

Equity Suit Updates From The Courtroom

DAY 6 - JANUARY 13, 1997

Senator Allyson Schwartz represents the 4th Senatorial District which is comprised of Cheltenham Township (a wealthy suburb) and a portion of Philadelphia. Senator Schwartz' background relates to "Children at Risk" human services and health issues. She has a Masters in Social Work. She is the ranking Democrat on the Senate Education Committee, a member of the State Board of Education and the Board of Trustees of Beaver College and on the University of Pennsylvania's Education Policy Committee.

Senator Schwartz believes that abused, neglected, children prone to juvenile delinquency, educational and social deficits have less resources available to them in schools than other school students. She believes that these children reside in economically depressed areas across the state and not just in the urban areas. She believes that 70-75% of these children are at risk. She is a strong advocate (as her suggested programs in the Senate Education Committee) in parental involvement, full day kindergarten, reduction of class sizes in the early years, and pre-school programs. She noted that these programs are expensive.

We should not have lower expectations from poor youngsters. Higher expectations should be the rule, We expectations can lead to lower performance. A problem that faces the schools in these depressed areas is that many of these children have few resources at home in comparison to other places. "Education is the one common denominator in our country for people to achieve." The resources are needed for this endeavor- lower class sizes, books, extra curricular activities as they exist in wealthier places.

On cross examination the Senator was asked if she was or had been a teacher, school board member or an administrator. She answered NO. She was asked if she was speaking for the Senate Education Committee, she answered NO. She was asked if the State subsidy had increased from 92-93 to 1995-96 from \$2.963 billion to \$3.350 billion. Senator Schwartz did not recall the exact numbers, but agreed that it sounded correct. She was then asked if this was a 30% increase in funds in the basic education line item. She responded that she wasn't sure.

She was queried if there were add-ons for poor and small districts in the budgets and the appropriations. She answered YES. She said that there was a creation of intent in many of these funding programs, but you could not obligate a future session of the legislature, and in fact the two years of equity supplements had been stopped after two years of funding. She was asked a number of questions of the increase in appropriations for schools, including Philadelphia. She said that a great deal of that increase could be attributed to change in the pass through funds for retirement.

She was then asked what the major components of the revenue for the state comes from and could she indicate the percentages. The answers provided were the sales, personal income and the corporate income taxes. The question arose about the spending priorities in a recession. Isn't there less money during a recession. Senator Schwartz replied that "Priorities for spending are not only in a recession." Another question related to standards and what the administration and the legislature are doing about standards. Senator Schwartz said that the administration was working on it and the legislature to a limited degree. She also spoke of accountability and the relationship to standards and resources.

Senator Schwartz was asked if the Senate had taken a look at what an adequate amount of money would be needed for education in the state. She replied that there would be many variables including the needs of children. She said that "Education is a complex issue, but it is our obligation."

On redirect Mr. Schmidt asked Senator Schwartz if there was a recession this year or last. She answered that in her judgement, there wasn't. She was then asked if there were additional funds given to school districts this year. She answered NO

Dr. Jack Van Newkirk is the Superintendent of the York City School District in York County. He has been in this position for 16 years. The city is 5.2 sq miles with about 43-45, 000 people living in the community. The district has only one regular education bus and special education transportation, the other students all walk. "There is a very distressing business climate. It is an activity that eats away at the economic base." The average household earns \$21,000. He was not sure what the statewide or national earnings were. Retail business is severely down over the years that he has been in York, 2 major department stores have left to be replaced by County offices which don't pay taxes, no new mall, one new office building. Overall assessed value of property had declined by \$6 million over the last 4 years. The ethnic component of the district has changed over the past 16 years to where the district is a minority majority school district. There is a transience problem. This means a loss of continuity in learning. Poverty has increased to where there are now 34-35% AFDC children, free and reduced lunch eligible students are 68%. Secondary students are less apt to take advantage of the program. Free and reduced lunch eligible has increased from 54% in 1981. The district provides a breakfast program because, "the children are hungry."

24-26% of the general populace has no high school diploma. There are between 85 to 135 teen pregnancies at any one time. There was an increase of from 6600 total students in 1981 to 7530 students today. There are also teen parenting and pre-natal classes for the students. There is a nurse at the middle school who teaches sex education. There is a nursery at the high school. There are 16 places in the nursery and a waiting list of 8 or nine.

Reassessment by the County really did York City little good. The value of property and the income of the people is just very low. Most of the commercial, retail and industrial activity is outside of the city in suburban areas. A mil at 100% collection is \$630,000 and really collects \$590,000. There are delinquent taxes from slum landlords, Municipal overburden shows itself in public housing which sometimes pays no real estate taxes and usually produces more than the average number of children. Tax effort at 34th in the state. The district lost 1,900,000 in the change in special education funding in 1991-92 when the system changed. The hypothetical % of 1 and 14 for mildly handicapped students just does not fit the York City District. They have 22% and this new funding system does not take that into account. They will have a fund balance at the end of the 1996-97 year of \$86,000 projected. They will have to make up the money that they used in their previous fund balance, if they can or they will continue to have to cut things. They have already reduced their instructional staff by 36, had the IST staff lose state funding, so that perhaps in the future there will be more special

education children who will be even more expensive, they eliminated guidance counselors so that they could save funds and have instituted a new program of helping youngsters with problems. They do pay tuition for staff to take additional courses.

There is an expanse and difference in the student body that you will not find in a homogenous suburban district. These kinds of youngsters need smaller classes because they come from backgrounds where the years of foundation may not have given them the skills to start off school on the right foot. They have a very late entry into kindergarten January 31st, so that the youngsters can really come to school a bit earlier, maybe even a year, so that some of these skills can be taught earlier.

Dr. Van Newkirk explained the number of librarians, the elimination of counselors, the inadequate libraries and their collections, the purchase of many items through federal dollars which may or may not be around much longer, it cannot be counted upon. All curriculum people are gone, only a coordinator remains for all curriculum. We are maintaining the status quo and are not moving ahead. If there is a diminution of federal funds we could not replace them .

On cross examination by Ms. Forney of the defense She commented that you seemed to have a good program for gifted and talented.

Dr. Van Newkirk answered that they had worked hard present a challenging program for the youngsters in that area. In answers to questions about the foreign language programs, Dr. Van Newkirk said that the Spanish and French language classes are not separate and that the 3rd and fourth years are probably taught together. H was asked to comment on the drama , dance ,photography , and studio art classes. 35-45% go onto further education in the school district. There is a gifted education program for middle school students. There is a contracted payment to a professor for an individual student to take calculus 2 and 3 and that there have been two such students in recent years.

Dr. Van Newkirk was then asked about all of the ancillary programs that the had for students in the district and where they were funded. Judge Pellegrini asked to one answer of basic instructional funds if that really meant the general fund budget, which included local fund. Dr. Van Newkirk answered YES:

Even Start- child and adult literacy (Federal)

Career Education (drug prevention Federal)

JROTC (general fund and Federal for instructor's salaries)

SPARK (state funds)

SPECTA- (drug and alcohol County)

ELL- English as a second language (federal)

Homeless students (state)

Infants and toddlers (federal)

There were many more programs discussed. Among them was the alternative education program for the county (6 districts) called York County High School in the West Manchester Mall, they will be evicted shortly. They have a developmental 1st grade. They are using ED Hirsch's Core Knowledge program (federal money) among others.

The district has site based management not yet site based decision making. Almost all computers have been purchased with federal funds. They hope to use the 180,000 dollars that they get with Link to Learn funds to get some more and maybe even do some wiring. There are 600 computers in the district which is about 1-12 students. All buildings are connected . They have renovation plans for middle schools not approved yet by the board.

There were a number of questions about teacher salaries . There has been a decline in the number of teachers over the last few years even though there are more students. The salary settlement on a one year contract in just being made. The increase for the previous 5 year contract averaged 4% and included a 26 day strike. The district is 86-91% of the state average expense per child, about 100% of the instructional expense per weighted child. Dr. Van Newkirk explained that the large number of special education children accounts for this.

On redirect by Mr. Schmidt ,Dr. Van Newkirk said that they have no pre-school or other programs because of lack of funds. He worries about "being out on a limb with federal funds. York pays significantly more in taxes by its residents than surrounding suburban districts do. "Why does my school district with a low tax base and poor people have to pay double the taxes for education?" At this point Mr. Schmidt introduced the conclusions of the Human relations case from Philadelphia. He asked for collateral estoppel in the case and asked Judge Pellegrini to enter 6 of the findings from Judge Smith's decision into the record of this case. The judge said that after hearing all of the evidence and briefs on possible summary judgement, he would take some action.

Mr. Gerald Browell, Superintendent of the Connellsville Area School District described his school district as a town of 9,000 in a rural area in a rural county. It is a poor county and was one of the nationwide counties in which food stamps were piloted in the mid 60's. There are 10 municipalities and 38, 000 people in the district. It has farming, lumbering, a glass plant and a plant for container lids. It has 13% unemployment, but there is some improvement of tourism (a bike hike trail near the Youghageny River, a tributary of the Monongahela and Ohio). There is a 30% poverty rate with a per capita income of \$8,000, 17% AFDC children and a 60% free and reduced lunch eligible population. A mil is worth \$61,000 at an 85% collection rate, about 10% below the state average. There are a number of assessment appeals from businesses which Mr. Browell thinks will be successful. There is a breakfast program and the entire food service program actually returns \$50,000 to the general funds (there are no benefits for workers). There are health needs among the children, 2% minority rate, 4% teen pregnancy (and there is a program), no major drug problems, use to have day care, but could not afford it. There are separate remedial reading classes funding by federal dollars. Classes are between 23 and 25, but with special education students being mainstreamed, they become larger. The district is losing on special education programs because the district has more than the 14% low incidence and the 1% severely challenged children. They have a 3-4% dropout rate. 7-8% of the population has a college degree. 35-45% of the students go on to further education.

Many of the buildings need renovation. Almost all of the buildings have not been renovated since their construction in the 50's. There will be an extensive renovation program when the board finally goes through financing of some \$25, 000,000. There will be additional

technology added. This will cost the district 15-25 mils. Right now most of the computers are old and their new software will not work with the machines. There are 3 librarians for 8 buildings.

It has been a problem over the years, that maintenance has been cut as a projected expense. Our youngsters have to compete on a global scale, not just with similar schools, or schools in PA. It is a global economy. Mr. Browell does not believe he is offering an adequate education to his students at this time.

On cross examination, Mr. Miller for the defense, quoted a Link to Learn application saying that there are 650 computers and that 60% of the classes had computers. Mr. Browell answered that it was true, but that the computers were antiquated. He answered questions about professional development and how it appears that teachers might not want to avail themselves of voluntary chances to learn about computers. Mr. Browell contented that learning about new technology might not be helpful if the district did not have new technology to use it (the knowledge) on. About distance learning, there have been two students over the past year who have availed themselves of that service. There is frequency of use of computers at the high school level for desk top publishing, spread sheets, word processing and some link to Internet in some buildings on the secondary level.

The average SAT score is 830, 40% of H.S. Students go on to further education. In an analysis of the buildings done in the strategic plan, there is a statement about the sufficiency of the buildings and how students said positive things about their school and their education and how they were granted opportunities.

On redirect, Mr. Schmidt asked about the sufficiency of the Junior High where the roof is leaking and the auditorium has been under quarantine for five years because of asbestos. Mr. Browell was also asked about the equipment in the Vocational School. Almost all of the equipment was from 1972. Mr. Browell pointed out that instructional costs were inflated by the cost of the many special education children.

Mr. Frank Haas is a member of the Harrisburg School Board. He is the son of a former Superintendent of Public Instruction (now Secretary of Education) of the Commonwealth of Pennsylvania. He has been the solicitor of Harrisburg and the first solicitor of the Harrisburg Area Community College. He was a founding member of the Harristown Development Corp. Which tried to resurrect downtown Harrisburg.

He spoke of the city as it had been in 1950 with over 90,000 folks and its diminution to 53,000 in 1970, its flight of the middle class to the suburbs and its loss of retail trade to where it is now 90% outside of the city. Almost all of the manufacturing businesses have left Harrisburg, whereas once it was a great manufacturing center, railroad center and retail center for the area. He talked about the Brown v. Board of Education order to desegregate which is now a re-segregation. He ran for the school board so that he could help to turn things around. All of the schools are poor. We must devote more resources to the poor children who must get a good education to succeed.

Harrisburg, has furloughed 15 administrators and 60 teachers over the last year, had a 15% increase in taxes. There are constant assessment appeals, most of which are won because of the decline of market value of property. The taxes are 60 from business, 25% from folks who have not youngsters in school. It is not a good mix. The district is taxed out. What can be done. Our wage scale is not munificent. The average age of our buildings is 60 years and they have not been renovated. There are plans for renovation. We need to bring them up to code and ADA and current educational standards. Harrisburg hopes to be able to do that. "Kids desperately need a good education. Harrisburg City Schools are the only place they can get it."

Ms. Forney cross examined Mr. Haas and asked if there was an advanced placement course. He indicated that students could go to Harrisburg Area Community College. This year a few students did. Mr. Haas was asked if he was cognizant of the strategic plan of February of 1995, although he had come on the board in December of 1995. He said that he knew about it. When reviewing a quote about the "Quality of Education" in the district, Mr. Haas said that it was aspirations rather than what was. Mr. Haas was asked what the % of students going on to higher education was. He said 60%. Ms. Forney asked whether Mr. Haas understood that this was above the state and national averages. Mr. Haas replied that there were so few graduates compared to those who had begun their education that the % was misleading.

In answer to the technology in the schools, Mr. Haas stated that much of the computers came from grants from Governor Leader and the IBM corp. There is a hookup between buildings. That there are 1120 computers, that there are 4000 address changes. There were questions relating the Districts total expenses per ADM being above the mean for the state and that the AIE/WADM was also above the state average. The middle states had accredited the Senior High in 1995. Did Mr. Haas know that. He said he was not familiar with H.S. Evaluations, but that if this was like the community college, it was the relationship between a self survey and what the team found. It was pointed out that there was a significant increase in state funding, \$7 million from 90-91 to 94-95. Mr. Haas pointed out that the 1996-97 revenues from the state had actually declined.

On redirect, Mr. Schmidt asked Mr. Haas to point out the scores on the Iowa Test of Achievement where 3/4 of the students scored in the low middle or bottom. There had been questions about the middle school and the problems with the building and wasn't that a cause for the problems in the district. Mr. Haas said that financial problems in the district are not related to the Middle school.

The witnesses for Day 7 will be the expert witnesses for the plaintiffs:

Dr. Debra Collins- Virginia Tech

Dr. Richard Salmon- Virginia Tech

Dr. Kern Alexander- President, Murray State University