9 prohibits facially neutral policies that have the effect
10 of an unjustified adverse disparate impact on students
11 based on race, color and national origin.

12 We have seen some progress, as Denise noted,
13 as Tanya noted we have higher graduation rates, high
14 quality pre-schools. But we also know that we have
15 inequities. In too many communities gaps in essential
16 resources and opportunities exist. And too often it is
17 students of color that receive less. Such inequities
18 are both unjust and may also violate the law.

19 Tanya mentioned some of these. But our
20 data, our CRDC (Civil Rights Data Collection) data also
21 show that students of color are more likely to be
22 assigned to inexperienced, out of field, academically
23 weaker teachers than other students. Students of color
24 have less access to rigorous course work. A study of
25 the computer science AP test, advanced placement test,

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1 found that in 11 states there were no black students that
2 took the exam. And in eight states there were no Latino
3 students that took the exam.

4 Students of color are more likely to attend
5 schools of lower quality facilities, like temporary
6 portable classrooms. 45 percent of schools with a
7 majority of students of color have temporary portable
8 buildings, compared with only 13 percent of schools that
9 have the fewest students of color, less than 6 percent.

10 OCR has made very clear on several occasions
11 that resource inequity on the basis of race, including
12 lack of access to excellent educators, facilities and
13 instructional materials, may be actionable civil rights
14 violations. In October of 2014, OCR issued a
15 comprehensive guidance package on resource
16 comparability detailing how the Department views this
17 issue through the lens of Title VI. The guidance has
18 helped school administrators, teachers, parents,
19 students and advocates understand their legal
20 obligations and how OCR may investigate issues related
21 to resource inequity.

22 It also provides practical suggestions for
23 how to perform a proactive self-assessment to ensure
24 compliance with the law.

25 In addition to issuing important guidance

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1 documents like the one I just mentioned, and also
2 offering on-demand technical assistance to recipients,
3 OCR through its 12 regional offices around the country
4 ensures that school districts and institutions of higher
5 education are complying with federal civil rights laws,
6 largely through investigation of complaints and through
7 proactive compliance reviews.

8 Because the issue of educational
9 opportunity is so closely linked to school
10 desegregation, OCR has been investigating this type of
11 discrimination since the agency began. In 2015, OCR
12 received 40 complaints related to student access to
13 resources, curricula and opportunity to foster college
14 and career readiness, and resolved 23. Additionally,
15 last year OCR launched three proactive systemic
16 investigations and also resolved three compliance
17 reviews.

18 In an investigation regarding equity of
19 educational resources, OCR doesn't just look at the
20 numbers, it looks holistically at the quantitative and
21 qualitative differences in access to resources like
22 technology, strong teaching and instructional
23 materials, and it also takes into account the ongoing
24 efforts that states or districts are taking to improve
25 resource equity.

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1 I'd like to highlight one case in specific
2 that was resolved in July of 2014. It was a compliance
3 review out in California evaluating the Elk Grove
4 Unified School District's compliance with Title VI.
5 The review was opened in 2011 and assessed whether
6 African American students were provided equal
7 educational opportunities to participate in the
8 district's gifted and talented programs, as well as
9 honors and AP courses, in compliance with Title VI.

10 The investigation found that during the
11 previous school year 2011 -- 2010-11, black students in
12 grades 3 through 6 were nearly five times less likely
13 than their white peers to be identified for the gifted
14 and talented program.

15 Elementary schools in the district with a
16 higher-than-average black student population had
17 smaller gifted and talented programs than those schools
18 with higher-than-average white populations. And
19 schools with a higher enrollment of black students did
20 less parental outreach about the gifted and talented
21 programs than the other schools.

22 OCR's investigation found that the
23 district's policies and procedures resulted in an
24 unlawful adverse impact on black students and resolved
25 the case with the district in a voluntary resolution

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1 agreement in which the district committed to establish
2 and implement modified eligibility and selection
3 criteria for the district's gifted and talented program,
4 and to provide OCR with an analysis of the changes, with
5 data to be disaggregated by school, grade level and race.

6 The good news to report in Elk Grove is that
7 since the agreement, the district has taken
8 comprehensive steps to eliminate the barriers to equal
9 access. They've revised the eligibility criteria for
10 these programs, increased communications and outreach
11 to the families -- to families about the benefits of the
12 programs, developed targeted plans at every elementary
13 and middle school to boost equitable referral and
14 identification of students, and created a district
15 Gifted and Talented Equity Committee with parents.

16 This new commitment to equitable access has
17 led to changes in the program administration that affect
18 more than 62,000 students district wide, including the
19 district's change of prerequisites for 42 courses in the
20 program's first year of implementation.

21 Just a word on the data. OCR collects and
22 releases every other year the Civil Rights Data
23 Collection. Tanya cited some of the 2011-12 CRDC data
24 in her remarks, which is the most recent data that we
25 have highlighting the inequities that still exist in our

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1 public schools. But I would also like to point out for
2 the Commission that the 2013-14 data will be available
3 this year. The entire data set will be available to the
4 public.

5 Like the 2011-12 data, it's a universal
6 collection, meaning that OCR collected data from all of
7 the nearly 17,000 school districts in the country. This
8 data helps to shine a light on disparities that may
9 indicate civil rights concerns. And while the numbers
10 alone do not show a violation of federal law, they can
11 be also utilized by states and districts to help them
12 assess the access within their own districts to high
13 quality educators, courses, and other educational
14 materials.

15 The Department of Education was created to
16 assist and oversee states and localities in the
17 provision of equitable and quality public education for
18 all students. Yet without meaningful oversight and
19 enforcement by the Department, students in high need
20 schools, often schools with high populations of students
21 of color, may not receive the educational opportunities
22 to which they are entitled.

23 We must guarantee that our students aren't
24 set up to fail. We take these responsibilities
25 seriously and appreciate the opportunity to testify

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1 before the Commission today.

2 Thank you. I'll look forward to your
3 questions.

4 VICE CHAIR TIMMONS-GOODSON: Thank you very
5 much.

6 I'm going to begin with the first question.
7 In terms of that supplant -- excuse me, supplement, not
8 supplant provision that you were seeking to go through
9 negotiated rulemaking and you were unsuccessful, as I
10 understand it, the Department of Education's plan since
11 you were not able to reach consensus on the proposal,
12 your plan is to continue, in your words, to seek input
13 on how to implement the supplement, not supplant
14 provision.

15 Would you further explain, please, what you
16 mean by that, how it is that you seek to continue
17 receiving input, given that you've already had some
18 input? Just explain to me, please, somebody where we're
19 going from here.

20 MS. CLAY HOUSE: Sure. Sure. So thank you
21 for the question.

22 I think like all of the opportunities that
23 the Department gives, we are continually in receipt of
24 comments from our stakeholders, from those various
25 interested parties. And oftentimes we are, we continue

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1 to receive input such in the form of letters, in the form
2 of continual meetings that are requested from, you know,
3 by the Department in order to discuss whether or not or
4 whether or not to clarify and how to go about potentially
5 providing a new rule on supplement, not supplant.

6 And so that is an ongoing process. It is
7 something that the Department engages in on a variety
8 of levels. And so input can take that form of either
9 meetings, it can take the form of letters, it can take
10 the form of phone calls. And so it is something in which
11 it's part of the formalized process in order to make
12 sure.

13 Now, there is also -- it's part of the
14 informal process, excuse me.

15 There is also a more formal process when,
16 you know, if there, if and, you know, when a notice for
17 a new rule is announced that we would actually have an
18 opportunity for more formalized comments in which the
19 public would actually provide on the record their
20 comments with regard to whether or not this, you know,
21 our proposed rule is something in which they would agree
22 with, whether or not they want us to clarify in
23 particular some of the rules that we have outlined within
24 the new rule.

25 And so that, so there's different stages of

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1 that process but it's an ongoing step that we engage,
2 it's something that we engage in ongoing throughout the
3 entire process.

4 VICE CHAIR TIMMONS-GOODSON: What I hear you
5 saying is that you're open to further suggestions. And
6 as these additional suggestions come in you'll continue
7 to rethink and work on it?

8 MS. CLAY HOUSE: Yes, that's correct.

9 VICE CHAIR TIMMONS-GOODSON: Thank you.
10 Commissioner Narasaki.

11 COMMISSIONER NARASAKI: Thank you, Madam
12 Chair. And thank you all for coming to testify late on
13 a Friday afternoon with the sun shining, which I
14 understand will not be happening tomorrow.

15 MS. CLAY HOUSE: I know.

16 VICE CHAIR TIMMONS-GOODSON: Don't remind
17 them. They might run.

18 COMMISSIONER NARASAKI: Sorry.

19 So, Ms. Forte, please thank Congressman
20 Scott for his long leadership on these issues. And also
21 for requesting the GAO study that recently came out.
22 The timing was perfect and it provided incredibly useful
23 information.

24 Could you elaborate on the barriers parents
25 face? I understand the congressman has proposed

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1 additional legislation. And we heard all morning and
2 most of the day that, largely speaking, most reform on
3 the state and local level of school financing has come
4 about because someone has sued to try to push people to
5 do the right thing.

6 So it seems like that's an important
7 direction we're going. And it would be great to get more
8 understanding of what his thinking is.

9 MS. FORTE: Well, I think that -- thank you
10 for that question and, also, thank you again for inviting
11 him to testify. And I do know that he's sorry he
12 couldn't be here.

13 You know, what we've learned in particular
14 since No Child Left Behind was enacted in 2001, is that
15 the provision of data to communities, the disaggregation
16 of data and putting that out there was helpful, one, in
17 just sort of understanding the inequities that existed.
18 But it also I think started to move the -- move into the
19 direction of putting data into the hands of communities,
20 which is why some folks were able to take action and try
21 to sue.

22 With this next iteration of ESSA we're
23 actually hoping with more transparency around per pupil
24 expenditures, in combination with the work that the
25 Department of Education has done with the CRDC, that

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1 we're not just putting data in the hands of parents but
2 robust data in the hands of parents.

3 And also with ESSA, by turning more towards
4 state and local districts and empowering them more to
5 do work around accountability, having that data is
6 probably one of the most significant tools in their
7 toolkit to be able to make changes. Having the data out
8 there, public, and then be able to effectively advocate
9 for the changes that they want based on the data.

10 COMMISSIONER NARASAKI: And the proposed
11 legislation around the litigation?

12 MS. FORTE: Oh, so yeah, let me address that,
13 too.

14 That was introduced this week after the
15 announcement of the GAO report and has two parts to it,
16 actually. In addition to going back to pre-Sandoval
17 where there was an individual private right of action,
18 we also decided to reinstate a Assistant Secretary for
19 Equity at the Department of Education, making sure that
20 the Department had an actual position that focused on
21 equity and could drive some more of those equity
22 conversations out in communities.

23 And taking probably lead from the
24 Department, again, and some of the work that they're
25 doing with Title IX, providing the Department the

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1 authority to institute equity officers in schools that,
2 again, would be able to effectively help use the data,
3 understand what's going on with the data, and help school
4 districts decide what they might want to do.

5 So it's actually a 3-part or a 3-pronged
6 piece of legislation with giving individuals private
7 right of action, pre-Sandoval, around Title VI claims
8 with equity in education, the school officers that will
9 be equity officers, and then at the federal level an
10 Assistant Secretary of Equity.

11 COMMISSIONER NARASAKI: Thank you.

12 Following on the data theme, Ms. Brown, the
13 OCR's 2014 Dear Colleague letter was very helpful in
14 explaining how the office is looking at resource equity.
15 And we're wondering, since the release of the guidance
16 how many times the Office of Civil Rights has
17 investigated a state or school district for
18 discriminating based on race, color or national origin,
19 based on the information that's coming out from that?
20 Or how are you using it? How has it changed the work
21 that the office is doing?

22 MS. JESSIE BROWN: Sure. Thank you for the
23 question.

24 The data itself helps to shine a light on
25 potential civil rights violations, but the data alone

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1 do not show violations. Because of resource, resource
2 limitations in the Office for Civil Rights we are unable
3 to do as many proactive investigations, compliance
4 reviews as we would like. But certainly if we see some
5 really horrible disparities in the data, that would give
6 us cause to take a closer look and see whether an
7 investigation needed to be opened there.

8 We simply can't just open up investigations
9 every place that we see inequities. There could be a
10 lot going on that -- there could in fact be no civil
11 rights violation. And so the vast majority of our work
12 is complaint driven.

13 I think that I mentioned last year we
14 received 40 complaints in this area and we opened three
15 proactive investigations. We also were able to resolve
16 three proactive investigations that had been opened in
17 earlier years.

18 So we certainly are, we certainly are seeing
19 a continuing need for this. And the CRDC data very much
20 helps in the investigation. But any time that we go in
21 and do an investigation, we're looking much deeper than
22 the data. We're taking a very holistic review of what
23 all is going on.

24 We're also looking at what efforts the
25 district is taking currently to try to remedy whatever

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1 disparities that the data might have shown.

2 COMMISSIONER NARASAKI: And how many staff
3 do you have at the Office of Civil Rights? And I know
4 there's some shared jurisdiction with the Department of
5 Justice that I really haven't been able to figure out.
6 So I'm wondering what kind of resources are available
7 since you mentioned that they're limited?

8 MS. JESSIE BROWN: So, yeah. Across the --
9 and I can get you the exact numbers of staffing that we
10 have. And we did just, we're hiring some more people
11 right now because we just had an additional
12 appropriation.

13 Across the 12 regional offices there's
14 something like around 600 enforcement attorneys.

15 COMMISSIONER NARASAKI: Wow. That's
16 certainly better than the EPA Office of Civil Rights
17 which I think had less than 10 people.

18 MS. JESSIE BROWN: I would also point out
19 that we're at an all-time high for complaints. We
20 surpassed 10,000 last year. And so we are continuously
21 operating at a squeeze.

22 COMMISSIONER NARASAKI: Great.

23 Ms. Clay House, how has ESSA changed the
24 Department's authority to oversee the distribution of
25 resources? And what is the Department doing to try to

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1 clarify this authority to state and local school
2 districts?

3 And, also, I'm interested in, we've heard
4 throughout today the importance of empowering parents
5 with data, but also the issue of how do you make sure
6 the parents actually know the data and how to use the
7 data? And we're interested in what else the Department
8 is doing to try to help start to implement ESSA, the new
9 rules?

10 MS. CLAY HOUSE: Sure. Yes, thank you for
11 those questions.

12 As I indicated in my testimony, the Every
13 Student Succeeds Act we do believe is still
14 fundamentally a civil rights law. And so that means
15 that the Department of Education still views and
16 operates under the same authority that we feel existed
17 before. And previously, before the authorization of
18 ESSA, which is that we do have the requisite authority
19 to ensure that state and local school districts are
20 actually engaged in the proper allocation of and
21 distribution of funds.

22 And so, as my colleague earlier spoke about,
23 one of the ways in which we're trying to ensure and
24 provide clarity in that area is to decide whether or not
25 we are going to engage in the type of rulemaking under

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1 supplement, not supplant. As indicated, we have
2 engaged in this negotiated rulemaking conversation thus
3 far. And this is a result of various comments,
4 conversations, requests for clarity from the field.

5 That's one of the ways in which we determine
6 whether or not the Department is indeed going to engage
7 in such type of rulemaking because if it is an attempt
8 to interpret the law, it is an attempt to ensure that
9 there is a proper understanding of in fact how to
10 properly distribute those state and local dollars within
11 the supplement, not supplant provisions within the
12 statute.

13 And so for our perspective, that's one of
14 the fundamental ways in which we're trying to make sure
15 that there is that maintenance of oversight and
16 assistance that we can provide to the state and local
17 school districts.

18 With regard to how it is that we ensure that
19 we can engage our parents and help them to understand
20 the data that is being reported from the schools, from
21 the state and local school districts, we are in the
22 process right now of working, going out into the field
23 and engaging in ESSA listening sessions, what we call
24 them. I have been on one and in the process of going
25 to another. A number of us within the Department are

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1 going throughout the country in order to educate and
2 listen to teachers, parents, community activists.

3 We're setting up these meetings
4 intentionally in order to educate about what the
5 provisions are within ESSA. We're trying to educate
6 parents particularly, and community activists, about
7 the need to engage in meaningful consultation,
8 particularly when it comes to the creation of the state
9 and local plans, to understand what that means, to
10 understand how it is that they can ensure that they do
11 indeed receive not only the information but can clearly
12 understand and interpret that information in a way that
13 they can engage with the school districts.

14 And so this is one method in which we're
15 trying to, you know, work with our parents.
16 Additionally, we continue to also have what we call
17 equity labs, another way in which we're trying to make
18 sure that we're getting the necessary information out
19 beyond the schools and working with our districts to make
20 sure that they're actually assessing, assessing and
21 understanding appropriately what it means to have
22 equitable educational opportunity within our schools.

23 And so those are a couple of measures, ways
24 in which the Department is engaging. And there's more
25 that I know that we continue to work through throughout

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1 the Department. But those are a few that I think are
2 directly responsive.

3 COMMISSIONER NARASAKI: Thank you. I think
4 it's really important to sufficiently educate people
5 about, for example, the dollar per pupil comparison. We
6 heard all throughout today the issue of the fact that
7 it often will cost more to provide equitable education
8 to certain populations of students who are the most
9 vulnerable. So it might look like that you are giving
10 them equal funding or even maybe greater funding, but
11 it still may fall short of what the funding is for the
12 student.

13 And I worry about that because it came up
14 in the question that was earlier made by one of our
15 commissioners. So I'd just encourage you to make sure
16 that you are educating the general public about how to
17 understand that as well.

18 MS. CLAY HOUSE: Thank you.

19 VICE CHAIR TIMMONS-GOODSON: Do you have a
20 question that you wish to ask, Commissioner Kladney?
21 And I will follow that up with Commissioner Achtenberg.

22 COMMISSIONER KLADNEY: Thank you, Madam Vice
23 Chair.

24 I don't know who this question goes to. I
25 really wanted to ask it all day and I just did not have

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1 the time. But I know my children are old now so I don't
2 like have them in my sights, the school board.

3 But zoning, how much does that still lead
4 to segregation? And do you do anything about it?

5 MS. CLAY HOUSE: I can start and then I think we
6 can go through it.

7 Zoning is a choice. It's a determination
8 that is made within, within the community. And so while
9 we're the Department of Education, we understand that
10 there is a correlation between zoning for housing as well
11 as the creation of the school zones within the
12 communities.

13 And so from our perspective they work in
14 tandem. And it is something in which we feel and can
15 obviously be a contributor to the ongoing segregation
16 that exists within our communities and within our
17 schools.

18 From the Department's perspective, we
19 believe that there are opportunities to break down these
20 barriers, to enable students to be able to go to the,
21 attend not only their neighborhood schools but also have
22 the opportunity to attend other schools without, you
23 know, outside of their neighborhood.

24 COMMISSIONER KLADNEY: Without a variance?

25 MS. CLAY HOUSE: Excuse me?

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1 COMMISSIONER KLADNEY: With a variance or
2 without a variance? I mean because they use variances
3 as an excuse. We don't grant the variance.

4 MS. CLAY HOUSE: Yeah, well, I think that
5 there is an ability to, depending on, you know, I think
6 it depends and changes within different districts as to
7 the extent to which students may be able to, you know,
8 attend different types of schools.

9 For example, I know as part of the measures
10 in which, for example, Jefferson County in Louisville,
11 Kentucky has engaged in trying to integrate and
12 diversify their schools, they've engaged in -- they've
13 actually not only collapsed their school district so
14 there's actually one, Jefferson County is now combined
15 with, you know, proper, Louisville proper, but it also
16 enables them to create what they call clusters.

17 So that it's not simply their neighborhood
18 school but they can also go to, they can pick and choose
19 among a number of different types of schools within that
20 particular cluster that allows them to have that type
21 of choice so that they can actually enable there to be
22 continued diversity within their school districts.

23 So that's one example. There are many
24 others across the country. But we do think that they
25 do work together. They are closely -- you know, there

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1 is a, the word escapes me, but there is a collaboration,
2 there is a connection that exists between not only zoning
3 for schools but also within the zoning that exists and
4 the choices that are made for housing and properties
5 within the school district.

6 MS. JESSIE BROWN: Yeah, I would just
7 dovetail on that Tanya already stated, which is that,
8 you know, in our voluntary use of race guidance we do
9 address some options that districts have that do not,
10 that do not use race at all. And looking at the zoning,
11 looking at where feeder schools are -- which schools are
12 feeding into which high schools, et cetera, is one, is
13 one option.

14 You know, I think Tanya mentioned, using
15 controlled choice options within a district. Districts
16 might want to look at where they're placing the new
17 schools and potentially high quality new magnet programs
18 or magnet schools.

19 If the -- as the demographics change, the
20 district may need to look at zoning and re-look at the
21 schools' lines.

22 These are local choices. They're choices
23 that are made at the district level. But certainly have
24 seen districts taking steps to re-look at those
25 boundaries because you're exactly right that the housing

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1 patterns do contribute to segregation in schools.

2 COMMISSIONER KLADNEY: I've just seen some
3 that kind of surprised me where the school zone stops
4 a half a block from the school one way but goes 14 blocks
5 the other way. So, my question.

6 MS. CLAY HOUSE: Thank you.

7 VICE CHAIR TIMMONS-GOODSON: Commissioner
8 Achtenberg, do you have a question that you wish to pose
9 at this time?

10 COMMISSIONER ACHTENBERG: I don't, Madam
11 Chair.

12 VICE CHAIR TIMMONS-GOODSON: Okay. Let me
13 ask. We heard from one of the earlier panelists the fact
14 that a particularly large college or university in her
15 home state graduated approximately 99 teacher education
16 majors, teachers. And out of that there were only two
17 minority teachers.

18 And so as we talk about diversity and
19 diversifying our schools with regard to students, I'm
20 wondering what, if anything, is being done or whether
21 any thought has gone into the fact that at this time in
22 our country we appear to not be producing very many
23 minority teachers to go into the classrooms.

24 Any thoughts, comments on this?

25 MS. FORTE: I'll defer to the Department

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1 because I know they have developed strategies in that
2 area. We clearly have thoughts but I know they have
3 strategies in it.

4 MS. JESSIE BROWN: Yeah, I'll start.

5 One thing I would note is that we, we too
6 have noticed this problem.

7 We have in fact just two weeks ago Friday
8 we convened a teacher diversity convening where we
9 brought together experts and practitioners with a real
10 focus on higher education, teacher preparation
11 programs, thinking about what are the ways, what are the
12 strategies to recruit and also retain students of color
13 into these programs. Because you're exactly right, we
14 looked at some data and saw that there were -- and we
15 released this in a paper which we can get for you -- we
16 saw that there were various access points. And you see
17 at each one you see fewer and fewer students of color,
18 so at the admissions to college access point.

19 And then also we were looking at how to
20 really encourage teacher prep programs to encourage
21 diversity in those teacher prep programs. How to make
22 sure that those students of color that are admitted are
23 finishing the programs and are going off and teaching.

24 So it is certainly something that we're very
25 focused on. Efforts are under way looking at data,

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1 trying to talk with practitioners in the communities
2 about how to best address this issue. And also trying
3 to partner and get, gain some knowledge from some
4 programs that already exist. Call Me Mister is one.
5 You know, these types of programs, many of them housed
6 at universities, to try to increase diversity in the
7 teaching population.

8 VICE CHAIR TIMMONS-GOODSON: Thank you.

9 MS. CLAY HOUSE: Could I add to that briefly?

10 VICE CHAIR TIMMONS-GOODSON: Please.

11 MS. CLAY HOUSE: Just a couple additional
12 points. I'll say that one of the reasons that we have
13 engaged -- we have prioritized a couple of additional
14 elements within the President's budget is in order to
15 address what you just mentioned is the lack of teacher
16 diversity within our workforce. And we've looked at
17 this in multiple ways.

18 And one way we've thought to deal with this
19 is not only through the inclusion, you know, the addition
20 of increased funding for our Historically Black College
21 and Universities, because we recognize that that is
22 definitely where we see a higher proportion of graduates
23 of color, particularly within the teaching profession.

24 But as well as we are encouraged with, as
25 I mentioned earlier, the Stronger Together proposal in

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1 which this is an effort in which not only are we trying
2 to incentivize community-based and community-led
3 strategies to increase socioeconomic diversity within
4 our schools, we also recognize that as part of that, in
5 order to ensure that it's long term we also have to deal
6 with the workforce and understand and make sure that they
7 have the necessary professional development, that we're
8 dealing with retention, and we're looking at the
9 diversity within our workforce to make sure that there
10 is the necessary role models and educational
11 opportunities that are provided for both the students
12 and the teachers, so that we can make sure that this is
13 an overall strategy that continues to manifest itself
14 beyond just the grant cycle and the receipt of the
15 Stronger Together proposal.

16 So this is something that we are looking at
17 in multiple ways. And we think that it's an effort that,
18 you know, we'll continue to engage in even throughout
19 and try to promote strategies not only within ESSA but
20 also outside of ESSA through our budget.

21 VICE CHAIR TIMMONS-GOODSON: Any other
22 responses?

23 MS. FORTE: Oh, I was just going to say that
24 from the committee's point of view, we've had committee
25 staff looking at this over the years. The Department's

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1 right, it does happen at multiple phases along the
2 pipeline.

3 And in addition to thinking about what's
4 going on at the schools of education, we've noticed that
5 some of the barriers to getting more diversity into the
6 teacher workforce really start with the access to higher
7 education and making sure that we can bring down the
8 costs, make it more affordable, give them greater
9 access. And ways that teachers may exit schools of
10 education and want to actually work in high poverty
11 school districts, can afford to work in high poverty
12 school districts.

13 So that also means taking a look at teacher
14 pay, taking a look at loan forgiveness. So I think
15 Congressman Scott would very much agree that this is a
16 challenge that we need to take on. And that challenge
17 has to be addressed in a couple of different places along
18 the pipeline.

19 COMMISSIONER ACHTENBERG: Madam Chairman,
20 might I comment?

21 VICE CHAIR TIMMONS-GOODSON: Yes, please.

22 COMMISSIONER ACHTENBERG: I would also
23 highly recommend and commend to you the various teacher
24 training programs of the California State University
25 which trains the highest percentage of minority students

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1 to become teachers I think of any college or university
2 in the country. And given that it's the largest system
3 in the country as well, it produces a goodly number of
4 teachers of color.

5 And they have varying approaches. I mean
6 we have I think 17 colleges of education with teacher
7 training programs. And they all have a slightly
8 different approach. But you can learn a lot from what
9 they've discovered over time. And I would really
10 recommend that.

11 I know for a fact that consolidated
12 programs, programs that allow you to get the teaching
13 credential and your baccalaureate in four years or in
14 four years and a summer have really produced very good
15 outcomes. And as you pointed out, articulation
16 programs with the high school and the community college
17 so that, you know, you can start earning credits in your
18 senior year of high school and truncate the process even
19 further.

20 That has very good outcomes for students of
21 color to go right from -- first of all, it guarantees
22 high school graduation, it allows you to pocket some
23 university credit even before graduating, it becomes
24 then a very important guarantee of participation in
25 baccalaureate education. It has great retention

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1 predictors. And the students do go on to teach.

2 With regard to incentives to stay in the
3 profession, cost of college education is one. But I
4 think there's a new study out right now out of Linda
5 Darling-Hammond's group at Stanford University about
6 loan forgiveness and being able to earn, you know, earn
7 your, through teaching, you know, earn down your college
8 loans. However you would say that, work off your
9 college loans through teaching and you work off more if
10 you teach in more needy areas.

11 Their study seems to indicate that that's
12 an important attractor of very talented students from
13 all backgrounds. So I would commend some of those
14 resources to you.

15 MS. CLAY HOUSE: Thank you.

16 VICE CHAIR TIMMONS-GOODSON: All right.
17 Our final question for the day by Commissioner Kladney.

18 COMMISSIONER KLADNEY: Thank you, Madam Vice
19 Chair.

20 Short, and I'm sure you have this answer at
21 the top of your head. It walks around with you. I want
22 to know how many teachers we're short in the country?
23 Any idea?

24 MS. CLAY HOUSE: I don't know exactly.

25 COMMISSIONER KLADNEY: I mean I know there

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1 is one. I'm just asking if anybody knows.

2 MS. CLAY HOUSE: Yeah, yeah. I don't have
3 that data with me.

4 COMMISSIONER KLADNEY: And don't feel bad if
5 you don't know.

6 MS. CLAY HOUSE: I don't have that data with
7 me. So, I'm sorry, I don't have that. I'll get that
8 information back to you.

9 COMMISSIONER KLADNEY: Thank you.

10 VICE CHAIR TIMMONS-GOODSON: So someone,
11 within the next 30 days someone will get that information
12 back to us?

13 MS. JESSIE BROWN: Uh-huh.

14 VICE CHAIR TIMMONS-GOODSON: Okay. Ms.
15 Forte, Ms. Clay House, Ms. Brown, on behalf of the U.S.
16 Commission on Civil Rights I thank you for your
17 appearance here today.

18 This brings us to a close, our briefing
19 Public Education Funding Inequity in an Era of
20 Increasing Concentration of Poverty and Resegregation.
21 The entire day has been tremendously informative. And
22 I'd like on behalf of the Commission to thank all of our
23 panelists throughout the day.

24 I want to personally thank the Commission
25 staff for the efforts they've made in the last few months

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1 to pull this briefing together. I also want to thank
2 the staff in advance for the efforts that they're going
3 to make to distill all of the information that's been
4 presented at this briefing and to incorporate it into
5 a report. I'm very grateful for all of their hard work.

6 Again, thank you, Commissioner Narasaki for
7 bringing this very important topic to our attention.

8 As has been stated previously, the record
9 for our briefing will remain open for the next 30 days.
10 If you have been asked and if you've agreed to provide
11 additional information to us, please do that.

12 Member of the public who'd like to submit
13 materials, all of that can be mailed to the U.S.
14 Commission on Civil Rights, Office of General Counsel,
15 1331 Pennsylvania Avenue, N.W., Suite 1150, Washington,
16 D.C. 20425. Or it can be sent via email to
17 edfundcomments@usccr.gov.

18 Is there anything further?

19 (No response.)

20 VICE CHAIR TIMMONS-GOODSON: Hearing
21 nothing, Mr. Kladney, in turning my head, I hereby
22 adjourn this meeting at what appears to be 4:31 p.m.

23 (Whereupon, at 4:31 p.m., the
24 above-entitled matter was concluded.)

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