

Equity Suit Updates From The Courtroom

DAY 11 - JANUARY 21, 1997

The plaintiffs asked for two data tapes for the 1994-95 showing AFR and subsidy information. It appears that the tapes are unreadable in their current iteration. Therefore Judge Pellegrini asked that the expert witnesses use only the 1993-94 data. Other witnesses may use 1994-95 data as they already have.

The State begins its case

John Bailey is a special assistant to the Secretary of Education for Distance Education and Link to Learn. He is a 1995 Graduate of Dickinson University. He does not have any technical training, but used computers since he was in third grade in his home. Distance learning is a concept of a teacher in one place teaching to a remote site. He did not know what the extent of distance education was in the state, or the distribution of computers. That information will be determined through a survey that is presently being done for Link to Learn. There are 300 Satellites in use that download courses.

Distance Learning grants, a competitive program that has been going on since 1991, provided funds to poor and rural schools based on a grant application. Matching funds were required until 1994.

Mr. Bailey has been involved with these grants since October of 1995. One million dollars was given out in 1995 -96, and another million is being given out in 1996-97. In some programs there were partnerships with wealthy and poor districts. Pre-grant seminars were held to explain the grants, and questions were encouraged.

The Link to Learn program is the precursor to a Pennsylvania Education Network- a technology infrastructure. There is no network right now. The two main components of Link to Learn are a \$33 million amount for basic education, and a \$7 million dollar set of grants for higher education. The 3 areas of interest for these grants are- Local Area Networks(LANS), teacher training and computer purchases. The \$7 million grant to higher education is for a Test Bed Project which would pilot and research the kinds of technologies for the future. There will also be a priority on community based networks and curriculum based teacher training. There will be two more years of proposed allocations for Link to Learn at \$40 million each year. These dollars are catalysts for school districts and by no means represent the total cost of what schools may spend for technology. The funds that are distributed for Link to Learn were on an aid ratio basis. If you had .40 or above, you did not have to match. There were differing amounts based on numbers of students.

The grants were not strictly competitive. All districts will get funding after completion and approval through a simplified application procedure. According to Mr. Bailey "they are easy to understand." There were three grant workshops across the state to explain the process and answer questions. Applications were sent out on October with a due date of November 8th. Notification to districts have been made, and checks will be sent out by the end of January. The applications review process included analysis of minimum configurations, technology evaluation procedures and what kind of computers a district had. There had to be a vision of how this grant was going to work with other technologies and with a plan for the future. Mr. Bailey did not analyze the spread of computers or technology based on locations, size and wealth. However, he did look for districts in which technology was a priority.

Mr. Bailey was asked about three specific school district- Salisbury Elk-Lick, Keystone Central and Titusville. He looked for the percent of the budget that was devoted to technology, and the districts' commitment to technology. Keystone Central is the largest district in the State by square miles. They have a technology coordinator for the 5,200 students, 60 computers, their computers are modern, they have a wide area network (WAN). They spend 3% of the budget on technology. Judge Pellegrini asked the difference between a WAN and a telephone.

Titusville has a .7682 aid ratio, with 328 computers, 75% modern and they have an internal network (LAN). Internal networks are important, according to Mr. Bailey. Most students have access to computers, but not to the Internet. These are not the only poor districts with such computer technology. The wiring of buildings can be expensive, however there may be ways of getting funding. There are proposals associated with the Federal Telecommunications Act that may allow for wiring of buildings. Additionally, there may be wireless telecommunications options in the future. Professional development is extremely important in the technology arena. Mr. Bailey showed a number of resources available through the Internet. A projector was set up so that one could see pictures of the Mona Lisa from the Louvre, a picture taken from the Hubble Telescope, a Shakespeare page, where you could download the works of Shakespeare. All of these items could be accessed by a student in a school or at home, which could be great additions to any curriculum. It might even be able to be a replacement for a textbook or other materials. It is also more current. It stimulates higher order thinking skills. There was also a demonstration of an audio history page. There are many other sites that would be applicable. Textbooks now even come with a CD Rom disk. One Intermediate Unit has a CD Rom tower so that you can dial into any CD Rom that is available.

Mr Schmidt (for the plaintiffs) began by asking Mr. Bailey if he had any experience or special training as an educator or a curriculum person. He said that he hadn't. Mr. Bailey was asked about the statutory authority for the distance learning grants. Mr. Bailey answered that the districts should be small, rural and poor. In the 1991-94 groupings there is a reference to a grant to Montgomery County Intermediate Unit. Mr. Bailey was asked if that met the criteria. He said that it didn't, but there was flexibility to give 40% of the funding to districts who did not meet the criteria. He was also asked about the Great Valley School District in the 1996-97 grants. Was that a poor, small or rural school. He said that it was not. However, Great Valley was working with 4 other districts. There were 60 applications for the Distance Learning grants, but only 24 were funded. Some of the applications were not acceptable, but there were a number that were "standouts" but because of a lack of funds they were not funded. The Secretary of Education is the final determiner of the grants after grading of the grants by invited readers.

There has not been a determination of what a minimum level of technology would be for the purposes of any grant. With reference to any earlier "teleteaching" program, the question arose as to how long it took to train a teacher for these technological advances. It might take two days, or in the case of someone who picked it up easily, less time. There are guidelines for the number of students in a remote site (15) dependent on the kind of students. Distance learning does not eliminate the need for a certified teacher in the room, no

matter what the number of students. Higher level courses are mostly what is being taught over distance education, also courses that are not available at the local district. There are some other kinds of courses.

The Telecommunication Act recommendations are not yet in place and are yet to be passed. Costs will depend on location. There are also online costs as well as costs for hardware for doing many of the things that were presented. There are very few classrooms at this time that have phone lines in them for Internet connections.

There was a discussion of what a "minimum level of acceptable technology might be?" The Link to Learn Application outlined a variety of criteria for the use of grant funds.

The funding for Link to Learn is a catalyst. What will happen when the technology is obsolete? The answer is that the costs will go down, although that is not for the newest of technologies. There were examples of poor districts whose applications showed that they did not have the resources to purchase technology and had purchased the extant technology with federal funds. Mr. Bailey was asked if he had selected the three districts of Salisbury-Elk Lick, Keystone Central and Titusville, or had the attorneys selected them. He said that the attorneys did, but he had input.

There was a reference to downloading Hamlet from the Web. How cost effective could it be. How much would it cost- with reference to computers, online costs, telephone costs. It was difficult to determine whether it would cost more than purchase a small copy of Hamlet.

On redirect Mr. Bailey pointed out that he could not tell if \$1300 could be sufficient for teacher training . He said that there was probably more money in the budget. Local people decide what they will do with training and purchase of technology. The decisions about the Montgomery I.U. Were made before he go on board. Also there are discounts for schools.

Mr. Schmidt asked if all districts get these discounts. The answer was yet, wealthy and poor.

Barbara Nelson has been with the Department of Education since 1980 She is the Acting Division Chief of Fiscal Administration. She oversees 3 sections: child accounting, pupil transportation and subsidy. This is the data base for basic education funding, special education, orphans payments, vocational education, and in lieu of taxes. She has been working with these elements from January of 1989. She was involved in the stipulations

Ms. Nelson had reviewed the sheet used by Rep. Ron Cowell and indicated that there were items left off and there was a typo. There was also some implications about the 2% minimum funding that , in here mind, incorrect. In her work she deals with all data elements in the annual financial reports collected by the comptroller. There was an extensive explanation of the Annual Financial Report and the account codes. The division prepares annual reports of expenditures and revenues. The 1993-94 reports have been printed but the 94-95 booklets have not yet been prepared because of staffing problems. There was an example of two school districts- Juniata County and Mt. Carmel who spend few dollars and make little tax effort. If they made an average tax effort, they would have more revenues. There was an aid ratio comparison to revenues. The higher the aid ratio the more the state supplies. Ms. Nelson had taken data from Dr. Alexander's reports and could not replicate the averages (mean). Windber is the lowest spending in instructional expenses \$3,209 and the highest, Upper Merion, at \$10,405. There were explanations of Expenditures per ADM. There was also a question about the difference between a mean and an average.

Mr. Schmidt asked if one had to go back to the raw data to get accurate numbers. This was in reference to a number related to expenditures/ ADM. There was also a question of why the assessments of property were different on the REX reports and the AFR. Which of them is correct. The answer by Ms. Nelson was that those numbers are from different times. There was also a set of questions about whether there was an attempt to get rid of the .15 aid ratio. Ms. Nelson said that she was not aware of it. She was asked why the districts at .15 were ranked alphabetically since their real aid ratio, mostly below 0 were not ranked by their real aid ratios. Ms. Nelson was asked about he years when there were minimum increases and caps and did they affect the poor districts over the 1980's. Would districts have gotten more funding if the formula had been followed for all of those years. Ms. Nelson said that the legislature determined the funds and that she ran them according to the legislation.

There were discussions about how you would compare expenditures in total and for individual school districts from 1985 to 1995, would you not have to account for the addition of social security (state share) and pension payments (state share) and special education funding changes. She agreed.

Mr. Macdonell asked about why Upper Merion had been excluded from the printouts that Ms. Nelson had presented in order of expenditures. She said that she had devised a four column page with districts up to \$12,000 in expenditures and Upper Merion was above that.

Mr. Miller for the defense asked about the listing of state and local revenues in the charts that had been prepared. Wasn't it true that the assessment numbers for Rex Reports and the AFRs were done at different times. The answer was yes.

Mr. Schmidt asked if the formulas done while there was capping were to the advantage of wealthy districts. She said that there were increases in enrollments and that's who might have gotten more money in those years. There was no certainty about it.

Mr. Schmidt asked if the formulas in those years were geared to help poor districts. The answer was yes.

Dr. Richard Kohr has been with the Department of Education for 25 years in the areas of testing and measurement. He described the TELLS test cutoffs as being determined by a group of teachers and others when they reviewed the test- what proportion of students would get an item correct. Reporting on the test was related to individual students, but was also aggregated by school and school district. The tests were for reading and mathematics. There were cutoff scores for each of the sections. The students that were taking the test were regular students and not handicapped students with an IEP, and English as a second language students. Gifted children were included. There were funds for remediation for children under the cut score. Eventually levels of funding went down for remediation. In 1988 there were incentives for improvements in district scores. The TELLS Test was not a comprehensive test . It was only in 2 areas. There was controversy about the test results because of the publicity of test by Secretary Gilhool in the newspapers.

There were some indications that there was cheating on the TELLS test, although there were no findings in the 4 or 5 districts in which it was suspected. No one was charged and the Department never took any action. This led to greater test security, a video, and more calls to the Department of Education.

PSSA is very different. It is a school based test rather than an individual test. It is broader based in math, reading and writing. All districts now take the test and it is normed every year. You cannot compare one year to the next. Content specialists invented the questions. The Department inspects the reliability and validity of the test. The Test scoring contractor does all the work on that and it is "quite excellent." The outside contractor does the results and sends it to the districts.

Free and reduced lunch students are the way in which poverty is determined. There is a relationship between socio economic conditions and scores on tests. That is why the poverty number is in the test booklet. A school that does not have 80% of its students take the test is not counted. There is a similar scale band in which schools identify themselves as rural, urban or suburban and then are put into groups of schools who are both 10 above and 10 below themselves within the category. They are then compared on that basis. On additional documents Dr. Kohr was asked about school districts that appeared to spend little money, but had groupings of children in quartiles who had few children in the lowest quartile and above 25% testakers in the highest categories. A high spending district like Pittsburgh did poorly in all categories. There was an explanation of average expenditures and the nature of a standard deviation. Dr. Kohr will be cross examined tomorrow.

Steve Simchock will be another witness tomorrow on School Profiles

It is expected that Dr. William Fairley, the state's expert witness will testify tomorrow.